

WAUKESHA COUNTY TECHNICAL COLLEGE

ADMINISTRATIVE PROCEDURE - HUMAN RESOURCES EQUAL OPPORTUNITY, SEXUAL MISCONDUCT, HARASSMENT, AND DISCRIMINATION HUM-601-01

WCTC will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Sexual Misconduct, Harassment and Discrimination (“the Policy”) that is received by the Director, Compliance & Equity or through WCTC’s reporting website.

The procedures described below apply to all allegations of discrimination or harassment on the basis of protected class and allegations of sexual misconduct involving students, staff or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct or sexual misconduct (e.g. vandalism, physical abuse of another, etc.).

Overview

Upon notice to the Director, Compliance & Equity, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the policy has been violated. If so, WCTC will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determines whether the policy has been violated. If so, WCTC will promptly implement effective remedies designed to end the misconduct, prevent its recurrence, and address its effects.

1. Definitions

- a. Complainant: Complainant refers to the alleged victim of discrimination, harassment, or sexual misconduct under the Policy. The College may serve as the Complainant when the alleged victim chooses not to participate in this resolution process.
- b. Respondent: Respondent refers to the student, student organization, or employee alleged to have violated the Policy.
- c. Parties: The Complainant and the Respondent are collectively referred to as the Parties.
- d. Director, Compliance & Equity: A trained administrator designated by WCTC to oversee the investigation and resolution of reports or complaints regarding violation of the Policy. The Director, Compliance & Equity conducts the Preliminary Inquiry and, following the Investigation, makes a determination regarding whether a violation of the Policy has occurred.
- e. Investigator: A trained administrator designated by the Director, Compliance & Equity to assist with the investigation of reports or complaints regarding violation of the Policy. The Investigator(s) makes a recommendation to the Director, Compliance & Equity regarding whether a violation of the Policy has occurred.

2. Reporting Misconduct

Any member of the community, guest or visitor who believes that the Policy has been violated should promptly contact the Director, Compliance & Equity. It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. All employees receiving reports of a potential violation of the Policy are expected to promptly contact the Director, Compliance & Equity, within 24 hours of becoming aware of a report or incident. Any member of the community, including visitors, may contact Campus Security to make a report. These individuals will in turn notify the Director, Compliance & Equity.

WCTC's website also includes a reporting form at https://cm.maxient.com/reportingform.php?WaukeshaCTC&layout_id=6, which may serve to initiate this resolution process.

In all cases, WCTC will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right when necessary to protect the community, to investigate and pursue a resolution even when a Complainant chooses not to initiate or participate in the resolution process or asks to remain anonymous.

3. Preliminary Inquiry

Following receipt of notice or a report of a violation of the Policy, the Director, Compliance & Equity will assign Investigator(s) to the matter. The Investigator(s) will engage in a preliminary inquiry to determine if there is reasonable cause to believe the policy has been violated. During the preliminary inquiry, the Investigator(s) will interview the Complainant and the Respondent. The preliminary inquiry is typically three to five (3-5) calendar days in duration.

Prior to doing so, the Investigator(s) shall provide written notification of the report to the Complainant and Respondent. To the extent known, the written notification shall include the identities of the parties involved, the section of the Policy allegedly violated, a description of the conduct constituting the potential violation, and the date and location of the alleged incident. The written notification shall also inform the Complainant and the Respondent that they may have the assistance of an Advisor of their choosing present. The preliminary inquiry may also serve to help the Investigator(s) determine if the allegations involve violence, threats, patterns, predation and/or weapons. In any case where violence, threat, pattern, predation, and/or use of weapons is not evidenced, the Investigator(s), in consultation with the Director, Compliance & Equity may, respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, WCTC reserves the right to initiate this resolution proceeding without a formal report or participation by the reporting party. If, during the preliminary inquiry or at any point during the formal investigation, the Director, Compliance & Equity determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the Complainant requests that the Investigator(s) make an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Director, Compliance & Equity.

In cases where the Complainant wishes to proceed or WCTC determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Investigator(s) will commence a formal investigation, and the allegation will be resolved through the grievance process.

4. Interim Remedies/Actions

The Director, Compliance & Equity (or designee) may provide interim remedies to the Complainant and Respondent as appropriate based on the individual circumstances of the case. These remedies may include, but are not limited to:

- Referral to counseling services;
- Referral to the Employee Assistance Program;
- Education to the community;
- Altering work arrangements for employees;

- Providing campus escorts;
- Implementing contact limitations between the parties; and
- Offering adjustments to academic deadlines, course schedules, etc.

In addition, WCTC may temporarily suspend a student, employee, or organization pending the completion of an investigation, particularly when in the judgment of the Director, Compliance & Equity, and in consultation with the Investigator(s), the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the student or employee, or the ongoing activity of a student organization whose behavior is in question. In all cases in which a temporary suspension is imposed, the student, employee, or student organization will be given the option to meet with the Investigator(s) prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Director, Compliance & Equity or designee has sole discretion to implement or stay a temporary suspension and to determine its conditions and duration. Violation of a temporary suspension under this policy will be grounds for expulsion or termination.

During a temporary suspension or administrative leave, the student, employee, or student organization may be denied access to WCTC's campus, facilities, and events. As determined by the Director, Compliance & Equity (or designee), this restriction can include classes and other WCTC activities or privileges for which the student, employee, or student organization might otherwise be eligible. At the discretion of the Director, Compliance & Equity (or designee) alternative coursework options may be pursued to ensure as minimal an impact as possible on a suspended student.

WCTC will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

5. Advisors

Each party is allowed to have one Advisor of their choice present with them for all meetings and proceedings throughout the resolution process. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith.

The parties may select whomever they wish to serve as their Advisor as long as he or she is available and not otherwise involved in the resolution process. The Advisor may be a friend, mentor, family member, attorney, or any other supporter a Party chooses. WCTC cannot guarantee equality in the type or effectiveness of an Advisor. For example, one Party may or may not be able to afford an attorney. The decision to enlist or hire an Advisor is entirely that of a Party. WCTC is not obligated to, nor will it, provide an Advisor.

All Advisors are subject to the same campus rules. Advisors may not address campus officials in a meeting or interview unless invited to do so. The Advisor may not make a presentation or represent the Complainant or Respondent during any meeting or proceeding, and may not speak on behalf of the advisee to the investigators. The Parties are expected to ask and respond to questions on their own behalf, without representation by their Advisor. Advisors may confer quietly with their advisees, or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their Advisors should ask for breaks, or step out of meetings to allow for private conversation.

Advisors are expected to refrain from interference with the investigation and resolution. Any Advisor who steps out of their role will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of his or her role, the Advisor will be asked to leave the meeting. When an Advisor is removed from a meeting, that meeting will typically continue without the Advisor present. Subsequently, the Director, Compliance & Equity will determine whether the Advisor may be reinstated, may be replaced by a different Advisor, or whether the party will forfeit the right to an Advisor for the remainder of the process.

WCTC expects that the parties will wish to share documentation related to the allegations with their Advisors. WCTC provides a consent form that authorizes such sharing. The parties and their Advisors must complete this form before WCTC is able to share records with an Advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by WCTC. WCTC may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the privacy expectations.

WCTC expects an Advisor to adjust his or her schedule to allow for attendance at meetings when scheduled. WCTC does not typically change scheduled meetings to accommodate an Advisor's inability to attend. WCTC will, however, make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video, and/or virtual meeting technologies as may be convenient and available.

The parties must advise the Investigator(s) of the identity of their Advisor at least five (5) calendar days before the date of their first meeting with the Investigator(s).

Although disfavored, a party may elect to change Advisors during the process. If a party chooses to change Advisors, the party must promptly provide notice to the Investigator(s) of the change and the identity of the new Advisor.

6. Conflict Resolution

Either Party may request conflict resolution at any time during the Investigation and Appeal Resolution Process. Upon receiving such a request, or of their own accord, the Director, Compliance & Equity will determine if conflict resolution is appropriate, based on the willingness of the Parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. Conflict resolution is often used for less serious, yet inappropriate behaviors and is encouraged as an alternative to resolve conflicts. Mediation as a form of conflict resolution is never utilized in cases involving allegations of non-consensual sexual intercourse or non-consensual sexual conduct.

In a conflict resolution meeting, a neutral, College-assigned facilitator will foster a dialogue with the Parties to an effective resolution, if possible. The Complainant's and Respondent's Advisor may attend the conflict resolution meeting. The Director, Compliance & Equity will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution may result in sanctions. In the event the Parties are unable to reach a mutually agreeable resolution, the matter will be referred to the formal investigation or appeal process as appropriate. The content of the Parties' discussions during the conflict resolution process will be kept confidential in the event the matter proceeds to the formal investigation or appeal process. The Parties' agreement to participate in conflict resolution shall not be a factor in any subsequent

decisions regarding whether a policy violation occurred.

7. Formal Investigation

The Investigator(s) will promptly commence an investigation if the Complainant or WCTC wishes to proceed and the preliminary inquiry shows that reasonable cause exists. All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary. Within ten (10) calendar days after the formal investigation is commenced, the Investigator(s) will provide written notification by e-mail, phone, and/or certified mail of the investigation to both the Complainant and the Respondent.

Investigations will be completed in a timely manner. The length of a given investigation depends on numerous factors, including the nature, extent, and complexity of the allegations and the availability of witnesses. A delay may also occur when criminal charges on the basis of the same behaviors that invoke this process are being investigated, to allow for evidence collection by the law enforcement agency. WCTC will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. WCTC action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed, or that charges have been dismissed or reduced.

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

- a.** In coordination with the Director, Compliance & Equity, initiate or assist with any necessary interim remedial actions;
- b.** Identify all policies allegedly violated;
- c.** Provide the Complainant and the Respondent with notice that a formal investigation has commenced, a written description of: the identities of the parties involved, the specific section(s) of the Policy allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident. The Complainant and the Respondent will also receive a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- d.** Provide written notification to the Complainant and Respondent that they may have the assistance of an Advisor of their choosing present at each meeting they attend;
- e.** Allow the Parties the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses;
- f.** Provide regular updates to the Complainant and the Respondent, as appropriate, throughout the investigation;
- g.** At the conclusion of the investigation, prepare an investigative report to be kept by the Director, Compliance & Equity;
- h.** Prior to rendering an ultimate finding and disciplinary actions or sanctions, provide the Parties with the investigation report. The parties shall be afforded a full and fair opportunity to respond to the investigation report in advance of any ultimate finding and non-interim disciplinary action or sanctions.
- i.** Recommend a finding to the Director, Compliance & Equity, based on a preponderance of the evidence (whether a policy violation is more likely than not), and if warranted, recommend disciplinary action(s) or sanction(s)

The Director, Compliance & Equity and Investigator(s) shall jointly determine the ultimate finding and disciplinary action(s) or sanction(s) and shall present the findings and disciplinary actions or sanctions to the Parties, without undue delay between notifications.

Witnesses are expected to cooperate with, and participate in WCTC's Civil Rights Resolution Process. Failure of a witness to cooperate with, and/or participate in the investigation constitutes a violation of the Policy and may result in disciplinary action. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person, or if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation, or to withhold information from the investigation, do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

All investigation meetings are private. No unauthorized audio or video recording of any kind is permitted during investigation meetings. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with WCTC's policies. While the contents of the proceedings are private, the Parties have discretion to share their own experiences if they so choose, and should discuss doing so with their Advisors.

8. Withdrawal or Resignation While Charges Pending

Students: Should a Respondent student decide to leave and/or not participate in the investigation, the process will nonetheless proceed in the Respondent student's absence to a reasonable resolution, and that student will not be permitted to return to WCTC unless all implemented sanctions have been satisfied. The Respondent student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should a Respondent employee resign with unresolved allegations pending, the investigation report of the Director, Compliance & Equity will reflect that status, and any WCTC responses to future inquiries regarding employment references for that individual will indicate the former Respondent employee is ineligible for rehire.

9. Sanctions

Factors considered when the Director, Compliance & Equity, in consultation with the Investigator(s), is determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous allegations or allegations involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, sexual misconduct and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, sexual misconduct and/or retaliation;
- The need to remedy the effects of the discrimination, harassment, sexual misconduct and/or retaliation on the reporting party and the community; and
- Any other information deemed relevant by the Investigator(s).

Examples of Student Sanctions:

The following are examples of sanctions that may be imposed upon Respondent students or organizations, singly or in combination, who are found to have engaged in discrimination, harassment, sexual misconduct, and/or retaliation:

- **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any WCTC policy, procedure or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any WCTC policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at WCTC. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Director, Compliance & Equity.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend WCTC sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- **Withholding Diploma:** WCTC may withhold a student's diploma for a specified period of time, and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** WCTC reserves the right to revoke a degree awarded for fraud, misrepresentation or other violation of WCTC policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- **Other Actions:** In addition to, or in place of the above sanctions, WCTC may assign any other sanctions as deemed appropriate.

Examples of Employee Sanctions:

The following are examples of sanctions that may be imposed upon Respondent employees, singly or in combination, who are found to have engaged in discrimination, harassment, sexual misconduct and/or retaliation include:

- Warning-Verbal or Written;
- Performance Improvement/Management Process;
- Required Counseling;
- Required Training or Education;
- Probation;
- Loss of Annual Pay Increase;
- Loss of Oversight or Supervisory Responsibility;
- Demotion;
- Suspension with pay;
- Suspension without pay;
- Termination; and

- Other Actions: In addition to, or in place of the above sanctions, WCTC may assign any other sanctions as deemed appropriate.

All Respondents are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Investigator(s). Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and may be noted on a student’s official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Director, Compliance & Equity (or designee). The Director, Compliance & Equity may stay the implementation of sanctions pending the outcome of a timely appeal.



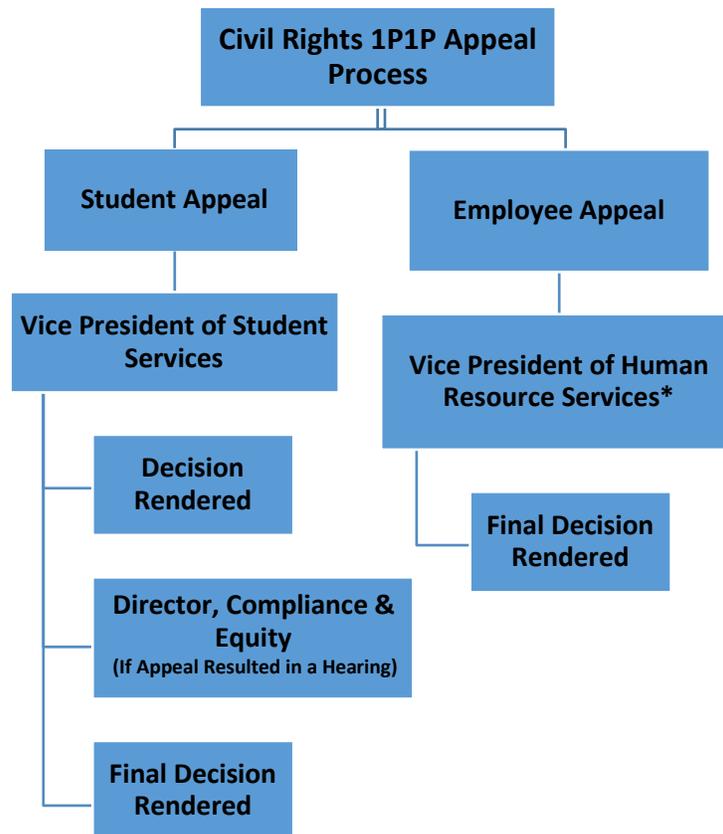
10. Appeals

All requests for appeal consideration must be submitted in writing to the Director, Compliance & Equity within ten (10) calendar days of the delivery of the written findings to the appealing party. Any party may appeal the findings and/or sanctions under the grounds described below:

- Where the Investigator(s) and Director, Compliance & Equity have made a finding that a student Respondent violated the Policy and have recommended sanctions which include suspension or expulsion, prior to the implementation of the suspension or expulsion, the student may file an appeal. Under such circumstances, the matter will proceed to a hearing on the issue of whether a preponderance of the evidence demonstrates that the Respondent violated the Policy, and if so, what sanctions shall be implemented.

- To determine whether the investigation was conducted fairly in light of the alleged violation(s), and information presented was in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- To determine whether there was sufficient information provided through the investigation and to establish that it is more likely than not that a violation of the College's policy has occurred.
- To consider new information sufficient to alter a decision or other relevant facts not brought out in the original investigation, because such information and/or facts were not known or available. If additional information is offered or provided, the Director, Compliance & Equity may refer the matter back to the Investigator(s) to consider the new information, provide either party with an opportunity to respond to such new information, and to determine whether the findings should be changed.

The appropriate Appeals Officer (or designee), designated by the appeal process chart below, will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. The Appeals Officer (or designee) may consult with the Investigator(s) and Director, Compliance & Equity on any procedural or substantive questions that arise. If the appeal is not timely or substantively eligible, the original finding and/or sanction(s) will stand and the decision is final. The Appeals Officer will provide written notification to the Parties within ten (10) calendar days of receipt of the appeal indicating whether the appeal has been accepted or rejected.



*In the event that the Vice President for Human Resource Services serves as an Investigator, then WCTC's President will be the Appellate Officer.

If the appeal is timely and satisfies at least one of the grounds described above, the Appeals Officer will review the case and make a determination. The Appeals Officer will draft an appeals response and submit written notification to involved Parties, generally within thirty (30) calendar days of receiving notice that the appeal has been accepted. In cases where the appeal results in reinstatement to WCTC or resumption of privileges, all reasonable attempts will be made to restore the Respondent to his or her prior status, recognizing that some opportunities lost may be irreparable in the short term.

Employee complaints filed pursuant to HUM 601-02 related to discipline, termination or workplace safety matters will be reviewed consistent with the procedures outlined in that policy.

Additional Applicable Procedures Where a Student Appeal Results in a Hearing

At least fourteen (14) calendar days prior to the hearing, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the Parties, the Vice President of Student Services (or designee) will send a letter to the Parties by e-mail and/or certified mail with the following information: (1) an indication that the Parties may have the assistance of an Advisor of their choosing, at the hearing, though the Advisor's attendance at the hearing is the responsibility of the respective Parties; (2) the time, date and location of the hearing; and (3) a copy of the preliminary investigative report or summary. For good cause, the Vice President of Student Services may grant requests to reschedule the hearing date.

At least seven (7) calendar days prior to the hearing, the Complainant and Respondent will provide the Vice President of Student Services a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least five (5) business days prior to the hearing, the Vice President of Student Services (or designee) will have the names of proposed witnesses and copies of all pertinent documentary evidence available for the Complainant and Respondent.

The Vice President of Student Services, in consultation with the Parties, the Director, Compliance & Equity, and the Investigator(s), may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing. All Parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the Parties. If alternative attendance or questioning mechanisms are desired, the Parties should request them from the Vice President of Student Services at least two (2) business days prior to the hearing. WCTC will make reasonable accommodations for both Parties in keeping with the principles of equity and fairness.

Conduct of Hearing

The Vice President of Student Services shall preside over the hearing, call the hearing to order, ascertain the presence or absence of the Investigator(s), Director, Compliance & Equity, Complainant, and Respondent, confirm receipt of the notice of hearing, report any extensions requested or granted, and establish the presence of any Advisors. Formal rules of evidence shall not apply during the hearing.

a. Investigator(s) Report and Testimony

The Investigator(s) will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent and the Vice President of Student Services. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator(s), the Complainant, the Respondent and the Vice President of Student Services. The Investigator(s) may also submit documentary evidence. The Investigator(s) will remain present during the entire hearing process.

b. Complainant's Evidence

The Complainant may give testimony and be subject to questioning by the Investigator(s), the Respondent (through the Vice President of Student Services) and the Vice President of Student Services. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator(s) and the Vice President of Student Services. The Complainant may also submit documentary evidence.

c. Respondent's Evidence

The Respondent may give testimony and be subject to questioning by the Investigator(s), the Complainant (through the Chair as discussed above) and the Hearing Panel. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator(s) and the Hearing Panel. The Respondent may also submit documentary evidence.

d. Additional Rights of the Vice President of Student Services

The Vice President of Student Services shall:

- Determine the relevancy and admissibility of any evidence offered at the hearing;
- Have the authority to exclude a witness proposed by the Investigator(s), the Complainant, or the Respondent if it is determined that his/her testimony would be redundant or not relevant;
- Have the authority to dismiss any person from the hearing who interferes with or obstructs the hearing, or fails to abide by the Vice President of Student Services' rulings.

e. Findings and Sanctions

Following the hearing, the Vice President of Student Services shall determine whether a preponderance of the evidence demonstrates that the Respondent is responsible for the policy violations in question. If the Respondent is found responsible, the Vice President of Student Services shall determine appropriate sanctions.

The Vice President of Student Services (or designee) will prepare a written report detailing the finding and information supporting the finding. If the Respondent is found responsible, the report will conclude with the recommended sanctions. The report shall be delivered to the Investigator(s) and Director, Compliance & Equity within ten calendar days of the hearing. Deviation from this timeline will be communicated to the Investigator(s), Compliance Officer, and the Parties. The Compliance Officer will inform the Respondent and the Complainant of the determination within five (5) calendar days of receipt of the Vice President of Student Services' report, without significant time delay

between notifications. Notification will be made in writing and delivered by e-mail and certified mail.

f. Appeal of Hearing Findings and Sanctions

All requests for appeal consideration must be submitted in writing to the Vice President of Student Services (or designee) within ten (10) calendar days of the delivery of the written findings to the appealing party. Any party may appeal the findings and/or sanctions under the grounds described below:

- i. To determine whether the hearing was conducted fairly in light of the alleged violation(s), and information presented was in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- ii. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original investigation or hearing, because such information and/or facts were not known or available. If additional information is offered or provided, the Director, Compliance & Equity may refer the matter back to the Vice President of Student Services to consider the new information, provide either party with an opportunity to respond to such new information, and to determine whether the findings and sanctions should be changed.

The appeal will proceed consistent with the procedures outlined above.

11. Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Director, Compliance & Equity indefinitely in our conduct/investigatory database, and in paper form.

12. Civil Rights Investigation Statement for Reporting Parties

In addition to the rights identified throughout the above description of the resolution process, both Parties have the right to:

- Be informed in advance, when possible, of any public release of information regarding the incident;
- Be treated with respect by WCTC officials;
- Have WCTC policies and procedures followed without material deviation;
- Be notified of options for, and available assistance in, changing academic or employment situations after an alleged discrimination, harassing, sexual misconduct or retaliation incident, if so requested by the Complainant and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available);
- Not have irrelevant prior sexual history admitted as evidence;
- Notify the Director, Compliance & Equity to start the process to recuse any WCTC representative in the process on the basis of demonstrated bias or conflict-of-interest;
- Have WCTC compel the participation of student, faculty and staff witnesses;
- Submit an impact statement in writing to the Investigator(s) following determination of responsibility, but prior to sanctioning; and
- A fundamentally fair resolution, as defined in these procedures.

In addition, the Complainant shall have the right to:

- Not be pressured to mediate or otherwise informally resolve any reported misconduct that may violate this policy;
- Not be discouraged by WCTC officials from reporting discrimination, harassment, sexual misconduct, and/or retaliation to both on-campus and off-campus authorities;
- Be informed by WCTC officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well; and
- Be notified of options for, and available assistance in, changing academic or employment situations after an alleged discrimination, harassing, sexual misconduct or retaliation incident, if so requested by the Complainant and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available).

13. Revision

This Policy will be reviewed and updated annually by the Director, Compliance & Equity, in collaboration with the Title IX Committee. WCTC reserves the right to make changes to this Policy as necessary. Once those changes are posted online, they are in effect. The Director, Compliance & Equity may make minor modifications to procedures that do not materially jeopardize the fairness owed to any Party. The Director, Compliance & Equity may also vary procedures materially with notice (on WCTC's website, with appropriate date of effect identified) upon determining that changes to applicable laws or regulations require policy alterations. The Policy in effect at the time of the resolution will apply to the resolution of incidents, regardless of when the incident occurred, unless the Parties consent to be bound by the current policy. If applicable laws or regulations change in a way that impacts this Policy, it will be construed to comply with those laws and/or regulations.

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

This policy and procedure was created in November 2016.

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See Board Policy 3.3 Staff Treatment

See Wisconsin Statutes 38.23

See Wisconsin Administrative Code Chapter TCS 6

See Administrative Policy – Student STU-601 Equal Opportunities, Sexual Misconduct, Harassment, and Discrimination

See Administrative Procedures – Student STU-601-01 Equal Opportunities, Sexual Misconduct, Harassment and Discrimination

See Administrative Procedure – Human Resources HUM-601 Equal Opportunities, Sexual Misconduct, Harassment, and Discrimination

See Administrative Policy – Student STU-400 Student Rights

See Administrative Policy – Student STU-500 Accommodation of Student Religious Beliefs

See Administrative Procedure – STU 500-01 Accommodation of Student Religious Beliefs

Policy owner: Vice President, Human Resource Services

REVISED: April 2014
April 2017
October 2017



Consent to Share 1P1P Investigation Documentation

Waukesha County Technical College (“WCTC”) recognizes that the Parties to an investigation conducted pursuant to its Civil Rights One Policy, One Process Investigation & Appeal Process (“1P1P Process”) may wish to share documentation related to the investigation with their Advisors. Prior to sharing any such information, both the Party and their Advisor must complete and submit this Consent Form authorizing such disclosure and enforcing applicable confidentiality requirements.

Both the Party and their Advisor acknowledge that they are required to maintain the privacy of any and all investigation records provided by WCTC in conjunction with the 1P1P Process. Such records may not be: (1) shared by the Party or their Advisor with any third party; (2) disclosed publicly; or (3) used for any purpose not explicitly authorized by WCTC. A Party who fails to adhere to these confidentiality requirements may be subject to disciplinary action. Further, WCTC may restrict or discontinue the role of an Advisor who fails to adhere to these confidentiality requirements.

Both the Party and their Advisor acknowledge that, consistent with its obligations under the Family Educational Rights and Privacy Act (“FERPA”), WCTC may refuse to disclose to the Parties and their Advisors any student education records received or reviewed during the course of or in connection with the 1P1P Process for which it does not have consent to disclose.

Party Signature

Date

Advisor Signature

Date

Please return fully executed consent form to the:
Compliance Officer
C-217D
262-695-3481
compliance@wctc.edu