

TYPE: STUDENT SERVICES

POLICY TITLE: Sexual Harassment-Title IX

NWTC is committed to providing a workplace and educational environment, including the many benefits, programs and activities it offers its students and employees, free from sexual harassment in any form. To ensure compliance with applicable federal and state laws and regulations, including, without limitation, Title IX of the Education Amendments Act of 1972 and its implementing regulations (“Title IX”), and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, NWTC has developed and enacted this policy to make clear that sexual harassment and retaliatory conduct related to sexual harassment, alleged or proven, will not be tolerated.

Policy Statement

Sex-based harassment including sexual harassment; harassment based on sex stereotypes, sex characteristics, pregnancy or related condition, sexual orientation, and gender identity; and other sex-based conduct, in any form, is prohibited in all NWTC programs and activities or as otherwise prohibited by this policy. Sexual harassment in violation of this policy includes, without limitation, sexual assault, dating violence, domestic violence, stalking and sexual exploitation. Individuals who engage in such acts have violated this policy and are subject to disciplinary action. This policy also prohibits retaliation against any individuals who report sex-based harassment, who assist others in reporting sex-based harassment, or who participate in NWTC proceedings relating to any report of sexual harassment. Individuals who engage in such retaliation are subject to disciplinary action.

Individuals who are subject to acts of sex-based harassment are encouraged to report these incidents. All complaints will be treated seriously and investigated fully and impartially. NWTC will provide access to appropriate resources to any individual who experiences sex-based harassment, regardless of whether the individual decides to file a formal complaint under this policy.

Scope of Policy/Jurisdiction/Title IX Coverage

This policy applies to conduct or behavior by NWTC students or employees that takes place on or within NWTC’s campus, at NWTC-sponsored or supported events or activities, whether held on or off NWTC’s campus, including those held in other municipalities, states and nations, or over/through/via NWTC-owned or provided technology (e.g., networks, websites or e-mail accounts). This policy may also apply to off-campus and/or online conduct when a Title IX Coordinator determines that the sex-based harassment conduct or behavior affects a substantial NWTC interest, which includes:

- a) 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.
- b) Any situation where it appears that the Respondent may present a danger or threat to the

health or safety of self or others.

- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace, causes social disorder, or substantially disrupts the NWTC educational environment (e.g., online postings or other electronic communications not under NWTC's substantial control).
- d) Any situation that is detrimental to the educational interests of NWTC, as determined by a Title IX Coordinator.

Definitions

For purposes of this Policy, the following has been defined as:

- *Complainant* means an individual who is alleged to be the victim of sexual harassment or retaliation.
- *Employee* includes all NWTC exempt, non-exempt, part time or temporary classifications that receive a paycheck.
- *Respondent* means an individual who has been reported to be the perpetrator of sexual harassment or retaliation.
- *Student* is any person currently enrolled in a credit and/or non-credit course(s) at NWTC, either full-time or part-time.
- *Consent* is a mutual agreement to engage in sexual activity.

Conduct Prohibited by this Policy

The conduct defined below is prohibited by this policy.

- a) **Sexual Harassment.** Conduct on the basis of sex that satisfies one or more of the following:
 - An employee of NWTC implicitly or explicitly conditioning the provision of an aid, benefit, or service of NWTC on an individual's participation in unwelcome sexual conduct. Quid Pro Quo
 - Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to NWTC's Education program or Activity.
- b) **Sexual Assault.** Any of the following conduct:
 - Forcible Sexual Act: any sexual act directed against another person, without the Complainant's consent, including instances in which the Complainant is incapable

of giving consent or is Incapacitated.

- Non-Forcible Sexual Act: incest (non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Wisconsin law) and statutory rape (non-forcible sexual intercourse with a person who is under the age of 18).
- c) **Dating Violence.** 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 a consideration of (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
- d) **Domestic Violence.** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Wisconsin, or by 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 Wisconsin. To categorize an incident as Domestic Violence, the relationship between the person and the Complainant must be more than just two people living together as roommates. The person and the Complainant must be current or former spouses or share an intimate relationship.
- e) **Stalking.** The engaging by a person in a course of conduct directed at a Complainant that would cause a reasonable person to (i) fear for his or her safety or the safety of others or (ii) suffer substantial emotional distress. For purposes of this definition:
- A "course of conduct" is two or more acts, including, but not limited to, acts in which a Respondent directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a Complainant or interferes with a Complainant's property.
 - A "reasonable person" means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
- f) **Sexual Exploitation.** The taking by a Respondent of non-consensual or abusive sexual advantage of a Complainant for the Respondent's own benefit or for the benefit of anyone other than the Complainant that does not otherwise constitute Sexual Harassment defined

above in this Policy. Examples of Sexual Exploitation include, but are not limited to, the following:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).
- Invasion of sexual privacy.
- Taking pictures, video or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures or videos without the photographed/videoed person's consent), including the making or posting of revenge pornography.
- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease or infection.
- Causing or attempting to cause the Incapacitation of another person (through alcohol, drugs or any other means) for the purpose of compromising that person's ability to give consent to sexual activity or for the purpose of making that person vulnerable to non-consensual sexual activity.
- Misappropriation of another person's identity 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 an image that depicts the person's nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession or dissemination of child pornography.

Retaliation

The taking of any adverse action against a person because of a person's participation in a protected activity under this Policy, which includes, without limitation, reporting an incident that may implicate this policy, participating in any resolution process, supporting a Complainant or a 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.

Procedure

In accordance with this policy, NWTC will impartially address, investigate and resolve any formal or informal complaint or notice of potential violation of the policy that it receives. NWTC's procedure for addressing, investigating and resolving potential violations of this policy is set forth in [NWTC's Sexual Harassment/Title IX Grievance Procedures](#).

Reporting Sexual Harassment or Retaliation

NWTC strongly urges its students and employees to report sexual harassment or retaliation in violation of this policy. Any NWTC student or employee who believes they have been subject to sexual harassment or retaliation may report it using any of the following options:

- **Title IX Coordinator:** File a complaint with, or give verbal notice to, Title IX Coordinator [John Grant john.grant@nwc.edu/ (920) 498-6984], or of Title IX Deputy Coordinators [Kelly Schumacher, kelly.schumacher@nwtc.edu/(920) 498-6390 or Dawn Rentmeester, dawn.rentmeester@nwtc.edu/ 920-498-6932]. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the Green Bay campus main office addressed to a Title IX Coordinator.
- **Online:** Report online using the reporting form posted at https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=10.

At any point in time, a student or employee has the right to explore issues involving sexual harassment or retaliation in violation of this policy with any of the following external resources:

Employee Services

State of Wisconsin Department of Workforce Development – Equal Rights Division

Madison Office
201 E. Washington Avenue
Room A100
P.O. Box 8928
Madison, WI 53708
(608) 266-6860

Milwaukee Office
816 N. 6th Street
Room 723
Milwaukee, WI 53203
(414) 227-4384

U.S. Equal Employment Opportunity Commission

Milwaukee Area Office
Reuss Federal Plaza
310 W. Wisconsin Avenue
Suite 500
Milwaukee, WI 53203
(800) 669-4000

Student and Employee Services

U.S. Department of Education – Office of Civil Rights

Main Office	Chicago Office
400 Maryland Avenue, SW	Citigroup Center
Washington, D.C. 20202-1100	500 W. Madison Street, Suite 1475
Customer Service Hotline: (800) 421-3481	Chicago, IL 60661
Facsimile: (202) 453-6012	(312) 730-1560
TDD: (877) 521-2172	
Email: OCR@ed.gov	
Web: http://www.ed.gov/ocr	

Sanctions

Any student or employee found to have violated this policy will be sanctioned, with sanctions for students ranging from warnings through expulsion and sanctions for employees ranging from warnings through termination of employment.

Enforcement

The overall administration and enforcement of this policy is the responsibility of the Title IX Coordinator. Title IX Deputy Coordinators are primarily responsible for coordinating NWTC’s efforts related to the intake, investigation, resolution and implementation of supportive measures regarding Sexual Harassment and Retaliation prohibited under this Policy. Any questions or concerns should be directed to:

John Grant Dean of Student Services Title IX Coordinator Northeast Wisconsin Technical College 2740 West Mason Street Green Bay, WI 54307-9042 (920)498-6984 John.grant@nwtc.edu	Kelly Schumacher Disability Services and CARE Case Manager Title IX Deputy Coordinator Northeast Wisconsin Technical College 2740 West Mason Street Green Bay, WI 54307-9042 (920)498-6390 kelly.schumacher@nwtc.edu	Dawn Rentmeester Talent & Culture Compliance and Project Parter Title IX Deputy Coordinator Northeast Wisconsin Technical College 740 West Mason Street Green Bay, WI 54307-9042 (920)498-6932 dawn.rentmeester@nwtc.edu
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