

## Sexual Misconduct Procedures - Reporting Policy Violations

An employee or student who believes that he or she has been subjected to conduct that violates the Sexual Misconduct Policy is encouraged to contact the appropriate individual listed below as soon as possible after the alleged act to discuss the available options for proceeding and to ensure a prompt and equitable process for all parties involved. The College will take appropriate measures to address violations of the Sexual Misconduct Policy in a manner that is reasonable to prevent such conduct from recurring and to minimize the effects on victims and the College community.

The College recognizes the rights of all parties involved in a complaint to a prompt, fair and equitable resolution. Falsification, distortion or misrepresentation of information in filing the incident report or during the course of the process followed by the College to investigate and resolve the matter may be grounds for disciplinary action.

Fox Valley Technical College has appointed two Title IX Coordinators to oversee all possible complaints of sexual discrimination, including allegations of sexual misconduct. All school districts, colleges and universities receiving Federal financial assistance must designate at least one Title IX Coordinator and publish the name, office address, telephone number and email address of this employee or employees. Throughout this procedure, the "Title IX Coordinator" will be referred to. If you have any questions regarding this procedure or would like to speak with a Title IX Coordinator, you may contact either employee. Fox Valley Technical College's Title IX Coordinators are:

**Therese Nemec**

Office: Room G118D, Appleton Campus  
920-735-4765  
[nemec@fvtc.edu](mailto:nemec@fvtc.edu)

**Shannon Gerke Corrigan**

Office: Room E135A, Appleton Campus  
920-735-4796  
[gerkecor@fvtc.edu](mailto:gerkecor@fvtc.edu)

### Reporting the Incident Internally

All incidents should be reported promptly but at most within 300 days. Incident Report forms must be signed and dated by the student or employee filing the report.

Reports of policy violations will identify the accused individual and describe the conduct, incident(s), or occurrence(s), time, date, and location, which form the basis for the complaint and name(s) of person(s) involved, any witnesses and the relief sought.

A student of the College may report an incident of sexual misconduct to:

- Jayme Bowman, Security Services Manager, (920) 735-5691 [bowman@fvtc.edu](mailto:bowman@fvtc.edu)
- Derek Reiter, Security Services Coordinator, (920) 993-5177 [reiterd@fvtc.edu](mailto:reiterd@fvtc.edu)

If any student complaint is made to a faculty or staff member, the faculty or staff member **is required to inform the student of available services and should immediately contact Jayme Bowman, or, in her absence, Derek Reiter**, who will notify the Title IX Coordinator.

An employee of the College should report an incident of sexual misconduct to:

- Jennifer Haese, Manager-Human Resources, (920) 735-4722, [haese@fvtc.edu](mailto:haese@fvtc.edu) or,
- Susan Kaufman, Associate Director of Human Resources, (920) 735-2574, [kaufmans@fvtc.edu](mailto:kaufmans@fvtc.edu),

If an employee reports a violation to a supervisor, manager or administrator, the person to whom the report is made **must immediately notify** Jennifer Haese or in her absence, Susan Kaufman, who will notify the Title IX Coordinator.

Any incident report involving a complaint directed at a Vice President of the College may be filed directly with the President. Any incident report involving a complaint against the President may be filed directly with the Chair of the Board of Trustees.

All incidents of sexual misconduct will be taken seriously by the institution when formally reported, and those incidents will be investigated and properly resolved through administrative procedures.

### **Confidentiality – On Campus Report**

To the extent permitted by law, the confidentiality of all parties involved in the investigation and resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the College's ability to conduct an investigation and take any corrective action deemed appropriate or is not otherwise prohibited by law. Formal reporting means that only people who need to know and information will be shared as necessary including investigators, witnesses, and the accused individual. While confidentiality cannot be guaranteed, care will be taken to keep investigation discussions appropriately limited to protect the complainant's identity when requested and consistent with these Procedures.

### **To Report Confidentially – Off Campus Resources**

If a student or employee desires that details of the incident be kept confidential, they should speak with one of several off campus resources.

- Christine Ann Domestic Abuse Services: 1-800-261-5998
  - 920-729-5727 Neenah
  - 920-235-5998 Oshkosh
- Harbor House Domestic Violence Services: 1-800-970-1171 or 920-832-1666
- Harbor House Calumet County Outreach: 920-849-7819
- Sexual Assault Crisis Center: 920-733-8119
- National Sexual Assault Helpline: 1-800-656-HOPE
- National Resource Center on Domestic Violence Hotline: 1-800-799-SAFE
- Reach Counseling Services: 920-426-1460
- Waupaca County: 1-800-472-3377 or 715-256-1136
- Waushara County: 1-800-472-3377 or 920-787-3949
- Winnebago County: 920-729-5727

### **Initial Review**

The College has an obligation to investigate allegations of sexual misconduct as provided for in the policy. An investigator will be assigned for the incident report when filed.

The person filing the incident report will be advised by the individual handling the investigation of the Fox Valley Technical College procedures for handling such reports, including: the difference between the administrative procedure and criminal reporting, interim protective measures which may be undertaken, remedial action, and confidentiality. Reports made to Security Services and Human Resources will be shared confidentially with the College Title IX Coordinator. The Title IX Coordinator will review the case for Title IX compliance.

At the option of the College, and in order fulfill the intent of the College's obligation under the Sexual Misconduct Policy and these Procedures, a designee may be used to fulfill the roles identified under these procedures. The person filing the incident report and the accused will be informed should this occur.

### **Interim Protective Measures**

Pending the outcome of the investigation and disciplinary process, the College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect the rights and personal safety of members of the FVTC community. Such measures may include, but are not limited to, interim suspension from campus, modification of class or work schedules, placing an employee on paid or unpaid administrative leave, modification of work or class assignment, issuing "no contact" orders, and reporting the matter to local police. The College reserves the right to impose interim protective measures based on the nature and severity of the complaint and the relevant facts and circumstances of the reported incident.

### **Rights of Person Filing the Incident Report and the Accused Party**

The person filing the incident report and the accused have rights in any process conducted under these procedures by the College:

1. The opportunity/right to speak on one's own behalf.
2. To be accompanied by an advisor or support person who may take notes and advise the complainant, but who may not otherwise participate.
3. To provide names of witnesses who can speak about the alleged conduct at issue.
4. To present evidence on one's own behalf. Individuals should retain all evidence which may be relevant including documents, texts, e-mails, digital messages and the like.
5. To report incidents to law enforcement.
6. Non-retaliation for having filed an incident report or participating in the investigation.
7. The right to a written report on the decision of the investigator including an explanation of the alleged violations of this policy, sanctions and remedies, if any.
8. If the person conducting the investigation utilizes an informal process, either the person filing the incident report or the accused may request at any time that the case be resolved through the formal investigation and subsequent appeal process.
9. To appeal the outcome of the investigation.
10. In the event of an appeal by either party:
  - a. To receive a copy of the appeal.
  - b. To receive a written decision on the appeal.
  - c. To review any written statement that will be offered by the other party at a hearing (if a hearing is held) or proceeding prior to the time that it is offered (to the greatest extent possible and consistent with FERPA or other applicable law);
  - d. To attend the entire hearing or other proceedings, (if a hearing is held), in such manner as may be designated by the College, except for the deliberation phase.

### **Investigation**

In cases involving student incident reports, the Manager Security services, Jayme Bowman or the Coordinator Security Services, Derek Reiter, will conduct the investigation. In cases involving employee

incident reports, the Human Resources Manager, Jennifer Haese or Associate Director, Human Resources, Susan Kaufman, will conduct the investigation. At the option of the College a designee may conduct the investigation on behalf of the College as to any report filed.

The person conducting the investigation may, at any time, attempt to settle the matter informally.

The formal investigation, which normally will start within 48 hours of receipt of the incident report (2 college business days) typically, will include the following actions:

1. Initial meeting with person filing the incident report to:
  - a. Review the written incident report;
  - b. Collect or request all relevant evidence and documents;
  - c. Review rights and options with respect to the incident reported;
  - d. Review relevant interim protective measures.
2. Initial meeting with the person(s) accused
  - a. Review the written incident report;
  - b. Collect or request all relevant evidence and documents;
  - c. Review of rights and options with respect to the incident reported;
  - d. Review of relevant interim protective measures.
3. Meetings with witness(es) with knowledge of events.
4. Review of all relevant documentation
5. Follow-up meeting(s) or contact(s) with the person filing the incident report and the accused to ascertain additional information, to clarify information and to update on the status of the investigation process.
6. The person conducting the investigation may, except in cases involving sexual violence, seek to mediate a resolution to the matter.
7. At the conclusion of the investigation, the person conducting the investigation will retain all records and notes of the investigation.
8. The person conducting the investigation shall prepare a written report, including the summary of findings and outcomes, including sanctions or remedial actions. The person conducting the investigation may use college resources, including peers or colleagues trained in Title IX proceedings, to assist in the preparation of the written report.
9. Thereafter, a copy of the summary of findings, including any sanctions and remedies, will be provided to the individual filing the incident report and the accused.

Depending on the nature of the incident report, the complexity of the issues and events, number and availability of witnesses, the amount of information to be gathered and reviewed and other factors, the College will attempt to complete the investigation in 20 to 60 calendar days. Additional time may be necessary in order to conduct a fair and equitable investigation. The person filing the incident report and the accused will be informed periodically of the status of the investigation.

While the College will exercise reasonable diligence in complying with the timelines and procedures outlined, deviations may occur in order to meet the intent of the policy or to ensure the fair and equitable resolution of a reported incident. The person filing the incident report or the accused should report any procedural error or deficiency to the Conduct Officer or Vice President, Human Resources, or it shall be deemed waived. A procedural error or deficiency shall not require an outcome in favor of the person allegedly disadvantaged by the error.

## **Standard of Evidence**

In all proceedings, Fox Valley Technical College considers the greater weight of the credible evidence as its standard. Often referred to as the “preponderance of the evidence,” this standard asks decision-makers to consider whether it is more likely than not that a violation occurred.

## **Sanctions**

The sanctions which may be imposed will be based on the totality of the facts including the nature and severity of the offense including, but not limited to, serious mitigating circumstances, egregious behavior and prior disciplinary history. The College will consider the concerns and rights of both the person filing the incident report and the person accused of sexual misconduct. Examples of potential sanctions may include:

1. Any student found in violation of the prohibition on Non-consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
2. Any student found in violation of the prohibition on Non-consensual or Forced Sexual Intercourse will likely receive a sanction of suspension or expulsion.
3. Any student found in violation of the prohibition on Sexual Exploitation, Stalking or Sexual Harassment (and related violations) will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
4. Any student found in violation of the policies on Dating Violence, Domestic Violence, or Stalking will likely receive a sanction of suspension or expulsion.
5. An employee who is found to have violated the Sexual Misconduct Policy may be subject to discipline up to and including termination.

## **Appeal**

An appeal from the decision of the investigator’s written report by either the person filing the incident report or the accused must be requested in writing within seven (7) calendar days of receipt of the written report of the investigator. Any appeal must be in writing and must include the full basis for the appeal, relevant new information not included in the investigation along with supporting documentation, if any, concerns about procedural errors during the investigation, if any, and concerns about the level of sanction or remedial action imposed, if any.

An appeal, which must be received within the seven calendar day timeline, should be directed to:

Students: Elizabeth Burns, Associate Vice President Student Student Services, (920)735-5795, [burnse@fvtc.edu](mailto:burnse@fvtc.edu) or, in her absence, Dr. Christopher Matheny, Executive Vice President, (920)735-2401, [matheny@fvtc.edu](mailto:matheny@fvtc.edu)

Employees: Deb Gorman, Vice President Human Resources, (920)996- 2813, [gorman@fvtc.edu](mailto:gorman@fvtc.edu), or, in her absence, Dr. Christopher Matheny, Executive Vice President, (920)735-2401, [matheny@fvtc.edu](mailto:matheny@fvtc.edu)

The appropriate Vice President will review the results of the investigation and the basis for the appeal.

The appeals process may include the following:

1. The documentation of all previous proceedings shall be transferred to the appropriate Vice President by the investigator.
2. A copy of any appeal will be made available to the other party involved.

3. The other party involved may submit a written statement to the Vice President for consideration.
4. In the event relevant new information is provided in the appeal, the Vice President may refer the information to the investigator for further review, investigation and consideration. In such case, the investigation will be reopened and a revised written report may be issued. Such revised written report is subject to a new appeal.
5. The Vice President may request written submissions from either party or consider any other information as deemed appropriate by the College.
6. The Vice President shall review all materials pertaining to the investigation and materials submitted on appeal. In issuing a final determination, the Vice President will consider the issues raised on appeal in light of factors such as, whether: 1) a fair and impartial investigation was conducted; 2) the preponderance of the evidence supports the decision of the investigator; 3) the sanctions, remedies or discipline are appropriate; and, 4) new evidence alters the results of the investigation and recommendations.
7. Neither the person filing the incident report nor the accused will be entitled to a hearing in connection with any appeal, unless offered at the discretion of the Vice President involved in the appeal. In the event of a hearing the procedures will be communicated in advance to the person who filed the incident report and the accused.
8. Both parties will be informed in writing of the outcome of any appeal, usually within fourteen (14) calendar days of the date by which all requested information has been submitted to the Vice President.

The College will maintain documentation of all hearings or other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, audio recordings, etc.).

#### **Appeal of Sanctions only - from the Decision of the Vice President**

A **student** may appeal the decision of appeals officer as to any sanction imposed utilizing the procedures in the Student Code of Conduct policy within seven (7) calendar days following the final decision of the Vice President.

An **employee** may appeal the decision of the Vice President as to any sanction imposed utilizing the procedures in the Complaint Procedure – Discipline and Safety policy within seven (7) calendar days following the final decision of the Vice President provided the policy allows for an appeal of the specific sanction.

An **individual who filed the incident report** may appeal the decision of the Vice President as to any sanction imposed within seven (7) calendar days of the decision of the Vice President to the President. The President shall consider the relevant information and issue a decision within fourteen (14) calendar days.

Any appeal shall be in writing and shall state the basis for the appeal. The appeals shall be processed in accord with the respective policies.

Any appeal timeline may be extended by the College in order to effectuate the purpose of the policy.

#### **Federal Statistical Reporting Obligations**

Reports of sexual assault, domestic violence, dating violence and stalking will be logged for federal statistical reporting purposes as required (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The

information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of victim.

### **Federal Timely Warning Obligations**

Victims of sexual misconduct should also be aware that College administrators must issue immediate timely warnings for incidents reported as required by law to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

### **External Reporting**

Complaints may also be filed with the Office of Civil rights and generally must be filed within 180 days of the alleged event. Complaints can be filed via e-mail at [https://ocras@ed.gov](mailto:https://ocras@ed.gov) and by completing the electronic complaint form provided.