



Administrative Policy

Policy Title: Title IX: Prohibition of Sex Discrimination

Policy Category: Ethics, Legal & Compliance

Related Procedure(s)/ Guideline(s):

Policy Owner: Title IX Coordinator

Date Approved: 9.13.22

Review Dates:

Revision Dates: 9.17.24

Policy Scope: Employees, Public, Students

Policy Statement:

NOTICE OF NON-DISCRIMINATION

Southwest Wisconsin Technical College (hereinafter referred to as "Southwest Tech" or the "College") prohibits all forms of discrimination against students, employees, and other persons in all aspects of the College's programs, activities and operations, on the basis of sex, race, color, ethnicity, religion, citizenship status, national origin (including persons whose primary language is not English), ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender expression, gender identity, gender non-conformity, physical, mental, emotional or learning disability, political belief or affiliation, veteran or military status, age 40 year and over in the employment context, or any other protected characteristics under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance procedures within the institution, with the Equal Employment Opportunity Commission, and/or other human/civil rights agency.

Southwest Tech will promptly and effectively address any such discrimination of which it has notice or knowledge using the resolution process in the Title IX grievance procedures or in other equal opportunity, harassment, and non-discrimination procedures.

Statement Regarding Sex Discrimination under Title IX

As mandated by the federal Title IX statutes and regulations set forth in Part 106 of Title 34 of the Code of Federal Regulations, the College does not unlawfully discriminate on the basis of sex in any educational program or activity the College operates, including admission and employment. 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 Office for Civil Rights, or to both.

SCOPE OF POLICY

This policy and the grievance procedures herein apply only to complaints alleging sex discrimination under Title IX. All other complaints of discrimination based on any other legally protected characteristic(s) listed in the Notice of Non-discrimination including, but not limited to, race, color, national origin, disability, religion, sex (other than sex discrimination under Title IX), age, etc. are addressed in other policies of the College.

Sex Discrimination and Sex-Based Harassment under Title IX

This policy prohibits sex discrimination against all students, employees, and other individuals participating in or attempting to participate in the College's program, activities, or operations, including admission and employment. Sex discrimination occurs when a person is treated differently or unfavorably based on sex.

Sex-based harassment is a form of sex discrimination and includes sexual harassment and other forms of harassment based on sex such as, but not limited to, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment also includes quid pro quo harassment based on sex, specific offenses based on sex (i.e., sexual assault, dating violence, domestic violence, and stalking), and hostile environment harassment based on sex.

The College will not separate or treat any person differently based on sex in a manner that subjects them to more than de minimis harm, except in limited circumstances permitted by Title IX. Consistent with the U.S. Department of Education's interpretation of the 2024 Title IX regulations, the College recognizes that preventing a person from participating in its education program or activity consistent with their gender identity subjects that person to more than de minimis harm except in the limited circumstances specified by statute.

Sex Discrimination: Pregnancy and Related Conditions

This policy protects students, employees, and applicants against discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery.

Students

When a student, a parent of a minor student, or other authorized person who has a legal right to act on behalf of the student informs a Southwest Tech employee of a student's pregnancy or any related condition(s), the employee must promptly provide that person with 1) the Title IX Coordinator's contact information, and 2) inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the College's education program or activity.

When the Title IX Coordinator receives notice of a student's pregnancy or related condition, the Title IX Coordinator will promptly:

- Inform the student of the College's obligations to prohibit sex discrimination, including sex-based harassment, as well as provide a copy of the College's notice of non-discrimination.
 - Inform the student that the College will also not disclose the students' personally identifiable information it obtains through its compliance with Title IX, including information about reasonable modifications for pregnancy or related conditions, with limited exceptions.
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- Inform and provide the student with reasonable, individualized modifications to the College's policies, practices, or procedures that do not fundamentally alter the College's education program or activity.
- Inform the student of and allow for voluntary leaves of absence for, at minimum, a period of time deemed medically necessary by the student's licensed healthcare provider and upon return from leave, reinstatement to their academic status and to the extracurricular status that the student held when the leave began (as practicable). Please note: to the extent that the College maintains a leave policy for students that allows for a greater period of time than the "medically necessary" period, the College shall permit the student to take leave under that policy instead if the student so chooses.
- Inform the student that they may voluntarily participate in a separate portion of the College's education program or activity so long as the separate portion is comparable to what the College offers to students who are not pregnant or experiencing related conditions.
- Inform the student of and provide reasonable time and access to a space for lactation (other than a bathroom, that is clean, private, shielded from view, and free intrusion from others) that may be used by a student for expressing breast milk or breastfeeding as needed.

Students who are pregnant or experiencing related conditions will receive comparable treatment to those with temporary medical conditions. The College will treat pregnancy or related conditions in the same manner and under the same policies as any other medical condition with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to its education program or activity.

The College will not require supporting documentation from students who are pregnant or experiencing related conditions unless doing so is necessary and reasonable. The College will not require documentation when:

- The requested documentation has already been provided;
- The request relates to lactation needs;
- The need is obvious or one of various routine;
- The need is for simple modifications; and
- The modifications, leave, or other steps requested are available to students for non-pregnancy-related reasons without submitting supporting documentation.

The College will not require students who are pregnant or have related conditions to provide certification from a healthcare provider or any other person that they are physically able to participate in the College's class, program, or extracurricular activity unless:

- the certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
 - the College requires such certification of all students participating in the class, program, or extracurricular activity; and
 - the information obtained is not used as a basis for discrimination prohibited by Title IX or this policy.
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Employees

The College will not implement any policy, procedure, or action that discriminates on the basis of sex, that concerns:

- an employee's (or applicant for employment) current, potential, or past parental, family, or marital status¹.
- an employee's (or applicant for employment) status as the head of household or principal wage earner in the employee's or applicant's family unit.

Similarly, the College will not make any pre-employment inquiries as to the marital status of an applicant for employment, including whether such applicant is a "Miss or Mrs."

The College will provide modifications and/or supports for employees and applicable parties who are pregnant or experiencing related conditions. The College will:

- treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment;
- provide reasonable break time for lactation, to express breast milk, or to breastfeed as needed;
- provide access to a lactation space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee to express breast milk or breastfeed as needed; and
- treat pregnancy or related conditions as a justification for a voluntary leave of absence under Title IX without pay for a reasonable period of time for those employees, including student employees, who are not eligible for leave under the College's policy because they either (1) do not have enough leave time available under the College's policy, or (2) have not been employed long enough to qualify for leave under that policy. (Please note that at the conclusion of the leave under Title IX, the employee shall be reinstated to the status held when leave began or a comparable position, without decrease in compensation, loss of promotional opportunities, or any other employment right or privilege.)

Jurisdiction: Scope and Application of Title IX

The College will promptly and effectively address all reports and complaints of conduct that reasonably may constitute Title IX sex discrimination, including sex-based harassment, that occur in its education program or activity (defined as including locations, events, or circumstances in which the College exercises substantial control over both the respondent and the context in which the conduct occurred) in the United States. Under this policy, conduct that occurs in the College's education program or activity includes, but is not limited to:

- conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the College; and
- conduct that is subject to the College's disciplinary authority.

¹ "Title IX does not prohibit discrimination based on marital status *per se*, as discrimination based on marital status does not necessarily require consideration of a person's sex. Title IX does, however, prohibits the application of rules concerning marital status that treat individuals differently on the basis of sex (e.g., treating an unmarried mother worse than a married mother based on sex stereotypes or treating a man who is married to a man worse than a woman who is married to a man)." Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 F.R. 33474, April 29, 2024, codified at 34 C.F.R. 106.

The College will also address reports or complaints of conduct that creates a sex-based hostile environment in its education program or activity in the United States, even when some conduct alleged to be contributing to the hostile environment occurred outside the College's education program or activity or outside the United States. However, the College's jurisdiction does not cover conduct that occurred solely outside the College's education program or activity or solely outside the United States.

Jurisdiction: Off-Campus, Online Conduct

This policy applies to sex-based, off-campus and online conduct (e.g., use of social media or other electronic means, including technology-facilitated bullying, stalking, and harassment; etc.) that occurs in or impacts the College's education program and activities, or when the conduct involves the use of the College's networks, technology, or equipment. The College may address sex-based off-campus and online conduct when its effects or creates a hostile environment by limiting or denying a person's access to the College's education program or activities. It, however, may not regulate communications that are considered protected speech under the First Amendment.

The College may also regulate its employees' off-campus and online conduct or speech, but only when the conduct or speech is made in the employee's official or work-related capacity.

Application of the Title IX Policy

This Policy only applies to alleged incidents of sex discrimination that occur after August 1, 2024. For any alleged incidents of sex discrimination that occurred prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available at [Title-IX-Prohibition-of-Sexual-Harassment-2022.pdf \(swtc.edu\)](https://www.swtc.edu/Title-IX-Prohibition-of-Sexual-Harassment-2022.pdf).

TITLE IX COORDINATORS

Pursuant to Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106, the Southwest Tech Title IX Coordinators are the designated College representatives who are responsible for the oversight and coordination of the College's compliance efforts under Title IX, including the College's efforts to coordinate the effective implementation of supportive measures. The responsibilities of this position are critical to the advancement, implementation, and monitoring of college-wide efforts to comply with Title IX legislation, regulation, and case law.

The Title IX Coordinators are responsible for the oversight of the Title IX-related policies and developments; the oversight of the Title IX complaint process and procedures; the provision of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral process for all parties; monitoring the effectiveness of this policy and related procedures; and monitoring all other aspects of the College's Title IX compliance. The Title IX Coordinators will also monitor the College's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX, and take steps reasonably calculated to address such barriers. The Title IX Coordinators may work with other College employees to perform their duties under Title IX.

The Title IX Coordinators designated below have been authorized to coordinate and oversee the College's compliance with Title IX:

Title IX Coordinator:

Krista Weber, Chief Human Resources Officer
kweber@swtc.edu
(608) 822-2315
Building 300, Room 319

Deputy Title IX Coordinators:

Holly Clendenen, Chief Student Services Officer [Include Office Address]
hclendenen@swtc.edu
608-822-2362
Building 400, Room 480

Dan Imhoff, Executive Director of Facilities, Safety, and Security [Include Office Address]
dimhoff@swtc.edu
608-822-2401
Building 500, Room 514

If the designated Title IX Coordinator is unavailable, disqualified by bias, or otherwise unable to perform this duty, the individual should contact one of the above Deputy Title IX Coordinators.

External Contact: The Office of Civil Rights

Individuals may also contact the U.S. Department of Education’s Office for Civil Rights (OCR), which can be reached in person or by mail at Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, by phone at 312-730-1560, Customer Service Hotline# (800) 421-3481, or TDD # (877)521-2172, or by email at OCR.Chicago@ed.gov or OCR@ed.gov; and the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): <http://www.justice.gov/crt/complaint/#three>; Web: <http://www.ed.gov/ocr>. For complaints involving employee-on-employee conduct, please consider contacting the Equal Employment Opportunity Commission (EEOC) as appropriate.

DEFINITIONS

DEFINITIONS OF PROHIBITED CONDUCT AND OTHER TERMS UNDER TITLE IX

This section includes definitions of terms that are specific to the Title IX grievance procedures in this policy. Any term not defined herein shall be construed according to its plain meaning.

“Sex Discrimination” means different treatment with respect to a person’s employment or participation in an education program or activity based, in whole or in part, upon the person’s actual or perceived sex. Discrimination on the basis of sex includes, but is not limited to, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

“Sex-based harassment” under Title IX is a form of sex discrimination and means conduct on the basis of sex (such as sexual harassment and other harassment based on sex, which may include sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation and gender identity) that satisfies one or more of the following:

1. Quid Pro Quo Harassment: an employee, agent, or other person or authorized by the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
2. Hostile Environment Harassment: unwelcomed sex-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the College's education program or activity; or
3. Specific Offenses (e.g., **Sexual assault, dating violence, domestic violence, or stalking**).

"Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including, but not limited, to rape, sexual assault with an object, and groping.

Sexual assault includes, but is not limited to:

1. Touching of another person's intimate body parts (e.g., buttocks, groin, breasts) for the purpose of sexual gratification without that person's consent, including instances where the person is incapable of giving consent because of their age or because of temporary permanent mental incapacity; or
2. Other intentional sexual contact with another person without that person's consent; or
3. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
4. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person (oral penetration) by a sex organ of another person, without that person's consent.

"Dating violence" means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on the victim's statement and with consideration of the following factors:
 - a. the length of the relationship;
 - b. the type of relationship; and
 - c. the frequency of interaction between the persons involved in the relationship.

For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

"Domestic violence" means felony or misdemeanor crimes of violence committed by a person who:

1. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 2. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 3. Shares a child in common with the victim; or
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4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person’s safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the 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 person, or interferes with a person’s property. Stalking behavior includes, but is not limited to:

1. Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email, and/or social media;
2. Repeatedly leaving or sending an individual unwanted items, presents, or flowers;
3. Following or lying in wait for an individual at places such as home, school, work, or recreation place;
4. Making direct or indirect threats to harm an individual, an individual’s children, relatives, friends, or pets;
5. Damaging or threatening to damage an individual’s property;
6. Posting information or spreading rumors about an individual on the internet, in a Campus place, or by word of mouth; or
7. Unreasonably obtaining personal information about an individual by accessing Campus records, using internet search services, hiring private investigators, going through an individual’s garbage, following an individual, contacting an individual’s friends, family, work, or neighbors, etc.

Other Definitions Applicable To This Policy

“Knowledge” means when Southwest Tech receives notice of conduct that reasonably may constitute sex discrimination, including sex-based harassment, in its education program or activity.

“Complainant” means 1) a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or 2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.

“Complaint” means an oral or written request to Southwest Tech that can objectively be understood as a request for Southwest Tech to investigate and make a determination about the alleged discrimination under Title IX or its regulations.

“Confidential Employees” are any of the following:

1. An employee whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies (e.g., mental health counselors); or
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2. An employee whom Southwest Tech has designated as confidential under this policy for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status only applies with respect to information received about discrimination in connection with providing those services; or
3. An employee who is conducting human subjects research as part of a study approved by the College's Institutional Review Board (IRB). The employee's confidential status only applies with respect to information received while conducting the study.

“Consent” means words or overt actions by a person who is competent to knowingly and voluntarily give clear permission or agreement to engage in sexual activity or make sexual contact. For consent to be valid, there must be a clear expression in words or action that the other person voluntarily agreed to a specific sexual conduct or activity. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Consent, however, can also be withdrawn once given.

There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress are used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Furthermore, the following persons are presumed incapable of consent: a person suffering from a mental illness or defect which impairs capacity to appraise personal conduct, and a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

When defining consent, consider the following:

1. Silence or absence of resistance does not imply consent and should not be interpreted as consent.
2. Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse).
3. Current or past intimate relationship(s) is not sufficient to constitute consent.
4. Current or past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
5. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

Southwest Tech does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical and prohibited as a condition of employment at the College. Therefore, persons with direct supervisory or evaluative responsibilities who engage in such relationships must bring those relationships to the timely attention of their supervisor. This will result in the necessity to remove the employee from the supervisory or evaluative responsibilities or shift the student out of being supervised or evaluated by someone with whom

they have established a consensual relationship. This includes Resident Assistants and students over whom they have direct responsibility.

While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Proof of consent or non-consent is not a burden placed on either party involved in a report or complaint under Title IX. Instead, the burden remains on Southwest Tech to determine whether this policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

“Day” when used in this policy means a business day when Southwest Tech is in normal operation and does not include Saturday, Sunday, legal holidays, or days the College is closed.

“Discrimination” means different or unfavorable treatment with respect to an individual’s employment or participation in an education program or activity based, in whole or in part, upon the individual’s actual or perceived protected characteristic(s) or class.

“Disciplinary sanctions” means consequences imposed on a respondent following a determination under Title IX that the respondent violated the College’s prohibition on sex discrimination.

“Education program or activity” includes all Southwest Tech locations, events, operations, or circumstances where the College exercises substantial control or asserts disciplinary authority, including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. It also includes any buildings owned or controlled by a student organization that Southwest Tech officially recognizes.

“Employee” means an individual employed by Southwest Tech either full- or part-time, including student employees when acting within the scope of their employment.

“Exculpatory Evidence” is evidence that is favorable to the respondent in that it tends to clear, excuse, or absolve a respondent of alleged wrongdoing or from responsibility under Title IX.

“Incapacitation” means a state where an individual is incapable of giving consent. An incapacitated individual cannot make rational, reasonable decisions because they lack the capacity to give knowing, voluntary, and clear permission. An individual cannot consent if they are unable to understand what is occurring or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or drug consumption. Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, etc.

“Inculpatory Evidence” is evidence that links a respondent to the alleged conduct and tends to establish that a respondent engaged in the alleged sex discrimination (i.e., has culpability).

“Party” means a complainant(s) or respondent(s).

“Pregnancy or Related Conditions” means pregnancy, potential pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.

“Preponderance of the Evidence” is the standard applied by the decision-maker under the grievance procedures in this policy and means that there is sufficient relevant evidence for the decision-maker to find that the respondent has more *likely than not* engaged in conduct that violates this policy.

“Relevant” means information or questions that pertain to or seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence that may aid a decision-maker in determining whether the alleged sex discrimination occurred.

“Report” means a written or oral communication in-person or via electronic communication, U.S. mail, facsimile, voicemail, or telephone made by any person for the purpose of providing information about alleged sex discrimination under Title IX.

“Remedies” means post-resolution actions directed to the complainant and/or the community as mechanisms to address safety, prevent the reoccurrence of sex discrimination, and restore or preserve equal access to the College’s education program and activity.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination, including sex-based harassment.

“Student” is an individual who is enrolled in, attending, or participating in, or is seeking/attempting to enroll in, attend, or participate, in Southwest Tech’s education program or activity.

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the parties to:

1. Restore or preserve that party’s access to the College’s education program or activity, including measures that are designed to protect the safety of the parties or the College’s educational environment; or
2. Provide support during the College’s grievance procedures or an informal resolution process.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

REQUIRED NOTICES

The College shall display the following notice on its website and in each handbook or catalog provided to applicants for admission and employment, students, parents or legal guardians, College employees, and all unions or professional organizations holding collective bargaining or professional agreements with the College:

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

As mandated by Title IX of the Education Amendments of 1972 and its implementing regulations in 34 C.F.R. Part 106 (collectively “Title IX”) and all state, federal, and local laws, Southwest Wisconsin Technical College (“Southwest Tech” or “College”) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that the College operates, including in admission and employment. Title IX’s prohibition against sex discrimination extends to students, employees, applicants for employment, applicants for admission, and other persons in all aspects of the College’s programs, activities, and operations.

The College will promptly and effectively address any such discrimination of which it has knowledge or notice using the Title IX grievance procedures or other applicable resolution processes and procedures.

Inquiries about Title IX may be referred to the College’s Title IX Coordinator (contact information below), to the U.S. Department of Education’s Office for Civil Rights, or to both.

The Title IX Coordinator:

Krista Weber, Chief Human Resources Officer
kweber@swtc.edu
(608) 822-2315
Building 300, Room 319

Deputy Title IX Coordinators:

Holly Clendenen, Chief Student Services Officer
hclendenen@swtc.edu
608-822-2362
Building 400, Room 480

Dan Imhoff, Executive Director of Facilities, Safety, & Security
dimhoff@swtc.edu
608-822-2401
Building 500, Room 514

The College’s Title IX policy and grievance procedures, which provides for prompt and equitable resolution of complaints alleging any action that is prohibited by Title IX and/or its implementing regulations can be located at [Policies at Southwest Tech \(swtc.edu\)](#).

To report information about conduct that may constitute sex discrimination or to make a complaint of sex discrimination under Title IX, please refer to [Campus Safety \(swtc.edu\)](#).

All complaints of discrimination based on a protected class, other than complaints of sex discrimination under Title IX, will be processed in accordance with the Non-Discrimination Policy and Grievance Procedure below at [Non-Discrimination-and-Grievance-Procedures.pdf \(swtc.edu\)](#).

REPORTING SEX DISCRIMINATION UNDER TITLE IX

Any person (including a person not alleged to be the victim of sex-based harassment) **or** member of the College community **may** report conduct that reasonably may constitute sex discrimination under Title IX to the Title IX Coordinator or Deputy Title IX Coordinators.

A report of sex discrimination does not initiate a complaint. A report provides the College with notice and an opportunity to promptly and effectively respond to the reported matter. Reports may be made orally or in writing, and at any time, including during non-business hours. The College accepts:

1. Submissions of reports/notice by mail, by telephone, by electronic mail, by the Southwest Tech Complaints Reporting Form, or by any other means that results in the Title IX Coordinator or Deputy Title IX Coordinators receiving the person's oral or written report.
2. Submissions of online reports/notices may be sent to: [Campus Safety \(swtc.edu\)](https://www.swtc.edu/campus-safety).
3. Submissions of anonymous reports/notices may be sent to: [Campus Safety \(swtc.edu\)](https://www.swtc.edu/campus-safety). However, the College's ability to respond, investigate, and provide supportive measures/other remedies promptly and effectively may be limited.

There is no time limitation on reporting sex discrimination to Southwest Tech. However, a significant passage of time may impact the College's ability to respond, investigate, and/or resolve the matter promptly and effectively. The Title IX Coordinator has discretion to act upon reports significantly affected by the passage of time. The Title IX Coordinator will still offer supportive measures to a party even when the matter is significantly impacted by the passage of time.

False Statements. In addition to the College's Code of Conduct, this policy prohibits deliberately making false statements or accusations, knowingly providing false information, or misleading a College official related to any act of discrimination or resolution process. Failure to comply with this provision will result in disciplinary action consistent with the procedures in the Code of Conduct and/or Employee Handbook/applicable policies.

Southwest Tech Employee Reporting Obligations

All non-confidential Southwest Tech employees who learn of or has information about conduct that reasonably may constitute sex discrimination within the College's education program or activity must immediately notify the Title IX Coordinator or the Deputy Title IX Coordinators within two (2) business days.

Confidential Employees, under this policy, are not required to notify or disclose information to the Title IX Coordinator of conduct that may reasonably constitute sex discrimination if/when they were within the scope of their licensure, professional ethics, or confidential role at the time of receiving the information or report. The confidential employee, however, must provide information to anyone who informs them of conduct that reasonably may constitute sex discrimination about their status as confidential for purposes of Title IX, how to contact the Title IX Coordinator, how to make a complaint (assist them in reporting, if desired), and how the Title IX Coordinator can help. The required protocols for confidential employees allow students, employees, and other individuals alike to come forward with information of sex discrimination without initiating an official Title IX complaint or grievance procedures. Confidential Employees may disclose information when: 1) the reporting person gives written consent for its disclosure; 2) there is a concern that the person will likely cause serious physical harm to themselves or others; or 3) there are concerns of suspected abuse or neglect of a minor under the age of 18,

elders, or persons with disabilities. Confidential employees may also share non-identifiable information for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

The designation of an individual as a Campus Security Authority (CSA) under the Clery Act does not denote an individual as a confidential employee under Title IX. Any individual with a designation as CSA under the Clery Act is subject to the obligations of a non-confidential employee unless the individual maintains a role that would denote her/him/them as a confidential employee for the purposes of Title IX reporting.

CONFIDENTIALITY AND PRIVACY RIGHTS UNDER TITLE IX

The College shall keep confidential the identity of any person who has made a report or complaint of sex discrimination, sex-based harassment, or retaliation under Title IX. The College will not share the identity of any complainant; any individual who has been reported to be the perpetrator of sex discrimination, sex-based harassment, or retaliation; any respondent; and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), or as required by law, or to fulfill the purposes of this policy or Title IX, including to conduct any investigation, hearing, or judicial proceeding arising under Title IX.

The College may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains the voluntary written consent of the party or the party's parent or guardian.

This policy also prohibits parties and advisors from disclosing information obtained by the College through its Title IX grievance procedures or publicly disclosing information or product containing another party's personally identifiable information, to the extent that information is the work product of College without prior authorization. "Work Product" means anything that has been produced, compiled, or written by the College or its actors for the purposes of its Title IX investigation, grievance procedures, and/or informal resolution of a complaint of sex discrimination. Individuals who violate this policy is subject to disciplinary action and sanctions.

INITIAL RESPONSE TO REPORT OF SEX DISCRIMINATION UNDER TITLE IX

When the College has knowledge of conduct that reasonably may constitute sex discrimination, the College will promptly and effectively respond by having the Title IX Coordinator evaluate the alleged conduct to determine whether this policy applies, or the allegations constitute discrimination or harassment under a different policy or code of conduct.

To evaluate a notice or complaint of sex discrimination, the Title IX Coordinator or Deputy Title IX Coordinator will, within five (5) business days of receiving notice of alleged sex discrimination, assess whether:

1. the alleged conduct is within College's jurisdiction as defined in this policy. If not, then the matter should be dismissed consistent with the dismissal provisions in this policy and/or referred to another complaint process under a different policy, if applicable.
 2. the alleged conduct reasonably may constitute sex discrimination as defined in this policy. If not, then the matter should be dismissed consistent with the dismissal provisions in this policy and/or referred to another complaint process under a different policy, if applicable.
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3. the complainant would like supportive measures and provide appropriate supportive measures to the parties.

Supportive Measures

When the Title IX Coordinator or Deputy Title IX Coordinator receives notice or information of alleged sex discrimination under Title IX, the Title IX Coordinator or Deputy Title IX Coordinator will respond promptly by contacting the reporter or complainant, generally within five (5) business days of receipt of the notice. The Title IX Coordinator or Deputy Title IX Coordinator will:

1. Contact the complainant (individual alleged to be the target of sex discrimination) to discuss the availability of supportive measures (inform the complainant of the availability of supportive measures with or without making a Title IX complaint).
2. Contact the complainant to determine appropriate supportive measures and ensure that their wishes are considered with respect to any planned and implemented supportive measure.
3. Offer supportive measures to the complainant. Please note that the Title IX Coordinator shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the Title IX Coordinator deems to be reasonably available.
4. If a complaint has not been made at the time the supportive measures are offered, then the Title IX Coordinator or Deputy Title IX Coordinator will inform the complainant, in writing, that they may make a complaint with the College either at that time or in the future.
5. Coordinate with other appropriate College officials to provide supportive measures and to ensure as minimal academic and/or occupational impact as possible is placed on the parties. The plan and implementation of the support measures should not unreasonably burden any party and must be designed to protect the safety of the parties and/or the educational environment.
6. Document the provision of supportive measures or if supportive measures are not provided, document the reasons why the supportive measures were not provided.
7. If the College has initiated the grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator **must** also offer and coordinate supportive measures for the respondent, as appropriate.

The Title IX Coordinator may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or informal resolution process. The Title IX Coordinator may also continue the supports beyond the grievance procedures and informal resolution process.

The College must maintain as confidential any supportive measures provided to a party to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The College will not disclose information about any supportive measure to persons other than the person to whom it applies, including informing one party of the supportive measures provided to another party, unless necessary to provide the supportive measure or to restore or preserve a party's access to the College's education program or activity.

Appeal of Supportive Measures

Under this policy, both the complainant and respondent may request a modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to them. The request for an appeal of a supportive measure must be made in writing to the Title IX Coordinator or Deputy Title IX Coordinator. An impartial Southwest Tech employee will be

someone other than the employee who made the challenged decision at issue and who has authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure(s) was inconsistent with the definition of supportive measures in this policy. Both parties may seek additional modification or termination of supportive measures applicable to them if circumstances materially change. The impartial Southwest Tech employee will render a written supportive measure(s) appeal decision to the appropriate party and the Title IX Coordinator within five (5) business days of receiving a written request to appeal the supportive measure(s).

Emergency Removal/Administrative Leave

Emergency Removal of a Student. The Title IX Coordinator or Deputy Title IX Coordinator (in consultation with Southwest Tech officials) may consider whether to partially or entirely remove a respondent accused of sex discrimination, including sex-based harassment and retaliation, from the education program, activity, or operation of the College on an emergency basis. Before any emergency removal is permitted, the College shall:

1. Undertake an individualized safety and risk analysis,
2. Determine that an imminent and serious threat to the health and safety of a complainant or any student(s), employee(s), or other individual(s) arising from the allegations of sex discrimination justifies removal; and
3. Provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

To challenge an emergency removal decision, a respondent may submit a written statement challenging the removal and the reasons therefore, to the Title IX Coordinator or Deputy Title IX Coordinator within two (2) business days of the date of the notification of the emergency removal.

If challenged, within three (3) business days from the date of receipt of the respondent's written statement, the College will allow the party an opportunity to challenge the emergency removal by submitting additional documentation or by other means (e.g., a review meeting) to allow them to show cause why the removal should be modified or lifted. The respondent and their advisor, if desired, may provide information, including text messages, social media posts, witness statements; or other documentation for consideration. The Title IX Coordinator will provide the parties, as applicable, with a written final decision of whether the emergency removal was affirmed, modified, or lifted, within five (5) business days of submission of documentation to show cause or of the review meeting.

If a request for a written challenge is not received within the two-day timeframe, then objections to the emergency removal will be deemed waived. However, respondents may request a meeting with the Title IX Coordinator at a later date to provide evidence showing that they are no longer an imminent and serious threat because conditions related to the imminence or seriousness have changed or new information is available. At the Title IX Coordinator's discretion, the complainant, and their advisor, if desired, may also participate in this meeting. Both parties may provide information in support of their position at this meeting. If a meeting related to an emergency removal is held, please note that such meeting is NOT intended to be a hearing on the merits of the allegation(s) in the complaint.

Administrative Leave of an Employee. The College may place a nonstudent employee respondent, or a student employee respondent accused of misconduct in the course of their employment, on administrative leave during the pendency of a grievance procedure.

When administering emergency removals and administrative leaves, the provisions in this policy must not be construed to modify any applicable rights or requirements under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

INITIATING A COMPLAINT

Initiate a Complaint under Title IX. An individual may make a complaint of sex-based harassment² by requesting that the College investigate and make a determination about the alleged conduct under Title IX if the individual is:

1. A student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
2. A person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the College's education program or activity;
3. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
4. A Title IX Coordinator who initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

Please note that an individual is entitled to make a complaint of *sex-based harassment* **only if** 1) they themselves are alleged to have been subjected to the sex-based harassment, 2) they have a legal right to act on behalf of such person, or 3) if the Title IX Coordinator initiates a complaint consistent with the requirements of Title IX.

To make a complaint of sex discrimination that does **not** involve sex-based harassment, the individual only needs to be aware of the alleged sex discrimination, even if the individual was not directly subjected to or experienced the alleged sex discrimination. In addition to the individual categories listed above, the following individuals have a right to make a complaint of *sex discrimination other than sex-based harassment*:

- Any student or employee of the College; or
- Any person other than a student or employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Complaint Process. To initiate a complaint, a complainant may:

1. Make an oral or written request that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX with the Title IX Coordinator, Deputy Title IX Coordinator, or other designated College official.

² Under the 2024 amendments, a postsecondary institution's grievance procedures for complaints of sex-based harassment involving a student party must be in writing and must include the required components set forth in §§ 106.45 and 106.46.

2. A complaint may be initiated in person, by mail, by electronic mail, by using the contact information for the Title IX Coordinator in this policy, or by any additional method designated by the College.
3. A complainant is also protected in their right to make a complaint about sex discrimination they experienced even if they have chosen to leave the College's education program or activity as a result of that discrimination or for other reasons.

If the College receives a complaint, the Title IX Coordinator will:

1. Initiate and follow the grievance procedures or the informal resolution process, if available and appropriate and requested by all parties.
2. Meet with the complainant and discuss supportive measures (please refer to supportive measures section in this policy).
3. Notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate.
4. If the College has initiated the grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator must offer and coordinate supportive measures, as appropriate, for the respondent.

Consolidation of Complaints. The College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Title IX Coordinator Initiates a Complaint

In the absence of a complaint or if the complainant does not wish to make a complaint, the Title IX Coordinator or Deputy Title IX Coordinator may initiate a complaint under Title IX. To do so, the Title IX Coordinator or Deputy Title IX Coordinator will evaluate the matter to determine if the alleged conduct presents a serious and imminent threat to someone's health or safety or if the College is unable to ensure equal access to its education program or activity without initiating a complaint. Please note that this determination may not be delegated to any other individual. In making this determination, the Title IX Coordinator or Deputy Title IX Coordinator will:

1. Consider the complainant's request or decision not to initiate a complaint;
 2. Consider the complainant's reasonable safety concerns regarding initiating a complaint;
 3. Consider the risk that additional acts of discrimination would occur if a complaint was not initiated;
 4. Consider the severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of the respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
 5. Consider the age and relationship of the parties, including whether the respondent is a Southwest Tech employee;
 6. Consider the scope of the alleged discrimination (e.g., a pattern of discrimination, discrimination alleged to have impacted multiple individuals, ongoing discrimination, etc.);
 7. Consider the availability of evidence to assist a decision-maker in determining whether sex discrimination occurred; and
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8. Consider whether Southwest Tech could end the alleged discrimination and prevent its recurrence without initiating its grievance procedures.

Upon initiating the complaint, the Title IX Coordinator does not become a complainant or party to the complaint. The Title IX Coordinator must notify the complainant prior to initiating a complaint and appropriately address reasonable concerns about the complainant's safety or the safety of others, including providing supportive measures (please see the supportive measures section above).

Other Considerations for the Title IX Coordinator. When the Title IX Coordinator receives notification or a complaint of sex discrimination that involves an employee complainant and an employee respondent, it is likely that both Title VII of the Civil Rights Act of 1964 ("Title VII") and Title IX apply. Title VII prohibits employment discrimination based on sex (and other protected classes) when there are fifteen (15) or more employees in the workplace. Title IX prohibits sex discrimination in education programs and activities that receive federal funds, including employment within those education programs. To ensure equal employment opportunities and protect individuals from discrimination under Title IX, the Title IX Coordinator should consult with the Human Resources Director or legal counsel as the College is required to comply with both federal laws when investigating these matters. Under all circumstances, the Title IX Coordinator will offer and coordinate supportive measures in accordance with this policy.

When a party is both a Southwest Tech student and an employee, the Title IX Coordinator will make a fact-specific inquiry to determine whether the requirements of § 106.46 apply. In making this determination, the Title IX Coordinator will consider whether the party's primary relationship with the postsecondary institution is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work. Under all circumstances, the Title IX Coordinator will offer and coordinate supportive measures in accordance with this policy.

Dismissal of a Complaint

The Title IX Coordinator **may** dismiss a complaint of sex discrimination if:

1. The College is unable to identify the respondent after taking reasonable steps to do so;
2. The respondent is not participating in the College's education program or activity and is not employed by the College;
3. The complainant voluntarily withdraws, in writing, any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven (please note that a complainant who decides to withdraw a complaint may later request to reinstate or refile the complaint); or
4. The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant, in writing, of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will notify both parties simultaneously in writing.

The Title IX Coordinator will notify the complainant that a dismissal may be appealed on the grounds outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same grounds. If a dismissal is appealed, the Title IX Coordinator will follow the procedures outlined in the *Appeals* section. Please note that dismissal of a complaint does not necessarily preclude the College from taking action under another policy or code of conduct.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Informal Resolution

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead voluntarily decide to participate in an informal resolution process, including mediation, which does not involve a full investigation and adjudication. The facilitator of an informal resolution process must be Title IX-trained and may not be the same individual as the Title IX Coordinator or Deputy Title IX Coordinator, investigator, decision-maker or appeal decision-maker.

The informal resolution process shall adhere to the following:

1. An informal resolution process is not available to resolve allegations that a nonstudent employee engaged in conduct of sex discrimination or sex-based harassment against a student.
 2. The College shall not require, informal resolution as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, or waiver of the right to an investigation and adjudication of complaints of sex discrimination under Title IX.
 3. Before conducting any informal resolution process, the College will provide to the parties a written notice disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution;
 - c. That any party has the right to withdraw from the informal resolution process and initiate or resume the Title IX grievance procedures at any time prior to agreeing to a resolution;
 - d. That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume the Title IX grievance procedures arising from the same allegations;
 - e. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and,
 - f. That the College will maintain records of any consequences resulting the informal resolution process, including information or records that could be used in the Title IX grievance procedures if such procedures were initiated or resumed; and whether the facilitator of the informal resolution process may be a witness in any subsequent Title IX grievance procedures.
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4. The College will obtain the parties' voluntary written consent to the informal resolution process.
5. An informal resolution process shall be resolved within thirty (30) days of the written notice described in this paragraph unless additional time is needed as determined by the College. Informal resolution is not a prerequisite to proceed with the Title IX grievance procedures or live hearing process.

Parties, however, may not appeal complaints resolved by the informal resolution once all parties indicate, in writing, their voluntary agreement to all resolution terms. If the parties cannot agree on all terms of the informal resolution, then the grievance procedures will resume.

BASIC REQUIREMENTS OF THE GRIEVANCE PROCEDURES

The College's grievance procedures provide for the prompt and equitable resolution of complaints made by students, employees, or other persons who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. The College shall adhere to the following:

1. Treat complainants and respondents equitably.
 2. The Title IX Coordinator, investigator, or decision-maker shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. If there is no conflict of interest or bias, decision-maker may be the same person as the Title IX Coordinator or investigator.
 3. Presume that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
 4. Adhere to the established timeframes for the major stages of the grievance procedures.
 5. Adhere to established criteria and a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay.
 6. Take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.
 7. Objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
 8. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - a. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
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- c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of the College's Title IX grievance procedures, the Title IX Coordinator will notify the parties in writing of the Title IX allegations and investigation within ten (10) business days of receiving a complaint of sex discrimination. Notices must be in writing and may be delivered by one or more of the following methods: in person, mailed to the parties' local or permanent address(es) as indicated in official Southwest Tech records, or emailed to the parties' Southwest Tech-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered. The written Notice shall include:

1. The College's Title IX grievance procedures, including any informal resolution process;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
3. The specific policies/offenses implicated and a description of, link to, or copy of the applicable procedures;
4. A statement prohibiting retaliation;
5. A statement that respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker;
6. A statement about the confidentiality of the process, including that the parties and their advisors (if applicable) may not share College work product obtained through the grievance procedures;
7. A statement that the parties may have an advisor of their choice who may be, but is not required to be, an attorney;
8. A statement that the parties will have an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence. If the College provides access to an investigation report, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party; and
9. A statement that the College's policies, including the code of conduct, prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, during an investigation, the College decides to investigate additional allegations of sex discrimination, including sex-based harassment, by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, the College shall provide written notice of the additional allegations to the parties whose identities are known.

Investigation of the Title IX Complaint

The College will provide prompt and impartial investigations of complaints of sex discrimination. The Title IX Coordinator will ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding whether sex discrimination occurred rests on the College and not on the parties. The investigator(s) shall not restrict the ability of either party to gather and present relevant evidence, or to discuss the allegations under investigation.

During the investigation, the investigator(s) will:

- Provide all parties an opportunity to interview.
 - Provide to a party whose participation is invited or expected, a written notice of the date, time, location, participants, and purpose of all interviews, proceedings, or other meetings, with sufficient time for the party to prepare to participate.
 - Provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
 - The College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
 - The College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to all parties.
 - Provide the parties with the same opportunities, if any, to have persons other than the advisor of the parties' choice present at any meeting or proceeding.
 - Provide equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.
 - Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
 - Provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:
 - Provide the parties with an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of the evidence (e.g., the written investigation report that accurately summarizes this evidence).
 - If the College provides access to an investigation report, then the College, will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
 - Provide a reasonable opportunity to review and respond to the evidence or the accurate description of the evidence (e.g., investigation report).
 - If the College conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. (The College may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing).
 - Take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. (Please note that disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.).
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Investigations are completed promptly, within sixty (60) business days. However, depending on the complexity of the allegations, witness availability, law enforcement involvement, and other unforeseen factors, the investigation timeframe may be extended. The Title IX Coordinator will notify all parties of any delay in writing.

Questioning the Parties and Witnesses

If the matter does not proceed to a live hearing, the decision-maker will review the draft investigation report and all relevant evidence. Prior to rendering a decision, the decision-maker (who may also be the investigator) may use this process to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. The decision-maker must make a finding and determine sanctions (if applicable) within twenty (20) business days from the date of receipt of the draft investigation report. The College's process for questioning the parties and witnesses is as follows:

1. The Title IX Coordinator or investigator will provide the draft investigation report to the decision-maker and the parties simultaneously for review.
 2. Upon receipt and review of the investigation report and file, the decision-maker may recommend dismissal if appropriate given the grounds for dismissal **or** the decision-maker may provide the investigator with a list of relevant questions to ask the parties and witnesses during individual meetings.
 - The decision-maker's questions may also address credibility to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-discrimination.
 3. The investigator will allow each party to propose written, relevant questions that the party wants asked of any other party or witness and have those questions asked by the investigator during the individual meeting, including follow-up meetings, with the party or witness, subject to the procedures for evaluating and limiting questions discussed below.
 - To the extent credibility is in dispute and relevant to one or more of the allegations, the parties may provide questions that also explore credibility.
 - The parties must provide the investigator with all questions to be posed during the individual meetings and cannot be provided later unless the decision-maker authorizes an extension for all parties to do so.
 - The investigator will review, with consultation with the decision-maker, any relevant and not otherwise impermissible questions submitted by the parties and ask those questions of the specific party or witness that the investigator and decision-maker determines may lead to probative evidence that will assist the decision-maker in determining whether sex discrimination occurred. Any question asked must be relevant and not otherwise impermissible.
 4. The investigator will schedule the individual meetings with the parties and witnesses to ask the questions from the decision-maker, as well as the questions from the parties that have been deemed relevant and not duplicative, including questions assessing credibility. All meetings will be recorded and/or transcribed.
 - For those questions deemed duplicative or not relevant, the investigator will provide a rationale for any decision to exclude a question (i.e., for not asking the question posed by a party), either during the recorded meeting, or later in writing to the appropriate party.
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- Each party will be provided with an audio, audiovisual recording, or transcript within three (3) business days of the individual meetings. The parties will then have three (3) business days to review these recordings or transcripts and propose follow-up questions for the investigator to ask, if necessary.
- 5. The investigator will review the follow-up questions from the parties with the decision-maker to determine relevance and permissibility and whether they may lead to probative evidence that will assist the decision-maker in determining whether sex discrimination occurred. If deemed relevant and permissible, the investigator will then individually meet with the parties or witnesses for whom there are relevant, and not duplicative, follow-up questions. The investigator will provide the appropriate parties with a written or oral rationale for all excluded questions. The decision to ask or not ask a specific follow-up question proposed by a party is not subject to review. Any questions asked must be relevant and not otherwise impermissible.
 - These individual follow-up meetings will also be recorded, and all parties will receive the recordings or transcripts of these meetings.
 - These follow-up meetings will be the final opportunity for questioning in this process.
- 6. The investigator will then incorporate any new, relevant evidence obtained from the parties' questions and answers, comments, and feedback from their review of the draft investigation report, follow-up meetings, and relevant elements of the parties' responses into a final investigation report.
- 7. The investigator will provide the Title IX Coordinator with the final investigation report and file of evidence and other material upon completion.

If the College conducts a live hearing, the College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decision-maker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decision-maker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally.
 - If the College permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, the College will provide the party with an advisor from the College's list of advisors, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the College will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Procedures for the decision-maker to evaluate the questions and limitations on questions: The decision-maker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decision-maker will give a party an opportunity to clarify or revise a question that the decision-maker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions: The decision-maker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decision-maker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Determinations of Whether Sex-Based Harassment Occurred

The College shall designate a decision-maker who will use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred within ten (10) business days of receipt of the final investigation report or live hearing. However, this timeframe can be extended for good cause or in cases of an emergency. The Title IX Coordinator will notify the parties of any delays. To render a determination, the decision-maker will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred.
 - The decision-maker will evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker is not persuaded by the evidence under the applicable standard that sex discrimination occurred, the decision-maker will *not* determine that sex discrimination occurred. In this case, the College would not impose discipline on the respondent for sex discrimination under Title IX.
 2. The College will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
 3. Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including;
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that the College used to evaluate the allegations;
 - All findings and final determinations and the rationale explaining the decision;
 - The decision-maker's evaluation of the relevant and not otherwise impermissible evidence used in support of the determination and the evidence not relied upon in the determination;
 - Credibility assessments; and
 - The procedures and grounds for the parties to appeal.
 4. When the decision-maker finds that sex-based harassment occurred, the decision-maker will render said determination and in addition to the above, include any disciplinary sanctions that the College will impose on the respondent and rationale for the sanctions; remedies that will be provided to the complainant, if any; and remedies to other individuals identified by the College to be experiencing the effects of the sex-based harassment, to the extent appropriate.
 5. If there is a determination that sex discrimination occurred, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other individuals the College identifies as having had equal access to its education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions;
 - Inform the parties of the procedures and grounds for an appeal; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
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6. Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
7. Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.³

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Procedures for a Live Hearing

The College will offer a live hearing option for complaints involving any of the “specific offenses” described in the definitions section, alleged conduct resulting in bodily injury, serious threats of physical harm, and upon the request of either party. The live hearing process will be completed within ten (10) business days from the date of request. The following provisions apply to a live hearing:

1. Location and Accommodations
 - a. Live hearings may be conducted with all parties physically present in the same geographic location, or at the decision-maker’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
 - b. The parties may submit a written request to the Title IX Coordinator for the live hearing be held in-person or virtually (via video technology) at least three (3) business days prior to the hearing. However, the College retains the right to determine whether the hearing will occur in-person or virtually.
 - c. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness speaking and answering questions.
 - d. Parties who have visual, hearing, or speech disabilities will be provided accommodations necessary to effectively participate in the hearing. Parties must submit a request for accommodations to the Title IX Coordinator at least twenty-four (24) hours prior to the hearing.
 - e. Parties who require other assistance, should contact the Title IX Coordinator at least three (3) business days prior to the live hearing to arrange any language assistance, or interpretation services needed at the live hearing or pre-hearing.
 - f. All hearings will be recorded, and the parties may request a copy of the recording from the Title IX Coordinator after the hearing. No other unauthorized recordings are permitted.
2. Advisor
 - a. The parties will have an opportunity to have an advisor of their choosing present during the live hearing or can request that the College provide a list of Title IX-trained advisors from which they may select an advisor free of charge. However, any College-provided advisor is not an attorney. If any party is interested in having an attorney as their advisor during the live hearing, including throughout the Title

³ The College may address false statements by initiating a disciplinary process under its code of conduct as long as there is evidence independent of the determination whether sex discrimination occurred.

IX grievance procedures, the party must locate and pay for the attorney's services themselves.

- b. The decision-maker will not limit the choice or presence of an advisor, but the decision-maker may establish restrictions regarding the extent to which the advisor may participate in the hearing, as long as the restrictions apply equally to both parties.
- c. Advisors may not unreasonably delay the grievance procedures in any manner, including interrupting witnesses or answering questions on behalf of witnesses.
- d. During the hearing process (includes both pre-hearing meetings and live hearing), the parties may only be accompanied by their advisor. No other or additional persons will be permitted to accompany, attend, observe, or listen in on pre-hearing meetings and live hearing unless expressly authorized by the decision-maker in writing and provided that the opportunity is extended to all parties.

3. Witnesses

- a. Student witnesses are not required but are highly encouraged to participate in live hearings and to make themselves reasonably available for such hearings.
- b. College employee witnesses are expected to participate in and make themselves reasonably available for participation in live hearings.
- c. Witnesses are not permitted to be accompanied by an advisor to live hearings without the College's permission. While the College prefers witnesses to participate in live hearings in-person or virtually (using technology that allows the decision-maker and the parties to see and hear the witness), a witness may join by phone, at the decision-maker's discretion, if no other reasonable alternative is available.
- d. The Title IX Coordinator will notify all witnesses of their requested participation in the live hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

4. Hearing Notice

- a. The Title IX Coordinator will send the parties a written hearing notice with sufficient time for the parties to prepare for the hearing, at least seven (7) business days prior to the hearing. Once the hearing notice is mailed, emailed, and/or received in-person, the hearing notice will be presumptively delivered. The hearing notice will include:
 - i. The time, date, and location of the hearing, a description of the alleged incident(s), a list of all relevant policies allegedly violated, a description of the applicable hearing procedures, description of the technology used to facilitate the hearing, and a statement of the potential sanctions that could result from a finding of responsibility.
 - ii. Copy of the final investigation report and all relevant, but not impermissible evidence.
 - iii. Information regarding pre-hearing meetings, the parties, advisors, and witnesses participating in the hearing, the identity of the decision-maker, details related to questioning, the role of advisors, and how to request disability accommodations or other assistance.

5. Hearing Procedures

- a. The decision-maker will conduct the hearing in a professional and orderly manner, including establishing reasonable time restrictions that will be applied equally to all parties.
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- b. The decision-maker will allow each party to present witnesses to provide testimony related to the allegations within the complaint.
 - c. The decision-maker will administer an oath for each witness before the witness is permitted to answer questions. During any witness testimony, relevant evidence may also be submitted.
 - d. The decision-maker may also ask witnesses to provide testimony related to the allegations within the complaint.
 - e. Each party's advisor(s) will be permitted to ask any witnesses (including the other party) all relevant questions and follow-up questions, including questions challenging credibility of the witness. The decision-maker may limit questioning that the decision-maker determines is cumulative.
 - f. Questions, including cross examination questions, must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.
 - g. Each party's advisor will only be permitted to ask cross examination questions and other questions that are relevant to the allegations.
 - i. Before a witness (including the complainant and the respondent) answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant.
 - ii. If a question is not relevant, the decision-maker(s) will not allow the question and must explain any decision to exclude a question as not relevant.
 - h. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove:
 - i. That someone other than the respondent committed the conduct alleged by the complainant, or
 - ii. If the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - iii. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker cannot draw any inference about a determination regarding responsibility based solely on the party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
 - i. After both parties have had an equal opportunity to ask relevant questions of witnesses, the decision-maker may determine that the opportunity to present witnesses has ended. The decision-maker may then close the hearing.
 - j. The decision-maker will deliberate in closed session to determine whether the respondent is responsible for the alleged act of sex discrimination based on the standard of proof. The written determination letter will be issued to the parties and Title IX Coordinator within ten (10) business days from the conclusion of the hearing.
6. Transcript
- The College will record all live hearings for purposes of review in the event of an appeal. The parties and other appropriate Southwest Tech officials will be permitted to review the recording or transcript of live hearings upon request. Unauthorized disclosure, including sharing, copying, or distributing a recording or transcript of live hearings or any other part of the College's grievance procedures is not permitted and may result in disciplinary action.
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Sanctions for Student Respondents

Sanctions imposed upon students who are determined to have violated this policy may include a variety of institutional responses or requirements, including, but 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.

Sanctions for Employee Respondents

Appropriate sanctions for Southwest Tech faculty, staff, or administrators deemed to have violated this policy 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 Southwest Tech Employee Handbook.

If the decision-maker determines that it is more likely than not that a Southwest Tech employee has violated this policy and that dismissal may be an appropriate sanction, the matter will be referred to the Chief Human Resource Officer, for appropriate process and decision, which shall be determined and administered in a manner consistent with state and federal law and the Southwest Tech Employee Handbook.

In such cases, dismissal for cause may only be effectuated in accordance with the Southwest Tech Employee Handbook, including use of the preponderance of the evidence standard. The decision-maker or the decision-maker' designee may impose appropriate sanctions short of dismissal, in a manner consistent with the Southwest Tech Employee Handbook.

Remedies to Benefit Complainants

If a determination was made that the respondent was responsible for Title IX sex discrimination the College may provide the complainant with remedies designed to restore or preserve equal access to the College's education program or activity, including providing a safe educational or working environment. Such remedies may include the continuation or addition of "supportive measures."

APPEAL PROCEDURES

Following the communication of the decision-maker's determination or dismissal of a Title IX complaint, the complainant or respondent may request an appeal. Appeal requests must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery date of the notification of the dismissal or written determination letter.

If an appeal is timely filed, the written determination regarding responsibility becomes final on the date that the College provides the parties with the Notice of Appeal Outcome letter containing the result of the appeal. If an appeal is not filed, the written determination regarding responsibility becomes final on the sixth business day after receiving the written determination. Failure to file a timely appeal constitutes a waiver of any right to an appeal. If both parties voluntarily agree to waive their appeal rights, the determination regarding responsibility becomes final on the day both waivers of appeal are received by the College in writing.

Dismissals and determinations may be appealed on the following grounds:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the dismissal or determination was made; and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainant(s) or respondent(s) generally or the individual complainant or respondent that would change the outcome.

When an appeal is timely filed, the Title IX Coordinator will notify the parties, in writing, of the appeal, including notice of the allegations, and assign a Title IX-trained appeal decision-maker for the appeal who did not take part in an investigation of the allegations or dismissal of the complaint. The appeal decision-maker must:

1. Notify the parties in writing of their appointment as the appeal decision-maker, give the parties two (2) business days to raise an objection to their appointment as the appeal decision-maker on the basis of bias or conflict of interest, and if the appointment is unchallenged, implement appeal procedures equally for both parties;
2. Give both parties five (5) business days (which may be extended for good cause) to submit a written statement in support of, or challenging, the outcome; and
3. Draft a written decision called a Notice of Appeal Outcome describing the result of the appeal and the rationale for the result, including specific findings on each appeal ground raised, the rationale for each finding, and instructions for reconsideration, remand, or reinstatement of the Title IX complaint, if applicable.
4. If the appeal decision-maker determines one of the above basis for an appeal is satisfied, the matter may be returned for further review of the investigation report by a new decision-maker. If the basis for appeal relates to the investigation itself, or warrants additional investigation, the appeal decision-maker may refer the matter for further investigation with the same investigator (or with a new investigator) before proceeding to the next stages in the Title IX grievance procedures.
5. If there is not sufficient evidence to show that one or more grounds for appeal has been satisfied, the appeal decision-maker may dismiss the appeal. This decision is final and is not appealable.

The appeal decision-maker will issue the written decision simultaneously to both parties within ten (10) business days of the filing of the appeal. The appeal process will be completed within approximately ten (10) business days from the date of submission of the appeal, but no longer than fifteen (15) business days. Extensions may be granted at the Title IX Coordinator's discretion, and the parties will be notified of any extension. Any disciplinary action or sanctions arising from the same complaint on appeal will be stayed during the appeal process.

TIMEFRAME FOR DETERMINATION

The conclusion of the College's Title IX grievance procedures, including any appeal, shall be done in a reasonably prompt timeframe, but no more than ninety (90) days from the date the complaint is made. The parties may agree to an extension of the 90-day timeframe to complete the grievance procedures or the Title IX Coordinator may extend the timeline to accommodate a short delay in the College's investigation as necessary on a case-by-case basis for good cause, as permissible by law. Good cause may include, but is not limited to, concurrent law enforcement activity; accommodations of individuals with disabilities; the absence of a party, a party's advisor, or a witness; and/or the need for language assistance.

The parties will receive updates on the progress of the grievance procedures, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process. The Title IX Coordinator will promptly resume the procedures as soon as practicable and will continue to implement and maintain supportive measures for the parties during the delay.

RETALIATION PROHIBITED

Neither the College nor any person may intimidate, threaten, coerce or discriminate against any individual student, employee, or other individuals authorized by the College to provide aid, benefit, or service in the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual reported sex discrimination, made a sex discrimination complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing under this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sex-based harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sex-based harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

The College will address conduct that reasonably may constitute retaliation using the same procedures it uses for other forms of sex discrimination. Complaints or reports alleging retaliation may be filed according to the grievance procedures for sex discrimination adopted by the College under the [Nondiscrimination Policy and Grievance Procedures](#).

The College will take appropriate action, up to and including termination for employees, or expulsion for students, against any individual who retaliates against another person in violation of this policy.

RECORDKEEPING

The College shall maintain for a period of seven (7) years following the conclusion of the College's Title IX grievance procedures, records of:

1. Each sex discrimination, sex-based harassment, or retaliation investigation, including any determination regarding responsibility, complaint or notification of sex discrimination and the records documenting the actions the College took to meet its obligations under Title IX, any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve access to the College's education program or activity;
2. Any appeal and the result therefrom;
3. Informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, Deputy Title IX Coordinators, investigators, decision-makers, appeal decision-makers, Southwest Tech employees, and any person who facilitates an informal resolution process with regard to sex discrimination.

TRAINING

The College shall ensure that the following training is provided:

1. Training to College employees about the College's obligation to address sex discrimination, as well as College employees' obligations to notify the Title IX Coordinator
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- about conduct that reasonably may constitute sex discrimination, and how one can make a complaint of sex discrimination requiring the College to initiate its grievance procedures.
2. Training to the College's confidential employees regarding their obligations under Title IX.
 3. Training on the definition of "sex-based harassment"; the scope of sex discrimination, including the College's obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and the College's obligations to provide an educational environment free from discrimination on the basis of sex.
 4. Training to the Title IX Coordinators, Deputy Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and any person who facilitates an informal resolution process on the specific duties of each defined role such as, but not limited to, how to conduct an investigation; the grievance procedures, including hearings, appeals, and the informal resolution process, as applicable; how to evaluate evidence; and how to serve impartially (no prejudgment, conflicts of interest, and bias).
 5. Training on the College's recordkeeping system and Title IX recordkeeping requirements.
 6. Training on the meaning and application of the term "relevant" in relation to questions and evidence, types of evidence that are impermissible regardless of relevance, including questions and evidence about a complainant's prior sexual behavior, and how to draft written determination letters and/or investigation reports that fairly summarize relevant and permissible evidence.
 7. Training for decision-makers on any technology to be used at a live hearing.
 8. Training on the applicable notification and information requirements under Title IX.

The training shall be provided promptly upon hiring or change of position that alters a College employee's duties under Title IX or this policy, and annually thereafter.

Any materials used to train the College's Title IX Coordinators, Deputy Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and facilitators of the informal resolution process may not rely on sex stereotypes and will be made available upon request.

The Clery Act

The Clery Act requires that Southwest Tech compile statistics of crimes that occur on/near campus. College officials who are Campus Security Authorities⁴ (CSA) have a duty to promptly report crimes to Campus Safety using the College's "Report a Concern/Accident/Incident" form for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared for publication in the Annual Security Report and daily campus crime log.

The College will report crimes including murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, Violence Against Women Act (VAWA-based crimes) which include sexual assault, domestic violence, dating violence, and stalking and arrests and referrals for disciplinary action for weapons, liquor, and drug law violations. Crimes are also reported as hate crimes, which include any bias-motivated crime.

⁴ A CSA is defined as any member of Campus Safety, including any individual specifically identified by the school as an individual to which students and employees should report criminal offenses and an official of the institution who has significant responsibility for student and campus activities.
