

POLICY TITLE: Title IX – Sex Discrimination

DIVISION: Student Affairs / Talent & Culture

POLICY OWNER/POSITION TITLE: Title IX Coordinator

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 sex discrimination 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 discrimination on the basis of sex, sexual harassment and retaliatory conduct related to sex-based harassment, alleged or proven, will not be tolerated.

NWTC does not discriminate in its education programs or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). To read more about NWTC’s Pregnancy and related Conditions [Parenting Students] policy, click [here](#).

Policy Statement

Sex discrimination, including sex-based harassment, is prohibited in all NWTC programs and activities or as otherwise prohibited by this policy. Forms of sex discrimination include sex stereotypes, pregnancy or related condition, sexual orientation, and gender identity. Forms of sex-based harassment include Quid Pro Quo, Hostile Environment Harassment, Sexual Assault, Dating Violence, Domestic Violence or 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 discrimination or sex-based harassment, who assist others in reporting sex discrimination or sex-based harassment, or who participate in NWTC proceedings relating to a report of sex discrimination or sex-based harassment. Individuals who engage in such retaliation are subject to disciplinary action.

Individuals who are subject to acts of sex discrimination or 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

This policy is only applicable to alleged incidents that occur after August 1, 2024. For alleged incidents of sexual discrimination/harassment occurring prior to August 1, 2024, the policy, and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator and found [here](#).

This policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in the NWTC’s program or activities, including education and employment.

Inclusion Related to Gender Identity/Expression:

NWTC strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by NWTC. If a member of the NWTC community believes they have been subjected to discrimination under this Policy, they should follow the appropriate reporting process described herein.

In upholding the principles of equity and inclusion, NWTC supports the full integration and healthy development of those who are transgender, transitioning, nonbinary, or gender-diverse, and seeks to eliminate any stigma related to gender identity and expression.

NWTC is committed to fostering a climate where all identities are valued, contributing to a more vibrant and diverse community. The purpose of this Policy is to have NWTC administratively address issues that some students and employees, including those identifying as intersex, transgender, agender, nonbinary, and gender-diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do NWTC's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to NWTC's goal of being as welcoming and inclusive a community as possible.

Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be and may constitute a Policy violation if the effect is greater than de minimis (so small that it lacks consideration) harm. We each have a right to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, nonbinary, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

To a person who is transgender, transitioning, nonbinary, or gender-diverse, their cisgender identity may be in their past -- dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Again, unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This Policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, nonbinary, and gender-diverse students and employees.

Jurisdiction

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 applies to any conduct, allegations of conduct, or information about conduct, including off campus conduct, that has or may likely have the effect of discouraging or limiting a person's participation in, or accessibility to, NWTC's education programs or activities on the basis of sex.

For disciplinary action to be issued under this Policy, the Respondent must be a NWTC faculty member, student, or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the NWTC community, the Title IX Coordinator or Deputy Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources/ support options and will implement appropriate supportive measures and/or remedial actions (e.g., No trespass citation from NWTC). The Title IX Coordinator or Deputy Coordinator can also assist in contacting local law enforcement or NWTC Security if the individual would like to file a police report about criminal conduct.

Reporting

Every employee (including student employees), unless identified as a confidential resource, are Mandated Reporters and are expected to promptly report all known details of actual or suspected sex discrimination, sex-based harassment and/or retaliation to a Title IX Coordinator/Deputy Coordinator or through completing an incident report online. Submission of an incident report ensures compliance with many state and federal laws, but more importantly is the vehicle to an equitable and unbiased process.

Employees who are identified as a confidential resource, as described below, and who receive notice within the scope of their confidential role do need to submit an anonymous statistical information report for Clery Act purposes.

NWTC strongly urges its students and NWTC visitors to report sex discrimination, sex-based harassment and/or retaliation in violation of this policy. If you believe you have experienced sex discrimination, sex-based harassment, or retaliation, you may report it using any of the following options:

- File a complaint with, or give verbal notice to:
 - Title IX Coordinator: John Grant john.grant@nwc.edu | (920) 498-6984
 - Title IX Deputy Coordinators: Kelly Schumacher kelly.schumacher@nwtc.edu | (920) 498-6390 or Dawn Rentmeester dawn.rentmeester@nwtc.edu | (920) 498-6932
- Report online using the reporting form posted at https://cm.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=18

Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, by mail to the Green Bay campus main office addressed to a Title IX Coordinator, or online.

NWTC's Policy prohibits knowingly making false statements/reports, including knowingly submitting false information at any time during the process.

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

State of Wisconsin Department of Workforce Development – Equal Rights Division

Madison Office
201 E. Washington Avenue
Room A100
PO 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

US Department of Education – Office of Civil Rights

Main Office
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
TDD: (877) 521-2172
Email: OCR@ed.gov
<http://www.ed.gov/ocr>

Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th floor
Chicago, IL 60604
(312) 730-1560

After an incident report is submitted, the Title IX Coordinator or Deputy Coordinator will communicate with the complainant. The complainant will be provided with supportive resources and informed options for appropriate and reasonable measures that the College can take to support them.

Complainants have the right to decide among those options without impairing the College's ability to provide the measures.

Failure to report an incident is considered a violation of College policy and can be subject to disciplinary action.

Resolution Process

NWTC has adopted a resolution process that provides for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the

Title IX regulations. NWTC’s procedure for addressing, investigating, and resolving potential violations of this policy is provided in NWTC’s Title IX Sex Discrimination Resolution Process and can be found [online](#).

Confidentiality/Privacy

NWTC makes every effort to preserve the Parties’ privacy. NWTC will not share the identity of any individual who has made a complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

Standard of Proof

NWTC uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that NWTC will decide whether it is more likely than not (based upon the available information at the time of the decision) that the Respondent is in violation of the alleged Policy violation(s).

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 sex discrimination or sex-based harassment and retaliation prohibited under this policy. Any questions or concerns should be directed to:

John Grant Associate Vice President of Student Affairs / Title IX Coordinator NWTC 2740 West Mason Street Green Bay, WI 54307-9042 (920)498-6984 John.grant@nwtc.edu	Kelly Schumacher CARE and Conduct Case Manager / Title IX Deputy Coordinator NWTC 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 NWTC 2740 West Mason Street Green Bay, WI 54307-9042 (920)498-6932 dawn.rentmeester@nwtc.edu
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Definitions

For the purposes of this policy, the following have been identified as key definitions:

Complainant means:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or

- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the NWTC's education program or activity at the time of the alleged sex discrimination harassment or retaliation.

Complaint An oral or written request to NWTC that can objectively be understood as a request for NWTC to investigate and make a determination about the alleged Policy violation(s).

Confidential Employee means an employee of NWTC whose communications are privileged or confidential under Federal or State Law. The employee's confidential status, for purposes of this policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

- NWTC's Licensed Professional Counselors and healthcare professionals within Campus Care are confidential employees. That means that what you tell them cannot be shared (except in limited circumstances including suspected child abuse or threat of harm to others).

Consent is a mutual agreement to engage in sexual activity. It is informed, knowing, and voluntary. Regarding consent:

- No means no, but nothing also means no; Silence and passivity do not equal consent.
- To be valid, consent must be given immediately prior to or contemporaneously with the sexual or intimate activity
- Consent can be withdrawn at any time, so long as it is clearly communicated verbally or non-verbally
- Consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity
- Prior sexual engagements between individuals does not provide consent for any future activity

Credibility the process of weighing the accuracy and veracity of evidence within the Title IX process.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Employee encompasses all NWTC classifications, including exempt, non-exempt, part-time; including student employees when acting within the scope of their employment, who receive a paycheck from NWTC.

Party means a complainant(s) or respondent(s), collectively.

Pregnancy or related conditions means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex

discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

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

Respondent A person who is alleged to have engaged in conduct that could constitute sex discrimination, sex-based harassment, or retaliation for engaging in a protected activity under this Policy.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- 1) **Quid pro quo harassment.** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient'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.
- 2) **Hostile environment harassment.** 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 recipient's 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:
 - a) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - b) The type, frequency, and duration of the conduct;
 - c) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d) The location of the conduct and the context in which the conduct occurred; and
 - e) Other sex-based harassment in the recipient's education program or activity; or
- 3) **Specific offenses.**
 - a) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the [uniform crime reporting system of the Federal Bureau of Investigation](#);
 - b) Dating violence meaning violence committed by a person:
 - i) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;

- iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - (1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - (2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (3) Shares a child in common with the victim; or
 - (4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (1) Fear for the person’s safety or the safety of others; or
 - (2) Suffer substantial emotional distress.

Sex Discrimination means being treated less favorably based on a person’s sex. Sex discrimination on the basis of sex includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related condition, sexual orientation, and gender identity.

Student is a person who has gained admission.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- 1) Restore or preserve that party’s access to the recipient’s education program or activity, including measures that are designed to protect the safety of the parties or the recipient’s educational environment; or
- 2) Provide support during the recipient’s grievance procedures or during an informal resolution process.

Revision History

Revision Number	Effective Date	Description
	8/1/2024	<p>On April 19, 2024, the U.S. Department of Education released its Title IX Final Rule amending the existing regulations. The new regulations go into effect on August 1st, 2024.</p> <p>Within the 2024 regulations, you will see some new protections:</p> <ul style="list-style-type: none"> • Revised and updated definitions of offenses, including sex-based harassment. • Expanded mandated reporting obligations for employees. • Broader protections for pregnancy and related conditions • Clarification of how Title IX protects LGBTQIA+ members of our community. • Greater flexibility in how the institution approaches Title IX rights and protections. <p>The full text of the Final Rule and its extensive Preamble are available here. A Brief Overview of Key Provisions of the</p>

		Department of Education's 2024 Title IX Final Rule can be found here .
	January 2024	Updated to Names/Titles of Title IX Coordinator and Deputy Coordinator
	August 2020	Updated based upon regulation updates.
	2016	Initial Version