



A Resource Guide for Students on TITLE IX: Campus Policies, Procedures and Victim Services

If You Have Experienced Sexual Misconduct

Call local police at 911 for emergencies

1. Go to a safe location as soon as you are able
2. Seek immediate medical attention if injured, or believe you may have been exposed to an STI/STD or potential pregnancy
3. Contact for assistance:
 - a. Title IX Coordinator Shannon Gerke Corrigan: E110, shannon.gerkecorrigan8969@fvtc.edu or (920) 735-4796
 - b. Title IX Coordinator Therese Izzo Nemec: G118D, therese.izzonemec2991@fvtc.edu or (920) 915-1376
 - c. Manager – Campus Security Services Derek Reiter: F112D, derek.reiter0816@fvtc.edu or (920) 993-5177
 - d. Manager – Campus Security Services Kevin Berry: F112C, kevin.berry0224@fvtc.edu or (920) 735-5621
 - e. Counseling and Advising Services: E121, (920) 735-5696
 - f. Sexual Assault Crisis Center*: (920) 733-8119
 - g. Christine Ann Domestic Abuse Services*: (800) 261-5998
 - h. Harbor House Domestic Violence Services*: (800) 970-1171
4. Preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc. until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within approximately 120 hours of an assault, but fluids, hair samples and DNA can be collected for a long time thereafter. Even if you have washed or bathed, evidence can often still be obtained.

After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE nurses) are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted infections and diseases. If you are still wearing any clothes worn during the incident, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the incident to the hospital in a clean paper (not plastic) bag or wrapped in a clean bedsheet. Leave sheets/towels at the scene of the incident. Police will collect them. Typically, police will be called to the hospital to take custody of the forensic kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

5. Choose how to proceed. You have options and are encouraged to contact one of the Title IX Coordinators to discuss your options.
 - a. Do nothing until you are ready
 - b. Pursue resolution by Fox Valley Technical College
 - c. Initiate criminal proceedings
 - d. Initiate a civil process against the Respondent

You may pursue whichever combination of options is best for you. If you want to have an incident investigated and resolved by Fox Valley Technical College, contact one of the Title IX Coordinators, Gerke Corrigan at (920) 735-4796 or shannon.gerkecorrigan8969@fvtc.edu or Therese Izzo Nemec at (920) 915-1376 or therese.izzonemec2991@fvtc.edu. Fox Valley Technical College procedures will be explained. Those who want incidents to be handled criminally should contact local Police where the assault occurred. A campus official is available to accompany students in making such reports, if desired.

About Confidentiality

To make informed choices, all parties should be aware of confidentiality and privacy considerations, as well as institutional mandatory reporting requirements.

Mandated Reporting

All Fox Valley Technical College employees are mandated reporters for all details of which they are aware related to an incident. They share this information with the Title IX Coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under Fox Valley Technical College's procedures, which are discussed in a later section of this brochure (p. 10).

You may request confidentiality and/or that the Title IX Coordinator provides you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the College will offer you available resources, supports, and remedies. You are not obligated to pursue a formal resolution in order to access the resources that are available. If the College decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the College to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

Confidential Reporting*

If you want to keep the details of an incident confidential, you may speak with someone at a crisis center. A few local crisis centers are listed below but there are more available on the FVTC website.

- a. Sexual Assault Crisis Center*: (920) 733-8119
- b. Christine Ann Domestic Abuse Services*: (800) 261-5998
- c. Harbor House Domestic Violence Services*: (800) 970-1171



Incidents Involving Minors

Please be aware that institutional duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

FVTC Title IX Policy

Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Fox Valley Technical College adheres to all federal, state, and local civil rights laws prohibiting discrimination in employment and education. FVTC does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities based on sex/gender. As a recipient of federal financial assistance for education activities, FVTC is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate based on sex/gender. Examples of the types of discrimination that are covered under Title IX include but are not limited to: sexual violence; sexual assault; dating or domestic violence; stalking; pregnancy discrimination; the failure to provide equal athletic opportunity; sex-based discrimination in a school's science, technology, engineering, and math (STEM) courses and programs; and discriminatory application of dress code policies and/or enforcement. FVTC is also required to protect students from harassment and discrimination based on sex stereotypes, sexual orientation, gender identity, and sex characteristics.

FVTC prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internal or external to the institution. This policy is intended to define community expectations and establish a mechanism for determining when those expectations have been violated. The procedures for implementing this policy can be found in the FVTC Title IX procedures on the College Website.

Incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment will be addressed under the FVTC Sexual Misconduct Policy. In instances where the reported incident, if substantiated, would fall under both policies, the Title IX Sexual Harassment Policy and Title IX Procedures will be followed.

Sexual Misconduct Violations at FVTC

Hostile Environment Harassment

- ▶ Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person to equal access to an FVTC education program or activity

Quid Pro Quo Harassment

- ▶ Conduct by an employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct

Sexual Assault

- ▶ Non-consensual sexual contact
- ▶ With any object
- ▶ Any sexual intercourse, however slight
- ▶ Including instances in which the Complainant is incapable of giving consent

Domestic Violence

- ▶ Violence on the basis of sex
- ▶ Committed by a current or former spouse or intimate partner of the Complainant
- ▶ Committed by a person with whom the Complainant shares a child
- ▶ Committed by a person who is cohabitating with, or has cohabited with, the Complainant as a spouse or intimate partner
- ▶ Committed by any person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the state

Dating Violence

- ▶ Violence on the basis of sex
- ▶ Committed by a person who is or has been in a romantic or intimate relationship with the Complainant
- ▶ Includes, but is not limited to, sexual or physical abuse or the threat of such abuse

Stalking

- ▶ A course of conduct directed at a specific person on the basis of sex that would cause a reasonable person to fear for their safety, the safety of others, or suffer substantial emotional distress

Sexual Exploitation

- ▶ Taking non-consensual or abusive sexual advantage of another
- ▶ Non-consensual sexual behavior that does not otherwise constitute one of the other sexual misconduct offenses

Retaliation

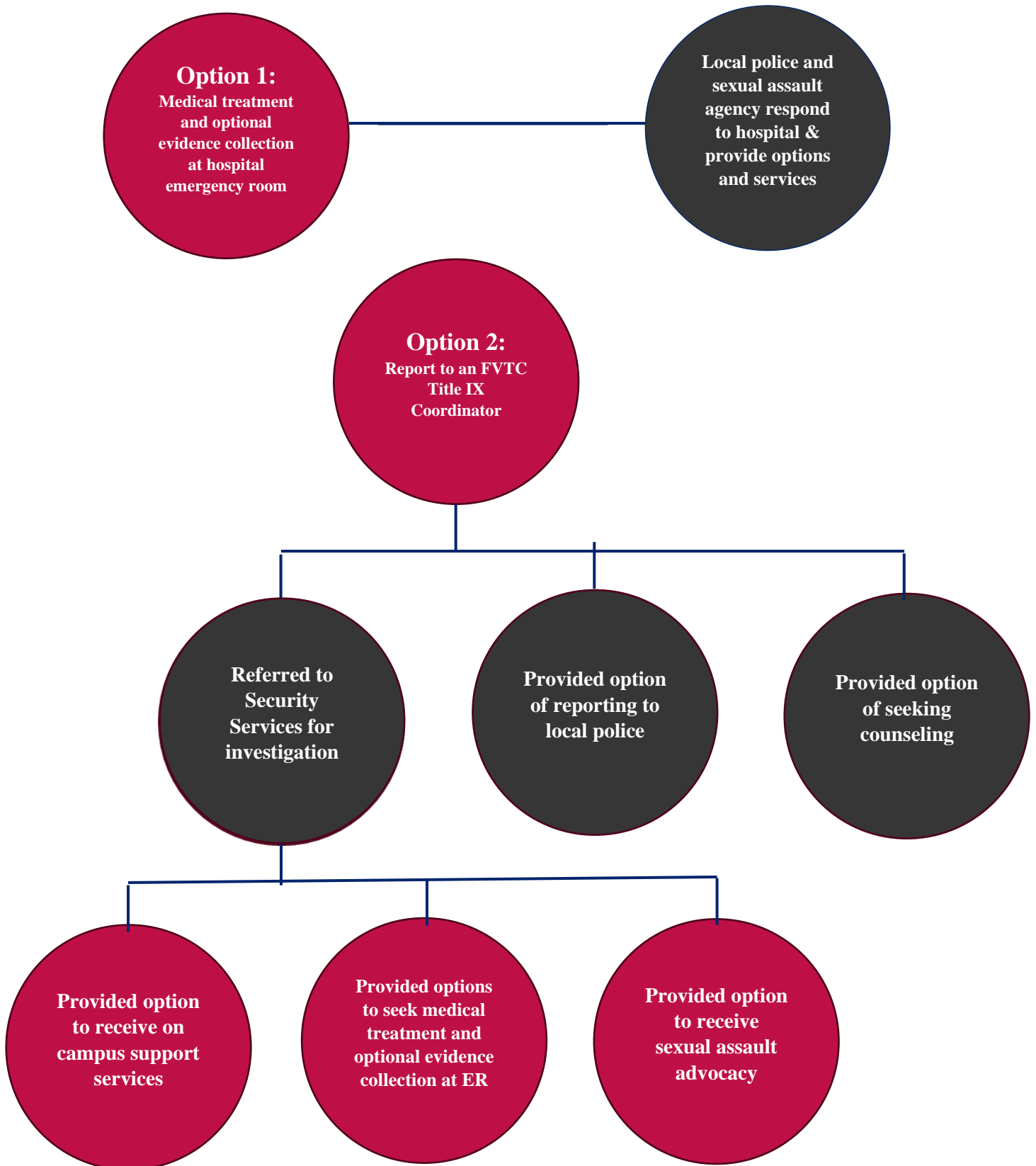
- ▶ Any adverse action taken against a person participating in a protected activity because of that person's participation in that protected activity
- ▶ Subject to limitations imposed by the First Amendment and/or academic freedom

Other Misconduct when Gender-Based

- ▶ Threatening or causing harm
- ▶ Discrimination
- ▶ Intimidation
- ▶ Bullying

Responding to Sexual Misconduct

*You may choose one or more options to respond to sexual misconduct. We encourage medical treatment for all incidents involving physical harm.



**Option 3:
Report with
local law
enforcement**

**Provided option
of receiving
service at local
victim services
agency**

**Option 4:
Confidential
report through
community
sexual assault
agency**

**Provided option
of working with
FVTC to
receive on
campus services**

**Provided option
of reporting to
local law
enforcement**

**Please note that some services
my vary by location**

Consent

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity

Each of us is responsible for obtaining consent and has a right to choose to give consent or not give consent. Consent is:

- ☐ Informed, knowing, and voluntary (freely given)
- ☐ Active (not passive)
- ☐ Affirmative, clear words or actions that create mutually understandable permission regarding the conditions of sexual or intimate activity
- ☐ Not something that can be given by someone who is known to be, or who should be known to be, mentally or physically incapacitated
- ☐ Not something that can be obtained by use of physical force, compelling threats, intimidating behavior, or coercion

People may experience the same interactions differently; therefore, each party is responsible for making sure that their potential partner has provided ongoing, clear consent to engage in any sexual activity or contact. If consent is withdrawn, sexual activity must stop reasonably immediately. Any party can place conditions on their willingness to consent, and those conditions must be respected.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse). To legally give consent in Wisconsin, individuals must be at least 18 years old.

Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion

Coercion is unreasonable pressure for sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Incapacitation

Incapacitation is a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot sexually consent if they are unable to understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Individuals engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct.

The fact that a Respondent was intoxicated and therefore did not realize that the Complainant was incapacitated does not excuse sexual assault.

Your Rights

Fox Valley Technical College strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options

Reporting

- ▶ The right not to be discouraged from reporting harassment, discrimination, or retaliation
- ▶ The right to notify law enforcement and to be assisted by the College in the notification
- ▶ The right not to be pressured to report
- ▶ The right to have allegations responded to and investigated promptly and with sensitivity

Fairness

- ▶ The right to be treated with respect by FVTC officials
- ▶ The right to an equitable investigation and objective evaluation of all credible allegations
- ▶ The right to a fundamentally fair resolution as defined in FVTC procedures
- ▶ The right to the use of the appropriate standard of evidence to make a finding
- ▶ The right not to be pressured to mediate or otherwise informally resolve any misconduct involving violence
- ▶ The right to have complaints addressed by Title IX Coordinators, Investigators, and Decision-maker(s) who have received relevant training
- ▶ The right to a Hearing Panel that is not single-sex in its composition, if a panel is used
- ▶ The right to meetings, interviews, and/or hearings that are closed to the public
- ▶ The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal hearings
- ▶ The right to have an impact statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning
- ▶ The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and a detailed rationale of the decision delivered simultaneously to the parties
- ▶ The right to be informed of the opportunity to appeal the finding(s) and sanction(s), and the procedures for doing so in accordance with the standards for appeal
- ▶ The right to amnesty for reporting parties and witnesses for minor infractions (e.g., alcohol or drug violations) that are secondary to sexual misconduct
- ▶ The right to the preservation of privacy, to the greatest extent possible and permitted by law
- ▶ The right to be free from retaliation

Support

- ▶ The right to receive the information and assistance needed to effectively participate in all proceedings
- ▶ The right to be notified of campus and off-campus resources
- ▶ The right to have an Advisor of your choice to accompany you in all meetings
- ▶ The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident if such changes are reasonably available
- ▶ The right to be informed of available supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; etc.
- ▶ The right to seek orders of protection, no-contact orders, restraining orders, etc. and to seek help from Campus Security Services in enforcing such orders
- ▶ The right to regular updates on the status of the investigation and/or resolution

Remedies

The College may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- ▶ Interim suspensions
- ▶ Reporting to local law enforcement
- ▶ Referring to counseling and/or health services
- ▶ Referring to EAP
- ▶ Providing education to the community
- ▶ Providing campus escorts
- ▶ Providing transportation assistance
- ▶ Implementing contact limitations
- ▶ Offering adjustments to academic work, class schedules, etc.
- ▶ Issuing warnings
- ▶ Requiring counseling
- ▶ Probation
- ▶ Suspension
- ▶ Expulsion
- ▶ Withholding diplomas
- ▶ Revocation of degrees
- ▶ Other sanctions as deemed appropriate

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report

Long-term Remedies/ Other actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

Procedures

FVTC's procedures are detailed at fvtc.edu/sexualmisconduct

Intake

A Fox Valley Technical College Title IX Coordinator will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is an initial assessment.

All resolutions will be conducted by campus officials who receive training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of reporting parties and promotes accountability. The resolution process is confidential. The institution will protect the confidentiality of reporting parties, consistent with federal law. Title IX-related resolutions are not subject to publicly available record keeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

Initial Assessment

An initial determination is made by a Title IX Coordinator about the allegations and whether to move them forward to a formal Title IX investigation. This decision takes into account the nature of the allegations and the reporting party's wishes.

FVTC recognizes that incidents which fall outside of the narrow scope of the Title IX regulations may also negatively impact access to the institution's education programs and activities and are counter to the mission and values of the institution. Therefore, the College has adopted the Sexual Misconduct policy to address other sex offenses that may fall outside the protections of Title IX. A Title IX Coordinator will route such cases through the Sexual Misconduct rather than Title IX process.

Choose an Advisor (If desired)

The parties are each entitled to an Advisor of their choice to accompany them to any and all meetings pertaining to the complaint. If a party does not have an Advisor, FVTC will provide one, without fee or charge, from a pool of trained Advisors.

Investigations

Trained Investigators will conduct a prompt, thorough, reliable, equitable, fair, and impartial investigation. They will interview the parties and witnesses and prepare reports with their findings. Your Advisor can accompany you to all interviews..

Hearing

The FVTC resolution process provides for a neutral and independent Decision-maker. The Decision-maker(s) will have the opportunity to question Investigators, parties, and witnesses during a hearing.

Standard of Evidence

FVTC uses a preponderance of evidence standard of evidence. This means that Decision-makers consider whether, given the available relevant, credible evidence, it is more likely than not that a violation of policy occurred.

Past History

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the College will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a Responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

Final Determination

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when the results are considered to be final.

Appeals

All parties involved in sexual misconduct proceedings may appeal a decision within 3 business days on the basis of grounds permitted by Fox Valley Technical College's policy. All parties are included in any appeal reconsideration and have equal rights of participation. All appeals are conducted by written exchange of materials. There is only one level of appeal. That decision is final. See the Code of Conduct - General for further details on appeal procedures.

Informal Resolution

To initiate an informal resolution process, a Complainant must submit a formal complaint first. After submission of the formal complaint, the Title IX Coordinator will provide additional information if an informal resolution is an option. Parties who wish to initiate an informal resolution process should contact the Title IX Coordinator.

Risk Reduction

Risk Reduction for Intimate Partner Violence, Stalking, Sexual Harassment, and Sexual Assault

While victim-blaming is never appropriate and Fox Vallet Technical College fully recognizes that only those who commit sexual offenses are responsible for their actions, the College provides the suggestions that follow to help members of the campus community reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the Risk of Victimization

- ▶ Make any limits and/or boundaries you may have known as early as possible
- ▶ Tell a sexual aggressor “no,” as clearly and firmly as possible
- ▶ Remove yourself, if possible, from an aggressor’s physical presence
- ▶ Reach out for help, either from someone who is physically nearby or by calling someone Bystanders around you may be waiting for a signal that you need help
- ▶ Take affirmative responsibility for your alcohol and/or drug consumption, understanding that alcohol and drugs can increase your vulnerability to sexual victimization
- ▶ Look out for your friends and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices

Reducing the Risk of Being Accused of Sexual Misconduct

- ▶ Show your potential partner respect if you are in a position of initiating sexual behavior
- ▶ If they say “no,” accept it and don’t push
- ▶ If you want a yes, ask for it, and don’t proceed without clear permission.
- ▶ Communicate your intentions to your potential sexual partner clearly and give that person a chance to share their intentions and/or boundaries with you
- ▶ Respect personal boundaries - If you are unsure what’s okay in any interaction, ask
- ▶ Avoid ambiguity - Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent
- ▶ If you have questions or are unclear, you *don’t* have consent
- ▶ Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way - Their loss of control does not put you in control
- ▶ Be on the lookout for mixed messages - That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen - They may be undecided about how far to go with you, or you may have misread a previous signal.
- ▶ Respect the timeline for sexual behaviors with which others are comfortable and understand that everyone is entitled to change their minds
- ▶ Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold
- ▶ Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to both verbal and non-verbal signals to avoid misreading intentions
- ▶ Understand that consent to one type of sexual behavior does not automatically grant you consent to other types of sexual behaviors. If you are unsure, stop and ask
- ▶ If your partner indicates a need to stop, or withdraws consent, respect them. Immediately
- ▶ If you’ve had consent with your partner previously, still check in with them. Just because something was okay with them before doesn’t mean it will be okay in the future

Programs

Bystander Intervention and VAWA/Clery Training

Fox Valley Technical College offers all new students training on bystander intervention, education and awareness on risk reduction of sexual violence, dating violence, domestic violence, stalking and consent, in compliance with the Violence Against Women Act and the Clery Act. This programming is offered in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists. For free access to this training, visit www.fvtc.edu/SexualMisconduct.

Title IX Compliance Committee

A committee of faculty and staff members meets regularly to survey the campus climate in relation to sexual misconduct. The group focuses on ensuring campus compliance with relevant policies and laws, prevention, and education. For further information about this committee, please email TitleIX@fvtc.edu.

Ongoing Campaigns

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff. For further information about upcoming events, please visit www.fvtc.edu/SexualMisconduct.

Key Contacts

Title IX Coordinator

Shannon Gerke Corrigan

Registrar

shannon.gerkecorrigan8969@fvtc.edu

(920) 735-4796

E110

Title IX Coordinator

Therese Izzo Nemec

Director of Instructional Excellence

therese.izzonemec2991@fvtc.edu

(920) 915-1376

G118D

TitleIX@fvtc.edu

Other Resources

Campus Security Services (920)735-4777

Counseling and Advising Services (920) 735-5696

Human Resources (920) 735-2574

Sexual Assault Crisis Center* (920) 733-8119

Christine Ann Domestic Abuse Services* (800) 261-5998

Harbor House Domestic Violence Services* (800) 970-1171

*Denotes that a resource is confidential

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