

WAUKESHA COUNTY TECHNICAL COLLEGE
ADMINISTRATIVE POLICY - STUDENTS
SEXUAL HARASSMENT AND SEX DISCRIMINATION
STU 602

The Compliance Coordinator serves as the Title IX Coordinator and oversees implementation of WCTC's policy prohibiting sexual harassment and sex discrimination and its related investigation and resolution procedure. The Title IX Coordinator chairs the Title IX Committee, and acts with independence and authority free of conflicts of interest or bias. To raise a concern involving the Title IX Coordinator, contact the Chief Diversity & Compliance Officer. To raise a concern involving the Vice President of Human Resource Services or the Vice President for Student Services, contact the WCTC President. To raise concerns with other administrators, contact the Title IX Coordinator.

Inquiries about and reports regarding this policy and its accompanying procedure may be made internally to:

Compliance Coordinator
800 Main Street
Pewaukee, WI 53072
compliance@wctc.edu

Manager, Student Development (Students)
C-121
262-691-5295

Director, Talent Operations (Employees)
C-217G
262-691-5570

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: 1-800-421-3481
Fax: 202-453-6012
TDD: 877-521-2172
E-mail: OCR@ed.gov
Website: <http://www.ed.gov/ocr>

Local inquiries can be made to:

Equal Employment Opportunity Commission (EEOC) Contact: <http://www.eeoc.gov>
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

Wisconsin Department of Workforce Development Division of Equal Rights

Contact: erinfo@dwd.wisconsin.gov

819 N 6th Street Room 723

Milwaukee, WI 53203

Phone: 414-227-4384

Fax: 414-227-4084

TTY: 414-227-4081

1. Statement on Equal Employment Opportunity

The College will provide equal opportunity in all of its employment practices to all persons without unlawful discrimination on the basis of political affiliation, age, race, color, national origin, ancestry, citizenship, genetic information, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, parental status, pregnancy, arrest or conviction record, membership in any reserve component of the armed forces, or use or non-use of lawful products off College premises during nonworking hours, or any other status protected by applicable state or federal law.

Statement on Equal Educational Opportunity

The College will provide equal educational opportunities to all students and applicants for admission without unlawful discrimination on the basis of political affiliation, age, race, color, national origin, ancestry, citizenship, genetic information, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, parental status, pregnancy, membership in any reserve component of the armed forces, or any other status protected by applicable state or federal law. This concept of equal educational opportunity serves as a guide for the District Board and the staff in making decisions relating to selection of educational equipment, materials and regulations affecting students and College facilities. The lack of English-speaking skills is not a barrier for admission to the College or its programs.

2. Statement Prohibiting Sexual Harassment and Sex Discrimination

It is the policy of the College to maintain an academic and work environment free of sexual harassment and sex discrimination (as defined below) for students, faculty and staff. Discrimination and harassment on the basis of sex are contrary to the standards of the College's community; they diminish individual dignity and impede equal employment and educational opportunities. Thus, the College prohibits discrimination and harassment on the basis of sex, in compliance with Title IX of the Education Amendments Act of 1972 ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII"), and any other applicable federal, state, or local law. This requirement not to discriminate or harass extends to admission to the College, participation in the College's programs, and employment with the College. Any inquiries about the application of this policy, Title IX, or Title VII may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights, or both.

No employee or student of the College should have to tolerate sex discrimination or sexual harassment from any vendor or other person doing business with the College or others with whom they come in contact during the course of the College's functions. The College is committed to taking appropriate action, to the extent practical, to protect and assist each person from discrimination or harassment by vendors or third parties.

This is a serious issue not just for the College, but also for each individual. An employee or supervisor found to have engaged in sexual harassment or sex discrimination may be held individually liable, subject to the same penalties which may be imposed upon employers under state and federal law, and will be subject to discipline, up to and including termination. Students found to have engaged in sexual harassment or sex

discrimination (whether against a fellow student, a College employee, or any other individual affiliated with the College) will be subject to discipline, including expulsion or suspension. It is the responsibility of administration, supervisors, employees and all students to ensure that the prohibited activities do not occur. Further, any individual who retaliates against another individual because he or she made a report of discrimination or harassment, participated in an investigation or proceeding of a claim of discrimination or harassment, or refused to participate in such an investigation or proceeding is subject to immediate discipline, up to and including termination (for employees) or suspension or expulsion (for students).

3. Statement on Employee-Student Relationships

The integrity of the employee-student relationship is at the core of the foundation of the College's educational mission. This relationship requires considerable trust in the employee, who, by virtue of their position, carries significant authority and accountability as an educator, evaluator, and mentor. The unequal power dynamic in this relationship requires the employee to maintain professional boundaries to avoid unprofessional or unethical behavior (or even the appearance of unethical behavior), and to limit the possibility for coercion. The relationship between employee and student must be free from influences or activities that can interfere with learning, or the goals and principles of the College. Whenever an employee is responsible for academic or other supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is entirely inappropriate and therefore prohibited. Such personal relationships can lead to legal liability for the employee and the College. Even if not of a romantic or sexual nature, other types of relationships (friendships, familial, business) that actually interfere with the objectivity of the employee also threaten the integrity of the educational process.

4. Statement on Employee-Employee Relationships

Consensual relationships are defined as romantic and/or sexual relationships between consenting adults within the College community. If a relationship involves individuals where there is an unequal power dynamic (e.g., supervisor-employee) there exists the potential for a conflict of interest, interference with the learning or work environment, actual or perceived bias, abuse of power and legal liability for the employee and the College. Such relationships also have the potential to undermine the integrity of the educational process, mutual trust, and professionalism.

Employees must promptly notify their supervisors and the Vice President of Human Resource Services (VP of HR), if they enter into any consensual relationship or have a pre-existing consensual relationship where they have supervision/evaluation over another individual. Failure to promptly report the consensual relationship may lead to disciplinary action, up to and including termination from employment. Where possible, the College will work with the employees concerned to assist in removing the potential conflict of interest through transferring or altering the supervisory or evaluative relationship.

5. Jurisdiction

This policy applies to sexual harassment and sex discrimination, about which WCTC has actual knowledge, that takes place in any WCTC education program or activity in the United States—including locations, events, or circumstances over which WCTC exercised substantial control—or at any building owned or controlled by a student organization that is officially recognized by WCTC. This includes any WCTC campus, WCTC sponsored events, WCTC computer networks, and WCTC supervised programs or functions. WCTC may also take appropriate action against individuals for certain conduct occurring off-campus. For example, if the Complainant (as defined below) has to interact with the Respondent (as defined below) in WCTC's education program or activity, or where the effects of the underlying conduct create a hostile environment in WCTC's workplace or educational environment, WCTC may take appropriate action.

6. Key Definitions

- a. Complainant: Complainant refers to an individual, participating in WCTC's education program or activity, who is alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.
- b. Respondent: Respondent refers to an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.
- c. Parties: The Complainant and the Respondent are collectively referred to as the Parties.
- d. Title IX Coordinator: A trained, unbiased administrator designated by WCTC to oversee the investigation and resolution of reports or complaints regarding sex discrimination and sexual harassment. The Title IX Coordinator receives formal complaints, and can also file formal complaints under some circumstances.
- e. Formal Complaint: A document, in no specific form, filed by the Complainant or signed by the Title IX Coordinator alleging sex discrimination or sexual harassment against the Respondent and requesting that WCTC investigate the allegations.
- f. Supportive Measures: Non-disciplinary, non-punitive, free individualized services offered as appropriate and as reasonably available to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
- g. Prohibited Sex Discrimination: Prohibited sex discrimination includes a broad range of discriminatory conduct based on an individual's sex that adversely affects employment or unreasonably interferes with education, such as refusing to hire an applicant because of his or her sex, terminating an employee because of his or her sex, refusing to admit a prospective student because of his or her sex, or issuing academic or disciplinary sanctions to a student because of his or her sex.
- h. Prohibited Sexual Harassment Under Title IX: Prohibited sexual harassment under Title IX is conduct on the basis of sex that satisfies one or more of the following:
 - An employee conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity;
 - Sexual assault
 - An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - Dating violence
 - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship,
 - the type of relationship, and
 - the frequency of interaction between the persons involved in the relationship;
 - Domestic violence
 - Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic

or family violence laws of the jurisdiction; or

- Stalking
 - Either a course of conduct directed at a specific person on the basis of sex that is unwelcome and would cause a reasonable person to feel fear; or the repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another.
- i. Other Prohibited Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or learning environment.
- j. Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").
- k. Coercion: Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- l. Consent: Consent is knowing, voluntary, and clear permission by words or actions to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.
 - Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.
 - Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition nonconsensual, but nonconsensual sexual activity is not by definition forced.
- m. Incapacitation: Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs or because of a mental disability. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the incapacity of the Complainant. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.
 - In Wisconsin, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a violation of this policy, even if the minor wanted to engage in the act.

7. Off-Campus and On-Campus Resources

WCTC seeks to create and maintain a campus free from incidences of sex discrimination and sexual harassment through education, programming, training for students and employees, clear policies, and consistent sanctions for any violation of these policies. The Title IX Coordinator, supported by a cross-functional committee, assists in ensuring compliance. The Title IX Coordinator and investigators are trained to address any reported issues of sex discrimination or sexual harassment in WCTC's education program or activity.

Resources exist both on and off campus for students seeking supportive measures after experiencing an incident of sex discrimination or sexual harassment, which may include counseling, extensions of deadlines, leaves of absence, and other similar adjustments. Students may wish to report sex discrimination or sexual harassment immediately, seek off-campus options for medical treatment, or simply talk with someone. Students should be aware that WCTC faculty and staff may be subject to various mandatory reporting laws.

Off-Campus

- If you are not safe or if you need immediate help, call **911**.
- Wisconsin's **211** line offers free direction to local human services agencies.
- Waukesha Memorial Hospital offers Waukesha County's sexual assault program. A Sexual Assault Nurse Examiner (SANE) is on-call 24 hours a day through the hospital's emergency room. (262.928.2000)
- In Milwaukee County, the Aurora Sinai and Aurora West Allis Medical Center locations offer Sexual Assault Treatment Centers. They can also be reached via phone at 414.219.5555.
- The Waukesha Women's Center offers a 24-hour hotline (262.542.3828) as well as services and support for victims of sexual assault, abuse, and domestic violence.
- The National Sexual Assault Hotline, sponsored by RAINN (Rape, Abuse and Incest National Network), can be reached at 1-800-656-HOPE.

On-Campus

- If you are not safe or if you need immediate help, call **911**.
- While on campus, students may call 262.691.5582 for campus police.
- WCTC's on-campus Counselors (C-021) are available to provide support and counseling for students free of charge.
- Licensed Professional Counselors (LPCs) at the College may be considered confidential reporting resources.
- At the Student Development Office (C-121), students may speak to staff about filing a report or receiving direction to supportive measures.
- Students may contact the Title IX Coordinator to file a formal complaint or seek out supportive measures.
- For more information on related policies and resources, visit [Sexual Misconduct Policies & Procedures](#).

8. Statement on Confidentiality

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality—meaning they are not required to report actual or suspected sex discrimination, sexual harassment or retaliation to appropriate College officials—thereby offering options and advice without any obligation to inform an outside agency or campus official unless the Complainant has requested information to be shared.

If the Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors
- Off-campus (non-employees):
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Employee Assistance Program (employees and work study students only)

Campus counselors and the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during normal business hours. WCTC employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

All other WCTC employees are expected to report actual or suspected sex discrimination, sexual harassment and retaliation to the Title IX Coordinator immediately, sharing all details of the reports¹ they receive. Failure of a non-confidential employee, as described in this section, to report an incident or incidents of discrimination, harassment, or retaliation of which they become aware is a violation of WCTC policy which may result in disciplinary action, up to and including discharge.

9. Reporting Actual or Suspected Sex Discrimination or Sexual Harassment

Informal Reporting

Any student, employee, other member of the community, guest or visitor who believes that sex discrimination or sexual harassment has occurred should promptly notify the Title IX Coordinator or Campus Security. It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member, who will in turn inform the Title IX Coordinator. WCTC's website also includes a reporting form at [Discrimination, Harassment, Retaliation, & Sexual Misconduct Complaint Form](#), which may be used to make an informal report of sex discrimination or sexual harassment.

Whenever the Title IX Coordinator receives a report of possible sex discrimination or sexual harassment, the Title IX Coordinator will promptly contact the Complainant to determine if he/she wants to submit a formal report and to offer supportive measures (as discussed further in WCTC's Administrative Procedure regarding Sexual Harassment and Sex Discrimination – HUM 602-01).

Formal Reporting

A formal complaint alleges sex discrimination or sexual harassment against a Respondent, and requests that the College investigate such allegations. A formal complaint may be filed by the Complainant or signed by the Title IX Coordinator. Formal complaints can be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such reports may be made at any time, including during non-business hours. WCTC will initiate its formal grievance process for each formal complaint it receives. Individuals found to have engaged in prohibited sex discrimination or sexual harassment under the grievance process will be subject to disciplinary action, up to and including

¹ Generally, climate surveys, classroom writing assignments or discussions, human subject's research, or events such as *Denim Day & Awareness Walk* do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they wish a report to be made.

termination (for employees) and suspension or expulsion (for students).

If the Complainant does not wish for his or her name to be shared, does not wish for an investigation to take place, or does not want to pursue a formal resolution, the Complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. WCTC retains the right to conduct an investigation regarding allegations of sex discrimination, sexual harassment, or retaliation even if the Complainant indicates he or she do not wish for an investigation to take place. Note that WCTC's ability to remedy and respond to a reported incident may be limited if the Complainant does not wish for his or her name to be shared or does not want to pursue a formal resolution.

Formal reporting still affords confidentiality to the Complainant, and only a small group of officials who need to know will be told, including but not limited to: Title IX Coordinator, Deputy Title IX Coordinators, Chief Diversity & Compliance Officer, Vice President for Student Services, Vice President for Human Resource Services, Behavioral Intervention Team, and Campus Security. Information will be shared as necessary with investigators, witnesses and the Respondent. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties' rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at [Discrimination, Harassment, Retaliation, & Sexual Misconduct Complaint Form](#). Note that these anonymous reports may prompt a need for the institution to investigate.

10. False Allegations

Deliberately false and/or malicious allegations or reports under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action, up to and including termination (for employees) and expulsion (for students).

11. Amnesty

For Victims of Sex Discrimination or Sexual Harassment:

The Student Development and Human Resource Services Offices will provide amnesty to victims who may be hesitant to report sex discrimination or sexual harassment to WCTC officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. In this situation, an alternative outcome may be that educational options will be explored.

For Those Who Offer Assistance:

To encourage students to offer help and assistance to others, the Manager, Student Development, may provide amnesty to students who offer help to others in need for minor violations, such as underage drinking, that occurred at the time of the incident. In this situation, an alternative outcome may be that educational options will be explored.

For Those Who Report Sex Discrimination or Sexual Harassment:

The Student Development and Human Resource Services Offices may also offer amnesty to students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of WCTC. In this situation, an alternative outcome may be that educational options will be explored.

Abuse of amnesty requests by any person may result in a decision by the Manager, Student Development not to extend amnesty to that person repeatedly.

Safe Harbor:

WCTC has a Safe Harbor rule for students. WCTC believes that students who have a drug and/or addiction problem deserve help. If any WCTC student brings their own use, addiction, or dependency to the attention of WCTC officials, outside the threat of drug tests or conduct sanctions, and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct proceedings will be initiated. This Safe Harbor rule shall not prevent WCTC from investigating complaints of discrimination or harassment brought against a student and issuing disciplinary action based on the results of that investigation.

12. Statement on Retaliation

WCTC will not intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or formal complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to an allegation of sex discrimination or sexual harassment. Retaliation is defined as any adverse action taken against a person because he or she engaged in protected activity. Retaliation is a serious violation of WCTC policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. WCTC is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

13. Parental Notification

WCTC reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. WCTC may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by Federal Education Rights and Privacy Act (FERPA) or consent of the student.

See Board Policy 3.3 Staff Treatment See Wisconsin Statutes 38.23

See Wisconsin Administrative Code Chapter TCS 6

See Administrative Procedure – Human Resources HUM-602-01 Sexual Harassment and Sex Discrimination

See Administrative Policy – Student STU-400 Student Rights

See Administrative Policy – Student STU-500 Accommodation of Student Religious Beliefs

See Administrative Procedure – STU 500-01 Accommodation of Student Religious Belief

See Administrative Policy – Student STU-602 Sexual Harassment and Sex Discrimination

See Administrative Procedure – STU-602-01 Sexual Harassment and Sex Discrimination

Policy owner: Vice President, Human Resources

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