Administrative Policy

Southwest Wisconsin TECHNICAL COLLEGE

Item	*Details*
Policy Title:	Non-Discrimination & Grievance Procedures Policy
Policy Category:	Ethics, Legal & Compliance
Related Policy(ies)/ Procedure(s)/ Guideline(s):	Title IX: Prohibition of Sexual Harassment Policy
Policy Owner:	Chief Human Resources Officer & Chief Student Services Officer
Date Approved:	9/13/22
Review Dates:	
Revision Dates:	9/26/23, 1/30/26, 10/20/26
Policy Scope:	This policy prohibits discrimination against administrators, faculty, and other College employees; students; applicants for employment; customers; third-party contractors; and all other parties that participate in the College's educational programs and activities, including third-party visitors on campus (the "College Community"), on the basis of a legally protected status. The College's prohibition on discrimination extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services. Complaints of sexual harassment under Title IX will be processed in accordance with the College's Title IX: Prohibition of Sexual Harassment Policy, available on the College website. All other complaints of discrimination based on a protected status will be processed in accordance with the grievance procedures set forth in this policy.
Policy Statement:	***Notice of Non-Discrimination***

Southwest Wisconsin Technical College (SWTC) is committed to establishing and maintaining an environment free from all forms of discrimination including unlawful harassment. Discrimination includes conduct that adversely affects any aspect of an individual's College employment, education, or participation in activities or programs, or has the effect of denying equal privileges or treatment to an individual on the basis of one or more characteristics of that individual's protected status.

No student may be denied admission to, or participation in or the benefits of, or be discriminated against in any service, program, course or facility of the College on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, pregnancy, marital or parental status, or any other category protected by law.

No College employee may be discriminated against on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ancestry, disability, pregnancy, marital or parental status, genetic information, arrest record, conviction record, military service, veteran status, use or nonuse of lawful products off the employer's premises during nonworking hours, declining to attend a meeting or participate in any communication about religious matters or political matters, or any other category protected by law.

Individuals who believe they have been discriminated against in an education program or activity of the College or wish to report discrimination against another individual, should contact the appropriate Compliance Officer. The College designates the following officials as Compliance Officers for purposes of administering this policy, receiving reports and complaints of discrimination, and coordinating compliance with applicable nondiscrimination laws.

Compliance Officers / Title IX Coordinators for Discrimination Based on a Protected Class other than Sex:

Employee Reports:

Krista Weber, Chief Human Resources Officer
kweber@swtc.edu
(608) 822-2315

Student Reports:
Holly Clendenen, Chief Student Services Officer
hclendenen@swtc.edu
608-822-2362

Compliance Officers / Title IX Coordinators for Discrimination Based on Sex:

Employee Reports:
Krista Weber, Chief Human Resources Officer
kweber@swtc.edu
(608) 822-2315

Student Reports:
Holly Clendenen, Chief Student Services Officer
hclendenen@swtc.edu
608-822-2362

Dan Imhoff, Executive Director of Facilities, Safety & Security
dimhoff@swtc.edu
608-822-2401

A Compliance Officer or Title IX Coordinator may direct the matter to other institutional disciplinary procedures. This referral option generally will be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of this policy, or (2) the behavior that is alleged to have occurred is more appropriately addressed under another disciplinary procedure.

Nothing contained in this policy or the grievance procedures herein limits any rights of the College or in any way restrict the College from investigating or taking immediate action in appropriate circumstances. Nothing in this policy precludes an individual or the College from contacting criminal authorities under any circumstances deemed appropriate.

Provisions Specific to Title IX

Notice of Nondiscrimination under Title IX of the Education Amendments of 1972

Southwest Wisconsin Technical College (SWTC) does not unlawfully discriminate on the basis of sex in any education program or activity that the College operates. Title IX's mandate not to discriminate on the basis of sex extends to students, employees, and other persons in all aspects of the College's programs, activities, and

operations. Inquiries regarding how Title IX applies to the College may be referred to the College Title IX Coordinator (contact information below), to the Assistant Secretary at the U.S. Department of Education, or to both.

Title IX Coordinator:

Krista Weber, Chief Human Resources Officer
kweber@swtc.edu
(608) 822-2315

Deputy Title IX Coordinators:

Holly Clendenen, Chief Student Services Officer
hclendenen@swtc.edu
608-822-2362

Dan Imhoff, Executive Director of Facilities, Safety & Security
dimhoff@swtc.edu
608-822-2401

This policy ensures the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. This policy addresses how to report or file a Formal Complaint of Sexual Harassment, and how the College will respond.

All complaints of discrimination based on a protected class (including sex), other than complaints of sexual harassment under Title IX, will be processed in accordance with this Non-Discrimination Policy and Grievance Procedure.

This notice will be provided to applicants for admission and employment; students and parents; employees; and unions or professional organizations holding collective bargaining or professional agreements.

Training

Title IX requires all institutions to publish materials used for training Title IX coordinators, investigators, decision makers, and persons who facilitate informal resolutions on the institution's

	website or make these materials available upon request for inspection by members of the public. Please see below for links to the training our Title IX team has received. In addition, please know that our Title IX team continues to update its training as the law evolves. ATIXA Title IX Investigation Foundations Level One: Procedures and Critical Skills for Higher Education ATIXA Title IX Investigation Foundations Level Two: Investigation Skills and Report Writing for Higher Education D. Stafford & Associates Title IX Coordinator Training Class D. Stafford & Associates Title IX Coordinator and Investigator Training Class D. Stafford & Associates Investigator Training Class D. Stafford & Associates Title IX Designated Reporters Online Course D. Stafford & Associates Violence Against Women Act (VAWA) Online Course D. Stafford & Associates Campus Security Authorities Online Course Terry-Todd Consulting Investigative Mechanics Online Links: ATIXA Training and Certification Site D. Stafford & Associates Title IX Training Site Terry-Todd Consulting Training Site Contact Southwest Tech's Title IX Coordinators at titleix@swtc.edu to request access to training materials. The College's Title IX Coordinators, identified above, are the designated College representatives with primary responsibility for coordinating the College's compliance with state and federal laws prohibiting discrimination on the basis of sex. The Title IX Coordinators are the College agents who are charged with the responsibility to implement and oversee the grievance procedure herein and the Title IX Sexual Harassment grievance process for

complaints of sex discrimination and sexual harassment, provide training for the College Community, and monitor all other aspects of the College's compliance with state and federal laws.

If an individual prefers not to contact one of the Title IX Coordinators with questions and concerns regarding sex discrimination at the College, they may contact the U.S. Department of Education's Office for Civil Rights, which can be reached in person or by mail at Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Avenue, SW Washington, DC 20202-1100, by phone at 800-421-3481 or TDD 800-877-8339, or by email at OCR@ed.gov or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): https://www.justice.gov/crt/educational-opportunities-section

Confidentiality and Reporting Options/Considerations

All Complaints Will Be Treated With Consideration to Their Sensitive Nature

1. Complaints will be considered confidential to the extent requested by the complainant, if possible. However, certain disclosures may be necessary for the College to conduct a thorough investigation, comply with state and federal law, and comply with its own procedures and regulations. Records pertaining to students may be subject to the Family Educational Rights and Privacy Act (FERPA).
2. SWTC completes publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of identifying information about the complainant, to the extent permissible by law.
3. SWTC will maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
4. **Confidential Employees:** Students seeking a confidential source of support should contact this confidential employee: Mental Health Counselor or designated staff acting in this capacity as a back-up counselor. This is the

only SWTC employee with the ability to ensure confidentiality of information provided by students subject to applicable law.

a. Confidential communications are those communications that legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person.
b. Individuals may discuss concerns in complete confidence with a Confidential Employee, so long as the allegations do not involve the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. In addition, Confidential Employees can assist individuals with obtaining medical, emotional, and other support resources whether or not they decide to report their concerns to the College. Confidential Employees may submit non-identifying information about violations of this Policy to SWTC Safety Department Staff for purposes of anonymous statistical reporting under the Clery Act.
c. As allowed by law, Confidential Employees are not required to report any information regarding an incident to a Compliance Officer. Confidential Employees should inform complainants of their right to file complaint with the school and/or a separate complaint with local law enforcement. In addition, to informing students about campus resources for counseling, medical and academic support, Confidential Employees should also indicate that they are available to assist complainants in filing such complaints. They should also explain that the College prohibits discrimination and officials will not only take steps to prevent retaliation but also take responsive action if it occurs.

Employee Duty to Report

1. Except as set forth in other provisions of this policy, all employees of the College have a duty to report

discrimination, including harassment, to the appropriate Compliance Officer.
2. The College strongly encourages all students and other individuals participating in an education program or activity of the College to report discrimination, including harassment, to the appropriate Compliance Officer.
3. A report to a Compliance Officer, Title IX Coordinator, or Deputy Coordinator does not automatically trigger a formal complaint or the initiation of a complaint process. Upon receiving a report of discrimination based on a protected class, the Compliance Officer, Title IX Coordinator, or Deputy Coordinator will work with administration to determine the appropriate response.

Reporting to College or Police

A student or employee has the right to report conduct to the police and/or to the College. It is the student or employee's choice to report to both, just the police, just the College, or to neither. The College (Title IX Coordinator or Deputy Coordinators) has the right to notify the police based on the circumstances of the report.

Making a Report

1. Reports of Discrimination Based on Sex:
    a. Reports of discrimination based on sex may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or Deputy Coordinators, or by any other means that results in the Title IX Coordinator or Deputy Coordinators receiving an individual's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
2. Reports of All Other Discrimination:
    a. Reports of discrimination based on a protected class other than sex, may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the appropriate Compliance Officer or Title IX Coordinator listed above. Such a report may be made at any time (including during non-business hours) by using the

telephone number or electronic mail address, or by mail to the office address, listed for the appropriate Compliance Officer / Title IX Coordinator.

Filing a Report with the Police

While College support services are available to an individual whether they file a report with the police or not, the College encourages the reporting of incidents that constitute a violation of law to the police or other appropriate authority. There are three ways to contact law enforcement to file a report:

1. **Call 911** if an emergency, or if not emergent, call the police department dispatch where the crime occurred. In Fennimore, WI the non-emergency number is 608-822-3215.
2. **Go to the police station** in the jurisdiction where the assault occurred to file a police report. The Fennimore Police Department is located at: 880 Lincoln Avenue, Fennimore, WI 53809.
3. **Go to the Hospital.** The hospital will contact police in matters involving sexual misconduct.

A report to law enforcement is not necessary for the College to proceed with an investigation under the grievance procedures in this policy.

Anonymous Reports

The College will accept anonymous reports of conduct alleged to violate this policy made to the Title IX Coordinator or a Compliance Officer. The individual making the report is encouraged to provide as much detailed information as possible to permit the College to investigate and respond as appropriate. The College may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the College to conduct a meaningful and fair investigation. Anonymous reporting also limits an individual's ability to request accommodations or re-mediations against an offender and the College's ability to meet such requests.

Amnesty for Complainants and Witnesses

SWTC encourages reporting of discrimination and seeks to remove any barriers to an individual/group making a report. The

College recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct.

1. An individual (group) who (that) reports conduct that violates this policy, either as a complainant or a third-party witness, will not be subject to disciplinary action by the College for their (its) own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.
2. The College may, however, initiate an educational discussion, pursue other educational interventions regarding alcohol or other drugs, or require counseling or training.
3. Amnesty will not be extended for any violations of College policy other than alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

General Provisions Applicable to Grievance Procedures

The College is committed to ensuring that all reports are referred to the appropriate Compliance Officer or Title IX Coordinator who will ensure prompt, fair, and impartial investigation and resolution, and consistent application of the policy.

Generally, complaints involving a student respondent will be processed by the Deputy Title IX Coordinators. Complaints involving a faculty respondent will be processed by the Title IX Coordinator or Human Resources Director and complaints involving a non-faculty employee respondent will be processed by Title IX Coordinator or Human Resources Director.

Treatment of Parties

The College will strive to treat all parties involved in a complaint procedure with dignity and to provide nonjudgmental support to students, faculty, staff, and third parties who are engaged in a complaint procedure. Upon request, mental counseling services are available to students and the Employee Assistance Program is available to College employees.

Conflict of Interest

If a complainant or respondent has any concern that any individual acting for the College under this Policy has a conflict of interest, such concern should be reported to the Compliance Officer or Title IX Coordinator no later than two (2) business days after receiving the notice of the identity of the individual(s) assigned to the matter. The Compliance Officer or Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this Policy.

Complainant Request for Confidentiality or Not to Proceed

1. The College will seek action consistent with the complainant's request where possible. Where a complainant makes a report but requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the College will balance this request with its obligation to provide a safe and non-discriminatory environment for all SWTC community members and to remain true to just procedures that require notice and an opportunity to respond before action is taken against a respondent.
2. In the event that a complainant does not wish to proceed with an investigation or possible sanctions, the Compliance Officer or Title IX Coordinator will determine, based on the available information, including any investigative report, whether the investigation or sanction proceedings should nonetheless go forward. In making this determination, the College will consider these, among other factors:
    a. The ability to conduct an investigation without revealing identifiable information.
    b. The seriousness of the alleged conduct.
    c. The extent of the threat to the College community.
    d. The respondent is likely to engage in additional conduct.
    e. Whether there have been other discrimination, harassment, sexual misconduct or retaliation complaints about the same respondent.

f. Whether the respondent has a history of arrests or records from a prior school indicating a history of violence.
g. Whether the respondent threatened further misconduct against the complainant or others.
h. Whether the misconduct was committed by multiple respondents.
i. Whether the misconduct was perpetrated with a weapon.
j. Whether the complainant is a minor.
k. The respondent is a SWTC employee.
l. Whether the College possesses other means to obtain relevant evidence of the misconduct (e.g., security cameras or personnel, physical evidence).
m. Knowledge of a pattern of perpetration (e.g. via illicit use of drugs or alcohol) at a given location or by a particular person or group.

3. If a Compliance Officer or Title IX Coordinator determines that SWTC cannot maintain a complainant's confidentiality, a request for no investigation, and/or a request that disciplinary action is not pursued, the Compliance Officer or Title IX Coordinator will attempt to inform the complainant and will, to the extent possible, only share information with those responsible for handling the College's response. In such a situation, SWTC will remain mindful of complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm.

Non-Participation and Silence

If, at any time during the grievance procedure, a party decides not to participate, the College may proceed with the complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation but may leave the complainant's allegations undisputed.

Reservation of Flexibility

The procedures set forth in this section reflect the College's desire to respond to complaints promptly and impartially. The College recognizes that each case is unique and that circumstances may arise which require that the College reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these

procedures, the College reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances.

Timeline

The College will seek to resolve reports filed pursuant to this policy within thirty (30) business days of receiving an initial report, but this time frame may be extended if necessary.

1. Once a report is made, the College will typically determine the appropriate procedure for resolution within five (5) business days of the submission of the report. The determination on procedure will be communicated to the complainant and respondent in writing.
2. Typically, and as appropriate, the investigator(s) will begin an investigation within five (5) business days of submission of the report.
3. Investigation is typically completed within fifteen (15) business days after it begins.
4. Notice of outcome is typically issued within seven (7) business days of the close of the investigation.
5. Time frames may vary depending on the details of the case and/or during certain times of the year (e.g. during breaks or final exams).
6. The College may extend any time frame for good cause, with a written explanation to the complainant and respondent.
7. If the parties and the College agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If the parties and the College do not agree in writing to the terms and conditions of the recommended resolution within (5) business days, the complaint will be referred to the formal resolution process.

Interim Measures

At any time after a report of conduct that violates this policy has been received by the College, the College may take immediate steps as it finds appropriate to meet its obligations to maintain a safe, nondiscriminatory environment for students and employees. The College may take such steps even when a complainant asks that the College keep a reported violation of this policy

	confidential and that it not investigate the matter, and regardless of whether a complainant chooses to report to local law enforcement. In addition, the College will make accommodations and provide protective measures for a complainant if requested and reasonably available. Such measures will vary based on the particular facts and circumstances and based on a complainant's confidentiality preferences, but may include: 1. Adjusting class, work, or other schedules, in consultation with appropriate administrator(s). 2. Adjusting housing or transportation arrangements, in consultation with appropriate administrator(s). 3. Adjusting a student's or employee's status, in consultation with appropriate administrator(s). 4. Establishing a no contact directive between individuals. 5. Providing escorts. 6. Restricting an individual from being on campus or at College events. Academic accommodations may include: 1. Accessing academic support such as tutoring, testing in a separate location, or extended time tests. 2. Adjusting academic requirements or providing assistance with academic issues. 3. Arranging for incompletes, a leave of absence, or withdrawal from campus. 4. Preserving eligibility for academic, athletic, or other scholarships, financial aid, and/or internships. 5. Rescheduling an academic assignment or test. 6. Transferring to another section of a lecture or laboratory. To request an accommodation or protective measure, complainants should contact the appropriate Compliance Officer or Title IX Coordinator. The College will maintain as confidential any accommodations or protective measures provided to the extent that maintaining such confidentiality will not impair the ability of the College to provide the accommodations or protective measures. The College will also solicit feedback from the complainant as to the effectiveness of the accommodations or protective measures, and adjust the arrangements if necessary to enhance effectiveness.

Informal Resolution

1. Complaints made pursuant to this policy may be resolved through an informal resolution process. All parties must agree to informal resolution and will maintain the right to end the informal resolution process and proceed to the formal grievance procedures at any time.
2. If an informal resolution is pursued, the Compliance Officer or Title IX Coordinator will attempt to facilitate a resolution through an informal process involving the parties. (For example, the parties may agree that education and training are an appropriate and sufficient response to a case).
3. An informal resolution may take place during an investigation or after its conclusion.
4. Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the College to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Compliance Officer or Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, change in housing or office location, restrictions, loss of privileges, restitution, required attendance at educational programs, required assessment or counseling, the respondent's education or employment record including a finding that this Policy was violated, and/or probation.
5. If all parties to the complaint and the College agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will be referred to the formal grievance procedures.

Grievance Procedures

If a complaint is not processed or resolved through informal resolution, the complaint shall be processed according to the grievance procedures outlined below.

Investigation

1. The investigator(s) will coordinate the gathering of information from the parties and any other individuals who may have information relevant to the determination.
2. The investigator(s) may request and review other evidence of relevance to the alleged conduct, such as video recordings, photographs, text messages, documents, communications between the parties, and other artifacts.
3. In gathering the facts, the investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct to the extent such information is relevant.
4. The parties will have an equal opportunity to be heard, to submit and review information, and to identify witnesses who may have relevant information.
5. Witnesses must have information relevant to the incident and cannot be participating solely to speak about an individual's character.
6. The investigator(s) will determine the relevancy of any offered information, and will not consider file of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.
7. The investigator(s) will provide timely updates, as appropriate or requested, about the timing and status of the investigation.
8. At any point during the investigation, if it is determined there is no reasonable cause to believe that this policy has been violated, the Compliance Officer or the Title IX Coordinator has the authority to terminate the investigation and end resolution proceedings.
9. The investigator(s) will prepare a written report to guide the decision-maker in his or her review of the information gathered during the investigation.

Decision

The College will strive to complete a thorough, fair, impartial, and timely decision-making process. The Compliance Officer or Title IX Coordinator shall designate a decision-maker to review the written report and make a determination of responsibility based upon the Preponderance of Evidence Standard.

1. Upon completion of the investigation, the decision-maker appointed by the Compliance Officer or Title IX

Coordinator will review the investigation report file, and any response submitted by the parties and any other information the decision-maker(s) may deem appropriate and which is made available to the parties.

2. The decision-maker(s) will use a preponderance of the evidence (or "more likely than not") standard in determining whether a violation of this policy has occurred.
3. If the decision is made that there is not sufficient basis to believe that it is more likely than not that this policy was violated, the parties will be notified in writing of that determination as set forth below.
4. If the decision is made that it is more likely than not that this policy was violated, the decision-maker(s) shall determine appropriate remedies and/or sanctions and notify the parties in writing of the determination as set forth below. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the complainant.

Remedies/Sanctions for Students

1. If the decision is made that it is more likely than not that the alleged conduct violated this Policy, the decision-maker(s) shall determine appropriate remedies, and if appropriate, sanction(s) against the respondent.
2. The determination will include steps to take to prevent recurrence of any such violations.
3. Possible sanctions for SWTC students include but are not limited to, the following: written reprimand, corrective action, no contact directive, mandatory housing reassignment, probation, housing probation, loss of privileges/access, restitution, disciplinary suspension, housing suspension, expulsion, housing expulsion, academic removal, and any other sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances.

Remedies/Sanctions for Employees

1. If the decision-maker(s) determines that it is more likely than not that a SWTC faculty, staff, or administrator has violated this Policy, sanctions include, but are not limited to a disciplinary warning, unpaid suspensions, and/or termination of employment, or any other available sanctions as specified by the SWTC Employee Handbook.

2. If the decision-maker determines that dismissal may be an appropriate sanction, the matter will be referred to Human Resources, for appropriate process and decision, which shall be determined and administered in a manner consistent with the SWTC Employee Handbook.
3. In such cases, dismissal may only be effectuated in accordance with SWTC Employee Handbook, including use of preponderance of evidence standard. The decision-maker(s), or the decision-maker's designee, may impose appropriate sanctions short of dismissal, in a manner consistent with the SWTC Employee Handbook.

Notification of Determination

1. The parties shall receive a simultaneous written notice of the determination which will include: the determination of the decision-maker(s); where a violation is deemed to have occurred, in the respondent's notice, any imposition of sanctions, and in the complainant's notice, any imposition of sanctions that directly relates to the complainant; any other steps the College has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant.
2. College-issued email is the primary means of communication used by the College. The Compliance Officer or Title IX Coordinator may deliver notice by one or more of the following methods: (a) In person by the Compliance Officer; (b) Mailed to the local or permanent address of the individual as indicated in official College records; or (c) Emailed to the individual's College- issued email account. Notice sent via email will be presumed to have been received by the respondent. In all other circumstances, the respondent must make confirmation of receipt to the Compliance Officer or Title IX Coordinator within three (3) business days. If a respondent fails to confirm receipt of the notice of outcome, the Compliance Officer or Title IX Coordinator may initiate a complaint for failure to comply with the directives of a College official and give notice of this violation.

Appeal

	The determination of the decision-maker(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final. 1. Following the communication of the decision by the decision-maker(s), the parties may request an appeal of the decision. 2. The request for an appeal must be submitted in writing to the Compliance Officer or Title IX Coordinator within five (5) business days of receiving the notice of outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal. 3. The basis for an appeal will be limited to the following: New or newly-discovered evidence which may substantially affect the outcome of the decision; or a procedural error, which substantially affected the outcome of the decision. Conflict of interest qualifies as a reason for appeal and follows the same procedure. 4. Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. In an appeal, the burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied. 5. If the Compliance Officer or Title IX Coordinator determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be returned for further review of the investigation report by a new decision-maker(s). If the grounds for appeal relate to the investigation, or warrant additional investigation, the new decision-maker(s) may refer the matter to further investigation before proceeding. Upon further review, the new decision- maker(s) shall utilize the same process as required for all adjudications under this policy. 6. If there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the Compliance Officer or Title IX Coordinator may dismiss the appeal. This decision is final and is not appealable. 7. The Compliance Officer or Title IX Coordinator will notify the parties to the complaint in writing of his/her determination within ten (10) business days of the filing of the appeal.

Procedures for Complaints Involving Third Parties

When the College receives a complaint of a violation of this Policy that involve allegations of sex discrimination, other than Sexual Harassment under Title IX, by a third party (an individual who is not a student, faculty, or staff member), the College, in consultation with the Compliance Officer, may exercise discretion to determine an appropriate investigative and adjudication process based on the facts and circumstances. The College will document the report received, the process used, and the outcome and will submit such information to the Compliance Officer. If it is determined that it is more likely than not that a third party violated this Policy, appropriate sanction(s) may include but are not limited to: conditions upon presence on campus or at College events, no trespass and no contact orders, or other steps deemed necessary to protect the complainant and the campus community. The College will notify the parties of the outcome of the complaint. Any party with concerns about the process or outcome should consult with the Compliance Officer.

Alternative Procedures

Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR). The OCR office for institutions located in Wisconsin is:

> **U.S. Department of Education's Office for Civil Rights**, which can be reached in person or by mail at Lyndon Baines Johnson Department of Education Bldg., 400 Maryland Avenue, SW Washington, DC 20202-1100, by phone at 800-421-3481 or TDD 800-877-8339, or by email at OCR@ed.gov or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): https://www.justice.gov/crt/educational-opportunities-section

Retaliation Prohibited

	Neither the College nor any person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy or the Title IX Sexual Harassment Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination but arise out of the same facts or circumstances as a report or complaint of discrimination, or a report or complaint of discrimination, for the purpose of interfering with any right or privilege secured by law constitutes retaliation. Complaints alleging retaliation under this Policy and the Title IX Sexual Harassment Policy may be filed according to the grievance procedures herein. The College will take appropriate action, up to and including termination for employees, or dismissal for students, against any individual who retaliates against another person in violation of this Policy. ***Review of Policy*** This policy will be reviewed on a periodic basis to incorporate evolving law and guidance, evaluate the supports and resources available to the parties, and assess the effectiveness of the investigation and resolution.