

C0102-E0105p Anti-Harassment and Nondiscrimination Procedure



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C0102-E0105p Anit-Harassment and Nondiscrimination Procedure

Western Technical College (herein “Western” or “College”) is committed to building and preserving a community where people can work and learn together free from discrimination and harassment. As such, the College prohibits harassment and discrimination based on Protected Characteristics as defined, including on the basis of race, color, religion, sex, national origin, disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy or related condition, genetic information, marital status or parental status, veteran or military status, or any other characteristic protected by federal, state, or local law (herein “Protected Characteristic(s)”).

Western Technical College has adopted this policy and the applicable procedures to provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by this policy.

Nothing in this procedure shall affect the right of an individual to file a complaint with external law enforcement or applicable regulatory agencies, if applicable. A complaint may be filed concurrently with external law enforcement agencies or regulatory entities and the institution without jeopardizing an individual’s rights to an administrative investigation or other process as defined in our procedures.

Inquiries or concerns may be made externally to:

**Office for Civil Rights (OCR) –
Department of Education**
400 Maryland Avenue, SW
Washington, DC 202-1100
Customer Service Hotline:
800-421-3481
Fax: 202-453-6012
TDD#: 877-521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/OCR>

**Equal Employment Opportunity Commission
(EEOC)**
Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203-2292
Phone: 1-800-669-4000
Fax: 414-297-4133
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
Web: <http://www.eeoc.gov>

Western Technical College Response to a Harassment or discrimination Complaint

Western will use three tracks to respond to complaints of harassment and discrimination.

- Track One is the grievance procedure used to resolve complaints of harassment or discrimination based on protected characteristics EXCEPT sex.
- Track Two is the grievance procedure for resolving the following:
 - Complaints of sex discrimination (students and employees)
 - Complaints of sex-based harassment that are employee as the complainant and employee as the respondent
 - Complaints of retaliation
- Track Three is the grievance procedure for resolving the following:
 - Complaints of sex-based harassment involving a student complainant or a student respondent only.
 - It includes a live hearing.

Track One: Resolution of Complaints of Harassment or Discrimination Based On Protected Characteristics Except Sex

NON-SEX-BASED HARASSMENT OR DISCRIMINATION PROCEDURE – Track One is in the middle of being updated. Until updates are finished, any non-sex-based grievance that occurs will be addressed through current establish procedures.

Western's Response to a Report of Sex-Based Discrimination

Upon receiving a report alleging Prohibited Conduct that could constitute sex discrimination, including sex-based harassment, the Title IX Coordinator will promptly contact the complainant to discuss:

1. the availability of supportive measures
2. provide a written explanation of rights and options

3. explain to the complainant their options including informal resolution processes and applicable grievance procedures.

If the complainant is unknown, the Title IX Coordinator will provide the above referenced information to the initial reporter.

Supportive Measures

Upon receipt of a report alleging Prohibited Conduct that could constitute sex discrimination or sex-based harassment, Western Technical College will provide reasonable and appropriate supportive measures. Supportive measures mean individualized services as appropriate, without fee or charge, which do not unreasonably burden a party, and that are not for punitive or disciplinary reasons. Such measures are designed to restore or preserve equal access to the College's educational program or activity, to protect the safety of all parties or the College's educational environment, and to provide support during any grievance procedures or informal resolution process. Supportive measures may be modified or terminated as needed.

Supportive measures may include:

- Counseling
- Extensions of deadlines and other course-related adjustments
- Safety Plan
 - Campus escort services
 - Increased security and monitoring of certain areas of the campus
- Restrictions on contact applied to one or more parties
- Leaves of absence
- Changes in class, work, housing, transportation, or extracurricular activity
- Training and education programs related to sex-based harassment
- Any other remedy that can be used to achieve the goals of this policy

Requests for supportive measures may be made by the complainant or respondent to the Title IX Coordinator. A party may also seek a modification or termination of a supportive measure applicable to them if circumstances change materially.

Requests to challenge a supportive measure, including a supportive measure that was provided, denied, modified, or terminated, should be sent to the Title IX Coordinator.

- The Title IX Coordinator will assign a trained employee unaffiliated with the matter who will hear the challenge.
- The party has five business days from the date the measure was denied, modified, terminated, or provided to lodge their challenge regarding the supportive measure.

The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the complainant chooses to report the crime to law enforcement or file a complaint under this policy.

For a full list of resources both on and off-campus, see Appendix B.

Interim Removal

In connection with this policy, an interim removal may be imposed in circumstances where the Title IX Coordinator or designee has determined that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination exists. An interim removal may be an interim suspension or any necessary restriction prior to the resolution of the matter. Prior to imposing an interim removal, Western Technical College will undertake an individualized safety and risk analysis.

In all such cases, the **respondent may challenge the decision after the interim removal has been imposed**. The respondent will have five days from the date of the interim removal notification letter to submit a written challenge to the assigned staff member to review the challenge.

Western Technical College may place an employee respondent on leave pending the resolution of the complaint.

Informal Resolution

An informal resolution is a voluntary option for resolution of reports of sex discrimination. Such resolutions may include a mutual agreement of responsibility and sanctions, mediation, or other conflict resolution methods as offered by the College.

The Title IX Coordinator will determine, based on the totality of the circumstances, whether an informal resolution process is appropriate given the facts and participants. If appropriate, the Title IX Coordinator may offer an informal resolution as an option to the parties with or without a formal complaint and at any time prior to a determination of responsibility. Prior to proceeding, the Title IX Coordinator will obtain written voluntary consent from the complainant and the respondent.

Before initiation of an informal resolution process, the institution will provide the parties written notice that explains:

- a. The allegations;
- b. The requirements of the informal resolution process;

- c. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume applicable grievance procedures;
- d. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- e. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- f. What information Western Technical College will maintain and whether and how the information could be disclosed for use in any applicable grievance procedures if such grievance procedures are initiated or resumed if an informal resolution process is not.

The Title IX Coordinator will assign a person as the facilitator who would not be the investigator or decisionmaker in the assigned case. Any party may withdraw from the informal resolution process prior to agreeing to the resolution. In such an instance, the parties may be referred to the applicable grievance procedures.

Potential terms that may be included in an informal resolution agreement include but are not limited to:

- restrictions on contact;
- and restrictions on the respondent's participation in one or more programs or activities or attendance at specific events, including restrictions that the institution could have imposed as remedies or disciplinary sanctions had the institution determined at the conclusion of the formal grievance process that sex discrimination occurred.

Once the parties agree to the resolution, the resolution is final, and there is no appeal. The resolution is provided to both parties simultaneously in writing.

Title IX-Initiated Complaints

The Title IX Coordinator will take appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the educational setting. This may include utilizing the College's grievance procedures.

In the absence of a complaint or resolution through an informal process, the Title IX Coordinator will determine whether to initiate a complaint. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum, the following factors:

1. The complainant's request not to proceed with initiation of a complaint;

2. The complainant's reasonable safety concerns regarding the initiation of a complaint;
3. The risk that additional acts of sex discrimination would occur if a complaint were not initiated;
4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is an employee;
6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
8. Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator determines that a complaint should be initiated against the wishes of the complainant, the Title IX Coordinator will inform the complainant prior to initiating the applicable grievance procedures. The Title IX Coordinator will also appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures. A complainant retains standing as a complainant even in cases where the Title IX Coordinator initiates the complaint.

Western's Response to a Complaint of Sex Discrimination

All formal grievance procedures involve an investigation followed by a determination of responsibility by a decisionmaker. Western Technical College utilizes different grievance procedures based on the alleged behaviors and the status of the parties with the goal of evaluating the allegations and assessing the credibility of the parties and witnesses.

To initiate a College grievance procedure, a complaint must be initiated.

Typically, the Title IX Coordinator will determine whether to investigate or dismiss a complaint of sex discrimination within five business days of receiving it.

Notice of Allegation in Sex Discrimination Complaints

Prior to the start of the investigation, the Title IX Coordinator will provide notice of the allegation(s) of Prohibited Conduct, including sufficient information known at the time. Sufficient information includes the identities of the parties involved, the conduct alleged to constitute sex discrimination, and the dates and locations of the alleged incident(s). The parties will receive notification of additional allegations or changes to the allegations as appropriate. The notice of allegation will also contain a statement that retaliation is prohibited and a statement that the parties are entitled to an equal opportunity to access the relevant evidence.

For complaints of sex-based harassment involving student complainants or student respondents, the notice of allegation will be in writing and will also include a presumption of not responsible, the right to an advisor of their choice, and the College's prohibition on knowingly making false statements.

Throughout the grievance procedures, the Title IX Coordinator will provide to a party whose participation is invited or expected, notice of the date, time, location, participants, and purpose of any meetings or proceedings.

Dismissals of Sex Discrimination Complaints

If at any time it is determined that the conduct, even if proven, would not constitute sex discrimination as defined in this policy, the complaint may be dismissed or referred to another office for review. A complaint may also be dismissed if Western Technical College is unable to identify the respondent after taking reasonable steps to do so or if the respondent is not a student, employee, or otherwise participating in the College's educational programs or activities. A complaint may also be dismissed if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw any or all allegations in a complaint.

The Title IX Coordinator will decide whether to dismiss a complaint based on the stated goals of this policy to address conduct that may constitute sex discrimination.

Upon dismissal, Western Technical College will promptly notify the complainant of the basis of the dismissal. If the dismissal occurs after the respondent has received notice of the allegations, the College will also notify the respondent of the dismissal. Any dismissal may be appealed by a party using the appeal process outlined in this policy.

When the dismissal is appealed, both parties will receive a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

Even if a complaint is dismissed, the Title IX Coordinator may take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur and will continue to offer supportive measures as appropriate.

Consolidations

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.

If a case involves alleged violations of other Western Technical College policies, the Title IX Coordinator, in consultation with other school officials, will determine which grievance procedures to use.

Participation

Western Technical College expects all employees of the College community to cooperate fully with any resolution processes, except when they are a complainant or respondent. An employee who is also a complainant or respondent may choose whether or not to participate when they are a party to the complaint.

It is understood that there may be circumstances in which student parties wish to limit their participation. Students retain this right and will not be subject to adverse College actions, although the College may be obligated to conduct an investigation despite a reluctant or non-participatory party.

If a party chooses not to participate in an investigation for any reason, the College process will continue with respect to the alleged complaint. The decisionmaker will not draw any adverse inference from a party's silence or stated desire to not participate.

Amnesty

In order to encourage reports of sex discrimination prohibited under this policy, the College may offer leniency with respect to other violations which may become known as a result of such reports, depending on the circumstances involved. This includes instances of underage drinking or possession or use of a controlled substance, which is revealed in the course of such a report. The Title IX Coordinator will make the determination on behalf of the College as to whether amnesty should apply taking into account factors such as egregiousness and risk of harm to others. Use of alcohol or drugs, however, is never a defense to violating this policy.

Time Frames

There may be circumstances that require the extension of timeframes for good cause. The College will notify the parties in writing of any extension of the timeframes and the reason for the extension. The College will not, however, wait for the conclusion of any other internal or external resolution process, including criminal proceedings, to begin its own investigation.

Investigations of Sex Discrimination

Assignment to an Investigator

The Title IX Coordinator will assign one or more investigators to the case. The Title IX Coordinator may also serve as an investigator.

Investigation

Western Technical College will provide for adequate, reliable, and impartial investigations of complaints. The burden is on the College to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. During the investigation, the parties will have an equal opportunity to present fact witnesses and other relevant and admissible inculpatory and exculpatory evidence.

For purposes of this policy, “evidence” refers only to relevant evidence that is not otherwise impermissible, including oral and written evidence from fact witnesses. Evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant. The following types of evidence, and questions seeking that evidence, are impermissible and will not be accessed or considered, except by Western Technical College to determine whether one of the exceptions listed below applies:

- a. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- b. A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the institution obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures.
- c. Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

Parties should present evidence during the investigation; information that is otherwise available but not provided in a timely manner, will not be considered by the investigator.

Western Technical College will take reasonable steps to protect the privacy of the parties and witnesses during the investigation; however, the College will not restrict the ability of either party to obtain and present evidence, identify witnesses, consult with support resources, or otherwise prepare for participating in the grievance procedures.

Credibility determinations will not be made based on a person's status as a complainant, respondent, or witness. A respondent is presumed not responsible for alleged sex discrimination until a determination is made at the conclusion of a grievance procedure.

At the conclusion of the investigation, the parties, and their advisors, if applicable, will receive equal access to all relevant and permissible evidence and an opportunity to respond to the evidence per the applicable grievance procedures. The parties and advisors are prohibited from unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

The investigator will seek to complete the investigation within 45 business days after receipt of the complaint.

Formal Grievance Procedures for Resolving Sex Discrimination

Assignment to a Decisionmaker and Grievance Procedure

The Title IX Coordinator will assign one or more decisionmakers to the complaint. The Title IX Coordinator or investigator may serve as a decisionmaker when permitted under this policy. A party will be given an opportunity to request the removal and replacement of a decisionmaker based on bias or conflict of interest. Any request for a change in a decisionmaker must be accompanied by supporting information. The decision to grant such a request is at the sole discretion of the Title IX Coordinator or assigned staff member.

Western Technical College utilizes two grievance procedures (Track Two and Track Three) to resolve complaints of sex-based harassment and sex discrimination as described below. The decisionmaker is responsible for following the assigned procedures and maintaining an orderly, fair, impartial, and respectful process. Any and all institutional meetings are closed to the public.

The grievance procedure that will be utilized will depend on the nature of the complaint and whether or not the complaint involves students as the complainant or respondent.

Track Two – Grievance Procedures Sex-Based Harassment and Discrimination

Track Two is the grievance procedure for resolving the following:

1. Complaints of sex discrimination (students and employees)
2. Complaints of sex-based harassment that are employee as the complainant and employee as the respondent
3. Complaints of retaliation

Following the investigation, the parties will be provided with an accurate description of the evidence. A party may also request access to the evidence which will be provided equitably to both parties in a manner determined by the Title IX Coordinator. Following the review, the parties will be given an equal opportunity to respond to the evidence or the description of the evidence. The decisionmaker will consider the evidence and any responses when making a determination.

The decisionmaker may pose additional questions to the parties or to witnesses in writing or individually in person if needed to adequately assess credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

For complaints of sexual assault, dating violence, domestic violence, and stalking, the complainant and respondent both have the right to an advisor of their choice, who may be, but is not required to be, an attorney.

A party may also request access to the relevant and permissible evidence which will be provided equitably to both parties in a manner determined by the Title IX Coordinator.

Determinations under Track Two may not be appealed.

Track Three – Grievance Procedures for Sex-Based Harassment Involving a Student Complainant or Respondent

Track Three is the grievance procedure for resolving complaints of sex-based harassment involving a student complainant or a student respondent only. It includes a live hearing.

The complainant and respondent both have the right to an advisor of their choice, who may be, but is not required to be, an attorney.

A party may also request access to the relevant and permissible evidence which will be provided equitably to both parties in a manner determined by the Title IX Coordinator.

Upon the completion of the investigation, the investigator will accurately summarize the evidence in an investigative report which will be shared with the parties.

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the live hearing. Either party may respond to the Title IX Coordinator and request that the live hearing be held virtually as to allow the parties to be located in separate physical spaces.

The parties may submit a written response to the investigative report no later than three business days prior to the hearing. The parties may include in their response relevant questions to be asked of the other party or witnesses. Those questions, along with any questions requested at the hearing, are limited to those assessing credibility and relevant questions and follow-up questions that have not previously been asked and answered in the final investigative report. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred. The decisionmaker will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The decisionmaker will receive the evidence, the investigative report, and any written responses prior to the live hearing. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in these proceedings. If technology is used, the camera and microphone must be on when the party is speaking.

The decisionmaker will determine the method for questioning at the hearing; however, all questions posed by the parties will be asked exclusively by the decisionmaker. The decisionmaker has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding any offending person including an advisor.

The College will make a recording. All other recordings are prohibited.

Standard of Evidence

In all grievance procedures, the decisionmaker shall use a ***preponderance of the evidence*** standard to determine whether the alleged violation of the policy occurred. The preponderance of the evidence means a standard of proof in which the totality of the evidence offered in support of a fact is *greater or more* convincing than the evidence which is offered in opposition to it given the totality of information the version of events is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for a policy violation (51% or greater).

Written Determination for Tracks Two and Three

For Tracks Two and Three grievance procedures, the complainant and respondent will simultaneously receive a written determination of whether Prohibited Conduct occurred. The determination will typically be provided within five business days of the date of the hearing or the last meeting.

The written determination letter will include:

- the allegations constituting sexual harassment;
- a description of the procedural steps taken during the resolution process;
- findings of fact supporting the determination;
- conclusions regarding the application of the policy to the facts;
- a statement, and rationale for the result of each allegation including findings, sanctions, and remedies; and
- options for appeal, if any.

The determination of responsibility becomes final either on notification of the appeal's results or the date on which an appeal would no longer be considered timely. For complaints of sexual assault, dating violence, domestic violence, and stalking, a written determination letter will also be provided whenever a result changes, including when a result becomes final.

Sanctions and Remedies

Sanctions are consequences imposed on a respondent following a determination that Prohibited Conduct occurred. Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future Prohibited Conduct. Sanctions may include administrative, educational, and restorative components. Some conduct, however, is so egregious in nature or so damaging to the educational environment that it requires more serious sanctions, including suspension or dismissal.

Remedies are measures provided, as appropriate, to a complainant or any other person identified as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after a determination that sex discrimination occurred.

Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history

- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the community
- Any other information deemed relevant by the decisionmaker

These factors can modify the typical sanction range.

If there is a finding of responsibility for a policy violation, the determination of sanctions and remedies will be made by the decisionmaker.

The following are sanctions and remedies that may be imposed, individually or in various combinations, on any **student** found in violation of the policy. More than one sanction may be imposed for any single Code violation:

- *Warning* – an official written notice stating the responding party has violated Western policies and/or rules, and that more severe conduct action will result should the person or organization be involved in other violations while enrolled at Western;
- *Non-academic Probation* – a designated period of time in which the respondent is not considered in good standing with the College, and subsequent policy violations may result in more severe student conduct actions, up to and including suspension or expulsion from Western. Additional restrictions on membership in organizations or activities may apply for those on probationary status;
- *Restriction* – revocation or restriction of privileges of participation in activities or use of some but not all Western facilities for a specified period of time. The parameters of the restriction will be outlined in the student conduct decision;
- *Restitution* – compensation for the loss, damage, or injury caused by the respondent which may take the form of appropriate service, monetary compensation, or material replacement. This is not a fine but, rather, a repayment for labor costs and/or value of property destroyed, damaged, consumed or stolen;
- *Community Service* – completion of a specified number of hours of service to a specific Western service or approved community partner;
- *Fines* – reasonable fines may be imposed;

- *Behavioral Requirement* – formal written agreement regarding behavior and/or interventions;
- *Administrative Referral* – a mandatory referral to another campus office/department or off campus resource to address concerns regarding a particular behavior or need and /or assessments;
- *Confiscation of Prohibited Property* – items whose possession or presence is a violation of College or residence hall policies may be confiscated. Prohibited items may be returned to the owner at the discretion of the Manager of Student Life & Integrity or Director of Residence Life.
- *Educational Program* – requirement to attend, present and/or participate in a program or activity related to the violation;
- *Residence Hall Probation* – a designated period of time in which a student that is housed in the Western Residence Hall is considered not in good standing and subsequent policy violations may result in more severe sanctions, up to and including cancellation of housing contract;
- *Housing Reassignment* – reassignment to another space within the residence hall;
- *Residence Hall Suspension* – removal from Western Residence Hall for a specified period of time after which the student is eligible to return. Conditions for re-admission may be specified and may include restrictions;
- *Cancellation of Housing Contract* – permanent removal from Western Residence Hall. This sanction may include a trespass action;
- *Suspension from College* – separation from Western for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfactory completion of specific conditions noted at the time of suspension. This sanction may be enforced with a trespass and/or no contact action;
- *Expulsion* – permanent separation from Western Technical College. Respondent is banned from College property and is prohibited from attending any College sponsored activity or event. This sanction may be enforced with a trespass and/or no contact action;
- *Eligibility Restriction* - student is deemed "not in good standing" with the College for a specified period of time. The Manager of Student Life & Integrity may grant

specific limitations or exceptions. Terms of this conduct sanction may include, but are not limited to, the following:

- Ineligibility to hold any office in any student organization recognized by Western or hold an elected or appointed office at Western Technical College; or
 - Ineligibility to represent Western to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing Western at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- *Other Sanctions* - additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Manager of Student Life & Integrity or designee.

The following are sanctions and remedies which may be imposed, individually or in various combinations, on any **employee** found in violation of the policy:

- Verbal Coaching
- Formal Coaching
- Suspension
- Termination

The College, in its discretion, reserves the right under the circumstances to move immediately to termination.

Appeals

Appeals are an option for any dismissal of a complaint or for determinations under Track Three (sex-based harassment involving a student complainant or a student respondent.) A complainant or respondent may file a written appeal with the Title IX Coordinator. All appeals will be referred to an appeal officer.

The appeal must be on one or more of the following bases:

- a. Procedural irregularity that would change the outcome.
- b. New evidence that would change the outcome and that was not reasonably available when the determination of whether sex-based harassment occurred, or dismissal was made.
- c. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The appeal officer will not have served as an investigator or decisionmaker for the same complaint. The deadline for filing a written appeal is three business days from the date of the written determination.

If either party files an appeal, the Title IX Coordinator will notify the other party in writing and provide both parties the opportunity to submit a written statement.

The purpose of an appeal is not to initiate a review of substantive issues. Based on the process under appeal and the ground, the appeal officer may decide to uphold the original determination or to return the case for additional proceedings or other action.

Both parties will be notified simultaneously in writing of the outcome of the appeal and the rationale for each result.

Record-Keeping and Annual Reports

Western Technical College will keep for at least seven years the following:

- a. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome.
- b. All information regarding any action taken, including supportive measures, and a rationale as to why a complaint was not filed. If a complainant was not provided supportive measures, a rationale must be provided as to why supportive measures were not provided
- c. All materials used to provide training which may be made available upon request for inspection by members of the public.

Generally, information from a student's conduct file is not released without the written consent of the student. However, certain information may be provided to individuals within or outside the College who have a legitimate legal or educational interest in obtaining it. Please refer to the College's privacy policy and the federal Family Educational Rights and Privacy Act of 1974 (FERPA).

Personnel files are the property of Western Technical College and will not be shared without a subpoena.

Disability Accommodations and Interpretive Services

A “student with a disability” means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B). Western Technical College’s Access Services office determines reasonable and appropriate accommodations and auxiliary aides for access and participation in Western Technical College sponsored classes, services, and programs. Students with a documented disability who desire an accommodation regarding this policy must request an accommodation with Access Services and inform the Title IX Coordinator that such a request has been made. Access Services will make a determination after consultation with the Title IX Coordinator. The appropriate parties will be notified in accordance with the Access Service’s procedures.

Kris Follansbee, Manager of Access Services
400 North 7th Street, Building S, Room 202E
La Crosse, WI 54601
608-785-9875

follansbeek@westerntc.edu

<https://www.westerntc.edu/access-services>

Employees with a disability who desire an accommodation regarding this policy must request an accommodation with Human Resources.

Students or employees who require interpretive services should make the request for translation services to the Title IX Coordinator.

Revision and Interpretation

The procedure is maintained by the Title IX Coordinators and was recently approved by President Stanford on August 1, 2024, and covers conduct alleged to have occurred on August 1, 2024 or after. Conduct that reasonably could constitute sex discrimination that occurred prior to this date will be addressed using the policy definitions and grievance procedures in place at the time of the incident or using this policy if no applicable policy was in place.

Western Technical College reserves the right to review and update the policy in accordance with changing legal requirements and specific needs of the College.

Any questions of interpretation regarding the Policy shall be referred to the Title IX Coordinator. The Title IX Coordinator’s determination is final.

Appendix A: Definitions of Relevant Terms

A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Business days. This includes Monday through Friday, in which Western Technical College is open and conducting regular business. Business days do not include Saturdays, Sundays, federal holidays, or time periods where the college is closed for extended periods such as winter break.

Consent. For the purpose of the definitions of sex-based Prohibited Conduct, “Consent” is defined as a freely given agreement to engage in sexual activity by a person who is at least the statutory age of consent as defined by state law and is a person without a temporary or permanent mental disability that would render them unable to consent. A person can withdraw consent at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation any of the following:

- The person is incapacitated due to the use or influence of alcohol or drugs.
- The person is asleep or unconscious.
- The person is underage.
- The person is incapacitated due to a temporary or permanent mental disability.

Complainant. “Complainant” means (1) A student or employee who is alleged to have been subjected to conduct that could constitute harassment or discrimination as defined by this policy; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy and who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

Dating Violence. “Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

Discrimination. “Discrimination” means conduct, on the basis of a Protected Characteristic, which excludes from participation, denies benefits to, or otherwise differently treats persons in a way that limits or denies their ability to participate in the

educational program or associated activity, including employment, except as permitted by federal or state law.

Domestic Violence. “Domestic Violence” means felony or misdemeanor crimes committed by a person who (A) is a current or former spouse or intimate partner of the victim under Wisconsin law or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim or (D) commits acts against a youth or adult victim who is protected from those acts under state family or domestic violence laws.

Harassment. “Harassment” means unwelcome conduct, on the basis of a Protected Characteristic, where enduring the offensive conduct becomes a condition of continued employment or education or where the conduct is so severe or pervasive that it denies a person’s ability to participate in or benefit from the education program or activity.

Hostile Environment Harassment. “Hostile Environment Harassment” means unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

1. The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;
2. The type, frequency, and duration of the conduct;
3. The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
4. The location of the conduct and the context in which the conduct occurred; and
5. Other sex-based harassment in the College’s education program or activity;

Investigation. Systematic and formal inquiry into allegations of prohibited discrimination or protected characteristic harassment (including sex-based harassment) brought by complainants through the procedures described.

“On the basis of sex” which includes conduct on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, marital and parenting status.

Party. “Party” means the complainant(s) or respondent(s). A respondent becomes a “party” to the action upon receipt of notice of the complaint.

Pregnancy or Related Conditions. “Pregnancy or Related Conditions” means the following: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3)

Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Protected Characteristics include on the basis of race, color, religion, sex, national origin, disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy or related condition, genetic information, marital status or parental status, veteran or military status, or any other characteristic protected by federal, state, or local law.

Quid Pro Quo Harassment. “Quid Pro Quo Harassment” means when an employee, agent, or other person authorized by Western Technical College to provide an aid, benefit, or service under the College’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

Respondent. “Respondent” means a person who is alleged to have violated the College’s prohibition on harassment and/or discrimination. A respondent is presumed not responsible for alleged conduct until a determination whether harassment or discrimination occurred is made at the conclusion of a resolution process outlined in this policy. When a sex discrimination complaint alleges that a Western Technical College policy or practice discriminates on the basis of sex, Western Technical College is not considered a respondent as it relates to the respondent’s rights in this policy.

Retaliation. “Retaliation” means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee, or College-authorized person for the purpose of interfering with any right or privilege under this policy or because the person has reported information made a complaint, testified, assisted, or participated or refused to participate in any manner in an informal resolution process or grievance procedures under this policy. Nothing in this definition precludes Western Technical College from requiring an employee or other College-authorized person to participate as a witness in, or otherwise assist with an investigation, proceeding, or hearing under this policy.

Sexual Assault—Non-Consensual Sexual Penetration. “Nonconsensual sexual penetration” means the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sexual Assault—Non-Consensual Sexual Contact. “Nonconsensual Sexual Contact” means the touching of the breasts, buttocks, or groin of another person for the purpose of sexual gratification without the consent of the victim.

Sexual Assault—Incest. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sexual Assault—Statutory Rape. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Wisconsin law, which is 18 years of age.

Stalking. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

Student. For the purposes of this policy, a “Student” is a person who has gained admission to the institution.

Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Witness. “Witness” means any individual who has direct knowledge of an incident or other information relevant to the allegation. Character witnesses are not considered relevant, and expert witnesses are considered only at the discretion of the investigator or decisionmaker.

Appendix B: On and Off-Campus Resources

On Campus Resources

- **Health** – Student Health Center, 1300 Badger St Suite #1030, La Crosse, WI 54601. To make an appointment, call 608-785-8558 or visit: <https://www.uwlax.edu/student-health-center/>
- **Mental Health** – Counseling and Case Management Services, 400 North 7th St, Building S, Room 221, La Crosse, WI 54601. To make an appointment visit: [Counseling and Case Management Services | Western Technical College \(westerntc.edu\)](https://www.westerntc.edu/counseling)
- **Counseling** – Counseling and Case Management Services, 400 North 7th St, Building S, Room 221 La Crosse, WI 54601. To make an appointment visit: [Counseling and Case Management Services | Western Technical College \(westerntc.edu\)](https://www.westerntc.edu/counseling)
- **Victim Advocacy** - Counseling and Case Management Services (Counseling and Referral), 400 North 7th St, Building S, Room 221, La Crosse, WI 54601. To make an appointment visit: [Counseling and Case Management Services | Western Technical College \(westerntc.edu\)](https://www.westerntc.edu/counseling)
- **Legal Assistance** - Lawyers for Student s <https://www.lawyersforstudent.org/get-legal-help/?areYou9=Student&whatSchool=Western%20Technical%20College>
- **Financial Aid** – Basic Need and Financial Resources for all Regional Campus Locations, call 608-785-9579 or visit: www.westerntc.edu/life-resources
- **Visa and Immigration Assistance** – Nikki Quackenbush (for students), 400 North 7th St, Building S, Room 142, La Crosse, WI 54601. To make an appointment call 608-785-9560 or email quackenbushn@westerntc.edu.

- **Additional Student Support**-The Student Place of Action, Culture, and Empowerment (SPACE), 400 North 7th St, Building S, Room 222, La Crosse, WI 54601. www.westerntc.edu/the-space

Off Campus Resources

- **Health**
 - Serves La Crosse and Mauston: [Gundersen Health System](https://www.gundersenhealth.org) Domestic Violence/Sexual Assault Program. 1900 South Ave. La Crosse, WI 54601. To make an appointment, call 608-782-7300 or visit: [Support Hotline & Resources | Gundersen Health System; 608.775.5950 \(24-hour line\)](https://www.gundersenhealth.org/support-hotline-resources)
 - [Mayo Clinic Health System "Safe Path"](https://www.mayoclinic.org). 700 West Ave. S., La Crosse, WI 54601. To make an appointment, call 608-785-0940 or visit: [La Crosse, Wis., hospital and clinics - Mayo Clinic Health System 608.392.7804 \(24-hour line\)](https://www.mayoclinic.org/locations/crosses-wis-hospital-and-clinics)
- **Mental Health**

- By Your Side: Support for Sexual assault Survivors in Wisconsin
<https://byyoursidewi.org/>
 - [Gundersen Health System](#) (Emplify) Domestic Violence/Sexual Assault Program. 1900 South Ave. La Crosse, WI 54601. To make an appointment, call 608-782-7300 or visit: [Support Hotline & Resources | Gundersen Health System](#)
Sexual Assault 24-hour line: 608.775.5950 | 800-262-9567 ext. 55950
 - [Mayo Clinic Health System "Safe Path"](#). 700 West Ave. S., La Crosse, WI 54601. To make an appointment, call 608-785-0940 or visit: [La Crosse, Wis., hospital and clinics - Mayo Clinic Health System](#); 608.392.7804 (24-hour line)
 - Black River Falls – Jackson County Behavioral Health
<https://bhjacksoncounty.org/>
 - Independence - [NAMI West Central Wisconsin](#)
Serving La Crosse, Trempealeau, and Vernon Counties
Phone: (608) 785-9658
Email: Info@NAMILaCrosseCounty.org
 - Independence: County Crisis Services ((888) 552-6642)
 - Tomah: Brighter Tomorrows Monroe County
<https://www.mocobrightertomorrows.com/>) 1 (888) 886-2327
- **Counseling**
 - [Gundersen Health System](#) (Emplify) Domestic Violence/Sexual Assault Program. 1900 South Ave. La Crosse, WI 54601. To make an appointment, call 608-782-7300 or visit: [Support Hotline & Resources | Gundersen Health System](#)
Sexual Abuse Counseling & Support: 608-775-3845 | 800-262-9567 ext. 55950
 - [Mayo Clinic Health System "Safe Path"](#). 700 West Ave. S., La Crosse, WI 54601. To make an appointment, call 608-785-0940 or visit: [La Crosse, Wis., hospital and clinics - Mayo Clinic Health System](#); 608.392.7804 (24-hour line)
 - Black River Falls Healthcare Clinic Behavioral Health
<https://clinic.brmh.net/behavioral-health>
 - Gundersen Behavioral Health Tomah; 608-374-38853
- **Victim Advocacy**
 - [New Horizons Shelter & Outreach Centers](#). 1223 Main St, La Crosse, WI 54601. To make an appointment call 608-791-2610 or visit: nhagainstabuse.org
608.791.2600 (24-hour line)
 - Services for Hmong: Cia Siab, Inc, 1825 Sunset Ln. La Crosse, WI 54601. To make an appointment call 608-615-7117 or email info@ciasiabinc.org. <https://www.ciasiabinc.org/>

- Black River Falls: Bolton Refuge House – Jackson County Outreach
<https://www.boltonrefuge.org/jco>
- Independence: Trempealeau Co Victim Witness Coordinator
Robin Leonard, Victim Witness Coordinator
36245 Main Street, P.O. Box 67
Whitehall, WI 54773
Phone: (715) 538-2311, ext. 278
- Mauston: Hope House of South Central Wisconsin
<https://www.hopehousesw.org/>
- Mauston: Juneau County Department of Human Services Provides 24-hour emergency services for emotional and family crises, including problems with alcohol, drugs, and child abuse. No charge for telephone calls and crisis intervention. Call: 608-847-2400 or (emergency) 608-847-6161
- Tomah: Brighter Tomorrows Monroe County
<https://www.mocobrightertomorrows.com/> 1 (888) 886-2327
- Independence: New Horizons Trempealeau Co
<https://www.nhagainstabuse.org/contact-us/>
- TREMPEALEAU COUNTY OUTREACH SERVICES

Mailing Address: P.O. Box 518, Whitehall, WI 54773

Business Address: 18544 Scranton Street, Whitehall, WI

Crisis Line/TTY available: 715-538-2810

Toll Free: 1-800-706-8586

- **Visa and Immigration Assistance**

- Visa Assistance, Passport Information, Embassy Information U.S. Department of State, Bureau of Consular Affairs Website:

<https://travel.state.gov/content/travel.html>

Passports: Main Phone #: 1-877-487-2778

Citizen and Immigration Assistance U.S. Department of Homeland Security (DHS) Website: <https://www.dhs.gov/topics/citizenship-and-immigration-services>

Phone # (Toll Free): 1-855-882-8100

Mailing Address: Office of the Citizenship & Immigration (CIS) Services Ombudsman, Department of Homeland Security, Mail Stop 0180 Washington, DC 20528

- **Financial Aid**

- Public Service Commission of WI (help with paying for utilities, wifi, and lifeline services for blind, deaf, or hard of hearing persons): [PSC Assistance Programs \(wi.gov\)](https://www.wisconsin.gov/PSC)
- Access Wisconsin (help with healthcare, food insecurity, translation services, public housing benefits, job assistance, child care, and job

training): [ACCESS Wisconsin | Apply for and manage state of Wisconsin benefits](#)

- **Legal Assistance**
 - Legal Action of WI, [Home - Legal Action Wisconsin](#)

- **Other helpful resources:**
 - Trans Lifeline
1-877-565-8860
 - The Center: 7 Rivers LGBTQ Connection, 230 6th Street South, La Crosse, WI 54601. 608-784-0452
 - Great Rivers 211 Information / Referral Crisis Hotline
Reach for help by dialing 211 or 800-362-8255
 - Planned Parenthood of Western Wisconsin. To make an appointment call 8444-493-1052 or visit: plannedparenthood.org
 - National Sexual Assault Hotline
800-656-4673
 - La Crosse Police Department. 400 La Crosse St, La Crosse, WI 54601.
Reach for help by dialing 911 or 608-785-9191

- Where can victims get forensic evidence collection conducted?
 - [Mayo Clinic Health System "Safe Path"](#). 700 West Ave. S., La Crosse, WI 54601. To make an appointment, call 608-785-0940 or visit: [La Crosse, Wis., hospital and clinics - Mayo Clinic Health System](#); 608.392.7804 (24-hour line)

To file a restraining order in the state of Wisconsin, visit <https://www.wicourts.gov/ecourts/prose.htm> and select “restraining order forms assistant,” or visit the Clerk of Court’s office.

La Crosse County Clerk of Courts Office
[\(608\) 785-9590](tel:6087859590)
333 Vine St, La Crosse, WI 54601

Jackson County Clerk of Courts Office
[\(715\) 284-0208](tel:7152840208)
307 Main St, Black River Falls, WI 54615

Trempealeau County Clerk of Courts Office
715-538-2311 ext. 331
18600 Hobson Street
Whitehall, WI 54773-8614

Juneau County Clerk of Courts Office

608-847-9356

200 Oak Street Room 2230 Mauston, Wisconsin 53948

Monroe County Clerk of Courts Office

(608) 269-8705

112 South Court Street Room 2200. Sparta, WI 54656

Vernon County Clerk of Courts Office

[\(608\) 637-5340](tel:6086375340)

400 Court House Square St Ste 108, Viroqua, WI 54665