

POLICY TITLE: Title IX – Sexual Harassment

DIVISION: Student Affairs / Talent & Culture

POLICY OWNER/POSITION TITLE: Title IX Coordinator

Northeast Wisconsin Technical College (“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 that provide a prompt, fair, and impartial process to make clear that sexual harassment and retaliatory conduct related to sexual 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.

Policy Statement

Sexual harassment including harassment based on sex stereotypes, pregnancy or related condition, 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 sexual harassment, who assist others in reporting sexual 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 sexual 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 sexual harassment, regardless of whether the individual decides to file a formal complaint under this policy.

Scope

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

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 can also be applicable to the effects of off-campus misconduct that effectively deprives a person of access to NWTC’s education program or activities. NWTC may also extend jurisdiction to off-campus and/or to

online conduct when a Title IX Coordinator determines that the sexual harassment conduct or behavior affects a substantial NWTC interest.

Regardless of where the conduct occurred, NWTC will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial NWTC interest includes:

1. 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.
2. Any situation where it appears that the Respondent may present a danger or threat to the health or safety of self or others.
3. 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).
4. Any situation that is detrimental to the educational interests of NWTC, as determined by a Title IX Coordinator.

Reporting

All employees (including student employees), unless identified as a confidential resource, are Mandated Reporters expected to promptly report all known details of actual or suspected sexual harassment and/or retaliation to a Title IX Coordinator/Deputy Coordinator or by 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 sexual harassment and/or retaliation in violation of this policy. If you believe you have experienced sexual harassment or retaliation, you may report it using any of the following options:

- File a formal 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
- Email TitleIXInfo@nwtc.edu
- 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.

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 sexual 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.

Procedure

NWTC has adopted a grievance 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 Sexual Harassment Grievance Procedure 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 responsible for violating 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 Associate Vice President, 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 Student 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 Interim Talent Management Director/Talent & Culture Compliance and Project Partner/ 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 purposes of this Policy, the following have been identified as key definitions:

Complainant means an individual who has alleged in a formal complaint to be the victim of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

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.

Disciplinary sanction means consequences imposed following a finding of responsible.

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.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in protected activity under the 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.

Sexual Harassment is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. (See [Conduct Prohibited below](#) for greater detail.)

Student is any person currently enrolled in a credit and/or non-credit course(s) at NWTC, either full-time or part-time.

Supportive measure 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:

- 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
 - Provide support during the recipient's grievance procedures or during an informal resolution process.
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Conduct Prohibited by this Policy

The section below describes the specific forms of legally prohibited harassment that are also prohibited under NWTC Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of NWTC Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

NWTC has adopted the following definitions of sexual harassment to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

Title VII Sexual Harassment applies to situations where an employee is subjected to workplace sexual harassment.

- a) Unwelcome verbal, written, graphic, and/or physical conduct;
- b) that is severe or pervasive and objectively offensive (hostile environment);
- c) on the basis of sex/gender, that
- d) unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

Title IX Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes:

Conduct on the basis of sex, or that is sexual in nature, that satisfies one or more of the following:

1) Quid Pro Quo:

- a) an employee of the recipient,
- b) conditions the provision of an aid, benefit, or service of the recipient,
- c) on an individual's participation in unwelcome sexual conduct.

2) Sexual Harassment (Hostile Environment):

- a) unwelcome conduct,
- b) determined by a reasonable person,
- c) to be so severe, and
- d) pervasive, and,
- e) objectively offensive,
- f) that it effectively denies a Complainant equal access to the Recipient's education program or activity.

3) Sexual Assault, defined as:

- a) Any sexual act directed against a Complainant,
 - without their consent, or
 - instances in which the Complainant is incapable of giving consent.
 - b) Incest:
 - Non-forcible sexual intercourse,
 - between persons who are related to each other,
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- within the degrees wherein marriage is prohibited by WI law.
- c) Statutory Rape:
 - Non-forcible sexual intercourse,
 - with a person who is under the statutory age of consent of 18 years of age in the State of Wisconsin.
 - Or as defined in Wisconsin state statute 940.225.

4) Dating Violence, defined as:

- a) violence,
- b) on the basis of sex,
- c) committed by a person,
- d) who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. 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 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.

5) Domestic Violence, defined as:

- a) violence,
- b) on the basis of sex,
- c) committed by a current or former spouse or intimate partner of the Complainant,
- d) by a person with whom the Complainant shares a child in common, or
- e) by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f) by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Wisconsin, or
- g) 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.
- h) Or as defined in Wisconsin State Statute 968.075.

6) Stalking, defined as:

- a) engaging in a course of conduct,
- b) on the basis of sex,
- c) directed at the Complainant, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.
- d) Or as defined in Wisconsin State Statute 940.32.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to acts in which the 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 person, or interferes with a person's property.

- 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.

Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, NWTC additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived protected characteristic.

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:

- a. 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).
- b. 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.)
- c. Prostituting another person.
- d. 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.
- e. 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.
- f. Misappropriation of another person's identity on apps, websites or other venues designed for dating or sexual connections.
- g. 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.
- h. Knowingly soliciting a minor for sexual activity.
- i. Engaging in sex trafficking.
- j. Creation, possession or dissemination of child pornography.

Hazing, defined as:

- Acts likely to cause physical or psychological harm or social ostracism to any person within the NWTC community, when related to admission, initiation, pledging, joining or any other group-affiliation activity (as defined further in the Hazing Policy)

Violation of any other NWTC policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristic(s), and the result is a discriminatory limitation or denial of

employment or educational access, benefits, or opportunities.

Revision History

Revision Number	Effective Date	Description
5	January 9, 2025	On January 9, 2025, a federal judge issued an order that vacated the 2024 Title IX Regulations. Updates were made to NWTC's August 2020 policy to provide clarity in policy.
4	August 1, 2024	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 1 st , 2024. Within the 2024 regulations, you will see some new protections: 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. The full text of the Final Rule and its extensive Preamble are available here . A Brief Overview of Key Provisions of the Department of Education's 2024 Title IX Final Rule can be found here .
3	January 2024	Updated to Names/Titles of Title IX Coordinator and Deputy Coordinator
2	August 2020	Updated based upon regulation updates.
1	2016	Initial Version