



Western Technical College

2024 ANNUAL CAMPUS SAFETY AND FIRE REPORT AND POLICY STATEMENT

Crime and Fire data for Calendar Years 2021-2023
Published for 2024-2025 Academic Year

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Western Technical College

2024 Annual Campus Safety And Fire Report and Policy Statement

Introduction

Western Technical College, in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* and the *Higher Education Opportunity Act*, publishes this document to provide the campus community with information related to Western's safety and security policies, procedures and resources. Unless otherwise noted, all policies and procedures in this report apply to all Western campuses. Campus crime, arrest and referral statistics in this report are compiled from the Daily Crime Log, Campus Safety, designated Campus Security Authorities, local law enforcement agencies and those reported through our web-based incident report forms.

Procedure for Reporting Crimes and other Emergencies: All students, employees, contractors and visitors are encouraged to report all crimes and other emergencies occurring on any Western campus, in any Western operated facility, or on public property around any campus to Campus Safety (608-785-9191) and/or local law enforcement/emergency services in a prompt and accurate manner.

La Crosse Campus: In cases of emergency, dial 9-1-1 for local emergency personnel, and notify Campus Safety (608-785-9191). For non-emergency reports of criminal actions or other incidents occurring at Western Technical College, contact the Campus Safety Department either in Western's Residence Hall or the Coleman Center, Room 131, or by calling (608) 785-9191, any day, all hours. Campus Safety officers are available on the La Crosse campus 24 hours a day, 7 days a week. Campus Safety staff will respond in a timely manner to the incident location to determine if there is a serious or continuing threat to the campus community, and to begin the information collection procedure to investigate the incident. In situations in which local emergency personnel have responded, Campus Safety staff will work as liaison for the College. Reports can also be made to the Student Life & Integrity Manager/Title IX Coordinator (Kumm Center Room 100, La Crosse Campus, 608-785-9444).

Separate Campus locations: In cases of emergency, dial 9-1-1 for local emergency personnel, and notify the main office staff of that campus. For non-emergency reports of criminal actions or other incidents occurring at or around Western Technical College, contact the main office staff of that campus who will contact the Campus Community Safety Director and/or the Campus Community Safety Coordinators. Reports can also be made to the Student Life & Integrity Manager/Title IX Coordinator (Kumm Center Room 100, La Crosse Campus, 608-785-9444). The Campus Community Safety Director and/or Campus Community Safety Coordinator will work with the main office staff and/or Campus Coordinator to determine if there is a serious or continuing threat to the campus community, whether to dispatch Campus Safety staff to the location, and to begin the information collection procedure to investigate the incident. In situations in which local emergency personnel have responded, the main office staff and/or Campus Coordinator will work as liaison for the College.

The main office is staffed during all open hours of the campus. Campus Safety officers are not on duty at the regional locations. Contacts for the separate campus locations are as follows:

- Black River Falls – Front Desk or 715-284-2253
- Independence – Front Desk or 715-985-3392
- Mauston – Front Desk or 608-847-7364

- Sparta Public Safety – Front Desk or 608-269-1611
- Tomah – Front Desk or 608-374-7700
- Vehicle Technology Center – Front Desk or 608-785-9175
- Viroqua – Front Desk or 608-637-2612

Confidential Reporting Procedures: If you are a victim of a crime and do not want to pursue action within the College conduct system or local judicial system, you may still consider making a private report to the Student Life Office, Kumm Center, Room 100, La Crosse Campus, or (608) 785-9444. The purpose of a private report is to comply with your wish to keep the matter private, while taking steps to ensure the future safety of yourself and others, and for statistical inclusion in the annual security report. Reports can be made through private reporting in person and/or the online Incident Report Form (https://publicdocs.maxient.com/reportingform.php?WesternTC&layout_id=2).

Timely Warning Notifications: Western Technical College is responsible for issuing timely warning notifications in compliance with the *Higher Education Opportunity Act (HOEA) of 2008* and the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. In the event that a situation arises in the Western Clery Geography, that, in the judgment of the President and/or members of the Emergency Operations Team (EOT), constitutes a serious or continuing threat to personal safety, a campus-wide Timely Warning Notification will be issued. A Timely Warning Notification is issued to all members of the campus community when a specific crime, as defined by the Clery Act, has occurred on or in close proximity to any Western owned or operated property and could be a serious or continuing threat to the campus community.

The EOT is responsible for developing and reviewing the criteria regarding Timely Warning Notifications. Some members of the EOT include:

- Campus Community Safety Director (608-789-6165)
- Campus Community Safety Coordinators (608-789-6151 or 608-789-6166)
- Student Life & Integrity Manager (608-785-9444)
- Dean of Health and Public Safety (608-785-9539)
- Chief Information Officer (608-785-9915)
- Director of Marketing, Communications and Legislative Affairs (608-785-9890)

The issuing of a Timely Warning Notification is decided on a case-by-case basis based on all the facts of the crime incident, including the nature of the crime, the continuing risk to the campus community, and the location of the incident. Timely Warning Notifications will be distributed as soon as pertinent information is available, in a manner where the names of victims are withheld in order to protect confidentiality, and with the goal of helping to prevent similar occurrences. Timely Warning Notifications will typically include the following information, unless issuing any of this information would compromise law enforcement efforts: date and time of incident; location of incident; nature of the crime; crime prevention and safety tips; Campus Safety contact information; and other information

deemed appropriate based on the incident. Western is not required to issue Timely Warning Notifications for crimes reported to a professional counselor.

Timely Warning Notifications are typically issued for the following Uniform Crime Reporting Program (UCR) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults by one person upon another with the intent of inflicting severe bodily injury, will be evaluated on a case-by-case basis to determine if the individual poses an ongoing threat to the larger Western community)
- Robbery involving force or violence (cases involving burglary or theft without threat or violence will typically not result in the issuance of a timely warning notice, but will be assessed on a case-by-case basis)
- Sexual Assault (all cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed by the EOT for potential issuance of a timely warning notice based on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known)
- Major incidents of arson
- Other Clery crimes and non-Clery crimes as determined by the President and/or members of the EOT as constituting a serious or continuous threat to personal safety

The decision to draft and issue a Timely Warning Notification will be made by the Campus Community Safety Director and Student Life & Integrity Manager, or designees, in consultation with the EOT. Timely Warning Notifications are typically written and distributed by the Director of Marketing and Communications and the Chief Information Officer, or their designees. Notifications are typically issued to all students and employees through any one or combination of the College e-mail system, computer announcements, TV monitor message boards, text messaging, public address announcements, social media platforms, classroom/office space announcements, signs posted in highly visible locations throughout the College, and/or College website (www.westerntc.edu) depending upon the circumstances. All students and employees receive the same notification regardless of their campus of attendance or employment. Timely Warning Notifications will specify which campuses are impacted by the crime incident.

For issues or crimes that do not rise to the level of serious or continuing threat to the campus community (ex. pattern of minor thefts or vandalism) but may impact the campus community, Campus Safety Notifications may be issued by the Campus Community Safety Director, Campus Community Safety Coordinators, Student Life & Integrity Manager, or their designees.

Any person on any Western campus with information warranting a Timely Warning Notification should report the circumstances to Campus Safety, by phone (608-785-9191) or in person at Coleman Center, Room 131 (La Crosse campus), and/or the campus front desk (all other campus locations).

Annual Disclosure Statement: The Annual Security and Fire Report is compiled by the Director of Campus Community Safety, in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Information for the report is gathered by the Campus Community Safety Department from the local law enforcement agencies surrounding all campus locations, Campus Coordinators from each campus, Campus Safety, Student Life, residence hall staff, club advisors, athletic coaches, and any designated Campus Security Authority.

Members of the Western community are encouraged to immediately report crimes or emergencies to the Campus Safety department, Campus Coordinators (regional locations) or Student Life & Integrity Manager/Title IX Coordinator for the purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notification or Emergency Notification, when deemed necessary.

Each year, the Director of Campus Community Safety sends an e-mail notification to all students and employees that provides the website link to access the annual report. The report link is also published annually in the Student Handbook, which is available in hard copy form as well as on the College website (www.westerntc.edu/student-rights-concerns-and-disclosures). A link to the report is available on the Human Resource webpage for prospective employees and on the College website for prospective students. Hard copies of the report may be obtained from the Director of Campus Safety at the Student Life Office (Room 100 in the Kumm Center, La Crosse Campus) or by calling 608-789-6165.

Campus Security and Access: During business hours, all campuses of Western (excluding the residence hall facility) will be open to students, staff, parents, contractors, and visitors/public. Hours and access may change based on recommendations of the Campus Health Response Team who monitors any community health emergencies.

During normal operations, most facilities have individual hours, and the hours may vary depending on time of year. During non-business hours, all College facilities are secured, and access is permitted only through access control systems, or by admittance via Campus Safety or other authorized personnel. Keycard access for students and employees at all campuses is managed by the Campus Community Safety Director, Campus Community Safety Coordinators and Safety and Access Control Officer.

Typical business hours are as follows for each campus:

- La Crosse Campus – 6:30 a.m. to 10:00 p.m. Monday thru Thursday, 6:30 a.m. to 5:00 p.m. on Friday, and 7:00 a.m. to 4:00 p.m. on Saturday while classes are in session
- Independence Campus – 8:00 a.m. to 7:00 p.m. Monday thru Thursday and 8:00 a.m. to 12:00 p.m. on Friday while classes are in session
- Black River Falls and Viroqua Campuses - 7:30 a.m. to 7:00 p.m. Monday thru Thursday and 7:30am to 4:00 p.m. on Friday while classes are in session
- Mauston Campus – 8:00 a.m. to 4:00 p.m. Monday; 8:00 a.m. to 7:00 p.m. Tuesday thru Thursday; and 8:00 a.m. to 4:00 p.m. Friday while classes are in session
- Sparta Campus – 7:30 a.m. to 5:00 p.m. Monday thru Friday while classes are in session
- Tomah Campus – 8:00 a.m. to 7:00 p.m. Monday, Wednesday, and Thursday; 8:00 a.m. to 9:00 p.m. Tuesday; and 8:00 a.m. to 4:00 p.m. on Friday while classes are in session
- Vehicle Technology Center – 6:50 a.m. to 5:00 p.m. Monday thru Friday while classes are in session
- Apprenticeship And Industry Training Center – 6:50 a.m. to 5:00 p.m. Monday thru Friday

Western Residence Hall is secured 24 hours a day, seven days a week, with access limited to only Residence Hall staff; residents and approved guests; authorized College staff including Physical Plant, Information Services, Campus Safety, Student Leadership & Engagement Coordinator, and Student Life & Integrity Manager; and designated contractors approved by Physical Plant and/or Residence Hall staff. Access is controlled via a key card access system.

The College Campus Safety Department is located on the La Crosse Campus within the Residence Hall, and the Coleman Center, Room 131. The phone number is (608) 785-9191 (59191 on any campus phone). Campus Safety is staffed 24 hours a day, 7 days a week, including holidays.

Security Considerations Used in the Maintenance of Campus Facilities: On the La Crosse Campus, Apprenticeship & Industry Training Center, and Vehicle Technology Center, Campus Safety Officers conduct routine patrols of campus buildings and properties, non-campus properties, and public properties adjacent to the campus, to evaluate and monitor security and safety related matters. On all regional locations, the Campus Coordinators and/or Physical Plant staff or contractors conduct routine reviews of facilities to evaluate and monitor security and safety related matters.

All campuses and buildings are equipped with access control systems, and/or security camera systems. Security cameras are monitored periodically by authorized staff and Campus Safety Officers.

Security considerations in maintaining campus facilities include providing limited hours of operation for all facilities, enforcing access control policies, ensuring adequate staffing, providing telephone call boxes that contact Campus Safety for emergency assistance in the parking ramp, and conducting regular security surveys of facilities. Security surveys examine issues related to landscaping, access control, alarm systems, lighting, and communications. Surveys are conducted by Campus Safety staff and Physical Plant staff. Issues are discussed quarterly at the Risk Management Steering Committee meetings, with pressing issues being addressed in a timely manner by the Physical Plant and Campus Safety departments. Crime Prevention through Environmental Design (CPTED) evaluations are conducted on all campus facilities on a regular basis, as well as new development projects.

Authority of Campus Safety Department: The Campus Safety department is comprised of the Campus Community Safety Director, Campus Community Safety Coordinators, Senior Campus Safety officers and Student Campus Safety officers. Although none of the employees of the Campus Safety Department have arrest powers, they do have the authority to enforce all campus policies, and work closely with federal, state, and local law enforcement agencies to report any criminal activity taking place in the Western Clery Geography. The Campus Safety Department maintains a strong working relationship with state and local police agencies, including City of La Crosse Police, La Crosse County Sheriff, Monroe County Sheriff, Sparta Police, Tomah Police, Viroqua Police, Vernon County Sheriff, University of Wisconsin-La Crosse Police, Independence Police, Trempealeau County Sheriff, Black River Falls Police, Mauston Police, and the Viroqua Police departments. The Campus Safety Department has jurisdiction to operate on Western owned or controlled properties, and in collaboration with the University of Wisconsin-La Crosse Police department, the Health Science Center in La Crosse.

Local Jurisdiction Contact Information:

Black River Falls Police	(715) 284-9155
City of La Crosse Police	(608) 785-5962
Independence Police	(715) 985-3055
Juneau County Sheriff	(608) 847-5649

La Crosse County Sheriff	(608) 785-9629
Mauston Police	(608) 847-6363
Monroe County Sheriff	(608) 269-2117
Sparta Police	(608) 269-3122
Tomah Police	(608) 374-7400
Trempealeau County Sheriff	(715) 538-2311
UW-La Crosse Police	(608) 789-9000
Vernon County Sheriff	(608) 637-2123
Viroqua Police	(608) 637-2121

Members of the Western community are encouraged to immediately report crimes or emergencies to the Campus Safety department, Campus Coordinators (regional locations) or Student Life & Integrity Manager for the purposes of including them in the annual statistical disclosure and assessing them for issuing a timely warning notification, when deemed necessary. The Campus Safety Department maintains a Daily Crime log which is available to the public on the Campus Community Safety website for review at any time. The public can also visit the Campus Safety office Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding holidays, Room 131 in the Coleman Center on the La Crosse campus.

The College's Campus Safety staff does not have arrest authority. All incidents of a criminal nature will be investigated by the College administration and, in appropriate cases, reported to local or state law enforcement agencies for action. All reports of a criminal nature involving students as the alleged party will be forwarded to the Student Life & Integrity Managers office for possible adjudication. Reports involving employees or contractors as the alleged parties will be forwarded to Human Resources for possible adjudication.

Western does not have memoranda of understanding with local and state law enforcement agencies but does have verbal agreements with the agencies listed above, giving them authority to investigate allegations of a criminal nature occurring on or near any Western campus or non-campus property. It is the policy of the College to encourage accurate and prompt reporting of all crimes to the Campus Safety Department and appropriate law enforcement agencies, including when the victim elects to, or is unable to, make such a report.

Certified counselors in the Counseling department, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual security report. They are encouraged to inform persons they are counseling of the procedures to report crimes on a voluntary or private basis for inclusion in the annual disclosure of crime statistics.

Daily Crime Log

The Campus Safety Department creates, maintains, and makes available the daily crime log upon request. The purpose of the daily crime log is to record criminal incidents and alleged criminal incidents that are reported to or identified by Campus Safety personnel. The information contained in the Crime Log typically includes the date and time incident reported, date incident occurred, type of crime, general location, and action taken. Requests to review the daily crime log for the current calendar year can be made at the Campus Safety Office, Coleman Center Room 131, or directly to the Campus Community Safety Director, Chris Schuster, anytime between 8:30 a.m. and 4:30 p.m. Monday through Friday, except holidays. Requests to review any of the previous 3 calendar years are available for public inspection within two days of request. Formal requests can be made to Chris Schuster, 608-789-6165 or schusterc@westernc.edu.

Procedures Education: Western Technical College provides information to students and employees about College campus safety procedures and practices, encourages them to be responsible for their own safety and the safety of others, and informs them about crime prevention through the following programs and publications:

Programs:

- a. Campus Safety Escort Service available daily
- b. Bi-annual Night Walk Lighting Survey
- c. Campus Safety surveys
- d. Daily patrols of College facilities by Campus Safety staff at the La Crosse campus
- e. Sexual assault, dating violence, domestic violence, and stalking awareness programs throughout the academic year
- f. Alcohol and Other Drug Prevention programs throughout academic year
- g. New Student Orientation sessions prior to the start of each term
- h. Residence Hall Orientation at the beginning of each term
- i. New Employee Orientation at the beginning of each term as needed
- j. CPTED evaluations of each facility
- k. Bystander Intervention training

Publications:

- a. Employee Handbook
- b. Student Handbook
- c. Residence Hall Handbook
- d. Student Organization Handbook
- e. Handouts from La Crosse Police Department
- f. College Website
- g. Safety emails sent to students, staff, and faculty each term

One of the essential ingredients of a successful crime prevention program is providing information. It is the intent of Western to inform students and employees of good crime prevention and campus safety awareness practices.

During the 2023-2024 academic year, Western offered thirteen (13) crime prevention and campus safety awareness programs. Topics such as personal safety, situational awareness, residence hall campus safety, theft prevention, bike registration, alcohol and drug abuse awareness, sexual assault prevention, and healthy relationships are some examples of programs offered during the prior academic year.

All crime prevention and campus safety awareness programs encourage students and employees to be responsible for their own safety and the safety of others. Participants in these programs are encouraged to be aware of their surroundings, recognize security or suspicious issues, and call Campus Safety to report suspicious or concerning behavior. For additional questions regarding crime prevention, contact the Campus Community Safety Director at 608-789-6165 or the Campus Community Safety Coordinators at 608-789-6151 or 608-789-6166.

Non-Campus Campus Safety Authority: Western Technical College does not have any recognized non-campus locations of organizations officially recognized by the college. Campus Safety works with local

police agencies to monitor and record information about criminal activity concerning students and employees when off campus for College sanctioned activities.

Alcohol and Drug Policy: The possession, use, storage, distribution, solicitation, purchase, manufacture, or sale of alcohol and controlled substances are regulated by Western Technical College in accordance with: (1) the Drug-free Schools Act, (2) the Drug Free Workplace Act, (3) applicable provisions of federal, state, and municipal law, and (4) WTCS District policies. The possession, use, storage, distribution, solicitation, purchase, manufacture, or sale of alcohol and controlled substances on College property are strictly prohibited. Violations of this policy will be referred to the Student Life & Integrity Manager or the Student Leadership and Engagement Coordinator for conduct action for student violations, to Human Resources for employee violations, and/or to local law enforcement. The Campus Safety Department and Residence Life Staff have primary responsibility for the enforcement of state underage drinking laws as well as the enforcement of federal and state drug laws.

Drug Free Schools and Communities Act: In compliance with the Drug Free Schools and Communities Act, Western publishes information regarding the College's policies, procedures and educational programs related to drug and alcohol abuse prevention. This information includes information related to sanctions for violations of federal, state, and local laws and College policy; a description of the health risks associated with alcohol and other drug use; and a description of available treatment programs for Western students and employees. A complete description of these topics, as provided in the College's annual notification to students and employees, is available on Western's website under Student Rights, Concerns and Disclosures – [Drug and Alcohol Abuse Prevention Program \(DAAP\)](#).

The Western Counseling and Case Management Department provides alcohol and other drug assessment, short term individual counseling, and referral services to students and staff. The Student Activities/AODA Specialist provides alcohol and other drug prevention efforts throughout the College that includes dissemination of information and materials, educational programs, and referrals.

In calendar year 2023, there were no fatalities on campus or part of any college activities related to alcohol or drug violations. A total of twenty-three (23) violations of the drug and alcohol policy occurred on campus or part of any college activities in 2023. The sanctions for the violations included fines, community service, eviction/housing contract terminated, non-academic probation, and non-academic restrictions such as inability to host guests in residence hall.

Disclosure to Alleged Victims of Crimes of Violence: Western Technical College will disclose, upon written request, to the reporting party of a crime of violence or non-forcible sex offenses, the report on the results of any disciplinary proceedings conducted by the college against the person who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Western Technical College will provide the results of the disciplinary proceeding to the victim's next of kin.

Domestic Violence, Dating Violence, Sexual Assault and Stalking Reporting and Prevention:

Western Technical College will not tolerate and prohibits sexual assault, rape and/or sexual misconduct, domestic violence, dating violence, and stalking (as defined by the Clery Act) in any form. Western is committed to maintaining a positive teaching and learning environment that values all members of the college community. Western is dedicated to informing the college community of our programs to address awareness and prevention of sexual assault, domestic violence, dating violence and stalking, through New Student Orientation, New Employee Orientation, residence hall programming, and ongoing education by Wellness Center and Student Life staff. Information pertaining to sexual assault, domestic violence, dating violence, stalking and consent definitions, campus and community resources, risk reduction strategies, and bystander intervention education are included at the end of this section. Literature on sexual assault, domestic violence, dating violence and stalking resources, reporting options, and prevention is available through the Student Life Office.

Domestic Violence, Dating Violence, Sexual Assault and Stalking Prevention Programs:

The College engages in comprehensive, intentional, and integrated programming initiatives, strategies, and campaigns, intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students and employees that include:

- A statement that Western prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- Federal and state definitions of domestic violence, dating violence, sexual assault and stalking;
- Definition of consent in Wisconsin as used by the College, and actions that do and do not constitute consent;
- A description of safe and positive options for bystander intervention;
- Information on risk reduction;
- Information regarding:
 - Procedures a victim should follow if a crime of domestic violence, dating violence, sexual assault or stalking should occur;
 - How Western will protect the confidentiality of victims and other involved parties;
 - Existing college and community resources related to counseling, victim advocacy, mental health, health care, visa and immigration assistance, financial aid, and other services for victim;

- Options for and how to request changes to academic, living, transportation, and working situations, and how to request protective measures;
- Procedures for Western’s disciplinary action in cases of domestic violence, dating violence, sexual assault, and stalking

Primary Prevention and Awareness Programs:

These programs include presenting information and materials during new student and new employee orientations, providing programs by invitation at division meetings and in academic courses, distribution of the Student Handbook to new students and employees, and online program of video and information for new employees.

Specifically, the College offered the following **primary prevention and awareness programs** for all **incoming students** in the 2023-2024 academic year:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Gender Discrimination/Sexual Misconduct Webpage	Online	Online	Sexual Assault (SA)
Violence Prevention Webpage	Online	Online	DoV; DaV; SA; S
New Student Orientation	Online	online	DoV; DaV; SA; S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking

Western offered the following **primary prevention and awareness programs** for all **new employees** in academic year 2023-2024:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Gender Discrimination/Sexual Misconduct Webpage	Online	Online	Sexual Assault (SA)
Violence Prevention Webpage	Online	Online	DoV; DaV; SA; S
Harassment and Discrimination Prevention Training	Online	Online	DoV; DaV; SA; S
New Employee Orientation	August 2023, November 2023, February 2024	Lunda Center 333 7 th St. N. La Crosse, WI. 54601	DoV; DaV; SA; S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking

Ongoing Prevention and Awareness Programs:

Western has developed an annual educational campaign consisting of: in-person presentations to division meeting and academic classes as invited; promotion of local and national domestic violence and sexual assault awareness campaigns; residence hall programs; an annual wellness fair; every other year participation in the National College Health Assessment (NCHA); presentations by the Student Life staff; and distribution of printed materials.

Western offered the following **ongoing awareness** programs for **students and employees** in academic year 2023-2024:

Name of Program	Target Audience	Date Held	Location Held	Which Prohibited Behavior* Covered?
Gender Discrimination/Sexual Misconduct Webpage	Both	Online	Online	Sexual Assault (SA)
Violence Prevention Webpage	Both	Online	Online	DoV; DaV; SA; S
Western Block Party	Both	September 2023	Online	DoV; DaV; SA; S
Residence Hall Programs	Students	Various	Residence Hall	DoV; DaV; SA; S
Something Tasty with Campus Safety	Students	September 2023	Student Union	DoV; DaV; SA
Color Event – Sexual Assault Awareness	Both	April 2024	Student Union/Res Hall	SA

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault or Stalking Occurs:

After an incident of sexual assault, dating violence, domestic violence or stalking, the victim should get to a safe place as soon as possible. Victims are encouraged to be seen by medical professionals who can assess any injuries and collect evidence. Mayo Clinic Health System or Gundersen Health System in La Crosse offer trained Sexual Assault Nurse Examiners (SANE) who are trained to provide forensic examinations, education, and support to victims of sexual assault or domestic or dating violence. In Wisconsin, evidence may be collected and stored even if you chose not to make a report to law enforcement. Evidence can be collected up to five (5) days after an assault. Ideally, a victim of sexual assault should not bathe, douche, smoke, use the toilet, or change clothing prior to a medical exam. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to Western investigators or police, should they choose to report. In circumstances of sexual assault, it is important to not clean the bed, linens, or area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in the adjudication process or may be helpful in obtaining a protection order.

Anti-Harassment and Nondiscrimination Policy and Procedures

As of August 2024, federal Title IX regulations have been updated, and the College is committed to ensuring clarity regarding these changes. Depending upon when Title IX-related incidents reported to the College occurred, different policies and procedures may be utilized. To reflect this, this Annual Security Report includes information on the College's Harassment and Non-Discrimination policies and procedures that were in place under both the 2020 Title IX guidance and the newly-enacted 2024 regulations. To avoid confusion, we have clearly labeled the policies and procedures associated with each set of regulations. Both versions are provided below. Students with questions about the 2020 or 2024 Title IX regulations and related policies should contact Ge Vang at vangg@westernnc.edu or (608) 785-9444, while employees should reach out to Megan Hoffman at hoffmanm@westernnc.edu or (608) 785-9274. Thank you for your attention to these distinctions as we navigate this evolving regulatory landscape.

Western's Harassment and Nondiscrimination Policy (2020 Title IX Regulations): Western Technical College (Western) is committed to building and preserving an educational and workplace environment where students and employees can learn and work together free from discrimination, harassment and retaliation in all benefits, programs, and activities. To ensure Western's commitment to fostering an environment built on a foundation of integrity, teamwork, and respect, the College has developed internal policies and procedures that provide a prompt, fair, and impartial process for complaints of discrimination and harassment on the basis of Protected Characteristics, and for complaints regarding retaliation. Western is committed to ensuring compliance with federal and state civil rights and First Amendment laws and regulations.

Scope of Policy

Western Technical College prohibits all form of discrimination. Discrimination, for purposes of this policy, may involve exclusion from or different treatment in programs or activities, such as admissions, athletics or employment. Discrimination may at times take the form of harassment, sex-based discrimination, sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged violation of this policy is reported, the allegations are subject to resolution using Western's Sexual Harassment Grievance Procedure or Western's Student Grievance Procedure.

This policy applies to all members of the Western community, including, but not limited to, students[2], employees[3], board members, others engaged in business with the College, volunteers, guests, and visitors.

This policy applies to any College employment or educational program or activity. The procedures referenced in this policy may be applied to behaviors that take place on any Western campus or controlled property, and at Western sponsored events. This policy may apply to off-campus or online conduct that effectively deprive some of access to Western's educational program, or when the conduct is determined by the Title IX Coordinator to affect a substantial Western interest. A substantial interest is defined by Western as:

Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;

Any situation in which it is determined that the respondent poses an immediate threat to the physical health or safety of any student or other individual;

Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

Any situation that is detrimental to the educational or workplace environment of the College

The policy may be applied to behavior conducted in person, through writing, or through technology such as phone, online, email or other electronic medium, where the speech or conduct is not protected by freedom of expression. Discrimination, harassment and retaliation against members of the Western community are not protected expression under the First Amendment.

If a Respondent is unknown or is not a member of Western's community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options, and/or in contacting local law enforcement if the individual would like to file a police report.

Title IX Coordinators

The Manager of Student Life & Integrity and the Manager of Employment, Compensation and Compliance serve as Title IX Coordinators and oversee implementation of Western's Harassment and Nondiscrimination policy, Equal Opportunity plan, and disability compliance. The Title IX Coordinators are responsible for coordinating the intake, investigation, resolution and implementation of measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

Independence and Conflict-of-Interest

The Title IX Coordinators act with independence and authority free from bias and conflicts of interest. The Title IX Coordinators oversees all resolutions under this policy and the applicable grievance procedures with impartiality. All members of the Title IX team are trained to ensure they are not biased for or against any party participating in a grievance procedure.

Any concerns involving bias, conflicts of interest, or complaints of misconduct or discrimination by the Title IX Coordinator should be communicated to Western Technical College's President:

Dr. Roger Stanford

StanfordR@westernnc.edu

400 7th Street North

La Crosse, WI 54601

Concerns of bias or potential conflict of interest, discrimination or misconduct by any other Title IX team member including investigators and decision makers, should be communicated to the Title IX Coordinator.

Policy on Equal Employment and Educational Opportunity

The College will not discriminate against any employee or applicant for employment, student or prospective student based on race, color, sex, sexual orientation, gender identity or expression, religion, creed, national origin, ethnicity, ancestry, age, disability, marital or parental status, veteran status or military service, genetic information, pregnancy, off-campus use/nonuse of lawful products, arrest or conviction record, or any other characteristic protected by federal, state, or local law (hereinafter "Protected Characteristic(s)"). This prohibition applies to recruitment, hiring, transfers, promotions, training, layoff or recall from layoff, terminations, retention, certification, testing and committee appointments, education and assistance therefor, and social or recreation programs. The College is strongly committed to this policy, and believes in and practices equal opportunity and affirmative action.

Principal publications available to students, employees, applicants for admissions or employment, and sources of referral for both, will include a statement of nondiscrimination which specifically includes reference to [Title IX of Education Amendments of 1972](#) and to [Section 504 of the Rehabilitation Act of 1973](#). Delivery of student services will be performed in harmony with statutory requirements.

It is the policy of the College to assure equal opportunity for qualified applicants for employment, for qualified employees in matters of employment, and for students in District educational programs in all educational and employment related activities. This policy applies to all students, employees, applicants, and prospective students irrespective of any Protected Characteristic(s). Responsibility for the Equal Employment Opportunity is assigned to the Manager of Employment, Compensation and Compliance.

The College is committed to compliance with all applicable local, state and federal equal opportunity and affirmative action laws and regulations, including but not limited to:

[Title VI](#) and [Title VII](#) of the 1964 Civil Rights Act

[Title IX of the 1972 Educational Amendments Act](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[The American With Disabilities Act of 1990](#)

[The Civil Rights Act of 1991](#)

[The Carl D. Perkins Vocational and Technical Education Act](#)

[The Equal Pay Act of 1963](#)

[The Pregnancy Discrimination Act](#)

[The Age Discrimination Act of 1967](#)

[The Age Discrimination Act of 1975](#)

The Civil Rights Restoration Act of 1987

[The Genetic Information Nondiscrimination Act of 2008](#)

[The Wisconsin Fair Employment Law](#)

Other appropriate laws and executive orders and/or administrative directives and codes including the Office of Civil Rights Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Programs (34 CFR, Part 100 Appendix B)

The College will provide equal educational opportunity in an educational climate that is conducive to and supportive of cultural and ethnic diversity. This commitment includes, but is not limited to, physical access to courses and programs; physical education and athletics, extra-curricular activities; admissions; student policies and their application; counseling, guidance and placement services; financial assistance; work-study; housing and all other District facilities. The College will make reasonable accommodations for persons with disabilities to assure access to programs and employment.

The College will provide reasonable accommodation to employees and students for religious observances and practices.

Policy on Harassment and Nondiscrimination

Western Technical College is committed to building and preserving a community where people can work and learn together free from exploitation, abusive conduct, intimidation, discrimination, and harassment.

Western Technical College is in full compliance with all federal and state civil rights laws and regulations prohibiting harassment and discrimination. The College will provide protection from harassment and discrimination against students, employees and applicants in any service, program or facility of the College with regard to race, color, creed, religion, sex, national origin, disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy, genetic information, marital status or parental status, veteran or military status, off-campus use/nonuse of lawful products, arrest or conviction record, or any other characteristic protected by federal, state, or local law (herein "Protected Characteristic(s)").

Unlawful or discriminatory harassment is unwelcome physical, written, verbal or other forms of conduct based on a actual or perceived legally protected characteristic (listed above) where submission to or rejection of the unwelcome conduct is made either explicitly or implicitly a condition of a person's education or employment, where submission to or rejection of the unwelcome conduct is the basis for decisions that affect the terms and conditions of academics or employment or where the unwelcome conduct is sufficiently severe or pervasive so as to interfere with a person's learning or work environment or create an environment that a reasonable person would consider intimidating, hostile, or offensive.

Prohibited acts include, but are not limited to: physical contact or aggression; assault or intimidation; deliberate or repeated unsolicited comments, slurs, epithets, jokes, innuendo or derogatory comments; threatening or intimidating language (in any medium); bullying; or other adverse treatment.

Any member of the Western community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any student, employee, or visitor on the basis of a person's actual or perceived Protected Characteristics is in violation of this policy.

Upon notice of an allegation of harassment or discrimination, any such harassment or discrimination will be promptly and fairly addressed and remedied by Western's Sexual Harassment Grievance Procedure or Western's Student Grievance Procedure.

Western reserves the right to address harassment that does create a hostile environment but is not based on a Protected Characteristic.

Policy on Disability Discrimination and Accommodation

Western Technical College is in compliance with Section 504 of the 1973 Rehabilitation Act, with the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008, and with state disability law. It is the policy of Western Technical College to provide reasonable accommodations (when requested) for qualified individuals with disabilities who are students, potential students, employees or applicants for employment, provided such reasonable accommodations do not place undue hardship on the operations of the College.

The College will adhere to all applicable federal, state, and local laws, regulations, and guidelines with respect to prohibiting discrimination and providing reasonable accommodations as required to afford equal employment and educational opportunity to qualified individuals with disabilities. Reasonable accommodations will be provided in a timely and cost-effective manner upon self-identification, verification and an analysis of solutions.

An individual with a disability is defined by the ADA as a person that has a physical or mental impairment that substantially limits one or more major life activities, a person who has history or record of such an impairment, or a person who is regarded by the college as having an impairment.

The Manager of Access Services has been designated as Western's ADA/504 Coordinator responsible for overseeing efforts to comply with the laws and regulations related to disabilities. The ADA/504

Coordinator in conjunction with the Title IX Coordinators coordinate the response to grievances and addressing allegations of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed through the Student Grievance Procedure.

Students with Disabilities

Western is committed to creating an environment that empowers and supports students to reach their academic goals by providing qualified students with disabilities the appropriate accommodations to reduce barriers to learning. All accommodations are made on an individualized basis. To request disability support services, students are encouraged to contact the Manager of Access Services who coordinates services for students with disabilities.

Employees with Disabilities

Western will provide reasonable accommodation(s) in a timely manner to all qualified employees with known disabilities when the disability impacts the performance of their essential job functions unless such accommodation(s) would result in undue hardship to the College. Employees are encouraged to contact the Manager of Employment, Compensation and Compliance to request an accommodation.

Policy on Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Opportunity Commission (EEOC), and the State of Wisconsin regard sexual harassment as a specific form of discriminatory harassment and an unlawful discriminatory practice. Western has adopted the following definition of sexual harassment^[4] in order to address the unique environment of an academic community.

Sexual harassment is an umbrella definition that includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence and stalking. Acts of sexual harassment may be committed by any person upon another person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual harassment is conduct based on sex that satisfies one or more of the following:

- 1. Quid Pro Quo** – an employee of the College conditioning, either implicitly or explicitly, the provision of aid, benefit or service on an individual's participation in unwelcome sexual conduct;
- 2. Unwelcome Conduct** - 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;
- 3. Sexual Assault** - engaging or attempting to engage in one of the following sex acts with another individual by force^[5] or without consent^[6], where the individual cannot consent because of age, or where the individual cannot consent because of temporary or permanent mental or physical incapacity^[7]:

Rape - 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 Complainant.

Fondling - the touching of the private body parts of another person (buttocks, groin, breasts) for the purposes of sexual gratification, without the consent of the person, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.

Incest - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in Wisconsin.

Statutory Rape - sexual intercourse with a person who is under the statutory age of consent in Wisconsin.

4. Dating Violence - conduct on the basis of sex that consists of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse, and does not include acts covered under the definition of domestic violence.

5. Domestic Violence - a felony or misdemeanor crime of violence committed by:

a current or former spouse or intimate partner of the Complainant;

a person with whom the Complainant shares a child in common;

a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;

a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

6. Stalking^[8] - engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

Other Civil Rights Offenses

Additional behaviors that may be within or outside of the Title IX forms of sexual harassment listed above that are prohibited when the act is based on the Complainant's actual or perceived membership in a protected class include, but are not limited to:

Sexual Exploitation – taking non-consensual or abusive sexual advantage of another for their own benefit or the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment as defined in this policy. Examples include, but are not limited to:

Observing or allowing others to observe a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed;

Prostituting another person or engaging in sex trafficking;

Misappropriation of another person’s identify on apps, websites, or other venues designed for dating or sexual connections;

Forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio or image that depicts the person’s nudity or sexual activity; or

Taking pictures, videos, or audio recordings of another in a sexual act or sexually related activity without the person’s consent when there is a reasonable expectation of privacy, or disseminating sexual pictures without the photographed person’s consent.

Threatening Behavior – threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person;

Discrimination – actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;

Intimidation – implied threats or acts that cause an unreasonable fear of harm in another;

Bullying – repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, diminish another person either physically and/or mentally that is not speech or conduct otherwise protected by the First Amendment.

Retaliation

Western will not tolerate any retaliatory conduct against any person in response to a person reporting an incident, participating in or refusing to participate in a grievance process, providing relevant information or cooperating with an investigation, and/or supporting a party involved in the process. Western and any member of the Western community are prohibited from taking or attempting to take adverse action through intimidation, threats, coercion, harassment, or discrimination against an individual for exercising their rights or responsibilities under this policy and procedure.

Allegations of retaliation should be reported immediately to the Title IX Coordinator and will be promptly and fairly investigated. Western will take all appropriate steps to protect individuals who fear they may be subjected to retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.

Reporting Concerns or Alleged Policy Violations

All employees of Western, except Western Counselors , are required to promptly report any knowledge or allegation pertaining to a member of the community experiencing harassment, discrimination, and/or retaliation to the Title IX Coordinator(s). Employees are responsible for reporting all relevant details about the alleged incident including the name of the Respondent (if known), the individual who experienced the alleged incident, possible witnesses, and relevant facts including the date, time and location.

Complaints or notice of alleged policy violations, or inquiries or concerns regarding this policy and the associated procedures, may be made internally at any time (including non-business hours) through one the following options:

Report online through the [Sexual Harassment and Discrimination Report Form](#)

Report directly to the Title IX Coordinator

Title IX Coordinator – Students Ge Vang Manager of Student Life & Integrity Student Life Office, Kumm Center Room 100 La Crosse Campus vangg@westerntc.edu 608-785-9444	Title IX Coordinator – Employees Megan Hoffman Manager of Employment, Compensation and Compliance Administrative Center, Room 109 La Crosse Campus hoffmanm@westerntc.edu 608-785-9274
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File an incident report with the Campus Community Safety at 608-785-9191 or Room 131 of the Colman Center, La Crosse Campus.

Reporting an allegation or concern through any of the above-mentioned options constitutes actual knowledge and allows Western to discuss and/or provide supportive measures, but does not obligate the Complainant to file a Formal Complaint[9]. Western’s ability to remedy and respond to the allegation may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance procedure.

While there is no time limit on reporting concerns or allegations, Western encourages Complainants to report as soon as possible after the incident occurred. Delay in reporting may limit the College’s ability to investigate, respond, and provide remedies.

Information regarding more specific procedures related to sexual harassment can be found in Western’s Sexual Harassment Grievance Procedure. Information regarding more specific procedures related to other forms of harassment or discrimination can be found in Western’s Student Grievance Procedure.

Inquiries or concerns may be made externally to:

Office for Civil Rights (OCR) – Department of Education	Equal Employment Opportunity Commission (EEOC)
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	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

Anonymous Reporting

Anonymous reports are accepted but may require additional investigation. Western tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Western respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

Amnesty

Western encourages the reporting of discrimination and harassment incidents or concerns, and maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident, such as underage drinking or use of illicit drugs.

False Allegations

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to the appropriate disciplinary action. This does not include allegations that are made in good faith but are found to be erroneous or do not result in a policy violation determination. In addition, witnesses and parties that knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation can be subject to appropriate disciplinary action.

Federal Timely Warning Obligations

The College is required to issue timely warnings to the campus community for reported incidents that pose a serious or continuing threat of bodily harm or danger to the community including reports of sexual assault, dating violence, domestic violence and/or stalking that meets this threshold. In such cases, Western will ensure that a Complainant's name and other identifying information is not disclosed while providing enough information for campus community members to make safety decisions in light of the potential danger.

Promptness

Western will act upon all allegations received through notice or formal complaint in a prompt manner. The timeline for complaint resolution is generally 60-90 calendar days. Western will make every attempt to avoid all undue delays within its control. Any time the general timeframes for resolution outline in the appropriate grievance procedure will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and estimated extension of timeframe.

Privacy

Western will make every effort to preserve the privacy of reports received under this policy. The College will not share student identifiable information of any involved parties in complaints of harassment, discrimination, or retaliation except as permitted by the Family Educational Rights and Privacy Act (FERPA)[\[10\]](#) or to carry out the purpose of Title IX regulations[\[11\]](#), including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Western reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA. Information will be shared as necessary with Investigators, Decision Makers, witnesses, and the parties.

Supportive Measures

Western will offer and implement appropriate and reasonable supportive measures to involved parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity without unreasonably burdening either party. Supportive measures may include services

designed to protect the safety of all parties or the College educational environment, and/or to deter harassment, discrimination and/or retaliation.

Examples of supportive measure include, but are not limited to:

Referral to counseling, medical or support services

Referral to community-based providers

Modifications to class or work schedules

Altering campus housing assignments

Safety planning

Academic support or adjustments

Leave of absence

Increased security monitoring

Mutual no contact order

Any other action deemed appropriate by Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Emergency Removal

Western may remove a student Respondent entirely or partially from their educational program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the College Care Team using its standard objective violence risk assessment procedures. Students subject to emergency removal have the right to appeal to the Title IX Coordinator such action prior to implementation to show cause why the action should not be implemented or should be modified. Western will implement the least restrictive emergency actions possible in light of know circumstances and safety concerns.

Employees of Western may be placed on paid administrative leave during the investigation and resolution of the grievance process. The Title IX Coordinator and the Director of Human Resources will make the determination related to placing an employee on administrative leave.

Revised April 19, 2022

Adopted March 16, 2021

Reference Procedure: [C0102p Anti-Harassment \(Employees\)](#)

Reference Procedure: [E0709p Student Grievance Procedure](#)

Reference Procedure: [C0102-E0105p – Sexual Harassment Grievance Procedure \(Title IX\) - Before August 1, 2024](#)

[1] ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL. Use and adaptation of this model with citation to ATIXA is permitted through a limited license to Western Technical College. All other rights reserved. ©2020. ATIXA

[2] For the purpose of this policy, “student” is defined as any person who attends and/or is enrolled in any classes or program at the college.

[3] For the purpose of this policy, “employee” is defined as a person in the service of the College under any contract of hire, express or implied, oral or written, where the College has the power or right to control and direct the employee in the details of how the work is performed.

[4] In accordance with 34 CFR Part 106, §106.3

[5] Force is defined as the use of physical violence and/or physical imposition to gain sexual access, and includes threats, intimidation, and coercion (unreasonable or continued pressure) that is intended to overcome resistance or produce consent.

[6] Consent means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent can be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. Consent to some sexual contact cannot be presumed to be consent for other sexual contact or activity. Current or previous intimate relationship is not sufficient for consent.

[7] Incapacitation refers to a person’s inability to give consent due being unable to understand what is happening, or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. It is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and or being drunk.

[8] For purposes of this definition, *Course of conduct* means two or more acts, including, but not limited to, acts 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.

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

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

[9] Formal Complaint is a document submitted or signed by the Complainant or signed by the Title IX Coordinator if there is a compelling threat to the health and/or safety of the campus community which

alleges a policy violation by a Respondent who is a student or employee and requests an investigation of the allegation.

[10] 20 U.S.C. 1232g and 34 CFR part 99

[11] 34 CFR Part 106

Western's Harassment and Nondiscrimination Procedure (2020 Title IX Regulations): Western Technical College will act on any formal or informal allegation or notice of violation of the Harassment and Nondiscrimination policy that is received by the Title IX Coordinator or any Western employee required to report under the Harassment and Nondiscrimination policy.

The procedures described below apply to all allegations of harassment or discrimination, based on an actual or perceived protected characteristic involving students, staff or faculty members. In compliance with 34 CFR 106.45, Title IX sexual harassment allegations including sexual assault, dating violence, domestic violence and stalking involving students, staff, or faculty as defined in the above policy will proceed using the grievance procedures described below unless the allegation(s) fall under the mandatory or discretionary dismissal provision. Allegations of discrimination or harassment that do not fall within Title IX definitions and this procedure, as determined by the Title IX Coordinator, will utilize the Student Grievance Procedure.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunctions with the reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student and employee handbooks.

1. Notice/Complaint

All employees of Western, except for those who are designated as Counselors, are Responsible Employees and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment. Responsible Employees must also promptly share all details of behaviors they observe or have knowledge of under this policy, even if not reported by a Complainant or third party.

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Western needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures, provide information regarding their rights and options, and determine whether the Complainant wishes to file a Formal Complaint.

The Title IX Coordinator will initiate at least one of the three responses:

Offering supportive measures because the Complainant does not want to file a formal complaint.

An informal resolution (upon submission of a formal complaint).

A formal grievance process including an investigation and a hearing (upon submission of a formal complaint)

Western uses the formal grievance process to determine whether the Policy has been violated. If so, Western will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

2. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.

If the person impacted does not wish to make a formal complaint, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.

The Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of appropriate violence risk assessment that shows a compelling risk to health and/or safety and requires Western to pursue formal action to protect the community.

In such instances, Western does not become the Complainant as the Complainant remains the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

The Complainant may have as much or as little involvement in the process as they wish and retains all rights of a Complainant under this policy regardless of level of participation.

When the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony

Western's ability to remedy and respond may be limited if the Complainant does not want Western to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Western's obligation to protect its community.

Compelling risk may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Western's ability to pursue a Formal Grievance Process fairly and effectively.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Western to honor that request, Western will offer informal resolutions options as outlined below, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint, at another time.

If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.

The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.

If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assess the request, and implements accordingly. No formal grievance process is initiated, though the Complainant can elect to initiate one at any time, if desired.

If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.

If a formal grievance process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:

If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:

an incident, and/or

a pattern of alleged misconduct, and/or

a culture/climate issue, based on the nature of the complaint.

If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process may be applicable, and refer the matter accordingly. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit Western’s authority to address a complaint with an appropriate process and remedies.

A. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

Emergency removal of a Respondent on the basis of immediate threat to physical health/safety

Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant

Whether to put the investigation on the footing of incident, pattern, and/or climate

To help identify potential predatory conduct

To help assess/identify grooming behaviors

Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful

Whether to permit a voluntary withdrawal by the Respondent

Whether to impose transcript notation or communicate with a transfer recipient about a Respondent

Assessment of appropriate sanctions/remedies to be applied post-hearing, if applicable; and/or

Whether a Clery Act Timely Warning or Trespass is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, or specially trained CARE Team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the CARE Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for involuntary behavioral health hospitalization (Chapter 51 in Wisconsin Statutes), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

B. Dismissal (Mandatory and Discretionary)

Western must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy referenced above, even if proved; and/or

The conduct does not occur in an educational program or activity controlled by Western (including buildings or property controlled by a recognized student organization), and/or Western does not have control of the Respondent; and/or

The conduct does not occur against a person in the United States; and/or

At the time of the filing of formal complaint, a Complainant is not participating in or attempting to participate in an educational program or activity of Western.

Western may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein: or

The Respondent is no longer enrolled in or employed by Western; or

Specific circumstances prevent Western from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Western will promptly send written notice of the dismissal and the rationale for doing so simultaneously to all parties along with information regarding Western's appeals process. The decision to dismiss is appealable by any party under the procedure for appeals below.

If the Respondent is unknown or is not a member of the Western community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and/or local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as if may be possible to allege violations through that institution's policies.

A Complainant who decides to withdraw a complaint may later request to reinstate or refile it.

3. Counterclaims

Western is obligated to ensure that the grievance process is not abused for retaliatory purposes. Western permits the filing of counterclaims but used an initial assessment, described above, to assess

whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedure below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegations, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy and/or other Western policies.

4. Supportive Measures

Western will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Western will inform the Complainant, in writing, that they may file a formal complaint with Western either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant, to ensure that their wishes are taken into consideration with respect to the supportive measures that are planned and implemented.

Western will maintain the privacy of the supportive measures, provided that, privacy does not impair Western's ability to provide the supportive measures. Western will act to ensure as minimal an academic or occupational impact on the parties as possible. Western will implement measures in a way that does not unreasonably burden the other party.

5. Emergency Removal

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show just cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested or not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for conduct action within the student or employee conduct processes, which may include expulsion or termination.

Western will implement the least restrictive emergency actions possible considering the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporary reassignment of employee or student employee, restricting a student or employee's access to or use of facilities or equipment, allowing a student to withdraw from or take grade of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretions of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provision for interim action are applicable.

6. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Western's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Western will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at that the time of notice/complaint.

7. Right to an Advisor

The parties may each have an Advisor² of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish, to serve as their Advisor if the Advisor is eligible and available.³

² This could include an attorney, advocate, or support person. If more than one Advisor is allowed for one party, it must be equitably applied to all parties.

³ The Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

1. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Western community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Western, the Advisor will be trained by Western and be familiar with Western's resolution process.

If the parties choose an Advisor from outside the pool of those identified by Western, the Advisor may not have been trained by Western and may not be familiar with Western's policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

2. Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Western cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Western is not obligated to provide an attorney.

3. Advisors in Hearings/Western Appointed Advisor

Under the Title IX Regulations, a form of cross examination is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, Western will appoint a trained Advisor for the limited purpose of conducting any cross-examination of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, Western will appoint an Advisor who will do so thoroughly, regardless of participation or non-participation of the advised party in the hearing itself. Questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

4. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. The pre-meeting allows Advisors to clarify and understand their role and Western's policies and procedures.

5. Advisor Violations of Western Policy

All Advisors are subject to the same Western policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Western officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigator(s) or other Decision-maker(s) except during a hearing proceeding during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy, or who refuses to comply with the Wisconsin Division of Hearing and Appeals established rules of decorum for the hearing, will be warned only once. If the

Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented, including Western requiring the party to use a different Advisor or providing a different Western-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

6. Sharing Information with the Advisor

Western expects that the parties may wish to have Western share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Western also provides a consent form that authorizes Western to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Western is able to share record with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Western will generally comply with that request at the discretion of the Title IX Coordinator.

7. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Western. Western may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Western's privacy expectations.

8. Expectations of an Advisor

Western generally expects an Advisor to adjust their schedule to allow them to attend Western meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Western may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

9. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identify of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisor, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

As a public entity, Western fully respects and accords the Weingarten rights of employees. For parties who are entitled to union representation, Western will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representatives or Advisors in grievance process interviews or meetings.

10. Assistance in Securing an Advisor

Western will provide a trained Advisor upon request. These advisors are employees of the college who have been trained in the resolution process.

For representation, Respondents may wish to contact organizations such as:

FACE (<https://www.facecampusequality.org/>)

SAVE (<https://www.saveservices.org/>)

Complainants may wish to contact organizations such as:

The Victim Rights Law Center (<https://victimrights.org>)

The National Center for Victims of Crime (<https://victimsofcrime.org/>), which maintains the Crime Victim's Bar Association

The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)

8. Resolution

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Western policy. Although there is an expectation of privacy around what Investigator(s) share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose related to Informal Resolution, as discussed below. Western encourages parties to discuss any sharing of information with their Advisors before doing so.

1. Informal Resolution

Informal Resolution can include three different approaches:

Supportive Resolution - when the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.

Alternative Resolution – when the parties agree to resolve the matter through an alternate resolution mechanism (including mediation, restorative practices, etc.) as described below, usually before a formal investigation takes place (See section b.).

Accepted Responsibility – when the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (See section c.).

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first, to pursue a Formal Grievance Process and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Western will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Western.

Western will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

2. Alternative Resolution

Alternative Resolution is an informal approach, such as mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternative Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

The parties' amenability to Alternative Resolution

Likelihood of potential resolution taking into consideration any power dynamics between parties

The parties' motivation to participate

The nature and severity of the alleged misconduct

Civility of the parties

Results of a violence risk assessment/ongoing risk analysis

Disciplinary history

Whether an emergency removal is needed

Skill of the Alternative Resolution facilitator with this type of allegation

Complaint complexity

Emotional investment/capability of the parties

Rationality of the parties

Goals of the parties

Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/conduct actions (e.g., referral for formal resolution, referral to the conduct process, etc.). Results of complaints resolved by Informal Resolution or Alternative Resolution are not appealable.

3. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all the alleged policy violations, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Western are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Western policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions, are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

4. Negotiated Resolution

The Title IX Coordinator, with consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Western. Negotiated Resolutions are not appealable.

9. Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process contained in this policy.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

To provide appropriate intake of and initial guidance pertaining to complaints

To act as an Advisor to the parties

To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution modalities

To investigate complaints

To serve as an Appeal Decision-maker

To serve as a hearing facilitator (process administrator, no decision-making role)

B. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Western can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. The process of role assignment may be the result of skills, aptitudes, or talents identified in members of the Pool that make them best suited to specific roles.

C. Pool Member Training

The Pool members receive annual training jointly or based on their respective roles. This training includes, but is not limited to:

The scope of Western's Harassment and Nondiscrimination Policy and procedures

How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability

Implicit bias

Disparate treatment and impact

Reporting, confidentiality, and privacy requirements

Applicable laws, regulations, and federal regulatory guidance

How to implement appropriate and situation-specific remedies

How to investigate in a thorough, reliable, and impartial manner

How to uphold fairness, equity, and due process

How to weigh evidence

How to conduct questioning

How to assess credibility

How to render findings and generate clear, concise, evidence-based rationales

The definitions of all offenses

How to apply definitions used by Western with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy

How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes

How to service impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias

Any technology to be used at a live hearing

Issues of relevance of questions and evidence

Issues of relevance to create an investigation report that fairly summarizes relevant evidence

How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Appeal-Decision-makers, intake personnel, Advisors (who are Western employees), and the Decision-maker (who is an Administrative Law Judge employed with the Wisconsin Division of Hearings and Appeals). All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted at westernnc.edu/sexual-harassment-and-discrimination.

D. Pool Membership

The Pool includes:

Manager of Student Life and Integrity

Student Engagement and Leadership Coordinator

Director of Student Life, Equity and Engagement

Director of Campus Community Safety

Campus Community Safety Coordinators

Manager of Employment, Compensation and Compliance

Employment Coordinator

Associate Director of Talent Retention and Employee Relations

Vice-President for Student Services and Engagement

10. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA” to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany

them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent

The NOIA will include:

A meaningful summary of all allegations

The identity of the involved parties (if known)

The precise misconduct being alleged

The date and location of the alleged incident(s) (if known)

The specific policies implicated

A description of the applicable procedures

A statement of the potential sanctions/responsive actions that could result

A statement that Western presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination

A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period

A statement about Western's policy on retaliation

Information about the privacy of the process

Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor

A statement informing the parties that Western's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process

Detail on how the party may request disability accommodations during the interview process

A link to Western's Sexual Harassment and Discrimination website

The name(s) of the Investigator(s), along with the process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have

An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Western-issued email. Once emailed and/or received in-person, notice will be presumptively delivered.

11. Resolution Timeline

Once Western has received notice or a Formal Complaint, Western will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as

necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

12. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation usually within two (2) business days of determining that an investigation should proceed.

13. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Director of Student Life, Equity and Engagement.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or Witness.

Western operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

14. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Western will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

15. Delays in the Investigation Process and Interactions with Law Enforcement

Western may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to; a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Western will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Western will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Western will implement supportive measures as deemed appropriate.

Western's action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

16. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, obtaining available and relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

At the discretion of the Title IX Coordinator, investigations can be combined when complaint implicate a pattern, collusion, and/or shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

Determine the identity and contact information of the Complainant

In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures

Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated

Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation

Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and parties

Meet with the Complainant to finalize their interview/statement, if necessary

Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations

Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool, or an Advisor of their choosing present for all meetings attended by the party

Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings

Make good faith effort to notify the parties of any meeting or interview involving the other party, in advance when possible

When participation of a party is expected, provide that party with written notice of the date, time, and location of the meetings, as well as the expected participants and purpose

Interview all available, relevant witnesses and conduct follow-up interviews as necessary

Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions

Complete the investigation promptly and without unreasonable deviation from the intended timeline

Provide regular status updates to the parties throughout the investigation

Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding

Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including, relevant physical or documentary evidence will be included

Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations are part of the investigation report

Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desire by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Western does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully response to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor)

May elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses

Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationale for any changes made after the review and comment period

Share the report with the Title IX Coordinator for their review and feedback regarding thoroughness and formatting

Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report

17. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Western are expected to cooperate with and participate in Western's investigation and resolution process, though they cannot be compelled to do so. Witness cooperation is important as it allows Western to fulfill its role in making Western a safe and inclusive campus.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break, externships) may require individuals to be interviewed remotely. Skype, Zoom, Face Time, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Western will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence in the determination of responsibility.

18. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

College officials and investigators may utilize audio recording devices during the interview process. Recordings of interviews are not provided to the parties, but the parties will have the ability to review the summary of the interview once the investigation report is compiled.

19. Evidentiary Consideration in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

20. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing with the Wisconsin Division of Hearing and Appeals.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation (when the final investigation report is transmitted to the parties and the Decision-maker) unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will coordinate the hearing with the Wisconsin Division of Hearing and Appeals.

21. Hearing Decision-maker Composition

At the initiation of the Title IX Coordinator, Western will be assigned a Decision-maker who is an Administrative Law Judge (ALJ) with the Wisconsin Division of Hearing and Appeals. The Division of Hearing and Appeals is a quasi-judicial, independent entity created by state law to conduct high quality, impartial, and independent hearings. ALJs are civil service employees who are licensed attorneys and trained as judicial officers.

The Decision-maker will not have had any previous involvement with the investigation.

The Title IX Coordinator may not serve as a Decision-maker in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Decision-maker.

22. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker determines is relevant and credible may be considered. The hearing does not consider:

- a. Incidents not directly related to the possible violation, unless they evidence a pattern
- b. The character of the parties
- c. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent

Previous disciplinary action of any kind involving the Respondent may not be considered in determining responsibility unless there is an allegation of a pattern of misconduct. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming Western uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a written determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

23. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. Once emailed and/or received in-person, notice will be presumptively delivered.

The notice will contain:

A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.

The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.

Any technology that will be used to facilitate the hearing.

Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker and parties to see and hear a party or witness

answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.

A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker based on demonstrated bias. This must be raised with the Title IX Coordinator at least seven (7) business days prior to the hearing.

Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.

A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker. For compelling reasons, the Decision-maker may reschedule the hearing.

Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and Western will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.

A copy of all the materials provided to the Decision-maker about the matter unless they have been provided already. 4

An invitation to each party to submit to the Title IX Coordinator an impact statement pre-hearing that the Decision-maker will review during any sanction determination.

An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Whether parties are permitted to bring mobile phones/devices into the hearing.

Hearing for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of the term will be typically held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Western and remain within the 60-90 business day goal for resolution. Employees who are not contracted to work during the timeframe of the investigation and hearing are still expected to participate in Resolution proceedings.

24. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

25. Pre-Hearing Preparation

The Title IX Coordinator or Decision-maker after consultation with the parties, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions unless all parties and the Decision-maker assent to the witness's participation in the hearing. The same hold for any evidence that is first offered at the hearing. If the parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing, the Decision-maker may delay the hearing and instruct that the investigation needs to be re-opened to consider the evidence.

The parties will be given a list of names of the Decision-maker at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objections, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. The review and comment can be shared with the Decision-maker at the pre-hearing meeting or at the hearing and will be exchanged with each party by the Decision-maker.

26. Pre-Hearing Meetings

The Decision-maker may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or Advisors) wish to ask or discuss at the hearing, so that the Decision-maker can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for

the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Decision-maker must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Decision-maker, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

Each pre-hearing meeting with a party and their Advisor, the Decision-maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Decision-maker may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Decision-maker may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meeting(s) may be conducted as separate meetings with each party/Advisor, will all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Decision-maker will work with the parties to establish the format.

27. Hearing Procedures

At the hearing, the Decision-maker has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Harassment and Nondiscrimination Policy.

Participants at the hearing will include the Decision-maker, any additional panelists, the hearing facilitator/Title IX Coordinator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Decision-maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-maker will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker and the parties and the witnesses will then be excused.

28. Joint Hearings

In hearing involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

29. The Order of the Hearing

The Decision-maker explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker based on bias or conflict of interest. The Decision-maker will rule on any such challenge unless the Decision-maker is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator who is the Title IX Coordinator or a designee. The hearing facilitator may attend to logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, collecting all versions of documents and rationales, etc.

A. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-maker will direct that it be disregarded.

B. Testimony and Questioning

Once the Investigator(s) present their report and are questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-maker.

The parties/witnesses will submit to questioning by the Decision-maker and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Decision-maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the decision-maker upon request if agreed to by all parties and the Decision-maker), the proceeding will pause to allow the

Decision-maker to consider it (and state it if it has not been stated aloud), and the Decision-maker will determine whether the question will be permitted, disallowed, or rephrased.

The Decision-maker may invite explanations or persuasive statements regarding relevance with the Advisors if the Decision-maker so chooses. The Decision-maker will then state their decision on the question for the record and advise the party/witness to whom the questions were directed, accordingly. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker has final say on all questions and determinations of relevance. The Decision-maker may consult with legal counsel on any questions of admissibility. The Decision-maker may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument for the Advisors on relevance once the Decision-maker has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for bias.

C. Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting or they attend but choose not to participate in questioning, then the Decision-maker may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they choose not to answer are excluded from consideration in determining responsibility. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker may not draw any inference solely from a party's or witness's absence from the hearing or choice to answer cross-examination or other questions.

If allegations of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker may consider all evidence it deems relevant, may rely on any relevant statement if the opportunity for cross-examination is afforded to all parties through their Advisors. In such instances, the

Decision-maker may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

D. Recording Hearings

Hearings, but not deliberations, are recorded by Western or the Division of Hearings and Appeals for purpose of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker, the parties, their Advisors, and appropriate administrators of Western will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

E. Deliberation, Decision-making, and Standard of Proof

The Decision-maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of evidence standard is used. The hearing facilitator may be invited to attend the deliberation by the Decision-maker, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker may then consider the previously submitted party impact and/or mitigation statements in determining appropriate sanction(s).

The Decision-maker will ensure that each of the parties has an opportunity to review any impact and/or mitigation statement(s) submitted by the other party(ies). The Decision-maker may, at their discretion, consider the statements, but they are not binding.

The Decision-maker will review the statements and any pertinent conduct history provided by the Title IX Coordinator and will recommend the appropriate sanction(s) in consultation with the Title IX Coordinator.

The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions recommendations and rationales explaining the sanction(s).

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

F. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Decision-maker to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final

determination, rationale, and any applicable sanctions(s) with the parties and their Advisors within five (5) business days of receiving the Decision-makers deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Western issued email. Once emailed or received in person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Western from the receipt of the misconduct report to the determination, including all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; as statement of, and rationale for, the result of each allegation to the extent Western is permitted to share such information under state or federal law; any sanctions issued which Western is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Western's educational or employment program or activity, to the extent Western is permitted to share such information under state or federal law (this detail is typically not shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Western to be final, any changes that occur prior to finalization, and the relevant procedures and bases for appeal.

1. Sanctions

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

The nature, severity of, and circumstances surrounding the violation(s)

The Respondent'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

The impact on the parties

Any other information deemed relevant by the Decision-maker

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination depending on the nature and facts of policy(ies) violation(s).

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 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. 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

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

Educational Program – requirement to attend, present and/or participate in a program or activity related to the violation

Residence Hall Probation – a designated period 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 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, 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. Terms of this conduct sanction may include, but are not limited to, the following:

- a. Ineligibility to hold any office in any student organization recognized by Western or hold an elected or appointed office at Western Technical College; or
- b. 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 Actions: In addition, or in place of the above sanctions, Western may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in and been found responsible for harassment, discrimination, and/or retaliation include:

Warning – verbal or written

Performance Improvement Plan/Management Process

Enhanced supervisor, observation, or review

Required training or education

Probation

Loss of oversight or supervisory responsibility

Demotion

Transfer

Reassignment

Assignment to new supervisor

Suspension with pay

Suspension without pay

Termination

Other actions: in addition to or in place of the above sanctions/responsive actions, Western may assign any other responsive actions deemed appropriate.

30. Withdrawal or Resignation While Charges Pending

Students:

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Western, the resolution process ends as Western no longer has disciplinary jurisdiction over the withdrawn student.

However, Western will continue to address and remedy any systematic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to any campus of Western in any capacity, and a hold will be placed on their ability to be readmitted. They may also be barred from Western property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one term), the resolution process may continue remotely, and that student is not permitted to return to Western unless and until all sanctions have been satisfied

Employees:

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends as Western no longer has disciplinary jurisdiction over the resigned employee.

However, Western will continue to address and remedy any systematic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The employee who resigns with unresolved allegations pending is not eligible for rehire with Western, and the records retained by the Title IX Coordinator will reflect that status.

31. Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome. A single Appeal Decision-maker will review the appeal request. No Appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review of Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A. Grounds for Appeal

Appeals are limited to the following grounds:

Procedural irregularity that affected the outcome of the matter

New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter

The Title IX Coordinator, Investigator(s), or Decision-maker had a conflict of interest or bias for or against the Complainants or Respondents generally or the specific Complainant or Responded that affected the outcome of the matter

The sanctions imposed are substantially disproportionate to the severity of the violation(s) and the cumulative record of the Respondent

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-maker and the parties, and their Advisors will be notified in writing of the denial and rationale along with the Title IX Coordinator.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate the Investigator(s) and/or the original Decision-maker will be emailed and/or provided a hard copy of the Request for Appeal with the approved grounds and then will be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time person. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding

on each ground for appeal, any specific instructions for remand or reconsiderations, and any sanctions that may result which Western is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Western is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' Western-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanctions imposed because of the hearing are stated during the appeal process. Supportive measures may be reinstated, subject to the same supporting measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. Western may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

C. Appeal Considerations

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confirmed to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgement for that of the original Decision-maker merely because they disagree with the finding and/or sanction.

The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and Decision-makers for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker (as in cases of bias), the appeal may order a new hearing with a new Decision-maker.

The results of a remand to a Decision-maker cannot be appealed. The results of a new hearing can be appealed, once, on any of the above-mentioned appealed grounds.

In cases where the appeal results in reinstatement to Western or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

32. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

Referral to counseling and health services

Referral to the Employee Assistance Program

Education to the individual and/or the community

Permanent alteration of housing assignments

Permanent alteration of work arrangements for employees

Provision of campus safety escorts

Climate surveys

Policy modification and/or training

Implementation of long-term contact limitations between the parties

Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies Western owes to the Respondent to ensure no effective denial of educational access.

Western will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Western's ability to provide these services.

33. Failure to Comply with Sanctions, Interim or Long-Term Remedies, and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the Title IX Coordination. Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Western. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

34. Recordkeeping

Western will maintain for a period of at least seven (7) years records of:

Each sexual harassment investigation including any determination regarding responsibility, and any audio or audiovisual recording or transcript required under federal regulations.

Any disciplinary sanctions imposed on the Respondent

Any remedies provided to the Complainant designed to restore or preserve equal access to Western's education program or activity

Any appeal and the result therefrom

Any Informal Resolution and the result therefrom

All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Western will make these training materials publicly available on Western's website.

Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:

The basis for all conclusions that the response was not deliberately indifferent

Any measures designed to restore or preserve equal access to Western's education program or activity

If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable considering the known circumstances.

Western will also maintain all records in accordance with state and federal laws.

35. Statement of Rights of the Parties (See Appendix B)

36. Disabilities Accommodations in the Resolution Process

Western is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Western's resolution process. Students needing such accommodations or support should contact the Director of Access Services and employees

should contact Human Resources, who will review the request, consult with the person requesting accommodations and the Title IX Coordinator, and determine which accommodations are appropriate and necessary for full participation in the process.

37. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Western will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Western and any member of Western's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

38. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Western reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in these Policy and procedures.

If government laws or regulations change or our decision alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws with frame such policies and codes, generally

Appendix A: Glossary

Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any

Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Complaint (formal) means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.

Confidential Resource means an employee who is not a Responsible Employee of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Day means a business day when Western is in normal operation.

Directly Related Evidence is evidence connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.

Education program or activity means locations, events, or circumstances where Western exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and includes any building owned or controlled by a student organization that is officially recognized by Western.

Final Determination: A conclusion by preponderance of evidence that the alleged conduct did or did not violate policy.

Finding: A conclusion by preponderance of evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).

Formal Grievance Process means “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CRF 106.45)

Grievance Process Pool includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all these roles (though not at the same time or with respect to the same case).

Hearing Decision-maker refers to those who have decision-making and sanctioning authority within Western’s Formal Grievance process

Investigator means the person or persons charged by Western with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Official with Authority (OWA) means an employee of Western explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Western.

Parties include the Complainant(s) and Respondent(s), collectively.

Process A means the Formal Grievance Process detailed below and defined above.

Process B means the administrative resolution procedures detailed in Equal Opportunity, Harassment, and Nondiscrimination Grievance Procedure that apply only when Process A does not, as determined by the Title IX Coordinator.

Recipient means a postsecondary education program that is a recipient of federal funding.

Relevant Evidence is evidence that tends to prove or disprove an issue in the complaint.

Remedies are post-finding actions directed to the Complainant and/or the community as mechanism to address safety, prevent recurrence, and restore access to Western's educational program.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution means the result of an informal or Formal Grievance Process.

Sanction means a consequence imposed by Western on a Respondent who is found to have violated this policy.

Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

Title IX Coordinator is an official designated by Western to ensure compliance with Title IX and Western's Title IX program. Reference to the Coordinator throughout this policy and procedure may also encompass a designee of the coordinator for specific tasks.

Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

APPENDIX B: STATEMENT OF RIGHTS OF THE PARTIES

The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Western officials.

The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

The right to timely written notice of any material adjustments to the allegations (e.g., additional incident or allegations, additional Complainants unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.

The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

The right to be treated with respect by Western officials.

The right to have Western policies and procedures followed without material deviation.

The right to not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

The right to not be discouraged by Western officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.

The right to be informed by Western officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Western authorities, in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.

The right to have allegations violations of this Policy responded to promptly and with sensitivity by Western campus safety and/or other Western officials.

The right to be informed of available interim actions and support measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

The right to a Western-implemented no contact order or no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in staling, threatening, harassing, or other improper conduct.

The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are

reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before these options is available. Such actions may include, but are not limited to:

Relocating an on-campus student's housing to a different on-campus location

Assistance from Western staff in completing the relocation

Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)

Visa/immigration assistance

Arranging to dissolve a housing contract and pro-rated refund

Transportation accommodations

Exam, paper, and/or assignment rescheduling or adjustment

Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)

Transferring class sections

Temporary withdrawal/leave of absence (may be retroactive)

Campus safety escorts

Alternative course completion options

The right to have Western maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Western's ability to provide the supportive measures.

The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.

The right not to have irrelevant prior sexual history or character admitted as evidence.

The right to know the relevant and directly related evidence obtained and to respond to that evidence.

The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the

investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.

The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

The right to regular updates on the status of the investigation and/or resolution.

The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received [at least eight hours of] relevant annual training.

The right to a Hearing Panel that is not single sex in its composition, if a panel is used.

The right to preservation of privacy, to the extent possible and permitted by law.

The right to meetings, interviews, and/or hearings that are closed to the public.

The right to petition that any Recipient representative in the process be recused based on disqualifying bias and/or conflict of interest.

The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.

[The right to have the Recipient compel the participation of faculty and staff witnesses]

The right to the use of the appropriate standard of evidence, [preponderance of the evidence; clear and convincing evidence] to make a finding after an objective evaluation of all relevant evidence.

The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.

The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

The right to be informed in writing of when a decision by the Recipient is considered final and any changes to the sanction(s) that occur before the decision is finalized.

The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the Recipient.

The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX C: POLICY EXAMPLES

Some examples of possible sexual harassment include:

A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.

A student repeatedly sends graphic, sexually oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.

A professor engages students in class in discussions about the student's past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.

An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.

Chris has recently transitioned from male to non-binary, but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being non-binary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not interested in Chris sexually or romantically. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo at the bar. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking:

Students A and B were “friends with benefits.” Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor’s car, both on-campus and at home. Asked again to stop, the student stated by email, “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. If I can’t have you, no one will.”

Examples of Sexual Assault:

Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00p.m. until 3:00a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being “a prude.” He brings up several rumors that he has heard about how she performed oral sex on several other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to “jerk him off” (hand to genital contact). Amanda would have never done it but for Bill’s incessant advances. He feels that he successfully seduced her and that she wanted to do it all along but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn’t want it, she could have left.

Jiang is a junior. Beth is a sophomore. Jiang comes to Beth’s residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.

Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is "really up to this", and John says "yes". They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems groggy and passive, and he thinks John may have even passed out briefly during the sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.

A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes his approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."

A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

Revised April 19, 2022

Reference Policy: [C0102-E0105 – Harassment and Nondiscrimination Policy - Before August 1, 2024](#)

Western's Anti-Harassment and Nondiscrimination Policy (2024 Title IX Regulations): Western Technical College (herein "Western") is committed to building and preserving an educational and workplace environment where students¹ and employees² can learn and work together free from discrimination, harassment, and retaliation in all benefits, programs, and activities. To ensure Western's commitment to fostering an environment built on a foundation of integrity, teamwork, and respect, the college has developed internal policies and procedures that provide a prompt, fair, and impartial process for complaints of discrimination³ and harassment⁴ on the basis of protected characteristics⁵, and for complaints regarding retaliation. Western is committed to ensuring compliance with federal, state, and local laws, and First Amendment laws and regulations.

The prohibited offenses outlined in this policy may also be prohibited by Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") and Section 304 of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and other applicable statutes, including the laws of the state of Wisconsin. This policy prohibits a broad continuum of harassment and discriminatory conduct.

Nothing in this policy shall affect the right of an individual to file a complaint with external law enforcement or applicable regulatory agencies. 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 processes as defined in our procedures.

Inquiries regarding the application of this policy and the respective resolution procedures used to resolve complaints may be referred to one or more of the following, based on the type of protected characteristic.

Office for Civil Rights (OCR) – Department of Education	Equal Employment Opportunity Commission (EEOC)
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: https://www.ed.gov/OCR	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: https://www.eeoc.gov

Scope of Policy

This policy covers how Western Technical College will respond to allegations of harassment or discrimination based on protected characteristics as defined by this policy. While some protected characteristics are self-explanatory, others, like sex, include subset protections required by law. For purposes of this policy and the institution's resolution procedures, discrimination based on sex shall also include discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity or expression. The policy also covers instances and allegations of sex-based and gender-based harassment, including hostile environment, quid pro quo, sexual assault, dating violence, domestic violence, and stalking.

Alleged harassment and discrimination not identified under this policy, including harassment not based on protected characteristics, may be addressed under other College policies.

This policy applies to the conduct of Western Technical College students⁶, faculty, staff, and third parties (e.g., non-members of the Western Technical College community, such as applicants, volunteers, vendors, alumni, trustees, visitors, partners, guests, or residents). Third parties may be protected by and subject to this policy depending on their relationship with the institution. A third party may make a

report or complaint of an alleged violation of this policy by a member of the Western Technical College community when the alleged violation occurs within the context of the institution's programs and activities. A third party may also be permanently barred from Western Technical College or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs within the institution's premises, which includes land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Western Technical College either solely or in conjunction with another entity. This includes the institution's computing and networking resources, whether accessed on the institution's physical property or remotely. Online and/or social media conduct may violate this policy if it meets the definition of prohibited conduct and may also be a violation of other Western Technical College policies.

This policy also applies to conduct not on Western Technical College's premises that is associated with an institution-sponsored program or activity, such as travel, research, or internship programs. Western Technical College may apply this policy to any off-campus conduct that contributes to a hostile environment on campus or within the educational setting. Human Resources and/or the Title IX coordinator or designee, depending on the nature of the allegation and the status of the person or persons accused of harassment, will reasonably determine when an alleged off-campus incident falls within the jurisdiction of this policy.

Western Technical College will address allegations of prohibited harassment and discriminatory conduct under this policy through the Anti-Harassment and Nondiscrimination Procedure. The grievance procedures will provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by this policy.

Policy Definition and Designated Officials

Western Technical College has designated specific individuals with the responsibility for responding to allegations of harassment and/or discrimination (including sex-based and gender-based harassment) and for carrying out other requirements to comply with federal and state laws and regulations. These individuals are referenced in this policy and associated procedures in general terms as the "designated college official." Depending on the nature of the complaint, the appropriate designated college official will coordinate College efforts to respond to the allegation. This might include a response from the Title IX coordinator, Title IX personnel, or other designated college officials.

Administrator. For allegations of all protected characteristics except sex, the administrator is the official who is tasked with the intake, investigation, and resolution of the complaint.

Advisor of Choice. For resolutions of sex-based and gender-based harassment complaints involving students or for employee reports involving dating violence, domestic violence, sexual assault, or stalking, the parties may be accompanied to any meeting or proceeding by an advisor of their choice. An advisor of choice is any individual who provides the complainant or respondent support, guidance, or advice and is not also a witness in the case. The advisor may not participate in the meetings or speak on

behalf of the party except as outlined in this policy. Western Technical College will not limit the choice of advisor but may remove an advisor who violates the College's established rules of decorum. An advisor should be chosen whose schedule allows attendance at the scheduled dates and times, because delays typically will not be allowed due to the scheduling conflicts of an advisor. An employee may serve as an advisor but is not required to do so, even if requested.

Appeal Officer. "Appeal officer" means the person or persons who will make the determination on any appeal submitted under this policy, including appeals of dismissals and determinations of responsibility. The appeal officer may be an employee or a contracted service provider.

Confidential Employee. "Confidential Employee" means (1) an employee of Western Technical College whose communications are privileged or confidential under federal or state law and who is functioning within the scope of their duties to which the privilege or confidentiality applies; (2) an employee designated as confidential under this policy for the purpose of providing services related to sex discrimination; or (3) an employee who is conducting an Institutional Review Board-approved study designed to gather information about sex discrimination—but the employee's confidential status applies only to information received while conducting the study.

Decisionmaker. "Decisionmaker" means the person or persons who will make the determination of responsibility at the conclusion of the applicable grievance procedures under this policy. The decisionmaker may be an employee or a contracted service provider and may be the same person as the Title IX coordinator or investigator.

Informal Resolution Facilitator. "Informal resolution facilitator" means an individual designated by Western Technical College to resolve reports and complaints utilizing an informal resolution process. The assigned facilitator for an informal resolution process will not be the same person as the assigned investigator or the decisionmaker in sex discrimination complaints.

Investigator. The "investigator" is the person or persons assigned to conduct an investigation of a complaint. The investigator may be an employee or a contracted service provider.

Title IX Coordinator. The "Title IX coordinator" is responsible for overseeing the College's response to reports of sex discrimination and ensuring compliance with Title IX, including oversight of all recordkeeping and training. The Title IX coordinator may liaise with other officials at the College for the purposes of responding to non-sex harassment or discrimination claims and for referring complaints to the administrator for resolution. The Title IX coordinator is also responsible for coordinating the effective implementation of supportive measures and remedies. The Title IX coordinator may delegate responsibilities under this policy to a deputy Title IX coordinator or other designee, who will be appropriately trained per requirements of Title IX. For purposes of this policy, any reference to the Title IX coordinator should be read as the "Title IX coordinator, deputy Title IX coordinator, or other designee."

Title IX Personnel. "Title IX personnel" means all individuals who are responsible for responding to reports of sex discrimination, implementing the grievance procedures in this policy, hearing challenges

to removals, or having the authority to modify or terminate supportive measures. All Title IX personnel shall receive annual training as required by Title IX, Clery, and applicable state law. Persons falling under this description include, without limitation, Title IX coordinator(s), investigators, decisionmakers, appeal officers, and informal resolution facilitators, with any of the responsibilities outlined herein. Title IX personnel will not have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent.

Other relevant definitions in this policy include:

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.

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 of 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.

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

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.

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.

Prohibited Harassment and Discrimination Conduct

Western Technical College is committed to building and preserving a community where people can work and learn together free from exploitation, abusive conduct, intimidation, discrimination, and harassment.

Unlawful or discriminatory harassment is unwelcome physical, written, verbal, or other forms of conduct based on an actual or perceived legally protected characteristic (listed below) where submission to or rejection of the unwelcome conduct is made either explicitly or implicitly a condition of a person’s education or employment, where submission to or rejection of the unwelcome conduct is the basis for decisions that affect the terms and conditions of academics or employment or where the unwelcome conduct is sufficiently severe or pervasive so as to interfere with a person's learning or work environment or create an environment that a reasonable person would consider intimidating, hostile, or offensive.

Prohibited acts include, but are not limited to, physical contact or aggression; assault or intimidation; deliberate or repeated unsolicited comments, slurs, epithets, jokes, innuendo, or derogatory comments; threatening or intimidating language (in any medium); bullying; or other adverse treatment.

Protected Characteristics include:

Race	Ancestry
Color	Age
Religion	Sexual Orientation
Sex	Pregnancy or Related Condition
National Origin	Genetic Information
Disability	Marital Status or Parental Status
Gender Identity or Expression	Veteran or Military Status

Or any other characteristic protected by federal, state, or local law.

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.

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.

Upon notice of an allegation of harassment or discrimination, any such harassment or discrimination will be promptly and fairly addressed and remedied by Western according to Track One of the Anti-Harassment and Nondiscrimination Procedure.

Western reserves the right to address harassment that creates a hostile environment but is not based on a protected characteristic.

Definitions Related Specifically to Sex Discrimination

For purposes of this policy, the following definitions constitute conduct to be “on the basis of sex,” which includes conduct on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and expression, and marital and parenting status. Attempts to commit any prohibited conduct are prohibited and will be considered the same as completed acts.

Hostile Environment Harassment

“Hostile Environment Harassment” means unwelcome sex-based and gender-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:

The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;

The type, frequency, and duration of the conduct;

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;

The location of the conduct and the context in which the conduct occurred; and

Other sex-based and gender-based harassment in the College’s education program or activity.

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.

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.

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.

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.

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.

For the purposes of this definition—

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.

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

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

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.

Definition of Consent

For the purpose of the definitions of sex-based and gender-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.

Regarding Pregnancy or Related Conditions

Western Technical College is committed to creating and maintaining a community free from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on a student’s current, potential, or past pregnancy or related conditions, is prohibited and illegal. The College is providing this information to ensure the protection and equal treatment of pregnant or related conditions students. Employees are also protected from pregnancy or related conditions in their employment. Specific protections for employees may be found in the Employee Handbook.

The College will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan,

or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity.

The following are a summary of rights and options available to students who are pregnant or who have a condition that has arisen from pregnancy. Complaints regarding discrimination on the basis of pregnancy or related conditions for both students and employees will be resolved using Track Two of the grievance procedures. Complaints regarding sex-based harassment of an employee will also use Track Two; however, student complaints will be resolved using Track Three.

Self-Identification and Employee Reporting

Students, or a person who has a legal right to act on behalf of the student, may self-identify their pregnancy⁷ or pregnancy-related condition to the manager of access services or Title IX coordinator (for students) using the contact information listed in this policy to receive modifications. Students are strongly encouraged to self-report so that the student and the manager of access services and Title IX coordinator can work together throughout the student's pregnancy to ensure that reasonable modifications are made and evolved as necessary based on the needs of the student.

All employees must report to the Title IX coordinator the name and specific information reported to them by a student who has informed them of their pregnancy. The employee shall inform that pregnant student that the Title IX coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the district's education program or activity.

Reasonable modifications

Pregnant students have the right to access the educational program and associated activities regardless of their status as pregnant and as such, will be provided with reasonable modifications if requested. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the manager of access services and/or Title IX coordinator must consult with the student. A modification that the College can demonstrate would fundamentally alter the nature of our education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the manager of access services / Title IX coordinator. If a student accepts an offered reasonable modification, the manager of access services / Title IX coordinator will implement it.

Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Comparable treatment to other temporary medical conditions

The College shall treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity.

Voluntary access to separate and comparable portion of program or activity

The College will allow the student to voluntarily access any separate and comparable portion of the College's education program or activity if such a comparable portion of the program or activity is available.

Voluntary leaves of absence

Western Technical College will allow the student to voluntarily take a leave of absence from the College's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. When the student returns to the education program or activity, the student will be reinstated to the academic status and as practicable, to the extracurricular status that the student held when the voluntary leave began.

Certification to participate

The College will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the College's class, program, or extracurricular activity unless:

- i. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- ii. The College requires such certification of all students participating in the class, program, or extracurricular activity; and
- iii. The information obtained is not used as a basis for discrimination prohibited by law.

Lactation space

The College has a lactation space, which is a space other than a bathroom, which is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. Information regarding the lactation space may be found on the Title IX website. Students may also contact the Title IX coordinator for more information on lactation.

Limitation on supporting documentation

The College will not require supporting documentation unless the documentation is necessary and reasonable for the College to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the College with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;

when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

Prohibition on Retaliation

Faculty, staff, and other College employees are prohibited from interfering with a student taking leave, seeking reasonable modifications, or otherwise exercising their rights under this Policy. Faculty, staff, and other College employees are prohibited from retaliating against a student for exercising the rights articulated by this document, including imposing or threatening to impose negative educational or other outcomes because student requests leave or modifications, files a complaint, or otherwise exercises their rights under Title IX.

Regarding Disability Discrimination and Accommodations

Western Technical College is in compliance with [Section 504 of the 1973 Rehabilitation Act](#), with the [Americans with Disabilities Act of 1990](#), including changes made by the [ADA Amendments Act of 2008](#), and with state disability law. It is the policy of Western Technical College to provide reasonable accommodations (when requested) for qualified individuals with disabilities who are students, potential students, employees or applicants for employment, provided such reasonable accommodations do not place undue hardship on the operations of the College.

The College will adhere to all applicable federal, state, and local laws, regulations, and guidelines with respect to prohibiting discrimination and providing reasonable accommodations as required to afford equal employment and educational opportunity to qualified individuals with disabilities. Reasonable accommodations will be provided in a timely and cost-effective manner upon self-identification, verification and an analysis of solutions.

An individual with a disability is defined by the ADA as a person that has a physical or mental impairment that substantially limits one or more major life activities, a person who has history or record of such an impairment, or a person who is regarded by the college as having an impairment.

The manager of access services has been designated as Western's ADA/504 coordinator responsible for overseeing efforts to comply with the laws and regulations related to disabilities. The ADA/504 coordinator in conjunction with the Title IX coordinators coordinate the response to grievances and addressing allegations of noncompliance or discrimination based on disability.

Students with Disabilities

Western is committed to creating an environment that empowers and supports students to reach their academic goals by providing qualified students with disabilities with the appropriate accommodations to reduce barriers to learning. All accommodations are made on an individualized basis. To request disability support services, students are encouraged to contact the manager of access services who coordinates services for students with disabilities.

Employees with Disabilities

Western will provide reasonable accommodation(s) in a timely manner to all qualified employees with known disabilities when the disability impacts the performance of their essential job functions unless such accommodation(s) would result in undue hardship to the College. Employees are encouraged to contact the Associate Director of Human Resources, Compensation, Benefits, and Compliance to request an accommodation.

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.

Regarding Equal Employment and Educational Opportunity

The College will not discriminate against any employee or applicant for employment, student or prospective student based on race, color, sex, sexual orientation, gender identity or expression, religion, creed, national origin, ethnicity, ancestry, age, disability, marital or parental status, veteran status or military service, genetic information, pregnancy, off-campus use/nonuse of lawful products, arrest or conviction record, or any other characteristic protected by federal, state, or local law ("protected characteristic(s)"). This prohibition applies to recruitment, hiring, transfers, promotions, training, layoff or recall from layoff, terminations, retention, certification, testing and committee appointments, education and assistance therefor, and social or recreation programs. The College is strongly committed to this policy and believes in and practices equal opportunity and affirmative action.

Principal publications available to students, employees, applicants for admissions or employment, and sources of referral for both, will include a statement of nondiscrimination which specifically includes reference to [Title IX of Education Amendments of 1972](#) and to [Section 504 of the Rehabilitation Act of 1973](#). Delivery of student services will be performed in harmony with statutory requirements.

It is the policy of the College to assure equal opportunity for qualified applicants for employment, for qualified employees in matters of employment, and for students in District educational programs in all educational and employment related activities. This policy applies to all students, employees, applicants, and prospective students irrespective of any protected characteristic(s). Responsibility for the Equal Employment Opportunity is assigned to the manager of employment, compensation and compliance.

The College is committed to compliance with all applicable local, state, and federal equal opportunity and affirmative action laws and regulations, including but not limited to:

[Title VI](#) and [Title VII](#) of the 1964 Civil Rights Act

[Title IX of the 1972 Educational Amendments Act](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[The American With Disabilities Act of 1990](#)

[The Civil Rights Act of 1991](#)

[The Carl D. Perkins Vocational and Technical Education Act](#)

[The Equal Pay Act of 1963](#)

[The Pregnancy Discrimination Act](#)

[The Age Discrimination Act of 1967](#)

[The Age Discrimination Act of 1975](#)

The Civil Rights Restoration Act of 1987

[The Genetic Information Nondiscrimination Act of 2008](#)

[The Wisconsin Fair Employment Law](#)

Other appropriate laws and executive orders and/or administrative directives and codes including the Office of Civil Rights Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Programs (34 CFR, Part 100 Appendix B)

The College will provide equal educational opportunity in an educational climate that is conducive to and supportive of cultural and ethnic diversity. This commitment includes, but is not limited to, physical access to courses and programs; physical education and athletics, extra-curricular activities; admissions; student policies and their application; counseling, guidance and placement services; financial assistance;

work-study; housing and all other District facilities. The College will make reasonable accommodations for persons with disabilities to assure access to programs and employment.

The College will provide reasonable accommodation to employees and students for religious observances and practices.

Reporting

A “report” is an oral or written disclosure to a Title IX coordinator of prohibited conduct. Any person may report an allegation of prohibited conduct defined by this policy. Reports may be made by the person who experienced the behavior or by a third-party, including a friend, family member, attorney, staff member, or professor.

A “complaint” means an oral or written request to the institution that objectively can be understood as a request for the institution to investigate and make a determination about alleged discrimination under this policy. For complaints of sex-based and gender-based harassment, only the complainant or a person with the legal right to act on the complainant’s behalf may make a complaint.

A person has the right to report or not report the alleged incident to the College, law enforcement, or both and may pursue some or all these reporting options at the same time. When initiating a report, a person does not need to know whether they wish to request any particular course of action, nor how to label what happened.

Contact information for on and off-campus resources may be found in Appendix B.

Anonymous Reporting. Anonymous reports are accepted but may require additional investigation. Western tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Western respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

Amnesty. Western encourages the reporting of discrimination and harassment incidents or concerns and maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident, such as underage drinking or use of illicit drugs.

False Allegations. Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to the appropriate disciplinary action. This does not include allegations that are made in good faith but are found to be erroneous or do not result in a policy violation determination. In addition, witnesses and parties that knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official investigating can be subject to appropriate disciplinary action.

Federal Timely Warning Obligations. The College is required to issue timely warnings to the campus community for reported incidents that pose a serious or continuing threat of bodily harm or danger to the community including reports of sexual assault, dating violence, domestic violence and/or stalking that meets this threshold. In such cases, Western will ensure that a Complainant’s name and other identifying information is not disclosed while providing enough information for campus community members to make safety decisions in light of the potential danger.

Promptness. Western will act upon all allegations received through notice or formal complaint in a prompt manner. The timeline for complaint resolution is generally 60-90 calendar days. Western will make every attempt to avoid all undue delays within its control. Any time the general timeframes for resolution outline in the appropriate grievance procedure will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and estimated extension of timeframe.

Reporting to a Title IX Coordinator

The manager of student life and integrity and the associate director of HR – compensation, benefits, & compliance serve as Title IX coordinators and oversee implementation of Western’s Anti-Harassment and Nondiscrimination policy and compliance. The Title IX coordinators are responsible for coordinating the intake, investigation, resolution and implementation of measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The manager of student life and integrity title IX coordinator is the College’s designated authority with ultimate Title IX oversight.

Any individual who may have been subjected to prohibited conduct as defined in this policy should contact a Title IX coordinator. Additionally, the Title IX coordinators will be informed of all reports of potential violations of this policy received by employees who are mandated to report under this policy or by federal or state law. ***The Title IX coordinators reserve the right to liaison with other offices for non-sex-based prohibited conduct to best resolve the allegation.***

The Title IX coordinator may be contacted by telephone, email, or in person using the below contact information.

Title IX Coordinator⁸ (Students, Guests, Visitors, Others)
Ge Vang, Title IX Coordinator (Designated) 400 North 7 th St, Building “K”, Room 100 (located in Student Life Office) La Crosse, WI 54601 608-785-9444 or Vangg@westerntc.edu
Title IX Co-Coordinator (Employees)

Megan Hoffman, Title IX Coordinator

400 North 7th St, Building “A”, Room 109 (located in Human Resource Office)

La Crosse, WI 54601

608-789-6233 or hoffmanm@westernnc.edu

Deputy Title IX Coordinators

Margy Krogman, Deputy Title IX Coordinator

400 North 7th St, Building “K”, Room 100 (located in Student Life Office)

La Crosse, WI 54601

608-785-9880 or krogmanm@westernnc.edu

This Deputy Coordinator supports the student Title IX coordinator in reviewing and revising Title IX and other discrimination, and harassment policies and procedures. This Deputy coordinator may fill in for the student Title IX coordinator as needed.

Jacqueline Kettner-Sieber, Deputy Title IX Coordinator

400 North 7th St, Building “A”, Room 109 (located in Human Resource Office)

La Crosse, WI 54601

608-789-6233 or kettnerj@westernnc.edu

This Deputy coordinator supports the employee Title IX coordinator in reviewing and revising Title IX and other discrimination, and harassment policies and procedures. This Deputy coordinator may fill in for the employee Title IX coordinator as needed.

Reporting to Campus Safety and Law Enforcement

Any student or employee who has experienced domestic violence, dating violence, sexual assault, or stalking may report the incident to the Campus Community Safety Office and/or local law enforcement. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. Individuals also have the right to decline to notify law enforcement authorities. A report to law enforcement is not a complaint for purposes of College’s grievance procedures.

At an individual's request, the Title IX coordinator will assist a person who has been impacted by domestic violence, dating violence, sexual assault, or stalking in contacting local law enforcement, including facilitating law enforcement to come to campus to take the report.

Immediate Help
Call 911 then follow up with Campus Community Safety using the contact information below.
Campus Safety
Campus Community Safety Office Coleman Center Room 131 617 Vine Street La Crosse, WI 54601 Call/Text: 608-785-9191 Email: security@westerntc.edu
Local Law Enforcement
La Crosse Police Department 9-1-1 Nonemergency: 608-782-7575 400 La Crosse Street La Crosse, WI 54601 608-789-CITY File a police report online by visiting www.cityoflacrosse.org/file-police-report You may also access victim/witness rights and advocacy assistance by calling 1-800-446-6564 or access a directory online at www.doj.state.wi.us/ocvs If you are the victim of domestic abuse, you may contact a domestic abuse victim services provider to help plan for your safety and take steps to protect yourself, including filing a petition under WI State Statute 813.12 for a Domestic Abuse Injunction or under WI State Statute 813.125 for a Harassment Injunction.

Western Technical College may issue a directive called a “No Contact Order” that limits contact between the parties within the educational program or activities. A complainant interested in a no-contact order

at Western Technical College may contact the Title IX coordinator for students or employees depending on the status of the complainant.

An injunction may be sought through the court system and a campus representative may provide assistance upon request in assisting a complainant in seeking an order. Students and employees with an Order of Protection/Injunction issued through the courts may provide that to Western Technical College's Title IX coordinator so assistance can be provided to aid in safety while on campus.

Prohibited conduct under this policy may also constitute violations of state and local law. Western Technical College officials are required to document certain reports for Clery Act reporting purposes. There is no personally identifiable information (PII) about the complainant in any publicly available recordkeeping.

Reporting to a Confidential Employee

An individual who is not prepared to make a complaint or who may be unsure how to label what happened but still seeks information and support may contact a confidential employee. An individual may contact a confidential employee before and during any Western Technical College grievance procedure or an external criminal process. Contacting a confidential employee and disclosing an offense that is prohibited by this policy does not constitute filing a complaint with the Title IX coordinators. Unless specifically identified as confidential, staff and faculty are not considered confidential.

Information shared with confidential employees (including information about whether an individual has received services) will only be disclosed with the individual's express written permission unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). Confidential employees may be required to submit non-identifying information about suspected violations of this policy to the Campus Community Safety Office for purposes of anonymous statistical reporting if the confidential employee is also a Campus Security Authority under the Clery Act.

Upon receipt of a disclosure in their capacity as a confidential employee, the confidential employee will provide information on the following:

Their status as a confidential and what that means at the College;

How to contact the Title IX Coordinator(s);

How to make a complaint of sex discrimination; and

That Title IX Coordinators may be able to offer and coordinate supportive measures, as well as to initiate an informal resolution process or an investigation under the applicable grievance procedures.

Confidential Employees

The following Counseling and Case Management Service Staff are Confidential Employees for Western:

Ann Brandau – Director of Counseling and Case Management

brandauhyneka@westerntc.edu or 608-785-9899

Brent Brigson – Counselor

brigsonb@westerntc.edu or 608-785-9583

Lauren Jankowski – Non-Clinical Case Manager

jankowskil@westerntc.edu or 608-785-9917

Alicia Hengel - Non-Clinical Case Manager

hengela@westerntc.edu or 608-785-9536

Katrina Rotar - Non-Clinical Case Manager

rotark@westerntc.edu or 608-785-9841

Counseling and Case Management Service

Student Success Center, Room 221

400 7th Street North

La Crosse, WI 54601

Phone:

608-785-9553

<https://www.westerntc.edu/counseling-and-case-management-services>

Western Counseling and Case Management Professionals provide supportive counseling services to students who are struggling with personal issues. Our strengths-based, holistic, wrap-around service model is designed to promote resilience, well-being and student retention at the College. As a department, we believe that students possess the ability and courage to move themselves forward when provided with the environment and support necessary to do so.

Reporting to the U.S. Department of Education

All members of the Western Technical College community may also contact the Office for Civil Rights (a division of the United States Department of Education) to file a complaint pertaining to Title IX.

U.S. Department of Education: Office for Civil Rights

Headquarters

400 Maryland Avenue, SW, Washington, DC 20202-1100

Customer Service Hotline #: 800-421-3481 | Facsimile: 202-453-6012

TTY#: 800-877-8339 | Email: OCR@ed.gov | Web: <http://www.ed.gov/ocr>

Office for Civil Rights, *Chicago Office*

U.S. Department of Education

John C. Kluczynski Federal Building

230 S. Dearborn Street, 37th Floor, Chicago, IL 60604

Telephone: (312) 730-1560 and Facsimile: (312) 730-1576

Email: OCR.Chicago@ed.gov

Reporting Anonymously and Online

An individual may report an incident without disclosing the individual's name or requesting any action. Please note that choosing to make an anonymous report can significantly limit the ability of Western Technical College to respond. Anonymous reports may be used for statistical purposes and/or for enhancing the understanding of the campus climate so that the College may strengthen sex discrimination response and prevention efforts. A report may be made by visiting the following website. The user can decide if they would like to include their name with their report or report anonymously.

https://cm.maxient.com/reportingform.php?WesternTC&layout_id=7

The online form is a report only; it does not constitute a complaint that would trigger an investigation. An online report will result in electronic communication of resources or outreach from the Title IX coordinator if contact information is provided.

Reporting to Other Western Technical College Employees

Considering the College's obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, Western Technical College employees who are not designated confidential employees are required to notify the Title IX coordinator of suspected prohibited conduct. Employees may report the information to the Title IX coordinator directly or by using the online reporting here:

https://cm.maxient.com/reportingform.php?WesternTC&layout_id=7

A report to a faculty or staff member does not automatically result in a complaint to initiate the applicable grievance procedures.

Additionally, all employees of the College are mandatory reporters of child abuse. This means all employees have a duty to immediately report whenever they have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected regardless of

the reporter's wishes. Immediate reports should be made to the below as well as to the Title IX coordinator.

LA CROSSE COUNTY HUMAN SERVICES DEPARTMENT

300 N. 4th Street

La Crosse, WI 54602

[Get Directions](#)

Office Hours: 608-784-4357

After Hours/Weekends/Holidays: 608-784-4357 or 911

FAX: 608-785-6122

OR CALL 9-1-1

Consistent with the Clery Act, certain Western Technical College administrators, faculty, and staff are designated as campus security authorities and required to report information on sexual assault, dating violence, domestic violence, and stalking to the College's Clery Act compliance officer.

Privacy and Confidentiality

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. Privacy and confidentiality are related but distinct terms. "Confidentiality" refers to the circumstances under which information will or will not be disclosed to others. "Privacy" refers to the discretion that will be exercised by the College during a complaint to only share information with those persons who have need-to-know related information, for example, to carry out a supportive measure.

In some circumstances, the reporting responsibilities of Western Technical College employees, or the College's responsibility to investigate, may conflict with the complainant's and/or respondent's preferences regarding privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities. In all such proceedings, Western Technical College will consider the privacy of the parties to the extent possible.

Independence and Conflict-of-Interest

Designated college officials (e.g., Title IX coordinators, ADA/504 coordinator, etc.) act with independence and authority, free from substantial bias and conflicts of interest. The designated College official oversees all resolutions under this policy and acts to ensure that all Western representatives act with objectivity and impartiality. Any party who believes one or more of these individuals has a substantial conflict of interest or bias must raise the concern promptly so Western may evaluate the concern and find a substitute if appropriate.

Any concerns involving bias, conflicts of interest, or complaints of misconduct or discrimination by either the Title IX coordinators should be communicated to Western Technical College's president:

Dr. Roger Stanford

stanfordr@westernnc.edu

400 7th Street North

La Crosse, WI 54601

Concerns of bias or potential conflict of interest, discrimination or misconduct by any other Title IX personnel team member, including investigators and decision makers, should be communicated to the Title IX coordinators.

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, proceedings, or hearing under this policy.

Revisions and Interpretation

The policy is maintained by the Title IX coordinators and was most 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.

¹ For the purpose of this policy, a “student” is a person who has gained admission to the institution.

² For the purposes of this policy, “employee” is defined as a person in the service of the College under any contract of hire, express or implied, oral and written, where the College has the power or right to control or direct the co-worker in the details of how the work is performed.

³ “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.

⁴ “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.

⁵ 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.

⁶ For the purposes of this policy, “student” is defined as a person who has gained admission to the institution.

⁷ Employees should self-report to the Title IX coordinator for Employees

⁸ Western Technical College has two Title IX coordinators, one for employees and one for students and all other persons who may want to report or file a complaint of harassment or discrimination. Both coordinators have overarching responsibility for institutional compliance with this policy and will work in concert to ensure consistency in the application of the respective procedures.

Appendix A: Definition of Relevant Terms

Reasonable Person. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Business Days. “Business days” 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 and gender-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. “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 and gender-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:

The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;

The type, frequency, and duration of the conduct;

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;

The location of the conduct and the context in which the conduct occurred; and

Other sex-based and gender-based harassment in the College's education program or activity.

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

On the Basis of Sex. "On the basis of sex" includes conduct on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, and marital and parenting status.

Protected Characteristics. 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.

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.

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

Approved by President Stanford August 1, 2024

Revised April 19, 2022

Adopted March 16, 2021

Reference Procedure: [C0102p Anti-Harassment \(Employees\)](#)

Reference Procedure: [E0709p Student Grievance Procedure](#)

Reference Procedure: [C0102-E0105p – Anti-Harassment and Nondiscrimination Procedure](#)

Western’s Anti-Harassment and Nondiscrimination Procedure (2024 Title IX Regulations): 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. 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:

Equal Employment Opportunity Commission (EEOC)

Reuss Federal Plaza

310 West Wisconsin Avenue, Suite 500

Milwaukee, WI 53203-2292

800-421-3481

Phone: 1-800-669-4000

Fax: 202-453-6012

Fax: 414-297-4133

TDD#: 877-521-2172

TTY: 1-800-669-6820

Email: OCR@ed.gov

ASL Video Phone: 844-234-5122

Web: <http://www.ed.gov/OCR>

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 established 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:

The availability of supportive measures

Provide a written explanation of rights and options

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 are 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 activities

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:

The allegations;

The requirements of the informal resolution process;

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;

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;

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

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 decision-maker 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:

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

The complainant's reasonable safety concerns regarding the initiation of a complaint;

The risk that additional acts of sex discrimination would occur if a complaint were not initiated;

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;

The age and relationship of the parties, including whether the respondent is an employee;

The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

The availability of evidence to assist a decision-maker in determining whether sex discrimination occurred; and

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 decision-maker. 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 decision-maker 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 of 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 decision-maker 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:

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.

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.

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 Decision-maker and Grievance Procedure

The Title IX coordinator will assign one or more decision-makers to the complaint. The Title IX coordinator or investigator may serve as a decision-maker when permitted under this policy. A party will be given an opportunity to request the removal and replacement of a decision-maker based on bias or conflict of interest. Any request for a change in a decision-maker 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 decision-maker 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 for Sex-Based Harassment and Discrimination

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

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 decision-maker will consider the evidence and any responses when making a determination.

The decision-maker may pose additional questions to the parties or to witnesses, in writing or 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 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 decision-maker will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The decision-maker 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 those 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 decision-maker will determine the method for questioning at the hearing; however, all questions posed by the parties will be asked exclusively by the decision-maker. The decision-maker 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 decision-maker 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 due to sex discrimination. These measures are intended 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 decision-maker

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 decision-maker.

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 to 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:

Procedural irregularity that would change the outcome.

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.

The Title IX coordinator, investigator, or decision-maker 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 decision-maker 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:

For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome.

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

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 coordinator 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. “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:

The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;

The type, frequency, and duration of the conduct;

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;

The location of the conduct and the context in which the conduct occurred; and

Other sex-based harassment in the College’s education program or activity;

Investigation. “Investigation” is 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. “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 decision-maker .

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 \(westerntc.edu\)](#)

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 \(westerntc.edu\)](#)

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 \(westerntc.edu\)](#)

Legal Assistance - Lawyers for Students <https://www.lawyersforstudents.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](#) 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)

[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)

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.hopehousescw.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 heard of hearing persons): [PSC Assistance Programs \(wi.gov\)](#)

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: [Lacrosse, 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](#)
333 Vine St, La Crosse, WI 54601

Jackson County Clerk of Courts Office
[\(715\) 284-0208](#)
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](#)
400 Court House Square St Ste 108, Viroqua, WI 54665

Approved by President Stanford August 1, 2024
Revised April 19, 2022

Reference Policy: [C0102-E0105 – Anti-Harassment and Nondiscrimination Policy](#)

Involvement of Law Enforcement and Campus Authorities:

Although Western strongly encourages all members of its community to report incidents of domestic violence, dating violence, sexual assault and stalking to law enforcement and Campus Safety, it is the victim's choice whether or not to make such a report. Victims have the right to decline to notify law enforcement. However, members of Western's Campus Community Safety staff, Student Life and/or Counseling and Case Management staff will assist any victim with notifying law enforcement if the victim desires to report. Law enforcement may also be reached directly by calling the local agency with jurisdiction depending on where the incident occurred or by calling 9-1-1. Contact information for local law enforcement agencies is listed under Authority of Campus Safety Department earlier in this document.

Reporting Incident of Domestic Violence, Dating Violence, Sexual Assault and Stalking:

Victims of domestic violence, sexual assault, stalking or dating violence are encouraged to report the incident promptly to the Title IX Coordinator, Ge Vang (Student Life Office, Room 100, 608-785-9444 or vangg@westerntc.edu), and Campus Safety (Western Residence Hall or the Coleman Center, Room 131, 608-785-9191 or campussafety@westerntc.edu) by calling, emailing or coming into the office to report in person. All reports of domestic violence, dating violence, sexual assault and stalking made to Campus Safety will be referred to the Title IX Coordinator for outreach and review, regardless of if the complainant chooses to pursue criminal or college charges. The Title IX Coordinator will work with the reporting party to discuss options, rights, and supportive measures.

Victims may choose for an investigation to be pursued through the criminal justice system and/or the College disciplinary procedure system or make a private report to the College. A private report allows Western to ensure steps are taken to provide services and resources to the victim, as well as preserve the future safety of students and employees without pursuing formal criminal or student conduct action. If a student or employee does not choose to report to law enforcement or the College disciplinary process, the information will be kept confidential to the extent possible and as required by law and/or Western policy. The College will make every effort to balance privacy rights and the right to know when making decisions regarding what information to release to the campus community if deemed necessary for a timely warning notification. A student or employee who reports an incident of domestic violence, dating violence, sexual assault or stalking will be provided with a written explanation of their rights and options.

Western Domestic Violence, Dating Violence, Sexual Assault and Stalking Procedures:

Rights of Victims and Western's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil or Tribal Court or by Western:

Western complies with Wisconsin law in recognizing orders of protection. Any person who obtains an order of protection or other lawful order, should provide a copy to the Campus Safety Department. The Campus Community Safety Director or Campus Community Safety Coordinators will meet with the complainant to develop a safety plan to reduce risk of harm to the complainant while on campus or

coming to and going from campus or college related activities. This plan may include, but is not limited to, safety escorts, special parking arrangements, changing classroom or work location or times, and allowing for alternate methods of instruction or assignment submissions. Other reasonable accommodations will be considered upon request. If it is determined that the terms of an order have been violated, local law enforcement will be notified at the complainant's request. Western Technical College cannot apply for a legal order of protection, no contact order or restraining order for a complainant. The complainant is required to apply directly with the applicable jurisdiction for these services. Western can assist in providing the information regarding jurisdiction and appropriate contact.

Western may issue an institutional mutual no contact order if deemed appropriate or at the request of the complainant or responding party. If Western receives a report that such institutional no contact order has been violated, the college will initiate the appropriate disciplinary proceedings (student or employee) and will impose sanctions if the alleged violator is found responsible for violating the order.

Confidentiality:

Complainants may request that directory information on file with the College be withheld by completing and submitting a [Request to Withhold Directory Information](#) to the Registrar's Office or contacting the Registrar at (608) 785-9207.

Regardless of whether a complainant has opted-out of allowing the College to share "directory information," personally identifiable information about the complainant and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the complainant, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Western does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notification is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Non-Academic Code of Conduct Hearing Process for Adjudication of Domestic Violence, Dating Violence, Sexual Assault and Stalking Allegations by a Student:

A victim of domestic violence, dating violence, sexual assault or stalking may file a formal complaint against a student alleged violator by making a report to the Student Life & Integrity Manager or submitting a report online through the [Sexual Harassment/Discrimination Reporting Form](#). Western's policies and procedures regarding domestic violence, dating violence, sexual assault or stalking, as well

as the Student Code of Conduct Procedures can be found under [Student Code of Conduct Policy](#) on Western's website (westerntc.edu) and under the Student Rights and Concerns page. A hard copy of the policy and procedure can be requested from the Student Life Office, Kumm Center Room 100 or by calling (608) 785-9445.

Upon formal notification that an alleged violation of the domestic violence, dating violence, sexual assault or stalking policy has occurred, the investigation shall immediately begin in accordance to due process to determine if the alleged behavior may violate college policies. The Title IX Coordinator will review the investigation to make such a determination. If it is determined that the alleged behavior may violate college policies, the Student Code of Conduct Procedure will be initiated. In cases where Title IX regulations apply, the Sexual Harassment Grievance Procedure will be initiated. No other process is utilized to adjudicate allegations of domestic violence, dating violence, sexual assault or stalking misconduct involving a student violator.

As part of the investigation, the reporting party and responding student shall be notified of the possible violation specific to the Student Code of Conduct, and be notified in writing of the place, time, and date of a conduct hearing to review the allegations. The reporting party and responding student shall receive said notification by mail, student email, or personal delivery.

The conduct hearing committee will be assembled by the Student Life & Integrity Manager or designee and will be composed of an academic dean and two Western staff or faculty members who have no previous knowledge of the allegation(s). Hearing panel members will be chosen from a pool members trained annually by the Student Life & Integrity Manager. The Student Life & Integrity Manager or designee will appoint a non-voting chair of the hearing panel to ensure procedures are followed through the hearing. In cases where Title IX regulations apply, the conduct hearing process may be referred to a third-party contractor for adjudication in consultation with the Title IX Coordinator.

The hearing shall commence no less than 48 hours nor more than seven (7) calendar days from the date the responding student receives the above notice. Delivery is considered to be confirmed when it is sent to the designated student email address. Formal rules, such as applied in civil or criminal courts, are not utilized in conduct hearings. The hearing shall commence at the notified date and time whether or not the responding student is present, and a decision will be made by in absentia. Responding students failing to attend the hearing forfeit their right to present information on their behalf, to ask questions of persons presenting information, and to appeal the outcome.

At the hearing before the panel, the responding student shall have the right to present a statement on their behalf, call witnesses, and to ask questions of any person presenting information at the hearing through their advisor. If the presenter is uncomfortable with direct questioning, all questions will proceed through the hearing chair or advisor. The responding student has the right to be represented in an advisory capacity by legal counsel if the student chooses. Advisory capacity is defined as the ability to provide advice directly to the student only, and not advocate on behalf of the student to the conduct panel or any persons presenting information. Responding students who choose to be represented by legal counsel are responsible for retaining their own counsel, as well as informing the College in a timely

manner about their intent to bring counsel to the hearing. Should a student fail to notify the College in a timely manner, defined as at least two (2) business days prior to the hearing, the College reserves the right to postpone the hearing for up to seven (7) calendar days so that arrangements can be made for legal representation of the College to be present. An advocate, other than legal counsel, (for responding student and/or reporting party) with nonspeaking participation shall be allowed for support. The hearing will be closed to all members of the campus and outside communities except for those directly involved with the complaint. All information presented at the hearing is considered private and subject to FERPA regulations. An audio recording of the hearing will be made to ensure accurate information should the outcome be appealed.

In hearings involving allegations of sexual assault, interpersonal violence or stalking, the reporting party is entitled to the same supports and rights as the responding student.

Based upon all the information provided regarding the allegation, the hearing panel will determine whether it is more likely than not that the student's behavior violated college policies. If it is determined that a violation did occur, the panel will decide as to what, if any, sanctions, suspensions and/or dismissals should be imposed. The panel will issue a written statement to the student informing them of the decision. In hearings regarding sexual assault, interpersonal violence or stalking, the decision will be delivered to both the reporting party and the responding student simultaneously. Student conduct outcomes shall not be changed if any pending related criminal charges are dismissed or altered.

A student shall not be suspended or dismissed prior to the written statement of the panel except by order of one of the Vice Presidents of the College or designees. Immediate suspension, pending the hearing, may be authorized for the safety of the student or for the protection of other students, faculty, staff, or college property.

In Non-Academic Code of Conduct hearings involving allegations of violations of the domestic violence, dating violence, sexual assault or stalking policies, protective measures are available for the reporting party during the hearing process. Possible protective measures include, but are not limited to, no contact orders, remote participation during hearing process via telephone or video conferencing, use of a privacy screen, separate waiting areas during hearing, or safety escorts. Protective measures will be discussed with the reporting party by the Title IX Coordinator as part of the process overview and can be requested at any time prior to the commencement of the hearing.

Sanctions:

Sanctions for violations of the domestic violence, dating violence, sexual assault or stalking policies that may be imposed include, but are not limited to, written warning, non-academic probation for a set time period, restitution, loss of privileges or eligibility restriction, behavioral assessment/referral, restriction to access areas or campuses, no contact order, suspension or expulsion.

Appeal:

No appeal shall be permitted unless specific allegations are set forth in the appeal alleging a lack of due process or other specific error or omission that could significantly alter the outcome or findings. The

appeal is limited to issues related to: sanction(s) that is substantially disproportionate to the severity of the violation; failure to follow written student conduct procedures; significant error or omission that could impact the finding and/or sanction outcome; new information unavailable at the time of the hearing that could impact the finding and/or sanction outcome; or evidence of bias by the any member of the hearing panel. The appealing party may request access to review the recording prior to submitting the written appeal.

The appealing party shall file with the Office of the President a written appeal, setting forth with specificity the grounds on which the appeal is based. The written appeal shall bear the original signature of the appealing party and shall be filed with the Office of the President within ten (10) calendar days of the date the written decision was delivered. Delivery is considered to be confirmed when it is sent to the designated student email address. Appeals received after the appeal deadline will not be considered and the decision and any sanction will stand. In appeals regarding sexual assault, interpersonal violence, or stalking, both the reporting party and the responding student shall be informed about the process and outcome of the appeal.

The President or designee shall decide the appeal no later than thirty (30) days after the appeal has been filed with the Office of the President. The President or designee will conduct an initial review to determine if the appeal meets the grounds for appeal.

If the appeal does not meet the grounds for appeal standard, the original finding and sanction will stand, and the decision will be final. If the appeal has standing, the President or designee determines whether to refer the appeal to an Appeals Panel or to remand it to the original hearing panel within five (5) business days. If the referral is made to the Appeals Panel, the President or designee will coordinate with the Student Life & Integrity Manager to select Panel members from the hearing panel pool. Appeal Panel members for consideration must not have served on the original hearing panel or been involved in any aspect of the incident investigation and must be properly trained in appeals procedures.

The President or designee will provide clear instructions for consideration based solely on the granted appeal grounds and will not be a full re-hearing of the incident. On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing according to the permissible grounds. All decisions by the Appeal Panel or original decision-makers shall be made within five (5) business days of submission to the appeal body and are final.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking:

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
 - i. A Felony or misdemeanor crime of violence committed—
 - A) By a current or former spouse or intimate partner of the victim;
 - B) By a person with whom the victim shares a child in common;

- C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - E) 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 in which the crime of violence occurred.
 - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **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.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence.
 - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
 - **Rape** is defined as 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.
 - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
 - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A) Fear for the person's safety or the safety of others; or
 - B) Suffer substantial emotional distress.
 - For the purposes of this definition—
 - *Course of conduct* means two or more acts, including, but not limited to, acts 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.

- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

- **Domestic Violence:** The state of Wisconsin defines domestic violence as any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:
 1. Intentional infliction of physical pain, physical injury or illness.
 2. Intentional impairment of physical condition.
 3. A violation of s. 940.225 (1), (2) or (3).
 4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.
 - (b) "Law enforcement agency" has the meaning specified in s. 165.83 (1) (b).
 - (d) "Party" means a person involved in a domestic abuse incident.
 - (e) "Predominant aggressor" means the most significant, but not necessarily the first, aggressor in a domestic abuse incident
- **Dating Violence:** The state of Wisconsin does not have a definition of dating violence
- **Sexual Assault:**
 - (1) First degree sexual assault: Whoever does any of the following is guilty of a Class B felony:
 - (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
 - (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
 - (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
 - (2) Second degree sexual assault: Whoever does any of the following is guilty of a Class C felony:
 - (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
 - (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

(cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

(g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

(h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1)(c), and has sexual contact or sexual intercourse with a client of the entity.

(3) Third degree sexual assault:

(a) Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony.

(b) Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

(3m) Fourth degree sexual assault. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

(4) Consent: "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i). The following persons are presumed incapable of consent but the

presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

(b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(5) Definitions: In this section:

(abm) "Client" means an individual who receives direct care or treatment services from an entity.

(acm) "Correctional institution" means a jail or correctional facility, as defined in s. 961.01 (12m), a juvenile correctional facility, as defined in s. 938.02 (10p), or a juvenile detention facility, as defined in s. 938.02 (10r).

(ad) "Correctional staff member" means an individual who works at a correctional institution, including a volunteer.

(ag) "Inpatient facility" has the meaning designated in s. 51.01 (10).

(ai) "Intoxicant" means any alcohol beverage, hazardous inhalant, controlled substance, controlled substance analog, or other drug, or any combination thereof.

(ak) "Nonclient resident" means an individual who resides, or is expected to reside, at an entity, who is not a client of the entity, and who has, or is expected to have, regular, direct contact with the clients of the entity.

(am) "Patient" means any person who does any of the following:

1. Receives care or treatment from a facility or program under s. 940.295 (2) (b), (c), (h) or (k), from an employee of a facility or program or from a person providing services under contract with a facility or program.

2. Arrives at a facility or program under s. 940.295 (2) (b), (c), (h) or (k) for the purpose of receiving care or treatment from a facility or program under s. 940.295 (2) (b), (c), (h) or (k), from an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k), or from a person providing services under contract with a facility or program under s. 940.295 (2) (b), (c), (h) or (k).

(ar) "Resident" means any person who resides in a facility under s. 940.295 (2) (b), (c), (h) or (k).

(b) "Sexual contact" means any of the following:

1. Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1):

- a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.

- b. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.

2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

3. For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

(c) "Sexual intercourse" includes the meaning assigned under s. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(d) "State treatment facility" has the meaning designated in s. 51.01 (15).

(6) Marriage not a bar to prosecution. A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

(7) Death of victim. This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.

- **Stalking:**

(1) In this section:

(a) "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.

2. Approaching or confronting the victim.

3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.

4. Appearing at the victim's home or contacting the victim's neighbors.

5. Entering property owned, leased, or occupied by the victim.

6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.

6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.

7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.

8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.

9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.

10. Causing a person to engage in any of the acts described in subs. 1. to 9.

- (am) "Domestic abuse" has the meaning given in s. 813.12 (1) (am).
- (ap) "Domestic abuse offense" means an act of domestic abuse that constitutes a crime.
- (c) "Labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
- (cb) "Member of a family" means a spouse, parent, child, sibling, or any other person who is related by blood or adoption to another.
- (cd) "Member of a household" means a person who regularly resides in the household of another or who within the previous 6 months regularly resided in the household of another.
- (cg) "Personally identifiable information" has the meaning given in s. 19.62 (5).
- (cr) "Record" has the meaning given in s. 19.32 (2).
- (d) "Suffer serious emotional distress" means to feel terrified, intimidated, threatened, harassed, or tormented.

(2) Whoever meets all of the following criteria is guilty of a Class I felony:

- (a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household.
- (b) The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.
- (c) The actor's acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

(2e) Whoever meets all of the following criteria is guilty of a Class I felony:

- (a) After having been convicted of sexual assault under s. 940.225, 948.02, 948.025, or 948.085 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense.
- (b) The actor knows or should know that the act will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.
- (c) The actor's act causes the specific person to suffer serious emotional distress or induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

(2m) Whoever violates sub. (2) is guilty of a Class H felony if any of the following applies:

- (a) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v), or (1x).
- (b) The actor has a previous conviction for a crime, the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

- (c) The actor intentionally gains access or causes another person to gain access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation.
- (d) The person violates s. 968.31 (1) or 968.34 (1) in order to facilitate the violation.
- (e) The victim is under the age of 18 years at the time of the violation.

(3) Whoever violates sub. (2) is guilty of a Class F felony if any of the following applies:

- (a) The act results in bodily harm to the victim or a member of the victim's family or household.
- (b) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v) or (1x), the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.
- (c) The actor uses a dangerous weapon in carrying out any of the acts listed in sub. (1) (a) 1. to 9.

(3m) A prosecutor need not show that a victim received or will receive treatment from a mental health professional in order to prove that the victim suffered serious emotional distress under sub. (2)(c) or (2e) (c).

(4)

(a) This section does not apply to conduct that is or acts that are protected by the person's right to freedom of speech or to peaceably assemble with others under the state and U.S. constitutions, including, but not limited to, any of the following:

1. Giving publicity to and obtaining or communicating information regarding any subject, whether by advertising, speaking, or patrolling any public street or any place where any person or persons may lawfully be.
2. Assembling peaceably.
3. Peaceful picketing or patrolling.

(b) Paragraph (a) does not limit the activities that may be considered to serve a legitimate purpose under this section.

(5) This section does not apply to conduct arising out of or in connection with a labor dispute.

(6) The provisions of this statute are severable. If any provision of this statute is invalid or if any application thereof is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Upstander (Bystander) Intervention: Upstander intervention encourages all members of the Western community to recognize, intervene, prevent and/or stop any inappropriate comments, actions or behaviors related to sexual assault, sexual misconduct, domestic violence, dating violence and/or stalking. As a bystander, it is important to:

- Notice the incident or event – educate yourself about issues related to sexual assault, domestic violence, dating violence and stalking in order to be aware of the behaviors and educate others.
- Evaluate the situation – determine whether it is an emergency or at least a situation where someone needs immediate assistance.
- Intervene – give help at an appropriate and safe level. Others are more likely to help when they see others helping as well. Don't assume someone else will take care of it.

- Ways to help – help the person leave the situation, redirect the focus somewhere else, confront the behavior, engage a conversation, or call for other support/Campus Safety/law enforcement.

Tips for Intervening:

- Approach in a friendly, non-confrontational manner.
- Avoid using violence.
- Be honest and direct whenever possible.
- Recruit help if necessary.
- Keep yourself safe.
 - Contact law enforcement if things get out of hand or become too serious.

Risk Reduction:

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have money for transportation.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems "out of it", is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit

with doctors so they can give you the correct tests (you will need a urine test and possibly others).

15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Sexual Offender Registration:

The *Campus Sex Crimes Prevention Act* (section 1601 of Public Law 106-386) is a federal law enacted in 2000 that provides for the registration and notification of convicted sex offenders enrolled at or employed by institutions of higher education. As provided in the Wetterling Act (amended by the CSCPA), any person required to register as part of a state sex offender registration program must notify the state regarding each institution of higher education in which the person is an employee or student. Sex offender information in the State of Wisconsin is compiled by the Department of Corrections (DOC). To learn the identity of registered sex offenders on or near campus, or anywhere in Wisconsin, visit <http://offender.doc.state.wi.us/public/> or in Minnesota, visit <https://dps.mn.gov/divisions/bca/bca-divisions/investigations/Pages/predatory-offender-registrations.aspx> or in Iowa visit Iowa - <http://www.iowasexoffender.com/>.

Registered sex offenders, who are students at Western, are obligated to notify the Student Life & Integrity Manager (Kumm Center, Room 100) that they are attending a class or a program at the college and are registered with the Wisconsin Department of Corrections or appropriate state registration agency. Failure to notify the college is deemed to be a violation of the Student Code of Conduct and is subject to possible conduct sanctions. A student is defined as any person who attends and/or is enrolled in any classes or program at the College. Registered sex offenders, who are employees at Western, are obligated to notify the Human Resources Office as part of their background check requirement for employment.

Western will publish links to the above listed websites to share information about registered sexual offenders reported to Western as being enrolled or employed at the College. This information is provided to the College by local law enforcement. The College does not independently verify sex offender registration information, nor is it responsible for its accuracy. Unlawful use of the information for purposes of intimidation or harassment is prohibited.

When notified by local law enforcement, Western Technical College has established the following procedures for notifying the campus community about sex offenders on any campus/location depending on the established offender risk level. (*See the link below to learn more about the three offender risk levels.)

1. The Western Campus Community Safety Director will coordinate with local law enforcement personnel to ensure that the College has relevant and current sex offender information.
2. The Western Care Team will review all relevant and necessary information provided by law enforcement personnel to assess any safety issues posed for the college community.
3. The Western Care Team will determine the level of notification to be released to members of the college community. The College will follow the same notification level utilized by local law enforcement based on level of concern for community safety.

*Wisconsin Department of Corrections Sex Offender Registry: In addition to allowing citizens to search for information on those who may be registered offenders, this site explains the Registry, Sex Offender Program, and risk levels. [DOC Sex Offender Registry](#)

Fire Safety Statement and Annual Fire Statistics:

Fire Safety Systems: Western has one (1) on-campus student housing facility. It is a six-story, suite-style residence hall located on the northeast corner of the La Crosse campus (820 La Crosse St. La Crosse, WI. 54601).

Residential Facilities	Fire Alarm Monitoring Done On Site	Partial ¹ Sprinkler System	Full ² Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of Evacuation (fire) drills each calendar year
Western Residence Hall – 820 La Crosse Street	Alarm monitoring is done through Fire Protection Services	N/A	Yes	Yes – hardwired in each room and common space within the suite as well as common public	Yes – one located by the elevators on each floor	Yes – posted in each suite by the phone and posted on each floor by the elevators	2

¹ Partial Sprinkler System is defined as having sprinklers in the common areas only.

² Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

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The building is equipped with fire notification systems (both sound and strobe), pull stations, a NFPA Standard 13 designated sprinkler system, smoke detectors in each room as well as common areas, and fire extinguishers on each floor. The smoke detectors are hard wired into the electrical system with battery backup.

An annual Fire Log is maintained in the Campus Community Safety Office (Coleman Center C-131) which includes information related to any fires occurring in campus housing, any injuries, or deaths from fires in on campus housing, and the value of any property damage due to fire. A record of all fire drills and tests of the fire system are maintained in the Campus Safety Office, Coleman Center, Room 131 on the La Crosse Campus.

Fire Safety Training and Education: Fire safety procedures are addressed at mandatory residence hall orientation at the beginning of each term. Western collaborates with the local fire department to provide educational resources on campus during the first week of classes fall term. Supervised fire evacuation drills are conducted once each term by Residence Hall and Campus Safety staff. The residence hall staff conducted one (1) in person fire drill in 2023-2024 academic year.

Fire Alarm Procedure: The following is the procedure to follow in case of fire alarm in the residence hall. It is your responsibility to learn the emergency fire procedures.

IN CASE OF FIRE:

1. Set off fire alarm via the closest pull station (Note: Pull stations are located on each floor and by each exit.
2. Call **911** and give exact location (building address is **820 La Crosse Street**)
3. Immediately evacuate the building by the closest available exit
4. **DO NOT use elevators**
5. If stairway contains smoke or fumes, use an alternative stairway exit
6. Once outside, move to the meeting location (Lot H)
7. **DO NOT RE-ENTER building** until an “all clear” signal is given by Residence Hall or Campus Safety staff

If you are unable to leave the building due to a physical disability:

- Go to nearest rescue assistance area located on the landing of each stairwell and activate the rescue assistance call button to signal your location.

If your door is hot or if corridor is full of smoke or flames, remain in your room, place a rug or towel around the door, open your window, place an article of clothing outside the window to designate your location, and shout at regular interval to alert emergency crews as to your location.

Fire Drill Procedure:

1. Close the windows
2. Turn off lights
3. Close the door as you leave, but do not lock
4. Wear hard-soled shoes and coat if necessary

- Exit according to evacuation plan posted in your room

Each room is equipped with a smoke detector for your protection. ***Tampering with the smoke detector in any way (e.g. unplugging it, covering the device, or removing the device) will lead to a \$300.00 fine.***

Tampering with fire extinguishers, smoke detectors and alarms, or setting false fire alarms is subject to prosecution under Wisconsin Statutes, Chapter 941.12 & 941.13 with fines of up to \$10,000, imprisonment up to one year, or both.

A small, non-electrical blaze can be extinguished with a fire extinguisher (located on each floor). An electrical fire (such as one caused by a frayed electrical cord) can be extinguished by removing the cord from the socket, and then using a fire extinguisher, blanket, or rug to smother the flames. Never use water on electrical fires.

Fire Safety Related Policies

Candles, Incense and Open Flames: Candles, potpourri pots, incense or any open flame device are not allowed to be burned in the residence hall at any time.

Electrical Appliances: Sun lamps, heating coils, hot plates, air conditioners, neon lights, halogen lamps, space heaters, non-fused multi-plug outlets, and open coiled cooking appliances are prohibited in the residence hall. The only cooking appliances permitted in residence hall rooms are those with an automatic shut off mechanism such as microwave and coffee makers. Therefore, all toasters, grills, skillets, sandwich makers, popcorn poppers, hot pots, etc. are prohibited due to the fire hazard potential. Grounded surge protectors are the only extension cords/multi-plug outlets permitted in the residence hall.

Hallways: Due to potential fire hazards, safety concerns, and maintenance issues, objects may not be stored or left in hallways or stairways.

Smoking : All property of Western Technical College is a tobacco free environment. Therefore, no smoking or use of tobacco products will be permitted anywhere on Western property including the residence hall.

Stairwell Doors: All stairwell doors are fire doors and must remained closed at all times. Propping or disabling a fire door will result in a fine and/or student conduct action.

Statistics and Related Information Regarding Fires in Residential Facilities for CY2021

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Western Residence Hall – 820 La Crosse Street, La Crosse, WI	0	0	N/A	0	0	0

Statistics and Related Information Regarding Fires in Residential Facilities for CY2022

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Western Residence Hall – 820 La Crosse Street, La Crosse, WI	0	0	N/A	0	0	0

Statistics and Related Information Regarding Fires in Residential Facilities for CY2023

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Western Residence Hall – 820 La Crosse Street, La Crosse, WI	0	0	N/A	0	0	0

Reporting Fires: Per federal law, Western is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in the residence hall, you should immediately get to a safe place, then call 9-1-1 then Campus Safety (608-785-9191). Campus Safety and the Student Life & Integrity Manager will investigate and document the incident for disclosure in the College’s annual fire statistics.

If you or any member of the Western community finds evidence of a fire that has been extinguished, and are unsure if Campus Safety has already responded, Campus Safety should be contacted immediately. Campus Safety and the Student Life & Integrity Manager will investigate and document the incident for disclosure in the College’s annual fire statistics.

Plans for Improvement to Fire Safety: Besides annual review of policies and procedures related to fire safety, Western currently has no plans for future improvements related to fire safety.

Missing Persons Procedure:

In accordance with the Higher Education Opportunity Act, Western has developed and will implement certain procedures to be followed when residential students are determined to be missing for 24 hours. Students living in campus housing may designate a person who can be notified in the event it is determined the student may be missing. Residence hall students can register the contact information with the Student Life Office, room 100 in the Kumm Center. All emergency contact information will remain confidential and will be housed in a secure file in the Student Life & Integrity Manager’s office.

Students residing in campus housing will be informed annually that they each have the option to identify a person to be designated as a confidential missing person contact to be notified by Western no later than 24 hours after the time the student is determined to be missing by the designated College officials authorized to make that determination (Campus Safety and the Student Life & Integrity Manager) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement, and that it may not be disclosed outside of a missing person investigation.

Western will notify any missing student's confidential contact(s), if provided, within 24 hours of the determination that the student is missing. In the event a student under 18 years of age and not emancipated, Western will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, Western will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Suspected missing students should be reported immediately to Campus Safety and/or the Student Life & Integrity Manager. If a member of the Western community has reason to believe a student may be missing or is concerned for a student's safety, the community member must contact the Student Life & Integrity Manager (room 100 in Kumm Center or 608-785-9444) or designee immediately. All possible efforts will be made to attempt to locate the student, including but not limited to, contacting the student directly, asking local law enforcement for a check of their welfare, and communicating with known friends and family. A student is determined to be missing when the Campus Safety Department have verified that reported information is credible and circumstances warrant declaring the person missing. Should the Campus Safety Department investigate and determine that a residential student is missing, contact will then be made to the missing person contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the Campus Safety Department and Student Life & Integrity Manager. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Western will inform the La Crosse Police Department that the student is missing within 24 hours.

The confidential contact may be a person designated by the student in addition to the declared emergency contact. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified.

If a residence hall student is determined to be missing for 24 hours, the College will work with the appropriate family members to assist in making an official missing person report to the law enforcement agency with jurisdiction.

Emergency Notifications and Procedures Information

Western maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

College units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

Western has designated procedures to follow in case of most emergencies that could happen on campus. Although not every conceivable situation is addressed, the guidelines below can assist students, staff, faculty, and visitors cope with most campus emergencies. All students, staff faculty and visitors are expected to follow the established procedures to the best of their ability. Western will regularly test the emergency drills including annual testing of evacuation procedures. Copies of the Emergency Procedures Guide are located in every classroom and office on all Western campuses and are publicized annually in coordination with emergency drills.

Upon the confirmation of an emergency event that involves an immediate threat to the health or safety of members of the Western community, the College will immediately notify the campus community of the significant emergency or dangerous situation. Notifications may be withheld if they would compromise the efforts to safely contain the emergency or assist victims. The notification will be issued through any one or combination of the College e-mail system, computer announcements, TV monitor message boards, text messaging, public address announcements, classroom/office space announcements, College website (www.westerntc.edu) and social media platforms, and/or local media agencies, depending upon the circumstances. Face-to-face communication may also be used to communicate emergency information.

Students and staff/faculty can register their cell phones and/or home phones to receive emergency notifications at <https://www.getrave.com/login/westerntc>. Students and employees are encouraged to update personal contact information with the College, including cell phone numbers, in order to be included in the RAVE alert system.

Western will initiate a test of its emergency response and notification procedures on at least an annual basis. Documentation of the test and/or any drills will be maintained in the Campus Safety Office (Coleman Center, Room 131).

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act.

EMERGENCY RESPONSE

In all life-threatening emergencies, 911 should be notified first, with a follow up call to Campus Safety (608-785-9191). Emergencies occurring at campuses other than La Crosse notification to the main office staff should be made after contacting 911.

Upon report of an emergency event, Campus Safety will act as first responders at the La Crosse, Apprenticeship & Industry Technology Center, and Vehicle Technology Center campuses. At the remaining campuses, the Campus Coordinator or designee will act as first responder in consultation with the Campus Community Safety Director or Coordinators. The role of the first responder is to confirm there is a significant emergency. The Campus Community Safety Director, or designee, will notify the Emergency Operations Manager (EOM) who will activate the Emergency Operations Team (EOT), if appropriate. The EOM will make the determination of who to notify and the content of the notification. The EOM will designate the team member to implement the notification system. Members of the EOT with permission to initiate the notification system are: President, Vice Present for Finance and Operations, Vice President for Student Service and Engagement, Campus Community Safety Director, Student Life & Integrity Manager, Chief Information Officer, or designees.

The EOT will collaborate to determine the content of the message and will use some or all of the systems described previously in this section to communicate the threat to the Western community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. Western will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Campus Safety, Local law enforcement, and/or the Local Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community, and will direct them to where they can receive additional information. Messages are typically written and distributed by the Director of Marketing and Communications and the Director of Information Services, or their designees for all electronic and voice announcement systems.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Western homepage and/or social media.

In the event of an emergency:

- Take note of safety signs and evacuation routes
- Follow instructions of supervisors, faculty and/or emergency response teams

A. ACTIVE SHOOTER – “RUN-HIDE-FIGHT”

Run – If it is safe to do so, the first course of action that should be taken is to run out of the building and move far away until you are in a safe location. Students and staff should be trained to:

- Leave personal belongings behind.
- Visualize possible escape routes (including physically accessible routes for students and staff with disabilities and others with access and functional needs).
- Avoid elevators.

- Take others with you but do not stay behind if others will not go.
- Call 911 when safe to do so
- Let emergency responders know where you are located.

Hide – If running is not a safe option, hide in a safe place as possible. Students and staff should be trained to hide in a location where the walls might be thicker and have fewer windows. In addition:

- Lock the doors or barricade the doors with heavy furniture;
- Close and lock the windows, and close blinds or cover windows;
- Turn off lights;
- Silence all electronic devices.
- Remain silent.
- Use strategies to silently communicate with first responders, if possible.
- Hide along the wall closest to the exit but out of the view from the hallway.
- Remain in place until given an all clear by identifiable law enforcement.

Fight – If neither running nor hiding is a safe option, as a last resort consider trying to disrupt or incapacitate the armed intruder by using aggressive force and items in your direct environment such as fire extinguishers, chairs, etc. Note: confronting an active shooter is never a requirement of any campus employee’s job. How each individual chooses to respond if directly confronted by an armed intruder is up to that person

B. BLOODBORNE PATHOGENS EXPOSURE

Contact the Campus Safety office at 59191 from a college phone or (608) 785-9191

DON’T TOUCH IT Treat all human blood and bodily fluids as if known to be infectious for HIV, HBV, or other blood borne pathogens.

WEAR GLOVES

Always wear gloves when touching blood or bodily fluids, mucous membranes, or non-intact skin of an individual or when handling items or surfaces with blood or bodily fluids.

EXPOSURES

If exposed to blood or bodily fluids, wash the exposed body part with soap and water or flush with water for 15 minutes if exposed to eyes, nose or mouth.

CLEAN-UP

Appropriate personnel will be called for the clean-up and disposal of contaminants.

REPORT

Report the incident to a supervisor or instructor. Complete an online incident report.

C. BOMB THREAT

- Call Campus Safety at 59191 (college phone) or (608) 785-9191

- If you receive a call, try to keep caller on the line and note everything you hear and are told
- If you find a document or graffiti that communicates a threat, do not touch or move it
- If a suspicious object is found and there is possible imminent danger, CALL 911, follow evacuation procedures and do not move, jar or touch the object
- Immediately report the location and description of the object to Campus Safety at 59191 (college phone) or (608) 785-9191
- Information about the College's response to the threat will be communicated to students and employees in the most appropriate media (i.e. email, text message, website, etc.).

D. CHEMICAL SPILLS/LEAK/ODORS

- a. Known or Unknown Substance Spill
 - Avoid direct contact with the material.
 - Evacuate the area/building.
 - Contact the Campus Safety Office at 59191 (college phone) or (608)785-9191.
- b. Natural Gas Leak or Unknown Odor
 - Follow evacuation procedure to evacuate the building.
 - Call 911 and report the incident.
 - Contact the Campus Safety Office at 59191 (college phone) or (608) 785-9191.

E. EVACUATION

An evacuation occurs when a building/fire alarm sounds or is announced via phone system, emergency notification system, email, website or other communication device.

Leave the building immediately by the nearest marked exit and alert others to do the same.

- Close, but do not lock the doors.
- Turn off the lights.
- Take any personal belongings such as purses or backpacks with you.
- Assist people with disabilities in exiting the building.
- Do not use elevators to exit the building.

Once outside, move to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel.

Do not return to the building unless instructed to by authorized personnel.

Evacuation of persons with disabilities

- If you are unable to leave the building due to a physical disability:
 - Go to the nearest inside area where there are no hazards.
 - Call 911 or contact Campus Safety at (608) 785-9191.
 - If possible, signal out the window to on-site emergency responders.

- To evacuate persons who are mobility impaired:
 - Inform individual of situation.
 - Always ask how you can help.
 - Move debris if necessary/possible to allow safe escape route.
 - If unable to exit, move individual to designated evacuation location and inform emergency personnel.

F. FIRE EMERGENCY

1. Call 911 and give exact location
2. Pull nearest fire alarm to evacuate building
3. Immediately evacuate the building by the closest available exit.
4. DO NOT use elevators
5. If stairway contains smoke or fumes, use an alternative stairway exit
6. Once outside move to a clear area at least 500 feet from the affected building
7. DO NOT RE-ENTER building until an “all clear” signal is given

Evacuation of persons with disabilities

- If you are unable to leave the building due to a physical disability:
 - Go to the nearest inside area where there are no hazards.
 - Call 911 or contact Campus Safety at (608) 785-9191.
 - If possible, signal out the window to on-site emergency responders.
- To evacuate persons who are mobility impaired:
 - Inform individual of situation.
 - Always ask how you can help.
 - Move debris if necessary/possible to allow safe escape route.
 - If unable to exit, move individual to as safe an area as possible and notify appropriate personnel of the individual’s location.

NOTE:

If you become trapped in building and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. If there is no window, stay near the floor as the air will be less toxic. Shout at regular intervals to alert emergency crews as to your location.

G. LOCKDOWN

A lockdown will be announced via phone system, emergency notification system, email, website or other communication device.

- Go into a room (or stay in your classroom/office).
- Close and lock all doors and windows – interior and exterior. If you cannot lock the door, barricade it with desks, chairs, etc.
- Turn off all lights.
- Move all persons away from windows and doors.
- Occupants should be seated below window level (if possible).

- Remain silent. Turn off all radios and other devices that emit sound. Silence cell phones.
- If possible, one person in each room should write down the names of everyone present in that room.
- Everyone is to stay in their room and remain quiet until all clear notification is given by law enforcement, emergency management and/or college staff.
- DO NOT SOUND FIRE ALARM. Once in a lockdown, if the fire alarm sounds, DO NOT EXIT your safe area unless there is obvious danger from smoke and/or fire in your location. The hostile intruder may use the alarms in order to increase the amount of victims.

H. MEDICAL EMERGENCY

- **Severely injured, ill, or unconscious person:**
 - Call 911 Always error on the side of safety
 - Notify Campus Safety at 59191 (college phone) or (608) 785-9191.
 - If possible, have someone meet and escort emergency responder to the scene.
 - Automated External Defibrillators (AEDs) are available in each building and with Campus Safety personnel.
- **Questionable severity:**
 - If you are not sure how ill or injured a person is, call 911 immediately, then notify Campus Safety at 59191 (college phone) or (608) 785-9191. Always error on the side of safety.
 - A person may refuse transport in an ambulance, and if so must sign off with the ambulance personnel.
 - If a person refuses transport and signs off with the ambulance personnel, but still needs transportation to a medical facility for treatment; ONLY a friend, classmate, family member, taxi cab, or Western Campus Safety personnel may transport to the medical facility. Once a person signs off with ambulance personnel, there is no longer considered to be a medical emergency.
 - (EXCEPT: *If a student/visitor is a minor (under 18 years of age), call 911 for any medical situation.*)
- **Person is conscious and alert but may need medical attention:**
 - Ask person if he or she needs an ambulance, if person says no, encourage the person to seek medical follow-up.
 - A friend, classmate, family member, taxi cab, or Western Campus Safety personnel may transport to the clinic.
 - Notify Campus Safety at 59191 (college phone) or (608) 785-9191.
 - (EXCEPT: *If a student/visitor is a minor (under 18 years of age), call 911 for any medical situation.*)

I. SEVERE WEATHER/TORNADO

When it has been determined that severe weather is in the area (emergency notification such as siren, phone or email), please follow the emergency procedure outlined below.

- Close all doors and proceed to the nearest designated shelter in your building.
- Assist people with disabilities to designated shelter
- **DO NOT USE AN ELEVATOR**
- **DO NOT OPEN WINDOWS OR GO OUTSIDE**
- Keep away from windows and doors and any glass fixtures
- Move to lowest floor and to the interior of the building, or to a designated shelter area
- Sit as low to the ground as possible and cover your head with your arms
- Wait for an announcement of the “all clear” before returning to your work area or classroom

Tornado Watch: Conditions are right for a tornado. Continue with normal activities but monitor the situation.

Tornado Warning: A tornado has been sighted. Move calmly to the designated shelter area.

J. SHELTER-IN-PLACE

Shelter-in-Place is used when chemical, biological, or radiological contaminants may have been released accidentally or intentionally into the environment. A Shelter-in-Place will be announced via phone system, emergency notification system, email, website, or other communication device.

- Do not leave the building
- Close and lock all windows, exterior doors, and any other openings to the outside.
- When possible, move to interior room(s) above the ground floor, with the fewest windows or vents. Avoid overcrowding a room or selecting a room with mechanical equipment such as a venting system or pipes.
- If you are told there is danger of explosion, close the windows shades, blinds or curtains.
- Write down the names of everyone in the room.
- Listen for an official announcement from college or emergency personnel officials and stay where you are until you are told all is safe or you are told to evacuate.
- Wait for an announcement of all clear before returning to your work area or leaving the building.

K. THREATENING/VIOLENT BEHAVIOR

Immediate Threat (violent outbursts, weapons seen, physical altercation, etc.):

- Call 911 – give name, location, and description of situation
- Call Campus Safety 59191 (college phone) or (608) 785-9191
- Calmly describe persons actions and appearance
- Do not personally intervene
- If possible, keep others from entering area
- Campus Safety personnel or designee will immediately report to location

Moderate Threat (raised voices, verbal altercation, suspicious behavior, etc.):

- Call Campus Safety 59191 (college phone) or (608) 785-9191

- Report incident with specific location and what is occurring
- Calmly describe persons actions and appearance
- Do not personally intervene
- Campus Safety personnel or designee will immediately report to location

Concern of Potential Threat or Violence:

- Contact Student Life & Integrity Manager at 59444 (college phone) or (608) 785-9444
- Or, meet with Student Life & Integrity Manager at Kumm Center room 100
- Describe incident and/or concern
- Or complete a [CARE Team Referral](#) describing concern

All incidents or reports of threatening/violent behavior will be investigated and assessed with appropriate actions taken.

ANNUAL CRIME STATISTICS (By Campus):

La Crosse Campus:

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	1	0	0	1	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	1	0	0	1	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	0	1	0	1	0
	2022	2	0	0	2	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Liquor Law Violation Arrests	2023	1	0	5	6	0
	2022	0	0	1	1	0
	2021	0	0	2	2	0
Drug Law Violation Arrests	2023	2	0	5	7	0
	2022	4	0	3	7	4
	2021	0	0	3	3	0
Weapons Law Violation Arrests	2023	0	0	1	1	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	16	0	0	16	15
	2022	22	0	0	22	22
	2021	6	0	0	6	6
Drug Law Violation Referrals for Disciplinary Action	2023	6	0	0	6	6
	2022	8	0	0	8	7
	2021	0	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Domestic Violence	2023	1	0	0	1	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	1	0	0	1	0
	2021	1	0	0	1	0
Stalking	2023	0	0	0	0	0
	2022	1	0	0	1	0
	2021	1	0	1	2	1

*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, and 1 hate crime reported for 2022 reference intimidation – Race Bias and the alleged violator was charged. In 2023 there were 0 hate crimes.

Black River Falls Campus:

Primary Crimes	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0

Rape	2021	0	0	0
	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Public Property	Total
Liquor Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

VAWA Offenses	Year	On Campus	Public Property	Total
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

**Note: this campus has no residential facilities nor non-campus properties*

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, 2022 or 2023

Independence Campus:

Primary Crimes	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Public Property	Total
Liquor Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	1	0	1
	2021	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

VAWA Offenses	Year	On Campus	Public Property	Total
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

**Note: this campus has no residential facilities nor non-campus properties*

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, 2022 or 2023

Mauston Campus:

Primary Crimes	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0

	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Public Property	Total
Liquor Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

VAWA Offenses	Year	On Campus	Public Property	Total
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	0	0	0

	2021	0	0	0
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*Note: this campus has no residential facilities nor non-campus properties

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, 2022 or 2023

Sparta Campus:

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total
Liquor Law Violation	2023	0	0	1	0
Arrests	2022	0	0	0	0

	2021	0	0	0	0
Drug Law Violation Arrests	2023	0	0	1	1
	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law Violation Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total
Domestic Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

**Note: this campus has no residential facilities*

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, 2022 or 2023

Tomah Campus:

Primary Crimes	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0

	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Public Property	Total
Liquor Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

VAWA Offenses	Year	On Campus	Public Property	Total
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

**Note: this campus has no residential facilities nor non-campus properties*

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, 2022 or 2023

Vehicle Technology Center Campus:

Primary Crimes	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Public Property	Total
Liquor Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Arrests	2023	0	0	0
	2022	0	0	0

	2021	0	0	0
Weapons Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

VAWA Offenses	Year	On Campus	Public Property	Total
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

**Note: this campus has no residential facilities nor non-campus properties*

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, 2022 or 2023

Viroqua Campus:

Primary Crimes	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0

Statutory Rape	2021	0	0	0
	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Burglary	2023	0	0	0
	2022	1	0	1
	2021	0	0	0
Motor Vehicle Theft	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Public Property	Total
Liquor Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

VAWA Offenses	Year	On Campus	Public Property	Total
Domestic Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Dating Violence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

**Note: this campus has no residential facilities nor non-campus properties*

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

The total number of unfounded crimes for the 2023 calendar year is 0.

The total number of unfounded crimes for the 2022 calendar year is 0.

The total number of unfounded crimes for the 2021 calendar year is 0.

HATE CRIME REPORTING:

There were no reported Hate Crimes for 2021, 2022 or 2023