



# CVTC Sexual Harassment Policy and Procedure

## TABLE OF CONTENTS

1	SEXUAL HARASSMENT POLICY.....	2
1.1	Introduction.....	2
1.2	Purpose.....	2
1.3	Boundaries of CVTC's Sexual Harassment Policy.....	2
1.4	Title IX CVTC Coordinator and Investigators .....	3
1.5	Title IX Resources.....	4
2	CVTC INVESTIGATION PROCESS.....	8
2.1	Sexual Harassment Defined.....	8
2.2	Other Policy Definitions.....	11
2.3	Employees Obligation to Report.....	12
2.4	Filing a report of Sexual Harassment.....	12
2.5	Preliminary Inquiry .....	13
2.6	Formal Complaint .....	14
2.7	Rights of all Parties .....	15
2.8	Formal Investigation Process.....	16
2.9	Sanctions/Corrective Actions .....	17
2.10	Appeal Process.....	17
2.11	Disclosures – FERPA Exemptions .....	18
2.12	Prevention and Education .....	18
2.13	Prohibition on Retaliation .....	19
2.14	Federal Statistical Reporting Obligations .....	19
2.15	Federal Timely Warning Obligations .....	19
2.16	Informal Resolution .....	19
2.17	Documentation and Confidentiality .....	19

## 1 SEXUAL HARASSMENT POLICY

### 1.1 INTRODUCTION

CVTC strives to provide a safe environment in which students can pursue their education free from the detrimental effects of sexual harassment, which includes, any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access and any instance of dating violence, domestic violence, stalking or sexual assault as defined in the Clery Act. Title IX of the Higher Education Act of 1972 ("Title IX") prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance.

Title IX ensures the College does not discriminate on the basis of sex in its education programs and the Campus Sexual Violence Elimination Act (SAVE) of 2013 and Violence Against Women Reauthorization Act (VAWA) ensures that colleges and universities implement policies and programs to prevent sexual assault, dating violence, domestic violence, and stalking. The College seeks to educate students and employees about these issues and to provide a means of recourse for those who believe they have experienced such misconduct. This policy defines College expectations and establishes a mechanism for determining when those expectations have been violated.

The College specifically prohibits all forms of sexual harassment and violence including, but not limited to, rape, acquaintance rape, sexual assault, dating violence, domestic violence, stalking, and hate crimes between or against members of its College community.

### 1.2 PURPOSE

The College does not discriminate on the basis of gender, gender identity, or sexual orientation in administration of its educational policies, admissions policies, scholarship and loan programs, and other College-administered programs or in its employment practices. As such, the purpose of this policy is to define sexual harassment, which includes domestic violence, intimate partner violence, stalking, other forms of non-consensual sexual behavior, and sexual assault as well as:

- To affirm the College's commitment to stopping sexual harassment and preventing its recurrence.
- To establish procedures for filing and processing complaints of sexual harassment.
- To identify resources and support for individuals reporting an incident of sexual harassment.
- To ensure impartial investigation of complaints and to respond appropriately when incidents do occur.

### 1.3 BOUNDARIES OF CVTC'S SEXUAL HARASSMENT POLICY

Laws and the requirements of this policy affect all relationships within the College community, including, but not limited to:

- Student and/or employee relationships with other students and/or employees.
- Employee conduct toward students and/or each other.
- Student conduct toward employees.
- Conduct between members of same or different genders.
- Conduct toward persons outside the College community may be considered a violation of this policy if the College concludes there is a sufficient connection between the conduct and the College.
- Conduct between campus visitors and students or employees.

On-campus violations include any violation which occurs: within the geographic confines of the College, including its land, institutional roads and buildings, its leased premises, the property, facilities and leased premises of organizations affiliated with the College.

Because off-campus events can impact the learning environment while a student is attending the College, CVTC will also consider the effects of off-campus misconduct under this policy when evaluating whether there is a hostile environment on-campus or in an off-campus education program or activity. Examples of sexual harassment which are within the scope of the College's interest under this policy include those where such behavior:

- Involves conduct directed at or by a College student or other member of the College community (e.g. outside employment).
- Occurs during College-sponsored events (e.g. field trips, social or educational functions, College-related travel, student recruitment activities, internships and service learning experiences).
- Occurs during the events of organizations affiliated with the College, including the events of student organizations and College events.
- Poses a disruption and/or threat to the College community.

The College cannot fully address the continuing effects of off-campus sexual violence on campus or in an off-campus education program or activity unless it processes the complaint and gathers appropriate additional information in accordance with its established procedures.

#### 1.4 TITLE IX CVTC COORDINATOR AND INVESTIGATORS

##### **Title IX Coordinator**

The Title IX Coordinator is responsible to ensure compliance with Title IX laws and regulations and to serve as a neutral administrator and resource to students, employees, and community members as well as answer questions, coordinate reporting requirements, handle complaints, and review internal College proceedings.

If the Title IX Coordinator is alleged to be the person who engaged in sexual misconduct, a report may be filed with an identified Title IX Investigator, or with the Vice President of Student Services. Complaints can also be filed with the [Office of Civil Rights \(OCR\)](#)

##### **Title IX Coordinator**

Natti Marlaire  
Dean of Student Success and Title IX Coordinator  
620 W Clairemont Avenue  
Business Education Center Room 100 I  
Eau Claire, WI 54701  
[nmarlaire@cvtc.edu](mailto:nmarlaire@cvtc.edu)  
715-852-1399

## **Title IX Investigators**

The following individuals are trained Title IX Investigators.

### **Title IX Student Deputy Coordinator**

Mitch Baroni, Director of Student Success and Accessibility  
620 W Clairemont Avenue  
Business Education Center Room 120  
Eau Claire, WI 54701  
715-831-7229  
[mbaroni@cvtc.edu](mailto:mbaroni@cvtc.edu)

### **Title IX Student Investigators**

Diane Hausler, Director of Academic and Career Advising  
620 W Clairemont Avenue  
Business Education Center Room 113  
Eau Claire, WI 54701  
715-852-1369  
[dhausler@cvtc.edu](mailto:dhausler@cvtc.edu)

Trish Campbell, Assessment, Career Planning and Transition Manager  
620 W Clairemont Avenue  
Business Education Center Room 115  
Eau Claire, WI 54701  
715-833-6341  
[pcampbell4@cvtc.edu](mailto:pcampbell4@cvtc.edu)

### **Title IX Employee Deputy Coordinator**

Tam Burgau, Vice President of Talent and Culture  
620 W Clairemont Avenue  
Business Education Center Room 174 H  
Eau Claire, WI 54701  
715-832-1377  
[tburgau@cvtc.edu](mailto:tburgau@cvtc.edu)

### **Title IX Employee Investigator**

Carmen Peterson, Director of Employment Relations and Benefits Administration  
620 W Clairemont Avenue  
Business Education Center Room 104 A  
Eau Claire, WI 54701  
715-833-6345  
[cpeterson133@cvtc.edu](mailto:cpeterson133@cvtc.edu)

## **1.5 TITLE IX RESOURCES**

Sexual harassment assistance and resources are available. The following is a list of internal CVTC resources as well as local, state, and national resources available.

### **On Campus Resources**

- CVTC Public Safety:
  - Urgent assistance: 1-1-1-1 (Available through College phones only)
  - Office: (715) 833-6202 Fax: (715) 833-6216 Email: [PublicSafety@cvtc.edu](mailto:PublicSafety@cvtc.edu)
  - After hours: (715) 579-7544
  - Location: CVTC Business Education Center, Room 06 620 W. Clairemont Ave, Eau Claire, WI
- City of Eau Claire Police Department:
  - Urgent assistance: 9-1-1

- Office: (715) 839-4972 Fax: (715) 552-7296
- Location: Eau Claire Police Department 721 Oxford Avenue, Suite 1400, Eau Claire, WI

## **Off Campus Resources**

### **National Resources**

- National Sexual Assault/RAINN Hotline
  - 24/7 confidential Crisis Line: 1-800-656-HOPE (4673)
  - <https://www.rainn.org/>
- National Domestic Violence Hotline
  - 24/7 confidential Crisis Line: 1-800-799-SAFE (7233)
  - <https://www.thehotline.org/>

### **State of Wisconsin Resources**

- Great Rivers 211 Crisis Line Services
  - [www.greatrivers211.org](http://www.greatrivers211.org)
  - PO Box 426, Onalaska, WI 54650
  - 24/7 Confidential Crisis Line: Dial 2-1-1 or 800-362-8255
- The Wisconsin Coalition Against Sexual Assault (WCASA)
  - <http://www.wcasa.org>
  - 608-257-1516
  - Email: [wcasa@wcasa.org](mailto:wcasa@wcasa.org)

## **County Resources**

### **Buffalo County, WI**

- Bolton Refuge House - 715-926-6080 or Crisis Line: 715-834-9578 or 855-526-5866
  - <https://www.boltonrefuge.org/bco> Email: [director@boltonrefuge.org](mailto:director@boltonrefuge.org)
  - PO Box 6, Alma, WI 54610
- New Horizon's Shelter & Outreach Center
  - Whitehall Crisis Line – 1-800-706-8586; phone - 715-538-2810
  - P.O. Box 518, Whitehall, WI 54773
  - La Crosse Crisis Line – 1-888-231-0066; phone – 608-791-2610
  - P.O. Box 2031, La Crosse, WI 54602
  - <http://www.nhagainstabuse.org/>

### **Chippewa County, WI**

- Family Support Center - 715-723-1138 or Crisis Line: 800-400-7020
  - <http://www.FamilySupportCentercf.com> Email: [familysupport@fscf.org](mailto:familysupport@fscf.org)
  - P.O. Box 143, Chippewa Falls, WI 54729-0143
- Eau Claire Area Hmong Mutual Assistance Association – 715-832-8420 or Crisis Line after hours interpretation: 715-864-6331
  - <https://www.ecahmaa.org/> Email: [michelle.harris@ecahmaa.org](mailto:michelle.harris@ecahmaa.org)
  - 1320 W. Clairemont Ave, Eau Claire, WI 54701

### **Clark County, WI**

- Personal Development Center Clark County Outreach – Crisis line: 715-384-2971 or text 715-660-6813
  - <http://pdcmarshfield.org/> Email: [IntakeSpecialist@pdcmarshfield.org](mailto:IntakeSpecialist@pdcmarshfield.org)
  - Marshfield – 715-384-2971, toll free 844-210-8899
    - 505 E. Depot Street, Marshfield, WI 54449
  - Neillsville – 715-743-6401, toll free 877-743-6262
    - 1031 E. Division St. Suite #1, Neillsville, WI 54456

### **Dunn County, WI**

- The Bridge to Hope - 715-235-9074 or Crisis Line: 800-924-9918 or text 715-505-3640
  - <http://www.thebridgetohope.org>
  - 2110 4<sup>th</sup> Ave NE Menomonie, WI 54751
- Eau Claire Area Hmong Mutual Assistance Association – 715-832-8420 or Crisis Line/after hours interpretation: 715-864-6331
  - <https://www.ecahmaa.org/> Email: [michelle.harris@ecahmaa.org](mailto:michelle.harris@ecahmaa.org)
  - 1320 W. Clairemont Ave, Eau Claire, WI 54701

### **Eau Claire County, WI**

- Bolton Refuge House – 715-832-8420 or Crisis line: 715-834-9578 or 855-526-5866
  - <https://www.boltonrefuge.org/> Email: [director@boltonrefuge.org](mailto:director@boltonrefuge.org)
  - 807 S. Farwell St., Eau Claire, WI 54701
- Center for Awareness of Sexual Assault (CASA) – UWEC - 715-836-4357 or Crisis Line: 715-836-4357
  - <http://www.uwec.edu/casa> Email: [casa@uwec.edu](mailto:casa@uwec.edu)
  - UWEC – Hibbard Humanities Hall 311C, 124 Garfield Ave, Eau Claire, WI 54701
- Eau Claire Area Hmong Mutual Assistance Association – 715-832-8420 or Crisis line/after-hours interpretation: 715-864-6331
  - <https://www.ecahmaa.org/> Email: [michelle.harris@ecahmaa.org](mailto:michelle.harris@ecahmaa.org)
  - 1320 W. Clairemont Ave, Eau Claire, WI 54701
- Family Support Center Sexual Assault Outreach - 715-830-0188 or Crisis Line: 1-800-400-7020
  - <http://www.familysupportcentercf.com> Email: [familysupport@fscf.org](mailto:familysupport@fscf.org)
  - 306 S. Barstow St. Suite 101A, Eau Claire, WI 54701

### **Jackson County, WI**

- Bolton Refuge House – 715-832-8420 or Crisis line: 715-834-9578 or 855-526-5866
  - <https://www.boltonrefuge.org/jco> Email: [director@boltonrefuge.org](mailto:director@boltonrefuge.org)
  - PO Box 481, Black River Falls, WI 54615
- Gunderson Lutheran Domestic Abuse & Sexual Assault Program – Crisis line: 608-775-5950 or 800-362-9567, ext. 55950
  - <http://www.gundersenhealth.org/patients-visitors/social-services/domestic-abuse-and-sexual-assault-program/>
  - 1900 South Ave, La Crosse, WI 54601

- Ho Chunk Nation Domestic Abuse Program –715-284-2622 ext. 5135 or Crisis line: 1-877-847-8689
  - <https://ho-chunknation.com/government/executive-branch/social-services/>
  - Social Services Building P.O. Box 40, 808 Red Iron Road, Black River Falls, WI 54615

### **Pepin County, WI**

- The Bridge to Hope - 715-235-9074 or Crisis Line: 800-924-9918 or text 715-505-3640
  - <http://www.thebridgetohope.org>
  - 2110 4<sup>th</sup> Ave NE, Menomonie, WI 54751

### **Pierce and St. Croix Counties, WI**

- St. Croix Valley SART – Crisis Line: 715-425-6443
  - <http://stcroixvalleysart.org> Email: [info@stcroixvalleysart.org](mailto:info@stcroixvalleysart.org)
  - 1343 North Main St., River Falls, WI 54022
- Turningpoint - 715-425-6751 or Crisis Line: 800-345-5104 or Text Hotline: 715-821-8626
  - <http://www.turningpoint-wi.org>
  - 117 N. Main St., River Falls, WI 54022

### **Taylor County, WI**

- Stepping Stones, Inc. - 715-748-3795, text line (8 am - 10 pm) 715-965-9109 or Crisis Line: 715-748-5140 or 866-343-5140
  - <http://www.sstones.org> Email: [info@sstones.org](mailto:info@sstones.org)
  - 327 E Broadway Avenue, Medford, WI 54451
- The Women’s Community, Inc. - 715-842-5663 or Crisis Line: 1-888-665-1234 or 715-842-7323
  - <http://womenscommunity.org/>
  - 3200 Hilltop Ave, Wausau, WI 54401

### **Trempealeau County, WI**

- New Horizon’s Shelter & Outreach Center
  - Whitehall Crisis Line – 1-800-706-8586; phone - 715-538-2810
  - P.O. Box 518, Whitehall, WI 54773
  - La Crosse Crisis Line – 1-888-231-0066; phone – 608-791-2610
  - P.O. Box 2031, La Crosse, WI 54602
  - <http://www.nhagainstabuse.org/>

## **2 CVTC INVESTIGATION PROCESS**

### **2.1 SEXUAL HARASSMENT DEFINED**

The College prohibits sexual harassment in any form. Sexual harassment is a broad term encompassing any unwelcome behavior of a sexual nature between persons of the same or different genders. Sexual Harassment is unwelcome, gender-based verbal or physical conduct, determined by a reasonable person, to be so severe, pervasive and objectively offensive that it effectively denies a person equal access



to CVTC's education program or activity. Sexual harassment can be based on power differentials such as quid pro quo harassment, the creation of a hostile environment on the basis of gender or sex, or retaliation for a person complaining about or participating in the investigation of sexual harassment.

This policy prohibits all forms of sexual harassment that would violate applicable federal, state, and local laws. Specific examples of prohibited sexual harassment include, but are not limited to:

- A. Unwelcome sexual advances or requests for sexual favors. Examples include, but are not limited to:
  - Staring at a person or looking a person up and down.
  - Whistles, catcalls, and sexual references.
  - Repeated pressure on an employee to socialize or date another individual.
- B. Unwelcome verbal or physical conduct of a sexual nature. Examples include, but not limited to:
  - Sexual gestures or hand movements.
  - Unnecessary and unwanted touching, grabbing, caressing, pinching or brushing up against a person.
  - Asking personal questions about a person's social or sexual life.
  - Making sexual comments or innuendoes, telling jokes or stories of a sexual, demeaning, offensive or insulting nature.
  - Deliberate display of offensive sexually graphic material which is not necessary for business purposes.
  - Posters, cartoons, photographs or artwork of a sexual, hostile or degrading nature.
- C. Making submission to, or rejection of, such conduct a factor in academic or employment decisions affecting a student or employee. Examples may include, but are not limited to: availability of educational opportunities or grades, granting or withholding pay increases, promotions, job offers or other academic or employment issues based on sex or gender.
- D. Taking adverse educational or employment action against a student or employee because of the person's participation in a complaint or investigation of sexual harassment.

Other prohibited conduct under this policy includes, but is not limited to, the following:

1. Sexual Assault
2. Domestic Violence
3. Stalking
4. Dating Violence
5. Hostile Environment on the basis of gender or sex
6. Other Sex-Based Harassment Offenses

### **1. Sexual Assault**

Sexual Assault is defined very broadly by criminal law, and thus also by this policy. Sexual assault includes a wide variety of both non-consensual sexual contact as well as non-consensual sexual intercourse.

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent. Such conduct may be with or without force. Examples of sexual contact include, but are not limited to: Intentional contact with the breasts,

buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-consensual sexual intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman that is without consent. Such conduct may be with or without force. Examples of sexual intercourse includes, but are not limited to: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

## **2. Domestic Violence**

Includes misdemeanor and felony crimes of violence committed against a victim when the offender is the spouse of the victim, a former spouse of the victim, cohabitant of the victim, an intimate partner of the victim, or has a child in common with the victim. Domestic violence also includes misdemeanor or felony crimes of violence when the victim is a minor subject to the control of the offender, or is an incapacitated individual subject to the control of the offender.

According to Wis. Stat. §813.12, Domestic Abuse means any of the following, when 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:

- A. Intentional infliction of physical pain, physical injury or illness.
- B. Intentional impairment of physical condition.
- C. Conduct which would violate Wis. Stat. § 940.225, including first, second, or third degree sexual assault
- D. Physical act that may cause the other person reasonably to fear imminent engagement in the conduct above.

## **3. Stalking**

Involves a course of conduct, including harassment, intimidation, or surveillance, directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress, serious physical injury, or death. Stalking can also be a form of sexual harassment, and/or it can involve a total stranger. The physical location of the course of conduct or portions of it does not matter.

According to Wis. Stat. § 940.32, 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:

- A. Maintaining a visual or physical proximity to the victim.
- B. Approaching or confronting the victim.
- C. Appearing at the victim's workplace or contacting the victim's employ or coworkers.
- D. Appearing at the victim's home or contact the victim's neighbors.
- E. Entering property owned, leased, or occupied by the victim.
- F. 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.
- G. 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.
- H. 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.

- I. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
- J. 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.
- K. Causing a person to engage in any of acts described above.

#### **4. Dating Violence**

Violence by a person who is or has been in a romantic or intimate relationship with the victim. Whether a romantic or intimate relationship exists will be gauged by its length, type, and frequency of interaction between the offender and the victim.

#### **5. Hostile Environment on the Basis of Gender or Sex**

A hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive such that it alters the conditions of employment or limits, interferes with, or denies educational benefits, opportunities, or employment from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

#### **6. Other Sex-Based Harassment Offenses**

The following additional sexual harassment offenses, when gender or sex based, violate this policy:

- A. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
- B. Discrimination defined as actions that deprive other members of the community of educational or employment access, benefits, or opportunities.
- C. Intimidation defined as implied threats or acts that cause an unreasonable fear of harm in another
- D. Bullying defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person physically or mentally.

## **2.2 OTHER POLICY DEFINITIONS**

### **Bystander**

Individual who observes a crime, impending crime, conflict, potentially violent or violent behavior or conduct that is in violation of rules or policies of an institution.

### **Coercion**

Individual(s) compelled to engage in sexual activity based on an unreasonable amount of pressure to include harassment, threats and intimidation. When an individual makes it clear that they do not want to engage in sexual conduct, wants it to stop, or does not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

### **Confidentiality**

The College is committed to create a safe environment in which individuals can be confident in discussing sexual misconduct concerns and, if necessary, file a complaint free of retaliation. The College will take necessary steps to maintain confidentiality of persons reporting incidents of sexual misconduct. There are certain time when safety or legal obligations exist for the College to report sexual misconduct. In these instances the privacy of the individual(s) involved cannot be guaranteed, however, identities will be protected to as great an extent as is legally and reasonably possible. An individual's expressed wishes of confidentiality will be considered in the context of the College's legal obligation to act upon the charge and the right of the

charged party to be informed concerning the charge(s). When mandatory state reporting occurs, alternative means of identification regarding personally identifiable information will be used when possible.

### **Consent**

Consent must be informed, knowing, and voluntary as well as by the following concepts:

- A. Active, not passive, given by words or actions as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Silence, in and of itself, cannot be interpreted as consent.
- C. Non-verbal consent, such as non-verbal actions, or non-verbal communication is not as clear as verbally consenting to sexual activity. Persons who want to engage in sexual activity are responsible for obtaining consent.
- D. Known consent to one form of sexual activity does not imply consent to other forms of sexual activity
- E. Consent requires the individual to be of legal age.

### **Harm to Persons**

Actions which result in or have the potential to cause physical harm or create conditions that pose a risk of physical harm or cause reasonable apprehension of physical harm are prohibited. Conduct which threatens to cause harm, or creates hazardous conditions for others, such as dropping, throwing, or causing objects or substances to fall from windows, ledges, balconies or roofs is also prohibited.

### **Hate Crime**

The victim is intentionally selected because of the actual or perceived gender or sexual orientation.

### **Incapacitation**

A state where an individual has the absence of mental capacity or is not able to make a rational or reasonable decision due to a temporary or permanent inability to understand the concepts or care of his or her own person regarding sexual interaction. Use of alcohol or other drugs does not excuse behavior that violates this policy. If an individual engages in sexual activity with someone they know or should have known to be mentally or physically incapacitated, they may be in violation of this policy.

## **2.3 EMPLOYEES OBLIGATION TO REPORT**

All College employees have an obligation to report information or incidents regarding sexual harassment made known to them, or which they have reasonable cause to suspect are occurring or may have occurred. Employees are encouraged to advise students of their obligation to report potential or alleged violations of this policy. While the College has an obligation to report sexual harassment behavior, individuals may elect not to pursue action through a complaint process or, in some cases, participate in a disciplinary proceeding if proceedings are warranted. However, under certain circumstances the College may need to investigate reports of sexual harassment should safety or legal reasons become apparent. To the extent possible, privacy will be maintained and information will only be shared with individuals on a need-to-know basis. A request for confidentiality does not relieve the College employee of their obligation to report.

## **2.4 FILING A REPORT OF SEXUAL HARASSMENT**

The College will take appropriate measures to address violations of this policy in a manner that is reasonable to prevent such conduct from recurring and to minimize the effects on students, employees and community members.

The College's policy to address cases of alleged sexual harassment is designed to:

- Consider the rights of the complainant, the rights of the respondent, the safety of the community, and compliance with applicable laws and College policies.
- Conduct a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties.
- Protect the privacy of all parties to the extent practical, while balancing the need to perform an investigation, follow the procedures outlined below, comply with applicable law, and maintain campus safety.
- Provide appropriate remedies and sanctions to address the discriminatory effects of sexual harassment on the complainant and others.
- Support the needs of the complainant and respondent in the areas of emotional and mental health, physical well-being, and safety from future violence or retaliation.

A student or employee who believes they have been the victim of any form of sexual harassment is encouraged to file a report describing the person(s) involved, specific conduct, incident(s) or occurrence(s) that form the basis for the complaint. Individuals may file complaints directly with the Title IX Coordinator, a Title IX Investigator or CVTC Public Safety.

For specific contact information, please refer to section 1.5. A report may also be filed electronically via an incident report. Incident reports can be found [here](#).

It is encouraged to file a report as soon as possible after an incident to ensure safety precautions and necessary actions are taken for all the parties involved.

## 2.5 PRELIMINARY INQUIRY

Once the College has received notification of harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without filing a formal complaint and explain to the complainant the process for filing a formal complaint. A preliminary inquiry will be conducted to determine if there is reasonable cause to believe a policy was violated. If no reasonable grounds for the complaint are found, the complaint will be dismissed and the complainant will be informed why the act does not constitute sexual harassment. Voluntary, informal methods may be used to resolve the complaint.

If an individual requests confidentiality or requests that a complaint not be pursued, all reasonable steps will be taken to honor the request, however under certain safety and legal circumstances, it may be deemed that an investigation, whether formal or informal, should occur. Information will only be shared with individuals responsible for addressing incidents of sexual violence. Prior to disclosing information, the complainant will be notified of the information to be disclosed, whom it will be disclosed to, and why the information needs to be disclosed. Honoring a request for confidentiality may limit the College's ability to respond to the allegation, including pursuing sanctions and remedies against the respondent(s). The College will determine if the confidentiality request can be honored while providing a safe and non-discriminatory environment. The College will take steps to maintain confidentiality of persons reporting incidents of sexual harassment in records available for public inspection by using alternative means of identification and not including personally identifiable information in the annual campus security report, campus crime log, and emergency warning notices required under the Clery Act. Requests for confidentiality will be evaluated in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students.

### Supportive Measures

Upon receiving a report of an allegation of policy violations, CVTC will offer supportive measures to involved parties as appropriate. Supportive measures are made available when the College is provided actual knowledge of allegations of harassment, discrimination, or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and/or the Respondent. Such measures are designed to restore or preserve equal access to CVTC's education programs or activities without unreasonably burdening the other party. These may include, but are not limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Work accommodations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- No contact orders (Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.)

## 2.6 FORMAL COMPLAINT

A formal complaint alleges sexual harassment against a respondent, and requests that the College investigate such allegations. A formal complaint may be filed by the complainant or signed by the Title IX Coordinator. Formal complaints can be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such reports may be made at any time, including during non-business hours.

If allegations in a formal complaint do not meet the definition of sexual harassment, or did not occur in the school's education program or activity against a person in the United States, the College will dismiss such allegations for the purposes of Title IX but may address the allegation in any manner the College deems appropriate under the Code of Conduct or outlined in the Employee Handbook.

In compliance with guidelines distributed by Office of Civil Rights (OCR), CVTC uses a preponderance of the evidence (more likely than not) standard for determining responsibility. This is different than the standard used in a criminal investigation.

Throughout the investigation, the complainant and respondent will be informed of campus and community resources, including referrals to counseling and other health services. These options may be made available to both parties regardless of whether they proceed with a formal complaint under the College policy or files a criminal report or complaint with the police.

An individual has the option to file a criminal report with a local law enforcement agency. A Title IX Coordinator, Investigator(s), department of Public Safety, or designee can provide assistance if an individual elects to contact the police. Declining to pursue a complaint at the time of the initial incident does not prevent the individual from filing a criminal report or a Title IX complaint at a later date. Individuals requesting accommodations in filing a report, visit the [disability services website](#) or call 715-833-6234.

### False Reporting

The College does not condone false reporting. Any person who makes a report that is later found to have been intentionally false or was made maliciously may be subject to corrective action or code of conduct violation up to and including dismissal from the College.

#### Interim Protective Measures

The College reserves the right to impose interim protective measures based on the nature and severity of a complaint and the relevant facts and circumstances of a reported incident in order to protect the rights and personal safety of students, employees and members of the CVTC community. Pending outcome of a sexual harassment investigation temporary measures may include, but are not limited to, admission to the College, interim suspension from campus, paid or unpaid administrative leave, increased security, course or work related adjustments, modification of class or work schedules and/or class or work assignments, campus restraining order or no contact orders, as well as other necessary measures up to and including reporting the matter to local police. The College may modify those measures based on evolving needs or information.

## 2.7 RIGHTS OF ALL PARTIES

#### The complainant shall have the right to:

- A timely investigation and appropriate resolution of all credible complaints of sexual harassment made in good faith to College authorities.
- Be treated with dignity, respect and fairness.
- Have access to campus or community services designed to assist in such cases.
- Have an advisor of their choosing during all phases of the investigation and conduct proceedings, including at the live hearing and cross examination. Note that the College will provide such an individual at hearing and at College costs, only.
- Written notice of the outcome and sanction(s), if any, and, if applicable, of the hearing.
- Be informed of options to notify proper law enforcement authorities, including on-campus safety personnel or local police, and the option to be assisted by campus authorities in notifying such authorities; this also includes the right not to report, if this is the complainant's desire.
- Preservation of confidentiality to the extent possible and allowable by law.
- Be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint.
- The presence of student or employee witnesses, and be given the right to ask questions, directly or indirectly, of witnesses and the right to challenge documentary evidence.
- Be present for all testimony given and evidence presented at the live hearing and cross-examination
- Be informed in advance, when possible, of any public release of information regarding the complaint.
- Reasonable individualized interim protective measures.
- An outcome based solely on evidence presented during the investigation process and the right to review and supplement the investigator's record prior to finalization of the decision.

#### The respondent shall have the right to:

- A timely investigation and appropriate resolution of all credible complaints of sexual harassment made in good faith to College authorities.
- Be treated with dignity, respect and fairness.

- Have access to campus or community services designed to assist in such cases.
- Have an advisor of their choosing during all phases of the investigation and conduct proceedings, including at the live hearing and cross examination. Note that the College will provide such an individual at hearing and at College costs, only.
- Written notice of the outcome and sanction(s), if any, and, if applicable, of the hearing.
- Have an investigation and/or meeting closed to the public.
- Be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint.
- The presence of student or employee witnesses, and the right to ask questions, directly or indirectly, of witnesses and the right to challenge documentary evidence.
- Be present for all testimony given and evidence presented at the live hearing and cross-examination
- Be informed in advance, when possible, of any public release of information regarding the complaint.
- An outcome based solely on evidence presented during the investigation process and the right to review and supplement the investigator's record prior to finalization of the decision.

## 2.8 FORMAL INVESTIGATION PROCESS

A formal investigation process is used when a formal complaint is filed by the complainant or Title IX Coordinator. College investigations will be prompt, thorough and impartial. The College's Title IX Coordinator is responsible for internal College investigation proceedings to include coordinating investigations and processing all reporting requirements as outline below.

The following formal process will be used to investigate allegations:

1. Upon receiving a complaint, trained Title IX Investigator(s) will facilitate a fact-finding investigation which includes interviews with the complainant, respondent, and other appropriate individuals.
2. The complainant and respondent have a right to bring counsel or an advisor of their choosing to assist them through the investigation and adjudication process. Counsel or an advisors may attend investigation meetings but may not participate in the investigation. A party utilizing an advisor at this stage shall be responsible for the costs of such advisor at all stages of the investigation.
3. The interview with the complainant, respondent and potential witnesses is to determine a true and complete account of the facts and circumstances involved in the complaint. The following information will also be sought during the process:
  - The severity of the conduct.
  - The number and frequency of acts of alleged misconduct.
  - The apparent intent of the person alleged to have engaged in sexual misconduct.
  - The relationship of the parties.
  - The response of the complainant at the time of the incident(s).
  - The relevant educational/work environment.
4. Periodic updates to the complainant and the respondent will be provided during the process. The parties shall be given advanced notice of witness interviews and an opportunity to participate.
5. All persons involved in a sexual harassment investigation will be reminded that confidentiality may serve the best interests of the complainant and respondent; retaliatory action against the complainant, respondent or witnesses will not be tolerated.



6. In situations involving student complaints, and depending on the nature of the allegations, investigation results or findings, the College's Threat Assessment Team and/or College personnel may be consulted to assess level of risk and identify remedy(ies) and or sanction(s).
7. A written record of the investigation will be made to all complainant(s) and respondent(s) prior to the finalization of the investigation, including notes made of interviews, conversations, or responses (texts, social media, etc.) to questions posed by the Title IX Investigator(s) to the complainant, respondent, or witnesses of the investigation. The investigator shall make a recommendation as to remedies, including discipline, if applicable, within the report.
8. A review of the investigative report, evidence and all known circumstances will be provided to the Title IX Coordinator. The Title IX Coordinator will refer the matter for a hearing to the Wisconsin Division of Hearing and Appeals.
9. No less than 10 business days prior to the hearing, the Title IX Coordinator will send Notice of Hearing to the parties.
10. The Hearing Officer conducts the hearing, investigators present a summary of final investigation report and parties/witnesses will submit to questioning through their Advisors (cross-examination)
11. The Hearing Officer will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violations(s) in question. The preponderance of the evidence standard of proffer is used.
12. The Hearing Officer will prepare a written deliberation statement and deliver to the Title IX Coordination detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments and any recommendations for sanctions.
13. The Title IX Coordinator and designated officials will work with the Hearing Officer to prepare a Notice of Outcome that will be shared with parties simultaneously. Notification will be made in writing and may be delivered in one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official CVTC records.

## 2.9 SANCTIONS/CORRECTIVE ACTIONS

Not all forms of sexual harassment are deemed equal. The College reserves the right to take necessary measures in response to an allegation of sexual harassment to protect the rights and safety of students, employees and the community. Previous conduct violations or corrective actions may be considered in determining the appropriate actions to be taken. The College will consider the concerns and rights of both the complainant and the respondent. Such measures include, but are not limited to:

- Employment or class schedule modification(s).
- Interim suspension from campus; inability to access CVTC campuses and resources.
- Corrective action, up to and including, warning, probation and/or dismissal.
- Referral to a law enforcement when there is danger or threat to student, employee or community and/or when requested by complainant.
- Referral to campus or community services.
- Sanctions or actions otherwise enumerated in the CVTC Student Code of Student of Conduct or CVTC Employee Handbook.

The Title IX Coordinator reserves the right to broaden or lessen recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior.

## 2.10 APPEAL PROCESS

The complainant or respondent has the right to appeal the decision within 10 business days based upon only the following grounds:

- a. Procedural irregularity that affected the outcome of the matter
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
  - c. The Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.
  - d. The sanctions imposed are not proportionate to the violations (s) and the cumulative record of the respondent.
1. If any of the grounds in the Request for Appeal do not meet the grounds in this policy, the request will be denied by the Wisconsin Department of Hearing and Appeals officer.
  2. If the grounds in the Request for Appeal meet the grounds in this policy, the Appeals officer will notify the other party(ies) and their Advisors, The Title IX Coordinator, and when appropriate, the Investigators and/or the original Hearing Officer.
  3. The Appeal Officer will collect any additional information needed and all documentation regarding the approved grounds and render a decision in no more than 5 business days, barring exigent circumstances to the Title IX Coordinator.
  4. A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision and any additional sanctions if applicable.
  5. The decision of the appeal is final and binding.

The body hearing the appeal shall be based upon the status of the respondent. If the respondent is a student, the appeal shall be heard by the Department of Hearings and Appeals. If the respondent is an employee, the appeal shall be heard by the College's Board of Trustees.

Regardless of the appellate body to which the matter is referred, the reviewer shall not be the decision maker for the hearing, the investigator, or the Title IX Coordinator. The reviewer shall notify the parties of the appeal procedures and set a briefing schedule for the parties to submit written statements in support of, or challenging, the outcome. Such briefing schedule shall provide an opportunity for each party to respond to the arguments of the other party. The reviewer shall issue a written decision describing the result of the appeal and rationale to both parties. The reviewer's decision shall be final and binding upon the parties and there shall be no further appeal within the College of the matter.

## 2.11 DISCLOSURES – FERPA EXEMPTIONS

The final results of proceedings will be disclosed to the complainant and to the respondent. This includes charges, findings, sanction(s) and or corrective actions related to the allegations of sexual harassment. The College may not disclose the name of any other individual(s) involved without prior written consent. The final results of proceedings may be disclosed if the College determines that there is evidence for threat to self or others.

## 2.12 PREVENTION AND EDUCATION

The College conducts annual training for employee's and students. The training is designed to help individuals become familiar with the sexual harassment policy, and to become aware of the sensitive nature

of sexual misconduct hearings and issues of confidentiality. Sexual violence prevention information that focuses on sexual harassment including sexual assault, domestic/dating/partner violence and stalking is also available throughout the year.

### 2.13 PROHIBITION ON RETALIATION

Title IX regulations prohibit recipients from intimidating, coercing or retaliating against individuals due to activities protected by Title IX. Retaliation for filing or reporting a complaint or for participating in a related investigation or disciplinary proceeding is considered a violation of this policy. The College prohibits retaliation behaviors against any individual for:

- Reporting sex harassment in any form.
- Assisting someone in reporting discrimination or filing a complaint.
- Participating in any manner in a sexual harassment investigation.
- Protesting any form of sexual harassment.

Retaliation, founded in any form, may result in sanctions or corrective actions by the College.

### 2.14 FEDERAL STATISTICAL REPORTING OBLIGATIONS

Reports of sexual assault, domestic violence, dating violence and stalking are required to be logged for federal statistical reporting purposes as required by the Clery Act. This report requires the date, location, and incident by category to be made known. All personally identifiable information is kept confidential. This report provides the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

### 2.15 FEDERAL TIMELY WARNING OBLIGATIONS

College administrators issue timely warnings for incidents reported as required by law to members of the campus community. The College makes every effort to ensure that a personally identifiable information is not disclosed, while still maintaining the safety and security of employees, students and the campus community.

### 2.16 INFORMAL RESOLUTION

At any time during the course of the investigation or hearing, the College may offer the parties the opportunity to engage in an informal resolution of the complaint, such as mediation. The parties may decline to participate in such process without affecting the proceedings. If the parties choose to engage in the process, the parties will each indicate consent in writing. A party may end informal resolution discussions at any time prior to reaching an agreed resolution. This process may not be utilized where the allegations involve an employee sexually harassing a student.

### 2.17 DOCUMENTATION AND CONFIDENTIALITY

A record of all complaints, investigation and hearing records, informal resolutions and training records must be maintained and forwarded to the Title IX Coordinator for reporting purposes in compliance with federal and state laws.