



# **2021 Annual Campus Security and Fire Safety Report**

**(Information from 2020-2021 Academic Year)**

# **Southwest Wisconsin Technical College**

## **2021 Annual Security and Fire Safety Report**

Southwest Wisconsin Technical College (Southwest Tech) has a proud history of providing a safe learning environment for its students. The safety of our students and staff is important to us. A wide variety of policies and procedures have been developed over the years to ensure the health and safety of students, employees, and visitors to the campus. In addition, numerous federal and state laws have been adopted in regards to student and employee safety. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act requires that specific policies, procedures, and information be provided to ensure the health and safety of persons concerned with campus life.

In addition, the Campus Sexual Violence Elimination Act (SaVE Act) was passed in March 2013 as part of the Violence Against Women Reauthorization Act (VAWA). Southwest Tech is committed to complying with the amendments and additions encompassed under the Campus SaVE Act.

Southwest Tech's Executive Director of Facilities, Safety and Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act for the period from January 1, 2020 to December 31, 2020. This report is prepared in cooperation with the local law enforcement agencies within the jurisdictions of the Southwest Tech campus. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Each year, a notification is emailed to all enrolled students and employees. The notification is accessible to all enrolled students and staff.

Questions regarding this report or a copy of this report may be obtained from the Executive Director of Facilities, Safety and Security located in room 514 or by calling (608) 822- 2401.

### **Annual Equal Opportunity/Affirmative Action Notice**

It is the Southwest Wisconsin Technical College District policy to maintain fair and impartial relations with employees and applicants for employment, and students and student applicants in any service, program, activity, course, or use of facilities on the basis of sex, age, race, color, creed, religion, national origin, disability, ancestry, political affiliation, marital status, pregnancy, sexual orientation, parental status, arrest record, conviction record, genetic testing, and the use and non-use of lawful products off the premises during nonworking hours, and membership in National Guard, State Defense Force, or other military forces of the United States. Lack of English reading/speaking skills, will not be a barrier to admission and participation in district programs.

## **About Southwest Wisconsin Technical College**

Southwest Wisconsin Technical College is one of 16 districts that operate within Wisconsin in a statewide plan for vocational, technical and adult education. The Southwest Tech District covers a predominately rural area of 8,000 square miles in southwest Wisconsin, comprised of all of Grant, Crawford, Iowa, Lafayette, and Richland counties, and portions of Green, Sauk, Dane and Vernon counties. The District covers an estimated population base of over 125,000 people. Thirty (30) K-12 school districts are found within the Southwest Tech District borders.

## **Governance**

Southwest Tech is governed by a nine-member District Board representing the communities served by the District. Each year, three members are appointed by a committee consisting of the school board presidents of the 30 K-12 school districts belonging to the Southwest Tech District. The Board has nine members:

- 2 employers
- 2 employees
- 1 elected official
- 3 additional members
- 1 school district administrator from a public school district within the Southwest Wisconsin Technical College District

Any adult who is a resident of the District is legally qualified to become a member of the board. In the appointment process:

- Equal consideration is given to the general population distribution within the district.
- Equal consideration is given to the distribution of women and minorities.
- Consideration is also given to representatives of business and industry as required for the employer and employee member categories.
- No two members of the district board may be officials of the same governmental unit.
- No district board member may be a member of the school board that employs the school district administrator.
- All applicants are eligible to be considered for the additional member category.

Regular meetings of the District Board are held on the fourth Thursday of each month, with the exception of the July Board meeting, which is held on the second Monday of the month. This meeting is the organizational meeting of the Board, at which time officers are elected.

## **Noncampus Reporting**

Southwest Tech is unable to monitor or provide security services to students and staff while off-campus. Criminal activity and law enforcement services to student and staff off campus are provided by the local police departments when violations of federal, state or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns to the students, staff and community.

Southwest Tech does not have officially recognized student organizations that own or control housing facilities outside of the Southwest Tech core campus. Therefore, local police department is not used to monitor and record criminal activity since there are no noncampus locations of student organizations.

## **College Access and Control**

During business hours, Southwest Tech is open to students, parents, employees, contractors, guests and invitees. During non-business hours, access to all college facilities is only given to those staff needing to be in the building after hours as part of their regular job requirements. Anyone needing access to Southwest Tech's campus during non-business hours who would not normally be granted after-hours access must contact the Southwest Tech Facilities, Safety & Security Department.

Southwest Tech uses a card access locking system as well as key system comprised of on-line and off-line locks. This allows greater access control throughout the campus and allows a faster response when an access card is lost, misplaced or stolen. All access cards and keys are property of Southwest Tech and must be returned upon request of the proper authority.

During normal business hours, Southwest Tech will be open to students, parents, employees, contractors and to the general public. During non-business hours, access to College facilities will only be given to those staff required to be present after-hours as part of their regularly scheduled job duties (i.e. Public Safety, Information Technology, Facilities, Athletics, College Sponsored Events, etc). Anyone desiring access to the College during non-business hours who has not already been granted building access by the proper authority to do so should contact the Executive Director of Facilities, Safety and Security for further information and assistance.

Buildings and facilities are checked for any potential security related issues such as malfunctioning locks or burned out lights, which are promptly reported to facilities management for repair. Staff also monitor a closed-circuit security camera system for things such as unauthorized access to campus buildings, personal safety of staff, faculty and students, and protection of property.

Southwest Wisconsin Technical College and the Southwest Wisconsin Technical College Real-Estate Foundation (REF) have a memorandum of understanding authorizing the college to manage REF-owned student housing. Each housing unit is key code accessed and monitored by the campus student security officer and student resident advisors.

## **Security of Campus**

The College implements a Student Security Officer program. Criminal Justice students are unarmed and patrol the campus on a rotating schedule. Officer tasks include Building Safety Inspection, Fire Safety Inspections (extinguisher, emergency lighting, means of egress), Medical Kit and AED inspections/stocking, developing Emergency Pre-incident Plans, and assisting stakeholders in emergencies.

Campus utilizes a security camera system to monitor internal and external activity during business hours.

## **MAINTENANCE OF CAMPUS FACILITIES**

The College maintains a commitment to campus security and safety. College personnel monitor the campus for irregularities and needed repairs or maintenance of facilities, grounds and lighting. Safety and security are major factors in all landscaping and lighting designs.

Southwest Wisconsin Technical College campus facilities are maintained in a manner that minimizes hazardous conditions. Malfunctioning lights and other unsafe physical conditions are reported to Facilities, Safety & Security Department for correction. The Facilities, Safety & Security Department conducts quarterly inspections to assure upkeep and maintenance of buildings. Other members of the college community are helpful when they report equipment problems to Facilities, Safety & Security Department through the campus intranet.

## **Behavioral Intervention Team (BIT)**

The Southwest Tech Behavioral Intervention Team (BIT) evaluates and addresses student behavior that may be inappropriate or concerning and coordinates college resources to intervene and provide necessary support.

The Behavioral Intervention Team is a cross-functional group of Southwest Tech staff whose mission is to:

- Provide a structured positive method for addressing student behaviors that impact the college community and may involve mental health and/or safety issues.
- Meet regularly to support students by identifying patterns, trends and disturbances in the behavior of an individual or group.
- Evaluate the nature of a reported behavior or incident to assess the level of risk.
- Determine appropriate course of action to respond to behavioral concern and initiate intervention or response to prevent a situation from escalating.
- Coordinate resources to ensure a comprehensive assessment response.
- Balance the individual needs of the student and those of the greater campus community.

The team is composed of staff from Student Services, Counseling, Student Housing and Facilities, Safety & Security Department. Committee members have training in recognition and conflict management of student concerns. The committee addresses concerns using various methods and strategies such as a team approach, one-on-one or a mandated referral to an outside professional agency. The result is a plan for success and a win-win for both the student and the college with the student's best interest in mind.

## **Weapons on Campus**

The use, concealment, creation, manufacturing or possession of weapons, whether functional or not, in College facilities is strictly prohibited, except as expressly permitted hereafter.

### **Sworn Law Enforcement and On-Duty Military Personnel**

A weapon or potentially dangerous device may be used or possessed, concealed or otherwise, on the campus, grounds, facilities or buildings at Southwest Tech by a certified sworn law enforcement officer or on-duty military personnel to the extent they are legally permitted to carry weapons in the State of Wisconsin.

### **Licensed Concealed Carry**

Weapons may be carried and stored in a person's own motor vehicle, even if the vehicle is driven or parked on College property. If weapons are kept in an unattended vehicle, the vehicle must be locked.

### **Sex Offender Registry**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offenders Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Southwest Wisconsin Technical College is providing a link to the Wisconsin Department of Corrections Sex Offender Registry.

This act requires that institutions of higher education issue a statement advising the campus community where law enforcement information provided by the state concerning registered sex offenders may be obtained. It also requires registered sex offenders in a state to provide notice to each institution of higher education in the state which the person is employed, carries a vocation or is a student.

Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable to the fullest extent of the law.

The Wisconsin Department of Corrections is responsible for maintaining this registry. Follow the link below to access the Wisconsin Department of Corrections Sex Offender Registry Website:  
<http://offender.doc.state.wi.us/public//>

### **Emergency Response and Evacuation**

Southwest Wisconsin Technical College maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

The Emergency Response Team is responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year; such as table top exercises, field exercises and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via the College Intranet and College email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Effective August 14, 2008, the HEOA Act requires each institution governed by the Jeanne Clery Act to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and staff *on campus*. In the event of a serious threat or emergency situation, the college population will be notified as to their appropriate response through various means. Some or all of our systems may be used such as; electronic communication (such as email or text), television monitors, loud speakers, fire alarm and emergency evacuation maps located throughout the individual sites. Once there is a confirmation of such an event, the Southwest Tech Emergency Response Plan will be implemented. This plan includes written emergency procedures to be followed for foreseeable emergency situations, designated Incident Commanders, procedures for timely notification to students and staff, and a process for accurately reporting incident details to both internal and external resources. The Southwest Tech Incident Commander will determine the appropriate means of message dissemination in the swiftest manner available. If in the professional judgment of the responsible authorities, activating the notification system may compromise any efforts to mitigate the event or assist victims, notification may be delayed or not issued. Southwest Tech will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Facilities, Safety and Security Department, Local Police Department, and/or the Local Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Southwest Tech has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

In the event of an emergency, Southwest Tech will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the College community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

The Facilities, Safety and Security staff is responsible for confirming an emergency in conjunction with campus administrators, local first responders and/or the national weather center.

If the Executive Director of Facilities, Safety and Security or designee, in conjunction with other College administrators, local first responders and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Southwest Tech Community, the Core Emergency Response Team will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Southwest Tech Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

<b>System to use</b>	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving &amp; sending messages</b>	<b>Primary Message Sender/Distributor</b>	<b>Backup Message Sender/Distributor</b>
<b>PRIMARY</b>					
Mitel Mass Notification	Incident Commander	Public Information officer	Public Information Officer	Incident Commander	Public Information Officer
<b>SECONDARY</b>					
<b>Email</b>	Incident Commander Backup as determined	Public Relations Manager	Public Relations Manager	Director of Information Technology Services	

	by CERT chart				

Students may use this link for instructions to update phone numbers <https://kb.swtc.edu/90555>.  
 Staff may use this link for instructions to update phone numbers <https://kb.swtc.edu/90559>.

The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information.

Follow-up information will be distributed using the public address system and email notification.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Southwest Tech homepage and/or social media.

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Facilities, Safety & Security Department does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Facilities, Safety & Security Department staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

As housing manager for the Southwest Tech Real-Estate Foundation, Southwest Tech conducts 2 fire drills annually. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. Evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

**General Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify Facilities, Safety & Security Department (608-822-2401), Police Emergency or dial 911.

1. Remain Calm
2. Do NOT use elevators, use the stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell and immediately inform Facilities, Safety & Security Department or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 500 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all individuals are out of the building.
6. Do not re-enter the building.

### **Shelter-in-Place Procedures –What it means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, Facilities, Safety & Security Department, Housing Staff members, other College employees, Local Police Department or other authorities utilizing Mitel Mass Notification System.

### **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - -An interior room;
  - -Above ground level; and
  - -Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters and fans.

5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (housing staff, faculty or other staff) to call the list in to Facilities, Safety & Security Department so they know where you are sheltering. If only students are present, one of the students should call Facilities, Safety & Security with the list of people sheltering-in-place.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## **Timely Warning**

In compliance with the Jeanne Clery Act, any incident that is ongoing or a continuing threat to the students, staff, or visitor population, a timely warning may be issued. This warning will be at the discretion of the Incident Commander, President of the College or their designee, and will be distributed to students and employees as soon as possible after the incident is reported. The warning will provide information that will aid in the prevention of similar occurrences, while withholding the names of victims as confidential. Such reports will be limited as to not compromise an ongoing investigation or violate any HIPAA or FERPA Laws.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Southwest Tech community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Title IX Director, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Executive Director of Facilities, Safety and Security or his or her designee in his or her absence.

Timely Warning Notices may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of Southwest Tech. Timely Warning Notices are typically written and distributed by the Executive Director of Facilities, Safety or Security or designee.

To reach as many people as possible, the timely warning will be distributed across many different media channels. Immediate issues will be dealt with via Mitel Mass Notification alert and around the Southwest Wisconsin Technical College area. Follow-up warnings may be shared using any or all of the following methods: posted on exterior doors of any affected Southwest Tech location, on the Southwest Tech website, electronically mailed, provided using text messages, posted on digital signage, and media reports released to local radio and TV stations for mass broadcast.

## **Reporting Criminal Actions or Other Emergencies**

All members of the Southwest Tech community and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus to Facilities, Safety & Security Department by calling 608-822-2400 or by clicking on the concerns button on the website.

## **Reporting to Meet Disclosure Requirements**

Students and employees should report criminal offenses to Executive Director of Facilities, Safety and Security, President's Office or Title IX Coordinator for the purpose of assessing the crime for potential distribution of a timely warning notice and the annual statistical disclosure.

Members of the Southwest Tech community are encouraged to accurately and promptly report crime and emergencies to the Facilities, Safety & Security Department, including when the victim of a crime elects to, or is unable to, make such a report.

## **Response to a Report**

In response to a call, Facilities, Safety & Security Department will take the required action, either dispatching an officer or asking the victim to report to Facilities, Safety & Security Department to file an incident report. All reported crimes will be investigated by the College and may become a matter of public record. All Facilities, Safety & Security Department reviews incident reports for potential action, as appropriate. Facilities, Safety & Security Department Investigators will investigate a report when it is deemed appropriate. If assistance is required from the Fennimore Police Department or the Fennimore Fire Department, Facilities, Safety & Security Department will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including Facilities, Safety & Security Department, will offer the victim a wide variety of services.

## **Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Facilities, Safety & Security Department officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, Southwest Tech can keep an accurate record of the

number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

## **Professional Counselors**

Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority for Clery Act purposes and are *not* required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at Southwest Tech are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to Facilities, Safety & Security Department.

### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

The Facilities, Safety & Security Department encourages professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to voluntarily report the incident to the Facilities, Safety & Security Department on a confidential basis for inclusion of the annual disclosure of crime statistics.

Please note that reports of sexual violence and other violations that may be sex- or gender-based will be reported to the Title IX Coordinator and cannot be held in confidence.

The College encourages professional counselors to notify individuals they are counseling of the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics.

## **Campus Law Enforcement Policies**

The Facilities, Safety & Security Department maintains a strong working relationship with state and local police agencies, including Fennimore Police Department and the Grant County Sheriff’s Office.

## **Security Awareness & Crime Prevention Programming**

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of Southwest Tech to inform students of good crime prevention and security awareness practices.

During the 2020-2021 academic year, Southwest Tech offered approximately two Crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to call Facilities, Safety & Security Department to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at (608) 822-2401.

As part of the department's community-oriented policing philosophy, the Facilities, Safety & Security Department offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these presentations include Personal Safety Awareness, "If You See Something Say Something", "Not Any More" and Property Protection Strategies. Anyone interested in having a Facilities, Safety & Security Department Officer speak to his or her classroom or group should contact them at (608) 822-2400.

## **Drug and Alcohol Policy**

Southwest Tech prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. The Facilities, Safety & Security Department is responsible for the enforcement of state underage drinking laws.

Southwest Tech prohibits the unlawful possession, use, and sale of illegal drugs on campus. The Facilities, Safety & Security Department is responsible for the enforcement of Federal and state drug laws.

1. Alcohol consumption and penalties are governed by Wisconsin Statute Chapter 125.
2. Infractions will be reported to the local law enforcement agency.
3. Wisconsin Technical College System Board policy forbids the expenditure of student activity fees for alcoholic beverages.
4. Consumption of alcoholic beverages is prohibited during an educational field trip.
5. Alcohol is permissible as part of an educational plan that is dictated by curriculum needs and used under the direct supervision of faculty.
6. Southwest Tech may grant permission for serving beer and/or wine at District facilities to Southwest Tech affiliated groups or outside organizations. Written permission may be granted by the President or designee. Organizations sponsoring an event will assume responsibility for damages to the facility and indemnify Southwest Tech from any loss, damage or injury resulting from the serving of beer and/or wine.
7. Smoking and the use of tobacco products is permitted only in designated areas outside of campus buildings. All inside areas are tobacco-free.
8. The College has established a drug-free awareness program which includes distribution of its policies to all regular employees and students.
9. Students and staff have access to the College Alcohol, Tobacco and Other Drug Abuse (ATODA) Counselor for assessment and/or intervention referral.
10. Employees are encouraged to use the College Employee Assistance Program for assessment and/or intervention referral.
11. Appropriate disciplinary action will be taken against any violation by employees or students.
12. Copies of federal and state alcohol and drug laws are available in the Southwest Tech Affirmative Action Office (Human Resources)

## **Drug Free Schools and Communities Act**

In compliance with the Drug Free Schools and Communities Act, Southwest Tech publishes information regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Southwest Tech students and employees. A complete description of these topics, as provided in the College's annual notification to students and employees, is available online at: <https://www.swtc.edu/uploadedpdfs/about/policies/Alcohol-Tobacco-and-Other-Drugs.pdf>.

## **Missing Student Notification**

In accordance with the Higher Education Opportunity Act, Southwest Tech must develop and implement certain procedures to be followed when residential students are determined to be missing for 24 hours. Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by Southwest Tech no later than 24 hours after the time the student is determined to be missing by the designated College official authorized to make that determination (specifically, the Resident Life Manager) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

Southwest Tech will notify any missing student's confidential contact(s), if provided, within 24 hours of the determination that the student is missing. In the event a student under 18 years of age and not emancipated, Southwest Tech must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, Southwest Tech will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Suspected missing students who live in student housing should be reported immediately to the Resident Life Manager. If members of the Southwest Tech community believe that a student has been missing for 24 hours, it is critical that they report that information to Resident Life by calling 608-822-2366. A student is determined to be missing when the Facilities, Safety & Security Department have verified that reported information is credible and circumstances warrant declaring the person missing. Should the Resident Life Manager investigate and determine that a residential student is missing, contact will then be made to the missing person's contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the Resident Life Manager. If the student is under the age of 18 and is not an emancipated individual, Resident Life Manager will notify the student's parents or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an

emancipated minor, Southwest Tech will inform the Fennimore Police Department (or the local law enforcement with jurisdiction) that the student is missing within 24 hours.

## **JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN ACT**

Southwest Tech issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Southwest Wisconsin Technical College strives to provide an educational environment that preserves the safety and dignity of each member of our community. In order to foster a climate of respect, and provide for the safety and security of our community, Southwest Tech prohibits acts of sex- and gender-based discrimination, to include the crimes of Domestic Violence, Dating Violence, Sexual Assault and Stalking. Southwest Tech employees who become aware of instances or allegations of sexual misconduct by or against a Southwest Tech student or employee must report it.

- The crimes of Domestic Violence, Dating Violence, Sexual Assault and Stalking, which are defined by the Clery Act as follows: **Domestic Violence:**
  - i. A Felony or misdemeanor crime of violence committed—
    - A. By a current or former spouse or intimate partner of the victim;
    - B. By a person with whom the victim shares a child in common;
    - C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - E. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Dating Violence:** (VAWA definition) Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition—
    - A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
    - B. Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  
- **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.
  
- **Rape** is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
  
- **Stalking:** (VAWA Definition)
  - i. Engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to—
    - a. Fear for the person's safety or the safety of others; or
    - b. Suffer substantial emotional distress.
  - ii. For the purposes of this definition—
    - a. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties,

by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- b. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - c. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Hostile Environment:** A work environment is hostile when unwelcome verbal, non-verbal, or physical focusing on sexuality is severe and pervasive enough to interfere with the victim's work performance or be intimidating or offensive to a reasonable person. Examples include sexual jokes, comments about a person's body or sex life, making gestures of staring, display of sexually suggestive materials, giving sexually suggestive "gifts", touching/hugging/kissing/patting, brushing against a person's body or blocking a person's movements.

### **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

- **Domestic Violence:** The state of Wisconsin defines domestic violence as follows: Domestic Violence: "Domestic abuse" means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

Intentional infliction of physical pain, physical injury or illness

Intentional impairment of physical condition

Sexual assault [s. 940.225 (1), (2) or (3)]

Stalking (s. 940.32)

Damage to Property (s. 943.01), involving property that belongs to the individual

A threat to engage in the conduct under subd. 1., 2., 3., 4.,

- **Dating Violence:** The state of Wisconsin defines dating violence as follows: The state of Wisconsin does not have a definition of dating violence per se. However, it does allow for "Dating Relationships" to be included within its definition of "Domestic Abuse". Wisconsin's definition of a Dating Relationship is "a romantic or intimate social relationship between 2 adult individuals but "dating relationship" does not include a causal relationship or an ordinary fraternization

between 2 individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.”

- **Sexual Assault:** The state of Wisconsin defines sexual assault as follows: Sexual Assault: The state of Wisconsin, which categorizes sexual assault into four degrees of severity, defines it as follows:

**FIRST DEGREE**—whoever does any of the following is guilty of a Class B felony:  
Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.

Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

**SECOND DEGREE**—whoever does any of the following is guilty of a Class C felony:  
Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition. (cm)

Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant, has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or

Who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.

**THIRD DEGREE**—whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

**FOURTH DEGREE**—Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

\*\*\*For clarification and reference, "Sexual contact" means any of the following:

Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1):

Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.  
Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.

Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for

the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

\*\*\*For clarification and reference, "Sexual intercourse" means vulvar penetration, as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

The state of Wisconsin, per statute 944.06, defines the crime of Incest as follows: Whoever marries or has non-marital sexual intercourse with a person he or she knows is a blood relative and such relative (closer than 2nd cousin) is in fact related in a degree within which the marriage of the parties is prohibited by the law of this state.

The state of Wisconsin terms "statutory rape," or sexual intercourse with a person under the age of consent, "Sexual Assault of a Child (s. 948.02), and is divided into 2 degrees of severity. It is defined by the state as follows:

#### FIRST DEGREE:

- (a) Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years and causes great bodily harm to the person is guilty of a Class A felony.
- (b) Whoever has sexual intercourse with a person who has not attained the age of 12 years is guilty of a Class B felony.
- (c) Whoever has sexual intercourse with a person who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony.
- (d) Whoever has sexual contact with a person who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony if the actor is at least 18 years of age when the sexual contact occurs.
- (e) Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony.

#### SECOND DEGREE SEXUAL ASSAULT:

Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class C felony.

- **Stalking:** The state of Wisconsin defines stalking as follows: per statute, as follows: an intentional and particular course of conduct engaged in by one person against another. This course of conduct means a series of 2 or more of the following acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

- Maintaining a visual or physical proximity to the victim.
  - Approaching or confronting the victim.
  - Appearing at the victim's workplace or contacting coworkers or employers of the victim.
  - Appearing at the victim's home or school or contacting the victim's neighbors.
  - Contacting the victim by telephone or other means repeatedly, whether or not the contact is acknowledged.
  - Photographing, videotaping, audiotaping or, by other electronic means, monitoring or recording the victim's activities.
  - Sending material by any means to the victim or the victim's family, member of the victim's household, employer, coworker or friend in order to obtain information about, disseminate information about or communicate with the victim.
  - Placing an object on or delivering an object to property owned, leased or occupied by the victim.
  - Delivering objects to others with the intent of delivery to the victim, or placing objects on property owned, leased or occupied by certain others with intent that it be delivered to the victim.
- **Consent:** The state of Wisconsin defines consent, in relation to sexual activity, as follows: Words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact.

Southwest Tech defines **Consent** as follows: the equal approval, given freely, willingly and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision — indicated clearly by words or actions — to engage in mutually accepted sexual contact. A person compelled to engage in sexual contact by force, threat of force, or coercion has not consented to contact.

### **How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling or with legal assistance.

### **Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the**

- U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
- a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students:

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of Wisconsin;

- D. The institution’s definition (if one exists) of consent AND the purposes for which that definition is used.
- E. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document)

**Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at (Grant Regional Medical Center, Lancaster, Wisconsin). In Wisconsin, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for

forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety staff or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

#### ***Involvement of Law Enforcement and Campus Authorities***

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College will assist any victim with notifying law enforcement if the victim so desires. Fennimore Police Department may also be reached directly by calling (608) 822-3215, in person at 860 Lincoln Ave, Fennimore WI. Additional information about the Fennimore Police department may be found online at: <https://www.fennimore.com/city-government/police-department/>.

#### ***Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking***

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Director **Dan Imhoff**, Executive Director of Facilities, Safety and Security, at 608-822-2401 or [dimhoff@swtc.edu](mailto:dimhoff@swtc.edu) or Building 500 Room 514, or to the Title IX Coordinator, **Krista Weber**, Chief Human Resources Officer at 608.822.2315, [kweber@swtc.edu](mailto:kweber@swtc.edu) or Building 300 Room 319. Reports of all domestic violence, dating violence, sexual assault and stalking will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

#### **Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The College has procedures in place that serve to be sensitive to individuals who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, protective orders,

transportation and working accommodations, if reasonably available. The College will make such accommodations, if the individual requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the local law enforcement. Students and employees should contact the Facilities, Safety & Security Department.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:

**Incident  
Being  
Reported**

**Procedure Institution Will Follow**

**Sexual  
Assault**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. Institution will assess immediate safety needs of complainant
3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department
4. Institution will provide complainant with referrals to on and off campus mental health providers
5. Institution will assess need to implement interim or long-term protective measures, if appropriate
6. Institution will provide the victim with a written explanation of the victim’s rights and options
7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate
8. Institution will provide written instructions on how to apply for Protective Order
9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is
11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

**Stalking**

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence

5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim's rights and options
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

**Dating  
Violence**

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim's rights and options
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

**Domestic  
Violence**

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim's rights and options
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

**Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;

- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

***Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution***

Southwest Wisconsin Technical College complies with Wisconsin law in recognizing orders of protection. Any person who obtains an order of protection from Wisconsin or any reciprocal state(s) should provide a copy to the Executive Director of Facilities, Safety and Security and the Office of the Title IX Coordinator. A complainant may then meet with the Director of Facilities, Safety and Security to develop a Safety Action Plan, which is a plan for campus staff and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

<b>Type of Order:</b>	<b>Who Can File For One:</b>	<b>Court:</b>	<b>Based On:</b>
<b>Domestic Violence Civil Protection Order – up to 5 years, can be renewed**</b>	Family or household members including: <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples are eligible</li> </ul>	Domestic Relations Court  – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying -to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
<b>Stalking Protection Order - up to 5 years, can be renewed**</b>	Any person who is a victim of stalking. No relationship with stalker is required.	Common Pleas Court - where victim lives (if family or household member, can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm
<b>Sexually Oriented Offense Protection Order - up to 5 years, can be renewed**</b>	Any person who was a victim of -a sexually oriented offense (see ORC 2950.01). No relationship with offender is required. Case does not have to be criminally prosecuted.	Common Pleas Court – where victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)

**Juvenile Protection Order – until abuser reaches age 19**

Victim of abuse by a person who is under age 18, or the victim’s parent or other household member, or other parties the Court approves.

Juvenile Court – where victim lives

Assault, stalking, sexual offenses, threats of harm or aggravated trespass

The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

***Accommodations and Protective Measures Available for Victims***

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Southwest Tech will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim’s request, and to the extent of the victim’s cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact **Dan Imhoff**, Executive Director of Facilities, Safety and Security at 608.822.2401, [dimhoff@swtc.edu](mailto:dimhoff@swtc.edu) or Building 500 Room 514. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact, **Holly Clendenen** Chief Student Services Officer at 608.822.2362, [hclendenen@swtc.edu](mailto:hclendenen@swtc.edu) or Building 400 Room 480.

***On and Off Campus Services for Victims***

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Southwest Tech will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including

counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement.

### ***Confidentiality***

Victims may request that directory information on file with the College be withheld by Student Services. Regardless of whether a victim has opted-out of allowing the College to share “directory information”, personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims or other identifiable information regarding victims in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

### **Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

1. The process must treat complainants equitably by imposing remedies any time a respondent is found responsible:
  - a. Remedies must be designed to maintain the complainant’s equal access to education and may include the same individualized services that were initially offered as supportive measures
  - b. Remedies, in the event the respondent is found responsible, need not be non-disciplinary on non-punitive and need not avoid burdening the respondent.
2. The process must treat respondents equitably by not imposing disciplinary sanctions without following due process protections offered through the formal grievance process.
3. The Student Conduct Hearing is a closed hearing; it is not open to the public. The individuals who may appear before the Student Conduct Hearing Board are:
  - a. The complainant or \*Title IX Coordinator
    - i. Where the Title IX Coordinator signs a formal complaint (in events where the alleged victim cannot or will not present his or her own complaint) , the Title IX Coordinator is not a complainant or party during the grievance process and must comply with all Title IX personnel to be free from conflicts and bias.
  - b. The respondent
  - c. Any individual serving as an approved Advisor
  - d. Title IX Coordinator

- e. Title IX Investigators
  - f. Any individuals appearing as witnesses.
4. The Student Conduct Hearing is a live-hearing. Live hearings may be conducted with all parties physically present at the same geographic location, or at the College's discretion or request by either party, any or all parties, witnesses or other participants may appear at the live hearing through virtual means. This technology must allow the parties to clearly see and hear each other.
  5. If the complainant or respondent does not have an advisor, the College will provide an advisor at no cost or charge. This advisor may be, but is not required to be, an attorney and will conduct all cross-examination questioning on behalf of that party.
  6. Before and after giving testimony, witnesses may be excluded from the room or building where the hearing occurs.
  7. The College will create an audio or audiovisual recording, or transcript, of any live hearing. This documentation must be preserved in accordance with the record keeping requirements of this policy.

### **Student Code of Conduct**

Southwest Wisconsin Technical College (College) promotes a learning-centered environment dedicated to the advancement of personal growth and knowledge. The College believes every student has the right to pursue an education in a community that values respect, integrity, and inclusivity. To this end, the College prohibits conduct on its campus and in its student housing, which impedes learning, disrupts a peaceful campus environment, and does not promote a cohesive culture based on professionalism, fairness, and trust.

The Student Code of Conduct (Code) sets forth the rights and responsibilities of students at the College, outlines the process for addressing unacceptable behavior, and identifies a range of disciplinary consequences. The Code is designed to provide students with due process and procedural fairness, to ensure equal protection for all students, and to ensure consistency in the process and the consequences. At the same time, the Code reflects the need to consider the individual circumstances of each student, including prior disciplinary history. Further, when possible, the Code is intended to provide students an opportunity to align their conduct with the expectations of the College.

In general, matters involving behavioral misconduct will be addressed first by the Chief Student Services Officer, Executive Director of Safety, Security and Facilities, and/or Director of Public Safety and Advising, and matters involving academic misconduct will be addressed by the Chief Academic Officer. No matter the process implemented for each matter, final authority over all matters of student misconduct remains under the authority of the President of the College.

### **Jurisdiction**

The Code applies to students (and their guests) on property owned, leased, or controlled by the College, Foundation or Real Estate Foundation, at College-sponsored activities and events, and in College housing. This Code may apply to off-campus activities and locations when conduct has an actual or potential adverse impact on the College community, including conduct which

presents a danger or threat to the health or safety of self or others, significantly impinges upon the rights, property or achievements of self or others, significantly breaches the peace and/or causes social disorder, or is detrimental to the educational mission and/or interests of the College.

The Code applies to conduct that occurs in-person, in writing, via cellphone, and online via email or other electronic mediums including blogs, web postings, chats, and social networking sites.

Finally, the Code applies to all students enrolled in credit and non-credit courses.

### **Behavioral Misconduct**

The following conduct constitutes a violation of the Code and will subject a student to disciplinary action. Some violations below will also trigger a report to law enforcement.

1. *Noncompliance with Policies and Procedures* - Noncompliance with College policies and procedures applicable to students (and their guests) and student housing, including the lease and any other applicable housing regulations.
2. *Noncompliance with Law* - Noncompliance with any local, state, or federal law, including statutes, regulations, and ordinances.
3. *Failure to cooperate with Southwest Tech administration or faculty* - Failure to appear when requested at conferences, meetings, or hearings; failure to respond to verbal or written inquiries; knowingly furnishing false information, and failure to comply with a reasonable request regarding a Southwest Tech matter.
4. *Failure to comply with a directive from Southwest Tech employee*. Failure to comply with any verbal or written directive communicated in person, in writing, via cellphone, and online via email or other electronic medium.
5. *Forgery* - Alteration or misuse of any College document, record, form, or instrument of identification.
6. *Trespassing* - Unauthorized entry into or use of property owned, leased, or controlled by the College, Foundation or Real Estate Foundation or at College-sponsored events or activities. Unauthorized possession, duplication or use of keys/swipe cards/lock codes to any property owned, leased, or controlled by the College, Foundation or Real Estate Foundation.
7. *Trademark* - Unauthorized use (including misuse) of College names and images;
8. *Misuse of Technology* – Violation of the College’s [Acceptable Use of Information Technology Services Resources Policy](#), and otherwise unethical, inappropriate, or illegal use of College technology and IT resources.
9. *Use of Prohibited Items* - The use of hover boards, drones, fireworks, explosives and other prohibited items is not permitted
10. *Invasions of Privacy* - Using electronic or other means to record or photograph any person in a location where there is a reasonable expectation of privacy. This includes, but is not limited to, recording or photography in shower/locker rooms, restrooms, and student housing. The storing, sharing, and/or distributing of such unauthorized recordings or photographs by any means is also prohibited.
11. *Disruptive Behavior* – Intentional or reckless conduct that disrupts College operations including, but not limited to: the obstruction of teaching, administration, activities which occur on the College campus (whether or not sponsored by the College); and acts that

impair, interfere with, or obstruct the orderly conduct, processes and functions of the College. Classroom disruptions include conduct that a reasonable person would view as substantially or repeatedly interfering with faculty's ability to teach or student's right to learn. [See Classroom Disruptions Below]

12. *Assault or Battery* - Threats of physical harm or physical harm against another individual.
13. *Disorderly conduct/fighting* – Conduct which is inappropriately loud, lewd, indecent or obscene and conduct that constitutes prohibited behavior in designated areas (e.g. Knox Learning Center, Testing Center, Charley's, housing, laboratory areas), with or without the presence of formal signage.
14. *Abusive acts* - Acts of verbal or physical abuse, or acts which intimidate, harass, threaten, coerce, or otherwise endanger the health or safety of any person or create a hostile learning or working environment.
15. *Hazing* - Doing, requiring or encouraging any forced activity, whether or not the act is voluntarily agreed upon, in conjunction with initiation, admission into, or continued membership or participation in any group that causes or creates a reasonable risk of mental or physical harm or humiliation. Hazing may include: any brutality of a physical nature, such as whipping, beating, or branding; forced consumption of any food, liquor, drug or other substance; forced confinement; or any other forced activity which endangers the physical health or safety of a student.
16. *Bullying and cyberbullying* – Deliberate or intentional behavior, including behavior conducted on computers, cell phones, and other electronic devices, using words or actions, intended to cause fear, intimidation or harm. Bullying and cyberbullying may be repeated behavior and involve an imbalance of power.
17. *Sexual harassment under Title IX of the Education Amendments*. Sexual harassment under Title IX is defined as follows:
  - a. A College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
  - c. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Reports of sexual harassment under Title IX will be addressed under the College's Gender Discrimination and Sexual Misconduct (Title IX) policy at: [Gender-Discrimination-Sexual-Misconduct-Title-IX-Pending-Approval.pdf \(swtc.edu\)](https://www.swtc.edu/uploadedpdfs/academic/Student-Handbook.pdf)

18. *Gender Discrimination and Sexual Misconduct*. Conduct in violation of the College's Gender Discrimination and Sexual Misconduct policy in the Student Handbook (<https://www.swtc.edu/uploadedpdfs/academic/Student-Handbook.pdf>) 2021-2022, including but not limited to verbal, written or physical conduct that is sufficiently serious (i.e. severe, persistent or pervasive) as to limit or deny an individual's ability to participate in or benefit from the college's programs; unwelcome or unwanted and forced or coerced sexual intercourse or sexual contact; making unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature, and/or unwelcome verbal or physical contact of a sexual nature; and sexual abuse of individuals

through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money.

19. *Weapons* – Unauthorized use, possession or distribution of weapons, firearms, explosives or hazardous objects or substances on property owned or leased by the College, Foundation or Real Estate Foundation or at College-sponsored events. Weapons include knuckles; a nunchaku or any similar weapon; knives; a knife blade; baton of any type; explosive devices of any type; "look-alike" instruments or weapons (e.g., BB gun, pellet gun, or any instrument designed to look like a weapon); and pepper spray or any other device used in a threatening and/or unlawful manner.

The following are exempt from this provision:

- a. Authorized law enforcement officers in uniform or plain clothes officers with a badge on display.
  - b. Individuals participating in authorized law enforcement training activities.
  - c. Individuals transporting firearms for authorized training classes.
  - d. The possession of handguns is permitted in parking and outdoor areas when in the possession of properly licensed persons to the extent required by law.
  - e. The possession of knives as eating utensils or for the purpose of food preparation or as tools when authorized by an instructor (such as in a lab setting) is permitted.
20. *Brandishing objects* - Displaying, showing, waving, or exhibiting any object in a manner which a reasonable person might find threatening.
21. *Illegal use of substances*- Illegal use, possession, sale, or distribution of controlled substances, associated paraphernalia, and/or alcohol on property owned or leased by the College, Foundation or Real Estate Foundation or at College sponsored activities.
22. *Retaliatory acts* – Conduct that harms, threatens to harm, harasses, intimidates, or bullies for the purpose of discouraging the filing of a complaint or acting as a witness in a complaint proceeding or for the purpose of reprisal against any person or group who initiated a complaint or any person who acted as witness in such a proceeding.
23. *Theft* - Intentional and unauthorized taking of property owned or leased by the College, Foundation or Real Estate Foundation or property of any visitor or member of the College Community.
24. *Damage to Property* – Intentional damage to property owned, leased, or controlled by the College, Foundation or Real Estate Foundation or property of any visitor or member of the College Community.
25. *False reports* – Knowingly making false reports of an alleged occurrence or impending occurrence knowing that such false report is likely to cause: evacuation of a building, place of assembly, or transportation facility; public inconvenience or alarm; or an emergency response.
26. *Endangering Safety* - Failing to report a fire, interfering with the response of the College or public officials to emergency calls or engaging in similar conduct which demonstrates a disregard for safety or property. Endangering safety may occur due to action (e.g., making a bomb threat or pulling a fire alarm) or inaction (e.g., failing to report).

### **Behavioral Misconduct Procedure & Sanctions**

Any member of the College community may report a violation of the Code. Individuals who report a violation are referred to as “complainants” and individuals alleged to have violated the

Code are referred to as “respondents.” Reports should be made using the reporting form on the college website or reported directly to the Chief Student Services Officer. Reports should be sent as soon as possible following the alleged conduct to ensure timely investigation. All reports of behavioral misconduct made to other College employees will be referred to the Chief Student Services Officer or designee.

Complaints of behavioral misconduct will be addressed through the procedures set forth below. Complaints of sexual harassment under Title IX of the Education Amendments of 1972 will be addressed under the College’s Gender Discrimination and Sexual Misconduct (Title IX) policy at: [Gender-Discrimination-Sexual-Misconduct-Title-IX-Pending-Approval.pdf \(swtc.edu\)](#)

Generally, the process for addressing reports of behavioral misconduct will be completed within sixty (60) days although the College reserves the right to extend the timeline when necessary to complete an investigation.

**Note:** When the severity of the circumstances warrants, the Chief Student Services Officer, Executive Director of Facilities, Safety, & Security, Director of Public Safety & Advising, Vice President of Administrative Services, Chief Human Resources Officer, and/or President may impose upon the respondent a temporary suspension or separation from the College, including classes and College housing.

## **Step 1:**

### **Notification of Incident**

- Upon receipt of a report, the Chief Student Services Officer or designee will determine if the report alleges a violation of the Code. If so, the Chief Student Services Officer will designate assigned College officials to take the following steps:
  - Contact law enforcement, if appropriate.
  - Meet with the complainant to understand the nature of the report and offer supportive services.
  - Gather other relevant information, if necessary.
  - Report to the Chief Student Services Officer who will determine whether to initiate an informal or formal resolution process.
  - Provide written notice to the respondent and complainant of the allegations in the report and inform them whether the College will initiate a formal or informal resolution process.

### Informal Resolution

- When both a complainant and respondent agree to informal resolution and an informal resolution process is warranted, the Chief Student Services Officer will conduct the informal resolution process.
- During the process, the respondent will be given the opportunity to respond and provide information relevant to the allegations in the report.
- If needed, the Chief Student Services Officer will seek additional relevant information from the complainant or other witnesses.
- Following completion of the informal resolution process, the Chief Student Services Officer will notify the complainant and respondent (if appropriate) of the outcome.
- Matters resolved through informal resolution often involve sanctions such as:
  - Service requirements

- Restitution
- Loss of privileges
- Education Requirements

## Step 2:

### Notification & Investigation

- If a formal resolution process is warranted, the Executive Director of Safety, Security and Facilities, and/or Director of Public Safety and Advising will take the following steps:
  - Conduct a thorough investigation which includes the following:
    - Interview complainant, respondent, relevant witnesses, and College officials, if appropriate.
    - Review relevant documents including: student records, disciplinary records, police reports, and audio and video recordings.
    - Review College policies and procedures.
  - After gathering all relevant information, meet with the respondent, share the information obtained, and provide respondent an opportunity to respond to the information.
  - If needed, conduct additional interviews or gather additional information.

## Step 3:

### Findings & Sanctions

- Upon completion of the investigation, the Chief Student Services Officer will review the evidence and make findings based on a preponderance of evidence standard (whether a violation is more likely than not).
- Based on the findings, the Chief Student Services Officer will determine appropriate sanctions, in conjunction with other college officials when appropriate.
  - The respondent will be notified in writing, delivered by email, mail or in person, of the findings and disciplinary sanctions (Decision).
- The Chief Student Services Officer is given broad authority to determine sanctions, based on the best interest of the respondent, complainant, other individuals, and the College. Discipline may include one or more sanctions listed below. All Decisions regarding behavioral misconduct will be maintained by the College in accordance with state and federal law.

### Sanctions for Behavioral Misconduct

The range of outcomes, consequences, and sanctions include, but are not limited to:

1. *Verbal reprimand* – Verbal notice to the student that his/her actions are inappropriate and the individual must act more responsibly in the future.
2. *Written reprimand* - Written notice to the student that his/her actions are inappropriate and the individual must act more responsibly in the future.
3. *Corrective Action* – Required corrective action including, but not limited to, academic counseling, substance abuse screening, writing a letter of apology, etc.
4. *Educational program* – Enrolling in an educational program addressing the related issues. Referral to an off-campus education program may be recommended.
5. *Loss of privileges/access* - Denial of specified privileges for a designated period of time such as a restriction from hosting visitors and/or guests in housing; prohibitions on entering a specified housing facility; restriction from College-sponsored extracurricular activities or

work positions on campus; other restrictions, as approved by the Chief Student Services Officer or designee.

6. *Restitution/Compensation*. Monetary penalties for loss, damage, or injury.
7. *No Contact Directive*. Directive to avoid all contact with complainant or other individual including via in-person, email, cellphone, social media, or other electronic medium.
8. *Mandated Housing Reassignment* – Immediate relocation of the respondent to another housing residence.
9. *Probation* - Probation for a designated period of time. Additional disciplinary sanctions will be imposed if the student engages in behavioral misconduct during the probationary period.
10. *Housing Probation* - Housing probation for a designated period of time. Additional disciplinary sanctions will be imposed if the student engages in behavioral misconduct during the probationary period.
11. *Disciplinary Suspension* - Suspension results in separation from the College for a specific minimum period of time, after which the respondent is eligible to return, usually after meeting certain conditions. During the suspension period, the student is banned from property owned, leased, or controlled by the College, Foundation or Real Estate Foundation, including student housing and is banned from school-sponsored events and activities. The sanction may be enforced with a trespass action as necessary. Students suspended for disciplinary reasons are not entitled to any refund of tuition or housing fees.
12. *Housing Suspension* - Separation from the student housing area for a specific period of time, after which the student may be eligible to return. During the suspension period, the student is banned from student housing. The sanction may be enforced with a trespass action as necessary. Students suspended for disciplinary reasons are not entitled to any refund of housing fees.
13. *Expulsion* - A permanent separation from the College. The student is banned from property owned, leased, or controlled by the College, Foundation or Real Estate Foundation, including student housing, and at College-sponsored events. This sanction may be enforced with a trespass action as necessary. Students that are expelled for disciplinary reasons are not entitled to any refund of tuition or housing fees.
14. *Housing Expulsion* - Permanent removal of the student from student housing. The sanction will most likely result in a permanent ban from all student housing properties. Students dismissed from student housing for disciplinary reasons are not entitled to any refund of housing fees.
15. *Academic Removal* - Removal of student from an academic course ("W" grade shown on transcript).
16. *Confiscation of Prohibited Property* – Confiscation of illegal or prohibited items for specified period of time. Any controlled substances, including alcohol, will be discarded or turned over to law enforcement.

#### **Step 4:**

##### **Seeking an Appeal**

- Within five (5) business days of the date of the Decision, the respondent may request an appeal, in writing, on the following basis:
- To consider new evidence, unavailable or not considered during the original investigation which may substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the appeal request.

- A procedural or substantive error occurred that significantly impacted the outcome of the Decision. The specific error(s) alleged to have occurred must be identified in the appeal request.
- The sanctions imposed are substantially outside the guidelines set by the College for this type of offense or the cumulative conduct record of the responding student.
- Written appeals based on new evidence should be submitted to the Chief Student Services Officer.
- Written appeals based on procedural error or disproportionate sanctions should be submitted to the Chief Academic Officer
- If an appeal is not timely or warranted under these procedures, the Decision will be final.

#### Appeal Based on New Evidence

Upon receipt of an appeal based on new evidence, the Chief Student Services Officer, or designee, shall:

- Notify the complainant or respondent when appropriate under the law.
- Review the appeal to determine if the appeal is warranted.
- Notify the appellant, in writing, whether the appeal is granted or denied and the basis for that decision.
- If an appeal is warranted, review all new evidence submitted to determine if it substantially impacts the findings or sanctions in the original Decision.
- If not, notify the appellant, in writing, that for this reason, the Decision is affirmed.
- If the new evidence substantially impacts a finding or sanction, conduct further investigation if necessary.
- Notify the appellant, in writing, whether the Decision is affirmed, reversed, or modified.

#### Appeals Based on Procedural Error or Disproportionate Sanctions

Upon receipt of an appeal based on procedural error or disproportionate sanctions, the Chief Academic Officer, or designee, shall:

- Notify the complainant or respondent when appropriate under the law.
- Review the appeal to determine if the appeal is warranted.
- Notify the appellant, in writing, whether the appeal is granted or denied and the basis for that decision.
- If an appeal is warranted, convene an Appeals Panel.

#### **Step 5:**

##### **Appeal**

If an appeal is warranted, the appeal process shall commence within fifteen (15) business days after the written appeal request is received by the Chief Student Services Officer or Chief Academic Officer.

*See Appeals Panel Guiding principles for further details.*

#### **Step 6:**

##### **Notification of Appeal outcomes**

- The decision of the Chief Student Services Officer (for appeals on the basis of new evidence) or Appeals Panel (for appeals on the basis of a procedural error or disproportionate sanctions) is final.
- Within two (2) business days following a decision by the Chief Student Services Officer or Appeals Panel, the Chief Student Services Officer shall notify the appellant, in writing, of the decision and implement any issued sanctions.

Note: Decisions with respect to disciplinary matters will be treated as confidential student records subject to the Family Educational Rights and Privacy Act.

### **Parental Notification**

The College reserves the right to notify parents/guardians of dependent\* students of violations of the Code, and may do so for drug and alcohol violations. The College may also notify parents/guardians of all students who are under the age of 21 of drug and alcohol violations. (\*A dependent is defined by FERPA as a student who is dependent for tax purposes.)

NOTE: The outcome of a campus appeal is part of the education record and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. When a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, Southwest Tech will inform the reporting party bringing the complaint in writing of the final results of the Appeal Panel of whether Southwest Tech concludes the responding party was responsible or not responsible. If the responding party is found responsible, the college can share the information with anyone at the discretion of the college. Such release of information may include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned. In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition the findings and sanctions. Crimes of Violence include:  Arson  Assault offenses (including stalking)  Burglary  Criminal homicide  Destruction/damage/vandalism of property  Kidnapping/abduction  Robbery  Forcible sex offenses  Non-forcible sex offenses

### **Notification to Victims of Crimes of Violence**

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Sex Offender Registration**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that

State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Wisconsin, convicted sex offenders must register with the **Office of Victim Services and Programs**. You can link to this information, which appears on Wisconsin Department of Corrections website, by accessing website at <https://www.wivictimsvoice.org/.../sex-offender-registry-program1>.

### **Reportable Crimes under the Clery Act - 34 CFR 668.46(c)**

#### **Criminal Offenses**

- **Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding.)

- **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

### Arrests and Referrals for Disciplinary Action

- **Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
- **Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

### Hate Crimes

- We are required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder, sex offenses (forcible or non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson and larceny-theft, simple assault, intimidation, destruction, damage or vandalism of property and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability of the victim.
- **Larceny-Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction, Damage or Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing,

breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

If a hate crime occurs where there is an incident involving larceny-theft, simple assault, intimidation, destruction, damage or vandalism of property, and other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. A bias-related (hate) crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate crime.

### **Sex Offenses**

- **Sex Offenses-Forcible** - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
- **Forcible Rape** - The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- **Forcible Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- **Sex Offenses-Non-forcible** - Unlawful, non-forcible sexual intercourse.
- **Incest** - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### **Violence Against Women Reauthorization Act of 2013 (VAWA)**

- **Dating Violence** - Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration

of the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

- **Domestic Violence** - Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) Fear for his or her safety or the safety of others; or (B) Suffer substantial emotional distress. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Clery Geography**

The Clery Act requires colleges to disclose statistics for reported Clery crimes that occur: 1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the institution owns or controls. These categories define Southwest Tech's Clery geography. The geographic categories are further defined in the Handbook for Campus Safety and Security Reporting as follows:

1) *On campus* – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

2) *Public property* – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

3) *Noncampus buildings or property* - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation

to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Incident Being  
Reported**

**Procedure Southwest Tech Will Follow**

**Sexual Assault**

1. Depending on when reported (immediate vs delayed report), Southwest Tech will provide complainant with access to medical care.
2. Southwest Tech will assess immediate safety needs of complainant.
3. Southwest Tech will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
4. Southwest Tech will provide complainant with referrals to on and off campus mental health providers.
5. Southwest Tech will assess need to implement interim or long-term protective measures, if appropriate.
6. Southwest Tech will provide the complainant with a written explanation of the complainant’s rights and options.
7. Southwest Tech will provide a “No trespass” directive to respondent if deemed appropriate.
8. Southwest Tech will provide written instructions on how to apply for Protective Order.
9. Southwest Tech will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.
10. Southwest Tech will inform the complainant of the outcome of the investigation, whether or not the respondent will be administratively charged and what the outcome of the hearing is.
11. Southwest Tech will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex based discrimination or for assisting in the investigation.

## **Stalking**

1. Southwest Tech will assess immediate safety needs of complainant.
2. Southwest Tech will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
3. Southwest Tech will provide written instructions on how to apply for Protective Order.
4. Southwest Tech will provide written information to complainant on how to preserve evidence.
5. Southwest Tech will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Southwest Tech will provide the complainant with a written explanation of the complainant's rights and options.
7. Southwest Tech will provide a "No trespass" directive to respondent if deemed appropriate.

## **Dating Violence**

1. Southwest Tech will assess immediate safety needs of complainant.
2. Southwest Tech will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
3. Southwest Tech will provide written instructions on how to apply for Protective Order.
4. Southwest Tech will provide written information to complainant on how to preserve evidence.
5. Southwest Tech will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Southwest Tech will provide the complainant with a written explanation of the complainant's rights and options.
7. Southwest Tech will provide a "No trespass" directive to respondent if deemed appropriate.

## **Domestic Violence**

1. Southwest Tech will assess immediate safety needs of complainant.
2. Southwest Tech will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.
3. Southwest Tech will provide written instructions on how to apply for Protective Order.
4. Southwest Tech will provide written information to complainant on how to preserve evidence.
5. Southwest Tech will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Southwest Tech will provide the complainant with a written explanation of the complainant's rights and options.
7. Southwest Tech will provide a "No trespass" directive to respondent if deemed appropriate.

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Southwest Tech will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how Southwest Tech will protect the confidentiality of victims and other necessary parties;
- a statement that institution will provide written notification to students and employees about victim services within Southwest Tech and in the community;
- a statement regarding Southwest Tech's provisions about options for, available assistance in, and how to request accommodations and protective measures; and an explanation of the procedures for institutional disciplinary action.

## KEY CONCEPTS AND DEFINITIONS CENTRAL TO ALL FORMS OF SEXUAL MISCONDUCT

Southwest Tech does not presume a student, employee or faculty member is in violation of college policy. A conduct hearing or investigation will be held to take into account the totality of information available, from all relevant sources. The college will determine whether the Student Code of Conduct or the Employee Handbook Conduct Guidelines have been violated.

COMPLAINANT:	Complainant refers to the individual who reported the incident of alleged sexual misconduct.
RESPONDENT:	Respondent refers to the student, employee or faculty member who allegedly violated the sexual misconduct policy and/or has been charged with a violation of the policy.
CONSENT:	<p>A central concept to understanding the offenses that constitute sexual misconduct under this policy is consent. Consent is the equal approval, given freely, willingly and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision — indicated clearly by words or actions — to engage in mutually accepted sexual contact. A person compelled to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault. Consent CANNOT be given if a person’s ability to resist or consent is impaired because of a mental or physical condition or there is incapacitation due to drugs or alcohol or if there is a significant age or perceived power differential. Providing alcohol or drugs to facilitate sexual activity is a violation of this policy. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.</p> <p>A person may not consent if s/he is:</p> <ul style="list-style-type: none"> <li>• unconscious</li> <li>• frightened</li> <li>• physically or psychologically pressured or forced</li> <li>• intimidated</li> <li>• impaired because of a psychological condition</li> <li>• intoxicated by use of drugs or alcohol</li> </ul>

	<p>Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Similarly, previous relationships or consent does not imply consent to future sexual activity.</p> <p>The requirements of this policy apply regardless of the sexual orientation of individuals engaging in sexual activity.</p>
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Sexual misconduct includes, but is not limited to, conduct prohibited in Wisconsin Statutes 940.225 (see [legis.wisconsin.gov/lrb/pubs/ib/01ib1.pdf](https://legis.wisconsin.gov/lrb/pubs/ib/01ib1.pdf))

**1. NON-CONSENSUAL SEXUAL INTERCOURSE**

The State of Wisconsin Statutes referenced above provide a comprehensive list of the behaviors that are considered non-consensual sexual intercourse.

**2. NON-CONSENSUAL SEXUAL CONTACT**

The State of Wisconsin Statutes referenced above provide a comprehensive list of the behaviors that are considered non-consensual sexual contact.

**3. SEXUAL EXPLOITATION**

Sexual exploitation as defined by this policy occurs when an individual takes non-consensual or abusive sexual advantage of another individual for his/her own advantage or benefit, or to benefit or advantage anyone other than the person being exploited.

Examples of sexual exploitation may include, but are not limited to:

- video or audio of a person engaged in sexually explicit conduct without the consent of that individual;
- engaging in “Peeping Tommerly,” or viewing other persons engaged in intimate behavior without their consent or
- knowingly transmitting a sexually transmitted disease.

**4. SEXUAL HARASSMENT**

Sexual harassment is defined as any unwelcome sexual advances, demands, requests for sexual favors, innuendoes or any other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s educational or residential experience or employment; or
- b) Submission to or rejection of such conduct by an individual is used as the basis for educational, residential or employment decisions affecting such individual; or
  - Such conduct is sufficiently severe and pervasive so as to alter the conditions of, or have the purpose or effect of substantially prostituting another individual;

- recording, displaying or distributing in any way photos,
- c) interfering with, an individual's academic performance or work by creating an intimidating, hostile, or offensive educational, residential or working environment.

**Campus Crime Statistics**  
**Student Right to Know and Campus Security Act**  
**Statistical Report for Period: 2018-2020**

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Murder/Non Negligent Manslaughter	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Rape	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Fondling	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	1	0	0	1	1	0
Incest	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Robbery	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Burglary	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Arson	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*
Liquor Law Violation Arrests	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Drug Law Violation Arrests	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Weapons Law Violation Arrests	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2020	0	0	0	0	0

Liquor Law Violation Referrals for Disciplinary Action	2019	3	0	0	3	3
	2018	1	0	0	1	0
Drug Law Violation Referrals for Disciplinary Action	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0

VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Domestic Violence	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	1	1	0	0
Stalking	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0

*\*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.*

## UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

There were no unfounded crimes in 2018, 2019, or 2020.

## HATE CRIME REPORTING:

There were no hate crime reported in 2018 or 2019. In 2020, one on-campus intimidation incident characterized by race was reported.

Fire Safety Systems

Residential Facilities	Fire Alarm Monitoring Done On Site	Partial <sup>3</sup> Sprinkler System	Full <sup>4</sup> Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of Evacuation (fire) drills each calendar year
1523 Apt 1	No	No	No	Yes	Yes	Yes	2
1523 Apt 2	No	No	No	Yes	Yes	Yes	2
1525 Apt 1	No	No	No	Yes	Yes	Yes	2
1525 Apt 2	No	No	No	Yes	Yes	Yes	2
1527	No	No	No	Yes	Yes	Yes	2
1529	No	No	No	Yes	Yes	Yes	2
1533	No	No	No	Yes	Yes	Yes	2
1535	No	No	No	Yes	Yes	Yes	2
1537	No	No	No	Yes	Yes	Yes	2
1539	No	No	No	Yes	Yes	Yes	2
1920	No	No	No	Yes	Yes	Yes	2
1930	No	No	No	Yes	Yes	Yes	2
1543	No	No	No	Yes	Yes	Yes	2
1545	No	No	No	Yes	Yes	Yes	2
1547	No	No	No	Yes	Yes	Yes	2
1549	No	No	No	Yes	Yes	Yes	2
1557	No	No	No	Yes	Yes	Yes	2
1559	No	No	No	Yes	Yes	Yes	2
1920 Apt 1	No	No	No	Yes	Yes	Yes	2
1920 Apt 2	No	No	No	Yes	Yes	Yes	2
1930 Apt 1	No	No	No	Yes	Yes	Yes	2
1930 Apt 2	No	No	No	Yes	Yes	Yes	2
1935 Apt 1	No	No	No	Yes	Yes	Yes	2

<sup>3</sup> Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>4</sup> Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

1935 Apt 2	No	No	No	Yes	Yes	Yes	2
1935 Apt 3	No	No	No	Yes	Yes	Yes	2
1935 Apt 4	No	No	No	Yes	Yes	Yes	2
1940 Apt 1	No	No	No	Yes	Yes	Yes	2
1940 Apt 2	No	No	No	Yes	Yes	Yes	2
1940 APT 3	No	No	No	Yes	Yes	Yes	2
1940 Apt 4	No	No	No	Yes	Yes	Yes	2
1940 Apt 5	No	No	No	Yes	Yes	Yes	2
1940 Apt 6	No	No	No	Yes	Yes	Yes	2
1955 Apt 1	No	No	No	Yes	Yes	Yes	2
1955 Apt 2	No	No	No	Yes	Yes	Yes	2
1955 Apt 3	No	No	No	Yes	Yes	Yes	2
1955 Apt 4	No	No	No	Yes	Yes	Yes	2
1960 Apt 1	No	No	No	Yes	Yes	Yes	2
1960 Apt 2	No	No	No	Yes	Yes	Yes	2
1960 Apt 3	No	No	No	Yes	Yes	Yes	2
1960 Apt 4	No	No	No	Yes	Yes	Yes	2
1960 Apt 5	No	No	No	Yes	Yes	Yes	2
1960 Apt 6	No	No	No	Yes	Yes	Yes	2
1960 Apt 7	No	No	No	Yes	Yes	Yes	2
1960 Apt 8	No	No	No	Yes	Yes	Yes	2
1975	No	No	No	Yes	Yes	Yes	2

<b>1985</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>2</b>
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### **Policies or Rules on Portable Electrical Appliances, Smoking and Open Flames**

The following are prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activities (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.).

### Fire Statistics

#### Statistics and Related Information Regarding Fires in Residential Facilities for CY 2019

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
<b>1523 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1523 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1525 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1525 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1527</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1529</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1533</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1535</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1537</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1539</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1543</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1545</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1547</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1549</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1557</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1559</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1920 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1920 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1930 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1930 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>1935 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1935 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1935 Apt 3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1935 Apt 4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1940 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1940 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1940 Apt 3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1940 Apt 4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1940 Apt 5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1940 Apt 6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1955 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1955 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1955 Apt 3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1955 Apt 4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1960 Apt 8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>1975</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>1985</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Procedures for Student Housing Evacuation in Case of a Fire**

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Facilities, Safety & Security Department. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, College policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

**Fire Safety Education and Training Programs**

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the College’s fire safety policies. Everyone is also provided with maps of each on-campus student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a “buddy” assigned to them. Fire safety education and training programs are taught by local fire authorities

Faculty and staff are provided education on fire safety and information on how to report a fire, or evidence of a fire, to whom, and procedures to be followed for non-residential buildings on campus when a fire alarm signals.

Each Southwest Tech building has fire evacuation plans posted in common areas. All employees are encouraged to become familiar with the escape routes for all buildings and floors and the locations of fire extinguishers, hoses and alarms. In the event of a fire or evacuation, every employee should follow the fire safety evacuation route and vacate the premises until the officials in charge declare the premises safe to enter. Exits and areas around fire extinguishers must be kept clear at all times. Periodic fire safety inspections and drills are held to test equipment and procedures.

**Procedures Students and Employees Should Follow in Case of a Fire**

In these programs, procedures that students and employees should follow in case of a fire are reviewed and include the following:

### **Student Housing Evacuation Procedures In Case of a Fire**

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

### **Reporting Fires**

Per federal law, Southwest Tech is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. Once the emergency has passed, you should notify Facilities, Safety & Security Department at 608.822.2400 to investigate and document the incident for disclosure in the University's annual fire statistics.

If a member of the Southwest Tech community finds evidence of a fire that has been extinguished, and the person is not sure whether Facilities, Safety & Security Department has already responded, the community member should immediately notify Facilities, Safety & Security Department at 608.822.2400 to investigate and document the incident for disclosure in the College's annual fire statistics.

### **Plans for Improvement to Fire Safety**

The College does or does not have any planned improvements in fire safety at this time.