

NORTHEAST WISCONSIN TECHNICAL COLLEGE
SEXUAL HARASSMENT/TITLE IX POLICY

GRIEVANCE PROCEDURES

I. Scope

This is a description of the procedures Northeast Wisconsin Technical College (“NWTC” or “College”) will follow when responding to allegations of sexual harassment in violation of NWTC’s Sexual Harassment/Title IX Policy (the “Policy”). To review the Policy, click here: [Northeast Wisconsin Technical College Sexual Harassment/Title IX Policy](#).

Allegations of all other forms of discrimination or discriminatory harassment in violation of the NWTC Nondiscrimination & Anti-Harassment Policy will be responded to pursuant to the following: [NWTC Nondiscrimination & Anti-Harassment Policy Grievance Procedures](#).

II. Definitions

For purposes of this Grievance Procedure, the following terms have the following meanings:

- *Advisor* means a person chosen by a Party or appointed by NWTC to assist a Party in any investigation, grievance or disciplinary procedure or related meetings. An Advisor does not need to be an attorney.
- *Complainant* means an individual who is alleged to be the victim of sexual harassment as defined in the Policy or the subject of retaliation as defined in the Policy.
- *Confidential Resource* means employees or agents of NWTC, designated by NWTC, who are not Mandatory Reporters and who are prohibited from sharing student or employee concerns regarding potential Sexual Harassment except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability or when otherwise required to disclose by law or court order. A list of Confidential Resources is attached as Appendix A.
- *Consent* means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the definitions of sexual assault and sexual exploitation. Unless rebutted by competent evidence, individuals who are suffering from a mental illness or defect that impairs his or her capacity to appraise personal conduct and individuals who are Incapacitated cannot provide Consent.
- *Dating Violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

- *Day* means a business day when NWTC is in normal operation.
- *Decision-Maker* means the individual who has decision-making and sanctioning authority pertaining to any Formal Complaint made pursuant to the Policy.
- *Directly Related Evidence* means evidence connected to the Formal Complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the Investigator or the Decision-Maker.
- *Domestic Violence* means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. To categorize an incident as Domestic Violence, the relationship between the person and the Complainant must be more than just two people living together as roommates. The person and the Complainant must be current or former spouses or share an intimate relationship.
- *Education Program or Activity* means locations, events or circumstances where NWTC exercises substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurs, which includes any building owned or controlled by a student organization that is officially recognized by NWTC.
- *Employee* means any exempt, non-exempt, part-time or temporary employee of NWTC.
- *Formal Complaint* means a document submitted or signed by a Complainant or signed by a Title IX Coordinator alleging Sexual Harassment or Retaliation in violation of this Policy. For purposes of this definition, the phrase "document submitted or signed by a Complainant" means a document or electronic submission (such as by electronic mail or through an incident report provided for this purpose by NWTC) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint and is requesting that NWTC investigate the allegations.
- *Final Determination* means a conclusion, by Preponderance of the Evidence, by the Decision-Maker that the Respondent did or did not violate the Policy.
- *Finding* means a conclusion by the Decision-Maker, based on the Preponderance of the Evidence, that certain conduct did or did not occur as alleged (e.g., a "Finding of Fact").
- *Incapacitated* means the state of being unable to physically and/or mentally make informed rational judgments and effectively communicate. This may include unconsciousness, sleep, or blackouts, and it may result from the use of alcohol or other drugs. Where alcohol

or other drugs are involved, evaluation of whether an individual is Incapacitated requires an assessment of how the consumption of alcohol and/or drugs has affected the individual's decision-making ability, awareness of consequences, ability to make informed and rational judgments, capacity to appreciate the nature and quality of the act, or level of consciousness. This assessment shall be based on objectively and reasonably apparent indications of incapacitation if viewed from the perspective of a sober, reasonable person.

- *Investigator* means the person or persons charged by NWTC with gathering facts about an alleged violation of the Policy, assessing relevance and credibility, synthesizing the evidence, and compiling the evidence into an investigation report and a file of Directly Related Evidence.
- *Mandatory Reporter* means an employee or agent of NWTC who is obligated under this Policy to share knowledge, notice and/or reports of Sexual Harassment or Retaliation with a Title IX Coordinator or an Official with Authority. Mandatory Reporters include all NWTC Employees with the exception of all Confidential Resources.
- *Notice* means notification by a Mandated Reporter, student, or third-party to a Title IX Coordinator or an Official with Authority of an alleged occurrence of Sexual Harassment or Retaliation in violation of this Policy.
- *NWTC Community* means a student or employee of or with NWTC.
- *Official with Authority (OWA)* means an employee of NWTC explicitly vested with the authority to institute corrective measures on behalf of NWTC relating to allegations of Sexual Harassment or Retaliation.
- *Party* or *Parties* means the Complainant(s) and the Respondent(s), individually or collectively.
- *Preponderance of the Evidence* means information that would persuade a reasonable person that a proposition is more probably true than not true.
- *Relevant Evidence* means evidence that tends to disprove an allegation set forth in a Formal Complaint.
- *Remedies* are post-finding actions directed to the Complainant and/or the NWTC community designed to address safety, prevent recurrence, and restore access to NWTC's Education Program or Activity.
- *Respondent* means an individual who has been reported to be the perpetrator of Sexual Harassment or Retaliation in violation of the Policy.
- *Resolution* means the result of an informal resolution or a formal grievance process as explained in this Grievance Procedure.

- *Retaliation* means the taking of any adverse action against a person because of a person's participation in a protected activity under the Policy, which includes, without limitation, reporting an incident that may implicate the Policy, participating in any resolution process, supporting a Complainant or a Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of the Policy.
- *Sanction* means a consequence imposed by NWTC against a Respondent who is found by the Decision-Maker to have violated the Policy.
- *Sexual Assault* means any of the following conduct:
 - Forcible Sexual Act: any sexual act directed against another person, without the Complainant's consent, including instances in which the Complainant is incapable of giving consent or is Incapacitated.
 - Non-Forcible Sexual Act: incest (non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Wisconsin law) and statutory rape (non-forcible sexual intercourse with a person who is under the age of eighteen (18)).
- *Sexual Exploitation* means the taking by a Respondent of non-consensual or abusive sexual advantage of a Complainant for the Respondent's own benefit or for the benefit of anyone other than the Complainant that does not otherwise constitute Sexual Harassment. Examples of Sexual Exploitation include, but are not limited to, the following:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).
 - Invasion of sexual privacy.
 - Taking pictures, video or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures or videos without the photographed/videoed person's consent), including the making or posting of revenge pornography.
 - Prostituting another person.
 - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease or infection.
 - Causing or attempting to cause the Incapacitation of another person (through alcohol, drugs or any other means) for the purpose of compromising that person's ability to give consent to sexual activity or for the purpose of making that person vulnerable to non-consensual sexual activity.
 - Misappropriation of another person's identity on apps, websites or other venues designed for dating or sexual connections.

- Forcing a person to take an action against that person’s will by threatening to show, post or share information, video, audio or an image that depicts the person’s nudity or sexual activity.
 - Knowingly soliciting a minor for sexual activity.
 - Engaging in sex trafficking.
 - Creation, possession or dissemination of child pornography.
- *Sexual Harassment* means conduct on the basis of sex that satisfies one or more of the following: (a) an employee of NWTC implicitly or explicitly conditioning the provision of an aid, benefit, or service of NWTC on an individual’s participation in unwelcome sexual conduct; or (b) unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to NWTC’s Education Program or Activity.
 - *Stalking* means the engaging by a person in a course of conduct directed at a Complainant that would cause a reasonable person to (i) fear for his or her safety or the safety of others or (ii) suffer substantial emotional distress. For purposes of this definition:
 - A “course of conduct” is two or more acts, including, but not limited to, acts in which a Respondent directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a Complainant or interferes with a Complainant’s property.
 - A “reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
 - *Student* means any person currently enrolled in a credit and/or non-credit course(s) at NWTC, either full-time or part-time.

Other terms are assigned specific definitions throughout this Policy.

III. Resources

The overall administration and enforcement of the Policy and this Grievance Procedure is the responsibility of NWTC’s Chief Officer for Diversity, Equity, and Inclusion (“CO”). The CO, along with the Title IX Coordinators and other designated Officials with Authority are responsible for maintaining the Policy and this Grievance Procedure.

The Title IX Coordinators are primarily responsible for coordinating NWTC’s efforts related to the intake, investigation, resolution and implementation of supportive measures regarding Sexual Harassment and Retaliation prohibited under the Policy.

The Title IX Coordinators manage the Title IX Team and act with independence and authority free from bias and/or conflict of interest. The members of the Title IX Team are vetted and trained to

ensure each member is not biased for or against any party in a specific case or for or against Complainants or Respondents, generally. To raise any concern involving bias or conflict of interest suspected of a Title IX Coordinator, contact the CO [Mohammed.Bey@nwtc.edu or (920) 498-6826]. To raise any concern involving bias or conflict of interest suspected of a member of the Title IX Team, contact a Title IX Coordinator.

Any reports of Sexual Harassment or Retaliation in violation of the Policy committed by a Title IX Coordinator should be reported to the CO [Mohammed.Bey@nwtc.edu or (920) 498-6826] or the CO’s designee. Reports of Sexual Harassment or Retaliation in violation of the Policy committed by a member of the Title IX Team should be reported to a Title IX Coordinator.

The CO, the Title IX Coordinators, designated Officials with Authority and the Title IX Team are as follows:

Location/Office/Individual	
Green Bay	Mohammed Bey Chief Officer for Diversity, Equity, and Inclusion Official with Authority – Student and Employee Incidents (920) 498-6826
Green Bay	Kelly Schumacher Disability Services and Care Manager Title IX Coordinator (920) 498-6390
Green Bay	Valarie Wunderlich Director, Total Awards Title IX Coordinator Official with Authority - Employee Incidents (920) 498-6935
Green Bay	John Grant Dean, Student Development Official with Authority – Student Issues (920) 498-6984

Title IX Team	Tim Derozier Denise Hansel Valarie Wunderlich Katie Trulley Myke Schmit	Joe Richter John Grant Stephanie Wilson-Welhouse Philip Schaefer Sakinah Braun
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At any point in time, a student or employee has the right to explore issues involving Sexual Harassment or Retaliation in violation of the Policy with any of the following external resources:

Employee Services	
State of Wisconsin Department of Workforce Development – Equal Rights Division	
Madison Office 201 E. Washington Avenue Room A100 P.O. Box 8928 Madison, WI 53708 (608) 266-6860	Milwaukee Office 816 N. 6th Street Room 723 Milwaukee, WI 53203 (414) 227-4384
U.S. Equal Employment Opportunity Commission	
Milwaukee Area Office Reuss Federal Plaza 310 W. Wisconsin Avenue Suite 500 Milwaukee, WI 53203 (800) 669-4000	
Student and Employee Services	
U.S. Department of Education – Office of Civil Rights	
Main Office 400 Maryland Avenue, SW Washington, D.C. 20202-1100 Customer Service Hotline: (800) 421-3481 Facsimile: (202) 453-6012 TDD: (877) 521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/ocr	Chicago Office Citigroup Center 500 W. Madison Street, Suite 1475 Chicago, IL 60661 (312) 730-1560

IV. Reporting Sexual Harassment and/or Retaliation

Anyone who believes he or she has been subjected to Sexual Harassment or Retaliation in violation of the Policy may report such Sexual Harassment and/or Retaliation using any of the following options:

A. Title IX Coordinator/Officials with Authority. File a complaint with, or give verbal notice to, a Title IX Coordinator [Valarie Wunderlich, valarie.wunderlich@nwtc.edu or (920) 498- 6828, or Kelly Schumacher, kelly.schumacher@nwtc.edu or (920) 498-6390] or an Official with Authority. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinators or the Officials with Authority listed in this Grievance Procedure.

B. Online. Report online using the reporting form posted at https://cm.maxient.com/reportingform/php?NortheastWisconsinTC&layout_id=18.

C. Additional Campus Locations. Complaints/notice can be provided to any of the following NWTC offices in addition to those identified above:

1. Talent and Culture Partners at (920) 498-6286 or (800) 422-6982.
2. Marinette Campus, Main Office at (715) 735-9361.
3. Sturgeon Bay Campus, Main Office at (920) 746-4900.
4. Campus Safety and Security at (920) 498-5454.
5. Regional Learning Centers and Specialty Center- contact Green Bay Campus.

D. Mandatory Reporters. Complaints can be provided to any Mandatory Reporter. Mandatory Reporters must immediately report actual or suspected Sexual Harassment and/or Retaliation brought to their attention, with such reports to be made to a Title IX Coordinator or another Official with Authority. As Mandatory Reporters are not considered Confidential Resources, Complainants may want to carefully consider whether they share personally identifiable information or details with a Mandatory Reporter, as the Mandatory Reporter must share those details with the Title IX Coordinator.

NWTC will accept anonymous reports; however, such anonymous reports may give rise to a need to investigate, particularly to determine whether there is a compelling threat to health and/or safety. In addition, it is impossible to provide a Complainant with any supportive measures when a complaint is made anonymously. Because NWTC has no obligation to initiate a formal response unless a Formal Complaint is submitted, and as NWTC respects Complainant requests to dismiss complaints or refuse to investigate unless there is a compelling threat to health and/or safety, a Complainant is largely in control and should not fear a loss of privacy by making a report that, at a minimum, allows NWTC to discuss the report with the Complainant and/or provide any appropriate supportive measures.

V. Privacy

NWTC will make every effort to preserve the privacy of reports of alleged Sexual Harassment or Retaliation in violation of the Policy. NWTC will not disclose or share the identity of any individual who has made a report or complaint of Sexual Harassment or Retaliation, any Complainant, any individual who has been alleged to be the perpetrator of Sexual Harassment or Retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, or its implementing regulations, 34 C.F.R. part 99, as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conducting of any investigation, hearing or grievance proceeding arising under the Policy or this Grievance Procedure.

NWTC reserves the right to determine which NWTC officials have a legitimate educational interest in being informed about incidents covered by the Policy, pursuant to FERPA. Only a small group of NWTC officials, all who have a need to know, will typically be told about a complaint.

Such officials include, but are not limited to, members of the NWTC Care Team and/or the NWTC Security, Talent and Culture department.

NWTC may contact parents or guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk, but NWTC usually will first consult with the subject student before doing so.

VI. Investigatory and Disciplinary Procedures

NWTC will abide by this Grievance Procedure upon receipt of a report of Sexual Harassment and/or Retaliation in violation of the Policy.

A. Initial Assessment.

Following receipt of notice or a complaint of an alleged instance of Sexual Harassment and/or Retaliation in violation of this Policy, the Title IX Coordinator or designee will engage in an initial assessment, which generally will occur within one to five Days of receiving the subject notice or complaint. The steps taken in an initial assessment generally include the following:

Step 1: Conduct an Initial Analysis to determine the following:

1. Whether the alleged conduct would constitute Sexual Harassment and/or Retaliation in violation of the Policy;
2. Whether the alleged conduct occurred in NWTC's Educational Program or Activity and/or whether NWTC has any control over the Respondent;
3. Whether the conduct occurred against a person in the United States; and
4. Whether, at the time notice is received, the Complainant is participating in, or attempting to participate in, NWTC's Educational Program or Activity.

If the answer to any of these questions is "no", then NWTC shall dismiss the complaint, whether formal or not, and offer the Complainant Supportive Measures (as described below). If the answer to each of these questions is "yes", then the Title IX Coordinator shall move to ***Step 2***.

Step 2: The Title IX Coordinator will determine whether the Complainant wants to file a Formal Complaint.

1. If the Complainant wants to file a Formal Complaint, the Title IX Coordinator will: (a) assess the sufficiency of the notice already provided and work with the Complainant to make sure that a Formal Complaint is correctly completed; (b) ensure that the Complainant is aware of his or her right to have an Advisor; and (c) work with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.

2. If the Complainant does not want to file a Formal Complaint, does not wish to disclose his or her identity, or does not wish for an investigation to take place, the Title IX Coordinator must conduct a Violence Risk Assessment (“VRA”) to determine whether there is a compelling threat to the health and/or safety of NWTC, its students and/or its employees such that NWTC must pursue formal action in order to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. NWTC may be compelled to act due to such compelling risk to health and/or safety irrespective of the Complainant’s wishes. In conducting the VRA, a Title IX Coordinator should consider the effect that non-participation by the Complainant may have on the availability of evidence and NWTC’s ability to successfully prosecute a formal grievance process fairly and effectively.

a. If the Title IX Investigator, upon conducting a VRA, determines there is not a compelling threat to the health and/or safety of NWTC, its students and/or its employees, then NWTC shall dismiss the complaint and offer the Complainant Supportive Measures (as described below), informal resolution options, and/or other potential remedies other than remedies available only after pursuing formal action.

b. If the Title IX Investigator, upon conducting a VRA, determines that there is a compelling threat to the health and/or safety of NWTC, its students and/or its employees, then the Title IX Coordinator shall sign a Formal Complaint and, in conjunction with doing so, offer the Complainant Supportive Measures (as described below).

c. A Complainant may, at any time, change his or her mind and choose to pursue a Formal Complaint at a later date. Upon such an event, NWTC will fully and faithfully investigate and adjudicate the Formal Complaint pursuant to this Policy. Complainants, however, should be mindful that delays may cause limitations on access to evidence and may present jurisdictional issues with respect to the status of the Complainant, the Respondent and third parties.

B. Supportive Measures.

Regardless of whether a Complainant decides to file a Formal Complaint, whether NWTC decides to execute a Formal Complaint, or whether NWTC initially dismisses a matter, NWTC will offer and implement appropriate and reasonable Supportive Measures to the Complainant (and, in appropriate circumstances, the Respondent).

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to NWTC’s Educational Programs and Activities, including measures designed to protect the safety of all Parties or NWTC’s educational environment and/or to deter Sexual Harassment and/or Retaliation.

The Title IX Coordinator shall work with the Complainant (and, in appropriate circumstances, the Respondent) to ensure that his or her wishes are taken into account with respect to any Supportive

Measures that are planned and implemented. NWTC will maintain the privacy of the Supportive Measures, provided that privacy does not impair NWTC's ability to provide the Supportive Measures. NWTC will act to ensure as minimal an academic and/or occupational impact on the Parties as possible. NWTC will implement Supportive Measures in a way that does not unreasonably burden the other party.

Supportive Measures may include, but are not limited to, the following:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Resource Program;
- Referral to community-based service providers;
- Education to the institutional community or community subgroup(s);
- Altering campus housing assignment(s);
- Altering work arrangements for employees or student-employees;
- Safety planning;
- Providing campus safety escorts; and/or
- Implementing contact limitations (no-contact orders) between the Parties.

Violations of no-contact orders will be referred to appropriate student or employee conduct processes for enforcement.

NWTC will continue to provide Complainants (and, in appropriate circumstances, Respondents) with Supportive Measures throughout the formal investigation and grievance process or informal resolution process, as applicable.

C. Emergency Removal.

Upon receiving a Formal Complaint or upon execution of a Formal Complaint by a Title IX Coordinator that involves alleged Sexual Harassment and/or Retaliation by a Respondent who is a Student, and where the Title IX Coordinator deems appropriate, the Title IX Coordinator, in conjunction with the NWTC Behavioral Intervention Team (also known as the NWTC CARE Team), shall determine whether an immediate threat to the physical health or safety of any Student or other individual justifies removal, on an emergency basis, of the Respondent from NWTC's Education Programs or Activities, entirely or partially. The Title IX Coordinator shall use the NWTC CARE Team's standard objective violence risk assessment procedures.

In any case in which emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the underlying allegation(s) of Sexual Harassment and/or Retaliation but, rather, is an administrative process intended to determine solely whether the emergency removal is appropriate. If the Respondent does not request this meeting within three (3) business days of the emergency removal, objections to the emergency removal are deemed waived. A Complainant and his or her Advisor may be permitted to participate in this

meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of his or her choice for this show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The CO or the CO's designee will attend this meeting, and the CO or the designee has the sole discretion under this Policy to implement or stay an emergency removal and, if implemented, to determine its conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline, up to and including expulsion.

During an emergency removal, NWTC will implement the least restrictive emergency actions as are possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator or the CO/CO designee, these actions could include, but are not limited to: removing a student from a residence hall; restricting a student's access to or use of facilities or equipment; allowing a student to withdraw or take grades of incomplete without financial penalty; or suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intramural athletics. In addition, in the Title IX Coordinator's discretion, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the Parties.

This section on emergency removal is inapplicable when the Respondent is an Employee. When the Respondent is an Employee, existing employment-related policies and practices for interim action (such as administrative leave) are applicable.

D. Counterclaims.

NWTC is obligated to ensure that this Grievance Procedure, and the filing of complaints or alleging conduct in violation of the Policy, is not used for retaliatory purposes or otherwise abused. NWTC, therefore, will allow a Respondent to assert a counterclaim against a Complainant but will follow the same initial assessment procedure, set forth above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims made with retaliatory intent or otherwise without good faith will not be permitted, and counterclaims made with retaliatory intent may constitute violations of the Policy.

Counterclaims found to have been reported in good faith will be processed via this Grievance Procedure. Investigation of such claims may be resolved through the same investigation or through a separate investigation, at the Title IX Coordinator's discretion.

E. Right to an Advisor.

The Parties each may have an Advisor of their choice present with them for all meetings, interviews and hearings within the resolution process, if they so choose. The Parties may select whoever they wish to serve as their Advisor so long as the Advisor is eligible and available.¹

Choosing an Advisor who also is, or may be, a witness creates the potential for bias and a conflict of interest. A Party who chooses an Advisor who also is, or may be, a witness can anticipate that issues of potential bias or conflict of interest will be explored by the Decision-Maker.

Who can serve as an Advisor? An Advisor may be a friend, mentor, family member, attorney, or other individual from whom a Party chooses to seek advice, support and/or consultation throughout the resolution process. Advisors may be from inside or outside the NWTC Community.

NWTC, through the Title IX Coordinator, will offer to assign a trained Advisor to any Party if the Party so requests. If the Parties request and choose an Advisor from the pool of Advisors made available by NWTC, the Advisor will be trained by NWTC and be familiar with NWTC's resolution process. If a Party chooses an Advisor from outside the pool of those identified by NWTC, that Advisor may not have been trained by NWTC and may not be familiar with NWTC's resolution process.

Parties have the right to choose not to have an Advisor present during the stages of the resolution process up to the final hearing. As explained below, each Party must have an Advisor present and acting on his or her behalf during the Hearing.

What is the Advisor's role in the pre-hearing process? If a Party so desires, an Advisor may accompany a Party in all meetings and interviews at which the Party is entitled to attend, including intake and interviews. NWTC may establish restrictions to which the Advisor may participate in such meetings and interviews, so long as the restrictions apply equally to all Parties.

The Parties are expected to ask and respond to questions on their own behalf throughout the pre-hearing phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed or by conferring or passing notes during any meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

The Parties can share documentation and evidence related to the allegations with their Advisors. Doing so may help the Parties participate more meaningfully in the resolution process. NWTC also can provide a consent form by which Parties can authorize NWTC to share information directly with their Advisors. Such consent forms can be obtained from a Title IX Coordinator, and

¹ "Available" means the Party cannot insist on an Advisor who simply does not have the inclination, time or availability. "Eligible" means that the Advisor cannot have institutionally conflicting roles, such as being a Title IX Coordinator, another administrator who has an active role in the matter, or a supervisor who, pending the results, would be required to monitor and implement sanctions.

such forms, or a similar document authorizing the release of information to an Advisor, must be returned to a Title IX Coordinator before NWTC will directly share information with an Advisor.

Any Advisor who oversteps his or her role as defined and allowed by this Grievance Procedure will be warned only once. If the Advisor continues to disrupt or otherwise fail to abide by this Grievance Procedure or otherwise respect the Advisor role, the meeting will be ended or other appropriate measures will be implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role in the resolution process.

NWTC cannot guarantee equal Advisors for each Party, meaning, for example, that if one party selects an Advisor who is an attorney, but the other Party does not retain, or cannot afford, an attorney, NWTC is not obligated to provide that Party with an Advisor who is an attorney.

Advisors are generally expected to adjust their schedules to allow them to attend meetings and interviews, but NWTC may change scheduled meetings or interviews in order to accommodate an Advisor's inability to attend, as long as doing so does not cause an unreasonable delay. NWTC may make reasonable accommodations to allow an Advisor who cannot attend a meeting or investigation in person to attend by telephone, video conferencing or other similar technologies as may be convenient and available.

What is the Advisor's role in the hearing? Each Party may choose to have his or her Advisor attend the hearing. Even if a Party does not choose to have an Advisor attend the hearing, each Party must have an Advisor to cross-examine the other party and any witnesses. If a Party does not have an Advisor for the hearing, NWTC will appoint a trained Advisor for the limited purpose of conducting any cross-examination of the other Party and any witnesses. A Party may reject this appointment and choose his or her own Advisor, but he or she may not proceed to cross-examination without an Advisor. If the Party's Advisor will not conduct cross-examination, or if the Party continually rejects the Advisors appointed by NWTC, NWTC will appoint an Advisor to conduct such cross-examination regardless of the participation or non-participation of the advised Party in the hearing itself. It can be anticipated that the Decision-Maker also may conduct extensive questioning of the Parties and witnesses during the hearing.

Can I change my Advisor? Yes, a Party may elect to change Advisors during the pre-hearing process and is not obligated to use the same Advisor throughout. The Parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The Parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a Party changes Advisors, consent to share information with the previous Advisor is terminated, and an informal meeting with the new Advisor may be scheduled by the Title IX Coordinator to inform the new Advisor of the status of the matter and related issues.

Advisor violations of NWTC Policy will not be tolerated. All Advisors are subject to the same NWTC policies and procedures whether the Advisor is an attorney or not. Advisors are

expected to advise their respective Parties without disrupting proceedings. Advisors should not address NWTC officials in a meeting or interview unless invited to do so (e.g., asking procedural questions). The Advisor may not make a presentation or advocate on behalf of his or her advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or the Decision-Maker except while examining the adverse party and witnesses during a hearing.

F. Informal Resolution.

Parties may agree to resolve a complaint under the Policy via Informal Resolution. Informal Resolution could involve various types of informal resolution processes, including, without limitation:

- Provision of Supportive Measures, only, to remedy the underlying situation;
- Alternative dispute resolution mechanisms including, for example, mediation, restorative practices, etc.; or
- Acceptance by a Respondent of responsibility for violating the Policy and a desire to accept sanction(s) and an end of the resolution process.

To initiate Informal Resolution, a Complainant must submit a Formal Complaint. A Respondent may request Informal Resolution by contacting the Title IX Coordinator and making such a request. Either the Complainant or the Respondent may request Informal Resolution at any time during the overall resolution process.

Prior to implementing Informal Resolution, NWTC will obtain voluntary, written confirmation from both the Complainant and the Respondent that both wish to resolve the matter through Informal Resolution, and NWTC will not pressure either party to participate in Informal Resolution. Prior to implementing Informal Resolution, NWTC will provide both the Complainant and the Respondent with written notice of the alleged misconduct and any sanctions or measures that may result from participating in Informal Resolution, including information regarding any records that NWTC will maintain or share.

Both the Complainant and the Respondent have the right to withdraw from Informal Resolution at any time, and upon any such withdrawal, NWTC will initiate or resume the Formal Grievance Process (as defined below).

G. Formal Grievance Process

So long as the parties do not agree to pursue Informal Resolution, all Formal Complaints will resolve pursuant to the following procedure (the “Formal Grievance Process”). NWTC will make a good faith effort to complete the Formal Grievance Process, including any appeals, within sixty (60) to ninety (90) Days of the filing of a Formal Complaint. This timeline may be extended as necessary for appropriate cause, as determined by the Title IX Coordinator, who will provide the parties with notice and rationale for any extensions or delays where necessary and an estimate of how much additional time will be needed to complete the Formal Grievance Process.

Where a Complaint involves more than one Respondent, or where a Complaint involves more than one Complainant against the same Respondent, the default application of this Policy will be that a single investigation and hearing will be conducted. The Title IX Coordinator may, however, permit separate investigations and/or hearings if there is a compelling reason to do so. In joint investigations and hearings, separate determinations of responsibility will be made with respect to each Respondent with respect to each alleged violation of the Policy.

1. Assignment of Investigators.

Within two (2) Days of receipt of a Formal Complaint, or as soon thereafter as is possible, the Title IX Coordinator will select and appoint two (2) Investigators from a pool of trained investigators. This pool of trained Investigators is announced annually to students, student parents/guardians, prospective students, employees and prospective employees. This pool of trained Investigators is also listed in the Annual Title IX report by NWTC's Title IX Office.

The Title IX Coordinator will vet appointed Investigators to ensure impartiality, determine whether there are any actual or apparent conflicts of interest or biases pertaining to the Complainant, the Respondent or the specific Formal Complaint, that would disqualify an Investigator. In addition, either party may, at any time during the Formal Grievance Process, raise a concern of conflict of interest or bias in an Investigator, which the Title IX Coordinator shall analyze and determine whether the concern is reasonable and supportable. If a conflict of interest or bias exists, the Title IX Coordinator will select another pool member to serve as Investigator and will work to remedy the impact of the bias or conflict, if any.

If a party believes that a conflict of interest or bias exists pertaining to the Title IX Coordinator, such concerns should be raised with the CO, who shall analyze and determine whether the concern is reasonable and supportable. If a conflict of interest or bias exists, the CO shall select the Investigators and serve all other functions of the Title IX Coordinator during the applicable investigation.

2. Notice of Investigation.

Following selection of the Investigators, the Title IX Coordinator shall provide written notice of the investigation and allegations (the "NOIA") to the Respondent. The Complainant shall also receive a copy of the NOIA and shall have been provided advance notice of when the NOIA is to be delivered to the Respondent.

The NOIA shall be made in writing and may be delivered either through in-person delivery or by emailing it to the Parties' respective NWTC-issued email account. Once emailed or hand-delivered, notice will be presumptively delivered.

3. Amnesty.

It is in the NWTC Community's best interest for behavior to be reported and for information to be shared by involved Parties and witnesses. Complainants, Respondents and other witnesses, however, sometimes are hesitant to report conduct or participate in an investigation for fear of

punishment for violation of other laws or NWTC policies (e.g., underage drinking or use of marijuana at the time of an incident).

To encourage reporting and participation in the investigatory process, NWTC may grant amnesty, on a case-by-case basis, to Parties and witnesses regarding minor policy violations, such as underage drinking or the use of illicit drugs, related to an underlying incident. Amnesty under this section, however, does not apply to more serious allegations, (e.g., physical abuse of another or illicit drug distribution). NWTC's decision to offer amnesty will not be based on sex or gender but, rather, on the fact that collateral misconduct is typically addressed for students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – rarely is applicable to a Respondent with respect to a specific Complainant.

For students, while policy violations cannot be overlooked, NWTC may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need. These decisions are made on a case-by-case basis.

For employees, some are hesitant to report Sexual Harassment they have experienced for fear of resultant discipline on other issues, (e.g., an employee who has violated NWTC's consensual relationship policy and is then assaulted in the course of that relationship). NWTC may, at its discretion and on a case-by-case basis, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the subject incident.

4. Investigation.

Investigators will conduct their investigations expeditiously, normally within thirty (30) Days, though some investigations may take significantly longer, depending on the nature, extent and complexity of the underlying allegations, witness availability, law enforcement involvement, etc. Regardless of circumstances, NWTC will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties as to progress and investigation timing.

As part of the investigation, the parties have the right to be accompanied by an Advisor to all meetings, interviews, etc., per the Advisor-related protocols and requirements set forth herein.

The Investigators will attempt to interview all witnesses in person; however, circumstances (e.g., study abroad, summer break) may require remote interviews. If the Investigators determine that a remote interview is needed, technologies will be used such that the parties are able to attend. The Investigators will take appropriate steps to reasonably ensure the security and privacy of all remote interviews.

Witnesses may also provide written statements in lieu of interviews or though not preferred, choose to respond to written questions posed by the Investigators if deemed appropriate by the Investigators. If a witness submits a written statement or answers to written questions but is unwilling or unable to testify at a Hearing or otherwise be subject to cross-examination, such written statement or answers to written questions may not be considered as evidence.

No unauthorized audio or video recording of any kind is permitted during any interviews or other investigation-related meetings. If the Investigators elect to audio and/or video record interviews, all involved parties must be made aware of and consent to the recording.

4.(a) Investigation Report.

At the conclusion of the investigation, the Investigators shall prepare an investigative report that fairly summarizes all relevant evidence. The Investigators shall, either in hard copy or in electronic format, send the investigative report and all evidence gathered by the Investigators to the Complainant and their Respondent and their respective Advisor(s), if any. The parties shall be afforded ten (10) Days to respond to the investigative report or the underlying evidence.

5. Referral for Hearing/Appointment of Decision-Maker.

Upon completion of the ten (10) Day response period described directly above, the Investigators shall finalize their investigation report, and the Title IX Coordinator shall refer the Formal Complaint for a Hearing. The Hearing cannot occur less than ten (10) Days from the conclusion of the investigation, i.e., when the final investigation report is transmitted to the parties and the Decision-Maker, unless all parties and the Decision-Maker agree to an expedited timeline.

NWTC has contracted with the State of Wisconsin Department of Hearings and Appeals to provide a Decision-Maker to preside over a Hearing, to make a determination, and to levy sanctions. The Decision-Maker will not have had any previous involvement with the investigation of the Formal Complaint. The Title IX Coordinator shall provide the Decision-Maker with the names of all parties, potential witnesses, and Advisors within two (2) Days of receiving the identity of the Decision-Maker. The Decision-Maker shall review and make an objective determination of whether a conflict of interest or bias exists such that the Decision-Maker must be recused. If the Decision-Maker is unsure of whether a conflict of interest or bias exists, he or she must raise the concern to the Title IX Coordinator as soon as possible, and the Title IX Coordinator shall conclude whether such a conflict of interest or bias exists and, if so, shall recuse the Decision-Maker and request a new appointment from the Department of Hearings and Appeals.

6. Burden of Proof.

The burden of proof applicable in resolving a Formal Complaint via a Hearing is Preponderance of the Evidence, as defined herein.

7. Evidentiary Considerations in the Hearing Process.

At the Hearing, the Decision-Maker may consider any evidence that he or she determines is relevant and credible. The Decision-Maker may not consider: (1) incidents not directly related to the circumstances set forth in the Formal Complaint, unless such incidents evidence a pattern of behavior; and (2) the Complainant's sexual predisposition or prior sexual behavior, unless testimony or other evidence about the Complainant's sexual predisposition or prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged conduct or to demonstrate the Complainant's prior sexual behavior with respect to the Respondent

and are offered to prove consent. In addition, the Respondent's disciplinary history is irrelevant to a determination as to responsibility but, upon a determination of responsibility, may be considered when determining sanctions. Such information may only be shared and considered after a determination of responsibility is made. Otherwise, the Decision-Maker can consider general character evidence, if offered, but such evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

8. Notice of Hearing.

No less than ten (10) Days prior to the hearing, the Title IX Coordinator will provide the Complainant and the Respondent and their Advisor(s), if any, with notice of the Hearing and the name of the Decision-Maker, either through in-person delivery or by emailing it to the Parties' respective NWTC-issued email. Once emailed or hand-delivered, notice will be presumptively delivered.

If a Party or Parties prefer not to attend or cannot attend the hearing in person, the Party should request the Title IX Coordinator for rescheduling or alternative arrangements, as applicable. The Title IX Coordinator or the Decision-Maker may allow remote testimony via technology so long as it does not compromise the fairness of the Hearing.

If a Party has an objection with the assigned Decision-Maker, the Party shall raise any such objection, in writing, with the Title IX Coordinator no more than five (5) Days after receiving written notice of the Hearing, and the objection must detail the rationale for the objection. The Title IX Coordinator shall remove the assigned Decision-Maker only upon a conclusion that bias or a conflict of interest exists that would preclude an impartial Hearing or determination.

9. Pre-Hearing Preparation and Meeting(s).

After consulting with the Parties, the Investigators and/or the Title IX Coordinator, the Decision-Maker shall provide the Parties with the names of all persons who may be participating in the Hearing, all pertinent documentary evidence, and the final investigation report. Such information and materials shall be provided to the Parties at least ten (10) Days prior to the hearing.

Any witness scheduled to participate in the Hearing must have been previously interviewed by the Investigators, have proffered a written statement or answered written questions, unless all parties and the Decision-Maker assent to the subject witness's participation. This also applies to any documentary evidence. If the Parties and the Decision-Maker do not assent to the participation of any such witnesses or the admission of such evidence, the Decision-Maker may delay the Hearing and instruct that the Investigation must be reopened to interview the subject witness or consider the subject evidence.

The Decision-Maker may convene a pre-hearing meeting(s) with each of the Parties and their Advisors, if any, to discuss questions or topics the Parties wish to ask or address during the hearing so that the Decision-Maker can determine relevance beforehand. Addressing issues during any such meeting(s), however, shall not preclude a Party's Advisor from asking questions for the first time at the Hearing or for asking for reconsideration based on new information or testimony

offered at the Hearing. The Decision-Maker must document and share with each Party his or her rationale for any determinations made at a pre-hearing meeting. All pre-hearing meetings shall be recorded.

With, and only with, full agreement of the Parties, the Decision-Maker may decide at a pre-hearing meeting that certain witnesses do not need to be present at the hearing if such witnesses' testimony can be adequately summarized by the Investigators during the Hearing or if such testimony is adequately summarized in the Investigation Report.

10. Hearing Procedures.

Introduction: The Decision-Maker shall open the hearing by introducing the participants and explaining the procedures, including the Preponderance of the Evidence Burden of Proof.

If, at the Hearing, a Party raises an issue of bias or conflict of interest as to an Investigator or the Decision-Maker, such issues should be immediately directed to the Title IX Coordinator, along with an explanation of the basis for raising the issue. The Title IX Coordinator shall make a determination as to whether bias or a conflict of interest exists prior to the Hearing moving forward.

Presentation of Final Investigation Report: The Investigators will present a summary of the Investigation Report, which should include, if possible, items that are uncontested. The Investigators then will be subject to questioning by the Decision-Maker and the Parties, through their Advisors.

Presentation of Other Evidence: Following the presentation of the Investigation Report and the questioning of the Investigators, the Parties may provide relevant evidence through testimony or the presentation of documentary evidence. The Complainant shall present his or her case-in-chief first, and then in the order determined by the Decision-Maker. All Parties and witnesses will submit to questioning by the Decision-Maker and the Parties, through their Advisors.

All questions are subject to a relevance determination by the Decision-Maker. The applicable Advisor, who will remain seated during questioning, will pose questions orally (or electronically or in writing, upon agreement of the parties and if specifically allowed by the Decision-Maker). The proceeding will then pause to consider the question and determine whether it will be permitted, disallowed, or rephrased. The Decision-Maker may invite explanations or persuasive statements regarding relevance from the Advisors. If so, the Decision-Maker will then state his or her decision for the record and advise the answering party/witness accordingly. The Decision-Maker will explain any decision to exclude a question as irrelevant or instruct that it should be reframed for relevance.

The Decision-Maker shall limit or disallow questions that are irrelevant, unduly repetitious or abusive.

Refusal to Submit to Cross-Examination and Inferences: Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

Recording Hearings: Hearings are recorded by NWTC for purposes of review in the event of an appeal. The Parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-Maker, the Parties, their Advisors, and appropriate NWTC administrators will be permitted to listen to the recording in a controlled environment, as determined on a case-by-case basis by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Deliberation and Decision: The Decision-Maker will deliberate in a closed session to determine whether the Respondent, by a Preponderance of the Evidence, is responsible or not responsible for the alleged conduct and, if so, whether the conduct violated the Policy.

The Decision-Maker will then prepare a written deliberation statement, detailing the determination, rationale, the evidence relied on in making the determination, the evidence not relied on in making the determination, credibility assessments, and any sanctions or other recommendations. The Decision-Maker shall submit the written deliberation statement to the Title IX Coordinator within two (2) Days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.

H. Notice of Outcome.

Upon receiving the Decision-Maker's written deliberation statement, the Title IX Coordinator will prepare a Notice of Outcome, which will include the final determination, rationale, and any applicable sanctions. The Notice of Outcome will be reviewed by NWTC's legal counsel and then provided to the Parties and their Advisors. The Notice of Outcome shall be provided to the Parties and their Advisors within five (5) Days of the Title IX Coordinator's receipt of the Decision-Maker's written deliberation statement. If more time is needed to prepare and review the Notice of Outcome, the Title IX Coordinator shall notify the Parties accordingly.

The Notice of Outcome will be shared with the Parties simultaneously through one of the following methods: in-person delivery; mail to the Parties' local or permanent addresses as listed in official NWTC records; or emailed to the Parties' respective NWTC-issued email account. Once delivered, mailed or emailed, notice will be presumptively given.

The Notice of Outcome will articulate the specific aspect of the Policy alleged to have been violated, including the relevant Policy section, and contain a description of the procedural steps

NWTC took from the receipt of the initial report through to the determination, including any and all notifications to the Parties, interviews with the Parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the determination on each alleged Policy violation as well as the following: the Findings of Fact supporting the determination; conclusions regarding the application of the Policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent NWTC is permitted to share such information under state or federal law; any sanctions issued that NWTC is permitted to share according to state or federal law; and any remedies provided to the Complainant that are designed to ensure access to NWTC's educational or employment program or activity, to the extent NWTC is permitted to share such information under state or federal law. This final detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent.

The Notice of Outcome will also include information on when the resolution is considered by NWTC to be final, any changes that occur prior to finalization, and the appeal basis and procedures.

I. Sanctions.

The factors that the Decision-Maker will consider when determining appropriate sanctions or responsive actions based on established violations may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s);
- The Respondent's disciplinary history;
- The need for sanctions or responsive actions in order to bring an end to the sexual harassment and/or retaliation;
- The need for sanctions or responsive actions in order to prevent the recurrence of sexual harassment and/or retaliation;
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community; and
- The impact on the Parties.

Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the appeal period with no appeal being filed.

The sanctions described in this Grievance Procedure are not exclusive and may be in addition to other actions taken or sanctions imposed by external authorities.

Student Sanctions/Responsive Actions: The following are the usual sanctions that may be imposed upon students or organizations for violations of the Policy, singly or in combination:

- **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any NWTC policy, procedure or directive will result in more severe sanctions or responsive actions.

- **Probation:** A written reprimand for violation of NWTC policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any NWTC policy, procedure or directive within a specified period of time. Terms of any such probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures that are deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at NWTC.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on NWTC campus for any reason or to attend NWTC-sponsored events.
- **Withholding Diploma:** Withholding issuance of a diploma for a set period of time.
- **Organization Sanctions:** Deactivation or de-recognition of a student organization or the loss of all privileges (including NWTC registration) for a period of time.
- **Other Actions:** Any other sanctions as deemed appropriate, in addition to or in place of any of the sanctions listed above.

Employee Sanctions/Responsive Actions: The following are the usual sanctions that may be imposed upon employees for violations of the Policy, singly or in combination:

- Warning – Verbal or Written.
- Performance Improvement Plan.
- Required Counseling.
- Required Training or Education.
- Loss of Annual Pay Increase.
- Loss of Oversight or Supervisory Responsibility.
- Demotion.
- Suspension with Pay.
- Suspension without Pay.
- Termination.
- Any other sanctions as deemed appropriate, in addition to or in place of any of the sanctions listed above.

J. Appeals.

Any Party may file a request for appeal (“Request for Appeal”) by submitting a written request to the Title IX Coordinator within five (5) Days of the delivery of the Notice of Outcome. The Title IX Coordinator will forward the Request for Appeal to the CO, who will conduct an initial review to determine whether the basis for the Request for Appeal satisfies one of the permissible grounds for appeal, which are:

- A procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s) or Decision-Maker had a conflict of interest or bias for or against the Complainant or the Respondent, or against Complainants or Respondents generally, that affected the outcome of the matter.

If the Request for Appeal is not based on any of these permissible grounds, the CO will deny the Request for Appeal and notify the Parties and their Advisors of the denial, and its rationale, in writing.

If the Request for Appeal is based on any of these permissible grounds, the CO will notify the Parties, their Advisors, the Title IX Coordinator and, when necessary or otherwise appropriate, the Investigator(s) and/or the Decision-Maker. Such notification will be by hand delivery, mail or email, and the involved individuals will have five (5) Days to respond to the portion of the Request for Appeal that pertains to them. The CO will forward all involved Parties each response for review and comment.

In response, the non-appealing Party, if any, may raise a ground for appeal, which the CO will review to determine whether it is based on any of the permissible grounds. From there, that appeal will follow the same process detailed above.

The CO will gather any additional information needed to decide the merits of the Request for Appeal and will render a decision no more than five (5) Days after the end of the Parties' response period. The CO's decision will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any resulting sanctions that NWTC is permitted to share according to state or federal law, and the rationale for the CO's essential findings (to the extent NWTC is permitted to share such rationale under state or federal law). Notification will be made simultaneously, in writing, either through in-person delivery, mail to the local or permanent address of the Parties as indicated in NWTC records, or email to the Parties' respective NWTC-issued email account. Once mailed, emailed and/or received in person, notice will be presumptively delivered.

Sanctions During Appeal: Any sanctions imposed by the Decision-Maker are stayed during the appeal process. Supportive measures may be reinstated during the appeal process, subject to the same procedures set forth above. If any of the sanctions are to be implemented immediately after the Notice of Outcome is issued, but an appeal is filed, NWTC will conduct an emergency removal analysis as described above within forty-eight (48) hours of the filing of the Request for Appeal.

If the sanctions include a separation from NWTC, in any form, NWTC may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of the appeal. The Respondent may request the Title IX Coordinator to stay any such holds if the request is made within two (2) Days of the Request for Appeal. The Title IX Coordinator or his/her designee will evaluate any such stay request.

VII. LONG-TERM REMEDIES/OTHER ACTIONS.

Following the conclusion of any proceedings under this Grievance Procedure, and in addition to any sanctions levied, the Title IX Coordinator may implement additional long-term remedies or other actions with respect to the Parties and/or the NWTC Community that are intended to stop Sexual Harassment and/or Retaliation, remedy their effects, and prevent recurrence.

Such long-term remedies or other actions may include, without limitation:

- Referral to counseling and health services.
- Referral to an employee assistance program.
- Education to the individual and/or the NWTC Community.
- Permanent alteration of work arrangements for employees.
- Provision of campus safety escorts.
- Policy modification and/or training.

At the discretion of the Title IX Coordinator, certain long-term remedies or other measures may be provided to the Parties, even where no policy violation is found. Where no policy violations are found, the Title IX Coordinator will address any remedies owed by NWTC to the Respondent to ensure there has been no effective denial of educational access as a result of the Complaint. NWTC will maintain the privacy/confidentiality of any long-term remedies, actions or measures, provided such privacy/confidentiality does not impair NWTC's ability to provide such remedies, actions or measures.

VIII. FAILURE TO COMPLY WITH SANCTIONS, INTERIM OR LONG-TERM REMEDIES, OR OTHER RESPONSIVE ACTIONS.

All Respondents are expected to comply with any levied sanctions, responsive actions and/or corrective actions within the timeframe specified by the Decision-Maker (or the CO, following a successful appeal).

Failure to abide with any levied sanctions, responsive actions and/or corrective actions by the date specified, whether by refusal, neglect or other reason, may result in additional sanction(s), responsive action(s) and/or corrective action(s), including, without limitation, suspension, expulsion and/or termination from NWTC.

Suspensions will be lifted only when compliance is achieved to the Title IX Coordinator's satisfaction.

IX. FEDERAL STATISTICAL REPORTING OBLIGATION.

Certain NWTC officials, specifically those deemed Campus Security Authorities, have a duty to report the following for federal statistical reporting purposes, as required by the Clery Act:

1. All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

2. Hate crimes, including any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property.
3. VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking.
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private when fulfilling these obligations, but statistical information must be shared with NWTC's District Security Coordinator regarding the type of incident and its general location (on or off-campus or in the surrounding area, with no addresses given) for publication in NWTC's Annual Security Report and its daily campus crime log.