

2023

Annual Security Report

2023 - 2024 Academic Year

Prepared by the Department of Safety and Security
and the Office for Equal Opportunity and Civil Rights

Includes Crime Statistics for Calendar Years (CYs) 2020, 2021 & 2022



This Annual Security Report applies to the following campuses: Kenosha Campus, Racine Campus, Elkhorn Campus, Burlington Center, Horizon Center, and SC Johnson iMET Center.

Statement on Equal Opportunity

To provide equal employment, advancement, and learning opportunities to all individuals, employment and student admission decisions at Gateway will be based on merit, qualifications, and abilities. Gateway will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, national origin, ancestry, sex, sexual orientation, creed, religion, political affiliation, marital status, parental status, pregnancy, disability, age, membership in any reserve component of the armed forces, union affiliation, or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

A note from the Clery Compliance Team

Dear Campus Community,

We consider the Security of all community members at Gateway Technical College a top priority. We are always assessing our policies and procedures to ensure they align with the best practices from other Technical Colleges across the nation in an effort to stay on the leading edge of prevention. Our campus security team is highly motivated and trained to handle all types of situations and we strive to adhere to the highest standards and serve our community the best we can.

Gateway Technical College partners with a number of law enforcement jurisdictions as well to help keep us safe. We believe these relationships are key to crime prevention and overall safety of our community. Keeping this campus and the community safe also includes all of us, which is why we encourage anyone on campus to contact our Security department or fill out an online incident report if they notice any suspicious activity (more information can be found on our website, <https://www.gtc.edu/campus-life/campus-safety/campus-security>). Safety is a shared responsibility and begins with each and every one of us having the personal responsibility to report any incidents or concerns involving our fellow community members. We want everyone to be as successful as they can be during their time at Gateway Technical College and that starts with a safe place to work and study, where people are free to access the resources available to them as needed.

Please take time to review this Annual Security Report. We are required to publish this report by October 1st each year in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act). This report contains crime data which occurred within Gateway Technical College's Clery geography as classified by the definitions from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook. As per Clery Act regulations, this report contains crime data for the three previous calendar years. Also contained in this report are important institutional policies concerning campus security, crime prevention, reporting crimes, drug and alcohol abuse, sexual harassment, bias-related crimes, and other important matters.

If you have any questions or concerns, please do not hesitate to contact myself or any member of the Gateway Technical College Security staff.

Respectfully,

Dwight Davis
Director of Safety and Security
Clery Officer

Joshua Vollendorf
Director of Compliance
Clery Coordinator

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Quick Reference Resources

If you need to report a fire, medical or other emergency on or off campus in the Burlington, Elkhorn, Kenosha or Racine area, **DIAL 911**.

Campus Security Offices:

Kenosha Campus: 262-564-2208, Located in Room M102 in the Academic Building near Student Commons
Security Officers available on campus from 6:30am-10:30pm on Monday-Friday and 8:00am-3:00pm on Saturday

Racine Campus: 262-619-6208, Located in Room R103 in the Racine Building 1st Floor
Security Officers available on campus from 6:30am-11:30pm on Monday-Friday and 7:00am-3:00pm on Saturday

Elkhorn Campus: 262-741-8208, Located in Room 109 in the South Building by Student Commons
Security Officers available on campus from 6:30am-10:30pm on Monday-Friday and 7:30am-1:30pm on Saturday

Burlington Center: 262-767-5208, Located in Room 101 in Burlington Center
Security Officers available on campus from 6:30am-10:30pm on Monday-Friday

SC Johnson iMET Center: 262-564-2007, Located at the front desk
Security Officer available on campus from 12:00 pm-8:00 pm on Monday-Friday

Non-Emergency Local Law Enforcement Contact Information:

Kenosha Police Department: 262-656-1234

Racine Police Department & RCSI: 262-886-2300

Elkhorn Police Department: 262-723-2210

Burlington Police Department: 262-342-1100

Sturtevant Police Department: 262-886-2300

Pleasant Prairie Police Department: 262-694-7353

Additional Resources:

Student Support Counselor Appointment Line: 800-247-7122

Title IX Coordinator/Office for Equal Opportunity & Civil Rights: 262-564-3062

Women's & Children's Horizons Sexual Assault Advocate: 262-652-9900 or 1-800-853-3503

Kenosha County Crisis Hotline: 800-236-7188

Racine County Crisis Hotline: 262-638-6741

Walworth County Crisis Hotline: 800-365-1587

Introduction to the Annual Security Report

Gateway Technical College, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act, has published this document to provide its students and employees with an overview of the College's security and safety resources, policies, and procedures. The full text of this report can be found on our website at <https://www.gtc.edu/campus-life/campus-safety/campus-security>. This report is prepared in cooperation with the local law enforcement agencies surrounding each district location, The Deans of Campus Affairs for each campus, Security Department, Talent and Culture, Office for Equal Opportunity and Civil Rights, Student Services Department and the Student Success Department.

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all College Deans, Directors, and Department Heads.

All of the statistics are gathered, compiled, and reported to the College community via this report, which is published by the Security Department. The Security Department submits the annual crime statistics published in the document to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

Campus crime, arrest and referral statistics include those reported to the Department of Security, designated campus officials and local law enforcement agencies as well as those reported utilizing our web-based incident report forms. Each year, by October 1st as required by law, a notification is made to all enrolled students, faculty and staff that provides the website to access this report. In addition, it provides information that hard copies may be obtained through the Director of Safety and Security, 3520 30th Avenue, Kenosha, WI 53144 or by calling (262)564-2812. Prospective and current employees and students may request copies of the report through the same means provided above.

Gateway Technical College does not have on-campus housing facilities and is therefore not required to have a Fire Log or publish a Fire Safety Report. In addition, the college is also not required to have a missing student notification procedure. If any person suspects that a family member or acquaintance is missing a report should be filed with local law enforcement.

Gateway Technical College Background and History

Gateway Technical College is one of 16 Technical Colleges that operate within Wisconsin in a statewide plan for vocational, technical and adult education. The District serves three counties in Southeast Wisconsin (Kenosha, Racine and Walworth). It originated and began classes on November 3, 1911, as the first compulsory, publicly funded school in Wisconsin – and, in doing so, also became the first in America. In 1912, a state sanctioned technical school opened in Kenosha, WI called the Kenosha Technical Institute.

Kenosha County established the first Vocational, Technical and Adult Education District under state law in 1965, which allowed district formation beyond city limits on July 1, 1966. Walworth County joined the Kenosha District in 1967 to form District 6, and the City of Racine expanded services on July 1, 1967, to include Racine County. On July 1, 1971, a new Vocational, Technical, and Adult Education District 6 was formed comprising Kenosha, Racine and Walworth Counties. The name "Gateway" was adopted October 19, 1972, by the District Board, replacing reference to District 6, with campuses at Elkhorn, Kenosha and Racine. In 1994 the state technical college system became the Wisconsin Technical College System. As was the case in 1911, Gateway Technical College today continues to meet the need for skilled workers in technical oriented fields.

From a single building in Racine, Wisconsin 112 years ago, Gateway Technical College has grown to servicing more than 18,000 students annually across three campuses and five enters throughout the tri-county area. Gateway Technical College offers more than 75 education programs for health, business, manufacturing, engineering, IT and service careers.

Department of Security

The Security Department provides year-round security services on campus while the college buildings are open to the public. Security Officers and staff do not have the power to make arrests but are granted authority to respond to and enforce college policy and local, state, and federal laws for administrative purposes on all campus property, but are not sworn law enforcement officers as defined by Wisconsin state statute 165.85(2)(c). Security Officers respond to a variety of calls for help, from medical emergencies, calls for service, parking enforcement, and criminal activity. They are the points of contact for the campus community and enforcement of all college policies and procedures. Foot and vehicle patrols of campus grounds and buildings, designed to detect crimes in action and prevent potential crimes, are accomplished during open campus hours. The officers also monitor over 400 security cameras to prevent and deter crime on all of our campus locations. Security office hours for each campus are located in the Quick References Resources at the beginning of this guide. In addition, during these patrols, officers also report any conditions they notice that might pose a threat to campus safety or security. The campus grounds are protected by intrusion detection alarms and an alarm response security element while the buildings are locked and unoccupied.

Campus Security Officers are not college employees, but are under contract with the college to provide the services described in this report, among others. All of the officers are credentialed security officers by the State of Wisconsin and maintain certification in first aid, CPR and AED operations. Many of the officers have additional law enforcement training and certifications. Gateway Technical College also has a Title IX coordinator who is trained to conduct investigations into sexual harassment, dating violence, domestic violence and stalking.

Gateway Technical College Security Officers have the authority to ask persons for identification and to determine whether an individual has lawful business at the college. Gateway Technical College maintains strong working relationships with the Kenosha Police Department, Kenosha County Sheriff's Office, Pleasant Prairie Police Department, Racine Police Department, Racine County Sheriff's Office, Sturtevant Police Department, Burlington Police Department, Elkhorn Police Department and the Walworth County Sheriff's Office. These agencies have primary law enforcement authority, including the powers of arrest and the responsibility of investigating alleged criminal violations. The College has written memorandums of understanding regarding investigation of criminal incidents or sexual harassment with the City of Burlington Policy Department and Sturtevant Police Department, and continues to work on additional formal agreements with other law enforcement agencies in the district.

The Department of Security's jurisdiction encompasses on campus property that includes all academic, maintenance and administrative buildings and/or facilities; designated non-campus properties and facilities; public property adjacent to or contiguous to on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. The Department of Security does not have jurisdiction or enforcement authority outside of its identified Clery reporting geography. This includes areas and/or properties that are not owned, rented, leased, recognized or otherwise controlled by the college.

The College is a non-residential college and therefore does not provide 24-hour security coverage. Coverage of the campus is provided during normal campus open hours as dictated by the Executive Vice President of Academic Affairs. Security operating hours for each location are provided in the Quick Reference Resources at the beginning of this document. During campus closure hours (10:30pm-6:30am Monday-Friday, after 3pm on

Saturdays and all-day Sunday), the college facilities are locked and the buildings alarmed with an intrusion detection system. The alarms are monitored 24 hours a day by a monitoring company and all alarms are investigated by the Department of Security or by local emergency responders depending on the nature of the incident. In addition, all locations are equipped with digital video systems which record 24 hours a day, seven days a week.

All Gateway Technical College locations are accessible to students, staff and the general public only during normal campus hours. However, the campus grounds are open to vehicular and pedestrian access 24 hours a day, seven days a week. Only select authorized individuals are given card access authorization and alarm access codes to enter the facilities outside of normal operating hours.

All crime victims and witnesses are strongly encouraged to immediately report the crime to the Campus Security Offices, Director of Safety and Security, Dean of Campus Affairs or the appropriate local law enforcement agency when necessary. In addition, victims and/or witnesses can complete an online incident report at www.gtc.edu/safety-and-security. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics. Gateway Technical College personnel will conduct investigations and work with local law enforcement agencies as appropriate.

Department of Security Training

The Director of Safety and Security along with the Account Manager for Allied Universal are primarily responsible for conducting intensive and continuing training for campus security officers. Training subjects include jurisdiction, legal considerations, report writing/interview skills, Use of Force, the Clery Act, Title IX, public relations, crisis intervention, verbal de-escalation, emergency response, first aid, and physical security. Training includes in-service sessions with department and guest lecturers, applicable online training/webinars, and regular supervisor training sessions.

CARE Team

The CARE Team receives all reports of behavioral concerns. The team provides a collaborative, cross-functional approach to assessing and responding to individuals who might pose a threat to themselves or others. The CARE Team is comprised of representatives of the following offices: Security; Diversity, Equity and Inclusion; Dean of Learning Success; Dean of Campus Affairs – Kenosha; Dean of Campus Affairs – Racine; Dean of Campus Affairs – Elkhorn and Burlington; Dean of Campus Affairs - iMET Center; Dean of Academic and Campus Affairs, and Student Support Counselors. Any behaviors of concern, such as individuals who are depressed, making inappropriate comments or threats, or exhibiting disruptive behavior, should be reported to the CARE Team immediately. The CARE Team's website, www.gtc.edu/CARE, includes an online referral form by which any member of the Gateway community can refer an issue of concern to the team for review.

Separate Campus Locations

All policy statements and information contained in this report apply to all campus locations unless otherwise indicated.

Security of and Access to College Facilities

Gateway Technical College is open to the public. The majority of academic and administrative buildings are open during normal campus hours (typically Monday through Friday, from 6:30am to 10:30pm, except holidays and Saturdays from 7:00 am to 2:30 pm) and are secured during the late evening hours, depending upon special event scheduling and community usage. Certain areas not designated as publicly accessible spaces are

controlled by access control systems. Members of the Security Department regularly patrol the interiors and exteriors of campus facilities.

Security Considerations Used in the Maintenance of College Facilities

Gateway Technical College maintains campus facilities and landscaping in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. The Security Department works closely with the Facilities Department to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the College community are helpful when they report equipment problems to the Security Department or to the Facilities Department as soon as the deficiency is identified. In addition, the Department of Security conducts monthly inspections of all AEDs, AlertUS Beacons, Fire Extinguishers and First Aid Cabinets to ensure they are in proper working order and stocked with the appropriate supplies.

Reporting a Crime, Emergency or Safety Concern and College Response

Community members, students, faculty, staff and visitors are encouraged to report all potential criminal activity, emergencies, safety concerns, suspicious behavior, and any emergencies occurring within the College's Clery geography to the Gateway Technical College Department of Security in an accurate, prompt and timely manner. The College's Clery geography includes: on campus property including campus buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to or immediately contiguous to on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. The Department of Security has been designated by Gateway Technical College as the official office for campus crime reporting. The Department of Security strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures the college is able to evaluate, consider and send timely warning reports and accurately document reportable crimes in its annual statistical disclosure. Gateway Technical College further encourages accurate and prompt reporting to the Department of Security and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on the Department of Security because it has primary responsibility for patrolling the Gateway Technical College. However, criminal incidents or incidents off campus can be reported to the local Law Enforcement agency that has jurisdiction.

To report a crime or emergency, members of the community should:

1) Call the Department of Security or report in person using the below Campus Security Offices:

Kenosha Campus (Responsible for Horizon Center):

Location: Room M102 (Academic Building)

Office Hours: 6:30am-10:30pm on Monday-Friday and 8:00am-3:00pm on Saturday**

Phone Number: 262-564-2208

Email: securityk@gtc.edu

Racine Campus:

Location: Room R103 (Racine Building, 1st Floor)

Office Hours: 6:30am-10:30pm on Monday-Friday and 7:00am-3:00pm on Saturday**

Phone Number: 262-619-6208

Email: securityr@gtc.edu

Elkhorn Campus (Responsible for HERO/Burlington Centers when Burlington Office not staffed):

Location: Room 109 (South Building)

Office Hours: 6:30am-10:30pm on Monday-Friday and 7:30am-1:30pm on Saturday**
Phone Number: 262-741-8208
Email: securitye@gtc.edu

Burlington Center (Responsible for HERO Center and Burlington Center):

Location: Room 101 (Burlington Center)
Office Hours: 6:30am-10:30pm on Monday-Thursday and 6:30am-6:00pm on Friday**
Phone Number: 262-767-5208
Email: securityb@gtc.edu

SC Johnson iMET Center:

Location: Front Desk in Atrium
Office Hours: 12:00pm-8:00pm on Monday-Friday**
Phone Number: 262-564-2007
Email: securityi@gtc.edu

**After hours emergencies should be reported by dialing 911.

Involvement of Law Enforcement and Campus Authorities

Although the college strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus safety and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College Department of Safety will assist any victim with notifying law enforcement if the victim so desires. Local Police Departments may also be reached directly (refer to page 4 for a list of local law enforcement agencies associated with our campuses).

Reporting to Meet Disclosure Requirements

Members of the community are helpful when they immediately report crimes or emergencies to the Campus Security and/or Campus Deans and Director of Compliance for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

- Director of Safety and Security, Kenosha Administration Center, 262-564-2812
- Kenosha Campus Security, Kenosha Academic Building, Room M106, 262-564-2208
- Racine Campus Security, Racine Building, Room R103, 262-619-6208
- Elkhorn Campus Security, Elkhorn South Building, Room 109, 262-741-8208
- Burlington Campus Security, Burlington Center, Room 101, 262-767-5208
- iMET Center Campus Security, iMET Center Lobby, 262-564-2007
- Dean of Campus Affairs, Kenosha Campus, Room A110, 262-564-2726
- Dean of Campus Affairs, Racine Campus, Room L109A, 262-564-2672
- Dean of Campus Affairs, Elkhorn & Burlington Campus, Room E227, 262-564-2084
- Dean of Campus Affairs, iMET Center, Room 260, 262-564-2590
- Director of Compliance, Room L101B, Lake Building, Racine Campus, 262-564-3062

If an incident affecting you or if you are a witness to an incident occurs at a location not specifically covered by the Department of Security (i.e. Kansasville Fire Training Area or Lakeview Advanced Technology Center), please contact the Director of Safety and Security at 262-564-2812 or davisda@gtc.edu contact the local law enforcement agency to report an incident. Online incident reports can also be filed at www.gtc.edu/safety-and-security.

- 2) Crimes or emergency situations can be reported to local emergency services by dialing 911.
- 3) Sex Offenses and other incidents of sexual harassment, stalking, domestic or dating violence, and discrimination can also be reported to the college's Director of Compliance/Title IX Coordinator, Josh Vollendorf, by calling 262-564-3062 or email at compliance@gtc.edu. In person reports can be filed through their office in the Lake building on the Racine Campus (1001 S. Main St, Racine, WI 53403).
- 4) Complete the online Maxient Incident reporting form at: <https://www.gtc.edu/safety>. Sexual harassment, sexual assault, stalking, and dating/domestic violence incidents can be reported at [gtc.edu/TitleIX](https://www.gtc.edu/TitleIX).

A person reporting a crime to the Department of Security has the right to report the crime to local law enforcement by calling 911 or contacting them via their non-emergency response number. Security Officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

The Department of Security Officers work to provide an immediate response to emergency calls. The department also works closely with a full range of emergency responder resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. The Department responds to all reports of crime and/or emergencies that occur within their jurisdiction. All reported crimes will be investigated by the college and may become a matter of public record subject to privacy laws. All incidents and reports of incidents occurring on-campus, or non-campus buildings, or on recognized public property adjacent to or contiguous to College-owned, -controlled, -operated, or -recognized facilities, buildings, or areas are documented and processed for further investigation and review by the Director of Safety and Security, Dean of Campus Affairs, Director of Compliance, and/or local law enforcement, depending upon the nature of the crime or emergency. If assistance is required from local law enforcement, the Department of Security will contact the appropriate agency for further assistance and investigation. Additional information obtained via any investigation will also be forwarded to the Dean of Campus Affairs that handle any potential student code of conduct violations, the Director of Compliance if the incident involves sexual assault, harassment, or civil rights violations, or the Human Resources Department if the incident involves employee conduct that is not a Title IX or civil rights matter.

If a sexual assault, sexual harassment, dating/ domestic violence, stalking, and civil rights violations should occur on campus, staff on scene, including the Department of Security, will offer the victim a wide variety of resources and services as well as file a report with the Office for Equal Opportunity and Civil Rights. This publication contains information about on and off campus resources and services and is made available to the Gateway Technical College community. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for Gateway Technical College.

The college will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the college against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. As the college is required to provide both the accused and the accuser with simultaneous written notification of any result of any college disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking; it is not necessary for a victim to make a written request in these instances.

Gateway Technical College does not operate non-campus housing and does not have non-campus student organizations. Gateway Technical College also does not have officially recognized student organizations that own or control housing facilities. Therefore, local law enforcement is not used to monitor and record criminal activity at these locations since there are no non-campus locations of student organizations. On-campus student organizations that engage in off-campus activities should report crime incidents to the local law enforcement agency where the incident occurred and also to the Campus Security Office using the procedures listed above. Crimes should be reported to the Campus Security Office, the Director of Safety and Security or Dean of Campus Affairs to ensure inclusion in the Annual Security Report and to aid in providing timely warning notices to the community when appropriate.

Responsibilities of the Community for their own personal safety

Members of the Gateway Technical College community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to Department of Security immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Contact Campus Security for escort if needed.
- Never leave valuables (wallets, purses, books, backpacks, computers, phones, etc.) unattended.
- Lock up your bicycles.
- Lock car doors and windows when leaving your car.
- Do not leave valuables visible.
- Engrave owner's information on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

Voluntary Confidential Reporting Procedures

If you are the victim of a crime and do not want to pursue action with the College or the criminal justice system, you may still want to consider making a confidential report. You, or with your permission, a Department of Security officer, can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sexual assault or other form of sex-based misconduct or other type of discrimination)The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Pastoral and Professional Counselors

Students may make confidential reports to professional counselors (i.e. Student Support Counselors) assigned to the college. A Professional Counselor is defined as: a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of their license or certification. These counselors, when acting in their official capacity and function, are not considered to be a campus security authority for Clery Act purposes and do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the college encourages counselors, if and when they deem it appropriate, to inform students they can voluntarily report incidents of crime to the Department of Security, which can be done directly or anonymously through the online Maxient incident reporting system.

Pastoral Counselor is defined as: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. Gateway Technical College does not employ Pastoral Counselors.

To ensure anonymous reporting via the online Maxient incident report, found at www.gtc.edu/safety-and-security under the resources tab, the individual should ensure they are not logged into their GTC Google accounts at time of filing and do not fill out any contact information at the time of the report.

The Department of Security, unless otherwise prescribed by law or as set forth within this Annual Security Report, does not take anonymous incident reports. While anonymous reporting is available by limited means, the College's ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to the Student Support Counselors are not disclosed in the College's crime statistics or reporting processes, unless those crimes are officially reported by the counselee.

Faculty and staff may contact the Human Resource Department for information regarding confidential counseling services.

Daily Crime Log

The Department of Security makes the Daily Crime Log for the most recent 60-day period open to public inspection at any of the campus security offices or at the Office of the Director of Safety and Security in the Administration Building located at 3520 30th Avenue, Kenosha, WI 53144 from 8 a.m.– 5 p.m. Monday through Friday, excluding holidays. Any portion of the Crime Log that is older than 60 days is made available for public inspection within two business days of request. Formal requests can be made to davisda@gtc.edu or at 262-564-2812. The information in the Crime Log typically includes the incident number, crime classification, date reported, date occurred, general location, and disposition of each reported crime. The names of crime victims will not be listed on the Daily Crime Log or annual security report. Faculty, Staff and Students are encouraged to review the Daily Crime Log periodically to become more familiar with the types and locations of criminal incidents which may impact Gateway Technical College's community. The Daily Crime log is also kept electronically and can be found at www.gtc.edu/safety-and-security under the Annual Security Report tab.

Timely Warning Notifications and Emergency Notifications

Gateway Technical College is responsible for issuing emergency notifications and timely warning notifications in compliance with the Higher Education Opportunity Act (HEOA) of 2008 and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), 20 U.S.C. 1092(f). The purpose of this policy is to set forth the procedures by which the college shall provide an emergency notification or timely warning notification to the Gateway community in the event that a significant emergency or dangerous situation is reported to the college that poses an immediate, imminent, or impending threat; or a crime is reported to the college or local police authorities that constitutes a serious or continuing threat.

In the event that a confirmed situation comes to the attention of the college and is considered to meet the criteria of a Timely Warning Notice or Emergency Notification, the Director of Safety and Security or designee, in consultation with the Crisis Communication Team, will issue the message using any and/or all means deemed necessary to ensure the proper dissemination of the message.

Timely Warning Notifications and Emergency Notifications are intended to serve all members of the college community. College employees and students should recognize that persons away from their telephones and other

communication devices, visitors, contractors working on site, and others who do not have access to college communication systems will not receive emergency messages. Therefore, persons receiving the messages should notify others in the vicinity and relay instructions as appropriate. Tour guides and special event sponsors are responsible for relating messages and instructions to the people they are hosting. Lastly, departments hosting contractors and other casual workers are responsible for relaying notifications and instructions to those personnel, as appropriate.

DEFINITIONS

Timely Warning Notice: Notice to all members of the campus community when a specific crime, as defined by the Clery Act, has occurred on or in close proximity to the campus, and the crime represents a serious or continuing threat to members of the campus community. These notices will be called “Campus Safety Alerts.”

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

1. Murder/Non-Negligent Manslaughter.
2. A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another;
3. Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an on-going threat to the community).
4. Robbery involving force or violence (cases involving pick pocketing and purse snatching will typically not result in the issuance of a Campus Safety Alert, but will be assessed on a case by case basis).
5. Major incidents of Arson
6. Sex Offenses (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Director of Safety and Security, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
7. Other crimes as determined necessary by the Director of Safety and Security or his or her designee in his or her absence.

Timely Warning Notices may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of Gateway Technical College.

Anyone with information they believe warrants a Timely Warning Notification or an Emergency Notification should report the situation to the college’s campus security team:

- Director of Safety and Security: 262-564-2812
- Kenosha Security Office: 262-564-2208
- Racine Security Office: 262-619-6208
- Burlington Security Office: 262-767-5208
- Elkhorn Security Office: 262-741-8208
- SC Johnson iMET Center: 262-619-6208

TIMELY WARNING NOTIFICATION PROCEDURE

In the event a crime is reported or a situation arises, within the Gateway Technical College Clery geography (On

Campus, Public Property and Noncampus property), that, in the judgment of the Director of Safety and Security and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

The warning should be issued as soon as the pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. The intent of a Timely Warning Notification is to alert the campus community of continuing threats, thereby enabling community members to protect themselves. The issuing of a Timely Warning Notice must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the college community and the possible risk of compromising law enforcement efforts.

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- The location of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
- Police/Security contact information
- Other information as deemed appropriate by the Director of Safety and Security or designee

*NOTE: Gateway will not withhold a basic description of the reported crime under the auspices of the risk of compromising law enforcement efforts. Specific details, such as the exact location, the specific date, etc. could be withheld if releasing that information may compromise law enforcement efforts (such as investigating, serving a warrant, or conducting an undercover operation, etc.).

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert. In addition, the alert will not include any information that could potentially lead to the identification of any potential victims.

The decision to draft and issue a Timely Warning Notification will be made by the Director of Safety and Security, in coordination and consultation with the Crisis Communication Team (refer to the “Crisis Communications Team Membership” section below). Anyone in the Crisis Communications Team may write and distribute a timely warning notice. In an extreme emergency, the Director of Safety and Security or designee, has the sole discretion to write and distribute a timely warning.

Crisis Communications Team Membership:

President or designee
Vice President, Community and Government Relations
Dean, Campus Affairs (for affected campus)
Director, Marketing and Communications
Director of Safety and Security
Manager, Communications and Media Relations

Gateway is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Upon receiving pertinent information that requires the issuance of a Timely Warning Notice, the Director of Safety and Security will initiate a convening of the Crisis Communications Team without delay to implement the notification process. The information may be disseminated to the college community via a variety of communication mediums but will primarily be sent via email. In addition to sending a timely warning primarily via email, the college may also use one or more of the following methods if deemed appropriate:

- RAVE System (referred to as AlertME and AlertUS Beacons – includes email messages, text, and robocall messages to cell phones registered in the college’s emergency alert service.
- Posting message on Website and social media platforms
- Desktop Notification Message to college owned computers (with software feature)
- Public announcements to media agencies (i.e., news and radio)

The security department does not issue Timely Warnings (Crime Alerts) for the above listed crimes if:

1. Local Law Enforcement apprehends the subject(s) and the threat of imminent danger for members of the Gateway community has been mitigated by the apprehension.
2. A report was not filed with Local Law Enforcement, or a Campus Security Authority was not notified of the crime in a manner that would allow the department to post a timely warning for the community. A general guideline will include a report that is filed more than ten days after the date of the reported incident may not allow Local Law Enforcement/Campus Security to post a timely warning to the community. This type of situation will be evaluated on a case by case basis.

Public Safety Advisories may be distributed for crimes (ex. a pattern of larcenies or vandalism cases) that do not rise to the level of causing a serious or continuing threat to the Gateway community. In addition, they may be distributed for other safety concerns (mulch fires, etc.).

EMERGENCY NOTIFICATION PROCEDURE

In the event of an emergency, Gateway Technical College will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the College’s community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors.

Emergency Notifications: Notice to all members of the campus community of an emergency or dangerous situation that poses an immediate threat to the health or safety of students, employees, or others on campus. Examples of emergency or life-threatening situations that may require an emergency situation include, but are not limited to:

- Active shooter situations/persons with dangerous weapons
- Threats of violence
- Bomb threats
- Fire and/or power outages
- Weather-related emergencies
- Serious acts or threats to campus-owned or personal property

Security staff are responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with campus administrators, local first responders and/or the national weather center.

An Emergency Notification will be used when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health and/or safety of the community occurring on campus. The notification may contain only the information that is reasonably necessary to promote the safety of the college community as dictated by the situation. Gateway Technical College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the judgment of the first responders (including, but not limited to: Department of Security, local law enforcement, and/or the local fire and emergency medical services), compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

The decision to draft, write, and issue an Emergency Notification will be made by the Director of Safety and Security, or any member of the Crisis Communication Team (refer to the “Crisis Communication Team Membership” section below). In an extreme emergency, the Director of Safety and Security or designee will be the sole individual to write and send an emergency notification and will use some or all of the systems described below to communicate the threat to the Gateway Technical College community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The Crisis Communications Team will determine which population segments need to be notified.

Crisis Communications Team Membership:

President or designee
Vice President, Community and Government Relations
Dean, Campus Affairs (for affected campus)
Director, Marketing and Communications
Director of Safety and Security
Manager, Communications and Media Relations

Upon receiving pertinent information of an emergency situation that requires an immediate response, the Director of Safety and Security will initiate an emergency convening of the Crisis Communications Team without delay to implement the notification process. The information may be disseminated to the college community via a variety of communication mediums. The college will use, but not limited to, one or more of the following means:

- RAVE System (referred to as AlertME and AlertUS Beacons – includes email messages, sirens, and messages to cell phones registered in the college’s emergency alert service)
- Posting message on Website and social media platforms
- Desktop Notification Message to college owned computers (with software feature)
- Fire Alarm (where available)
- Public announcements to media agencies (i.e. news and radio)
- Postings and signs in highly visible locations throughout the college
- If any of these systems fail or the College deems it appropriate, in-person communication may be used to communicate an emergency.

Gateway Technical College students, staff, and faculty are automatically enrolled into receiving emergency text and voice messaging if they have a cell phone number on file at “My Gateway.” Visitors can opt-in for emergency text and voice messaging, by visiting www.gtc.edu/alertme.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Gateway Technical College homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. If an emergency notification is issued, an institution is not required to issue a Timely Warning Notification for the same circumstance however, the institution must provide adequate follow-up information to the community as needed.

Once the situation no longer poses a threat, an "all clear" message will be transmitted to the college community utilizing the same methods used for dispersal of the notice. Furthermore, any required follow-up information will be distributed using some or all of the identified communications systems as identified above (except fire alarm).

Individuals can report emergencies occurring on Gateway Technical College property by calling the campus security office whose numbers are listed under the Quick Reference heading.

Off-Campus Emergencies

Gateway Technical College officials sometimes receive emergency information from our local law enforcement partners regarding incidents that could impact our college community. When appropriate, the Department of Security will notify the college community of off-campus threats that could represent a serious or continuing threat to students, employees, and visitors.

Emergency Response & Evacuation Procedures

The Gateway Technical College Emergency Response Plans are designed to provide a resource for Gateway Technical College employees, students and community members and to assist with providing information and guidelines in planning and responding to a crisis. The plan outlines incident priorities, campus organization and specific responsibilities of certain departments on campus. While the plan does not cover every conceivable contingency situation, it does supply the basic guidelines necessary to respond to most campus emergencies. Gateway Technical College units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to the Director of Safety and Security, davisda@gtc.edu, 262-564-2812.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Gateway Technical College regularly conducts fire drills requiring evacuation of its facilities. These tests may be announced or unannounced. These drills are used to: familiarize community members to the audible and visible

evacuation signals and the exit routes available to use in the event of a fire or other situation that may require immediate evacuation; evaluate the performance of the employees and the evacuation procedures for effectiveness.

Emergency Evacuation Procedures

The emergency evacuation procedures are tested each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The campus security team may not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Security staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Gateway Technical College, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. Evacuation is mandatory for all individuals when the fire alarm is sounding. Anyone who fails to evacuate may face disciplinary action.

General Evacuation Procedures

Once a fire alarm sounds, do not assume that a fire alarm is a drill or false alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and dial 911. Remain calm and evacuate the facility. Do NOT use elevators, use the stairs. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Security Staff or the responding Fire Dept. of the individual's location. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles. Make sure all personnel are out of the building.

Remember to follow the instructions of the emergency first responders. If you have any information regarding the alarm, present that information immediately to the responding emergency personnel. While evacuating, remain attentive for dangerous or criminal activity that may be associated with the evacuation notice. Do not re-enter the facility until authorized by a member of the campus facilities department, security officer or a college administrator.

Co-located with the *ALERTUS* beacons are building maps that display the location of building egress routes, location of fire extinguishers, fire alarm pull stations and defibrillators. In the event of severe weather, campus locations have been identified with a wall mounted "flag" sign holder as severe weather refuge areas. The Emergency Response Guide is available on the Security web page and can be viewed at www.gtc.edu/safety-and-security. Please review the guide regularly to be prepared in the event of an emergency.

Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, the campus security team, other College employees, local law enforcement, other emergency service agencies, or other authorities utilizing the College’s emergency communications tools.

How to “Shelter–in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to the campus security team so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Security Awareness and Crime Prevention Programs

Gateway Technical College is committed to a safe and secure learning environment. This is achieved by providing training and information to both students and employees employing various methods. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. During the 2022-2023 academic year, the college offered 2 sessions relating to Title IX and VAWA for employees; three sessions relating to Title IX, VAWA, Security, and the CARE team for new students for employees, Promise students, and the parents of Promise students. In addition, the college provided one session of Bringing in the Bystander training.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in the various offered programs are asked to be alert, security-conscious and involved and advised to call the Department of Security to report any suspicious behavior. For additional information regarding different awareness seminars or programs, contact the Director of Safety and Security at 262-564-2812.

Crime Prevention

Students

The first action of prevention and awareness occurs during new student orientation, which occurs at the beginning of each semester at each campus location. Incoming students are educated via an online orientation program and first-semester class as to how to remain safe while on campus, securing valuable belongings, being prepared in the event of an emergency, how to report incidents and crimes and who to report to, the role of the CARE team and confidential counselors, what the Violence Against Women Act is and the role of Title IX (i.e. Dating Violence, Domestic Violence, Sexual Assault and Stalking), procedures for getting help should you encounter any form of sexual harassment.

Employees

The first action of prevention and awareness occurs during new employees Gateway Journey and the New Faculty Institute. New employees are taught about the college's emergency response procedures, how to remain safe on campus, how to report incidents and crimes and who to report to, the role of the CARE team and other resources available to students in need, what the Violence Against Women Act is and the role of Title IX (i.e. Dating Violence, Domestic Violence, Sexual Assault and Stalking), procedures for getting help should employee's encounter any form of sexual harassment or assault. All new full and part-time employees are required complete a two hour in-person class on sexual harassment and discrimination; casual and temporary employees complete an online version with the same information as the in-person class, and adjunct faculty are encouraged to complete an online version of with the same information as the in-person class. Adjuncts, casual, and temporary employees also receive a letter that defines Title IX and VAWA, lists prohibited behaviors, and informs them about when and how to make a report. In addition, the Office for Equal Opportunity and Civil Rights sends out a near monthly newsletter that addresses civil rights and sexual harassment related topics.

Ongoing Prevention and Awareness Programs

Students

Seminars, workshops and informational documents were offered to students regarding Title IX, sexual assault, Domestic Violence, harassment and stalking prevention and awareness, and bystander intervention throughout the year. In addition, campus public safety announcements are made to keep students aware of on-going trends as well as engaged in their own personal safety to help prevent future incidents. In April and October of each year, the Office for Equal Opportunity and Civil Rights brings awareness to VAWA and Tile IX through Title IX Awareness Month activities.

Employees

Various seminars are offered multiple times per year on the topics of Safety, Security, Title IX, Suicide Prevention, Alcohol and Drug Abuse prevention. Special training is provided to employees who hold responsibility for ensuring compliance with Title IX, Clery Act and student conduct. CSAs must complete annual training. Also, at different department and campus meetings the Department of Security provides updates to faculty and staff in attendance on various topics to increase awareness and safety. Campus public safety announcements are made throughout the year to keep employees engaged in their own personal safety. In April and October of each year, the Office for Equal Opportunity and Civil Rights brings awareness to VAWA and Tile IX through Title IX Awareness Month activities.

Alcohol and Drug Policy

Gateway Technical College prohibits the unlawful or unauthorized possession, sale, manufacture, distribution, dispensation, use, and sale of alcoholic beverages and illegal drugs on campus. The Director of Safety and

Security has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

Drug Free Schools and Communities Act

In compliance with the Drug Free Schools and Communities Act, Gateway Technical College publishes information regarding the college's prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and Gateway Technical College policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for Gateway Technical College students and employees. A complete description of these topics, as provided in the Gateway Technical College's annual notification to students and employees, is available online at gtc.edu/daapp.

Student Code of Conduct

POLICY

1. The Gateway District recognizes that in order to operate a meaningful educational program and a safe environment for students and staff, this Code of Conduct will be followed.
2. The Gateway District believes every student has the right to pursue an education free from disruption, harassment, illegal activities, threats, or danger. The District further believes that academic honesty and integrity are fundamental to the educational mission of this College. Every student is expected to comply with the standards set and to be familiar with all the rules, regulations, and policies of Gateway Technical College.
3. On a daily basis, any student or group of students may be denied access to the classroom upon the instructor's determination that their behavior impedes student learning, the health and safety of peers, self, or the staff. The instructor will notify the student(s) of their denied access. The dean of campus affairs will also be notified by the end of the working day.

PROCEDURE

Standards

1. Students are expected to comply with all institutional, federal, state, county, and municipal policies, statutes and ordinances.
2. At all times, students are expected to conduct themselves in such a manner as not to interfere with the educational process at Gateway Technical College.
3. Students will conduct themselves in such a manner as not to endanger the safety or welfare of their fellow students.
4. Students must comply with the following and may be subject to discipline, including suspension or dismissal, for the following offenses:
 - a. Obstruction or disruption of the normal operations of the College or activities authorized by the College.
 - b. Physical or verbal abuse, harassment, or detention of any person(s) on school property or at school activities when such endangers the health, safety, or rights of such persons.
 - c. Theft or damage to property of the College or property of any visitor or member of the Gateway Technical College community.
 - d. Unauthorized entry to or use of Gateway Technical College property or facilities.
 - e. Dishonesty, which includes but is not limited to, knowingly furnishing false information to the College, plagiarism, or any form of cheating.
 - f. Use, under the influence of, possession, sale or distribution of narcotic or illegal drugs, firearms, explosives, dangerous chemicals, alcoholic beverages, etc. on Gateway owned or leased property, or

at Gateway sponsored activities.

- g. Possession of a dangerous weapon on school premises or at school-related events.

DISCIPLINE

The following procedures have been developed to deal with a student who has failed to comply with this policy.

- Step 1** Upon receipt of an alleged violation, the appropriate dean of campus affairs will be assigned to investigate the charges. The dean of campus affairs may temporarily suspend a student pending an investigation when the student's continued presence might cause continued academic disruption or endanger the student or others.
- Step 2** If the investigation determines that the college has reasonable cause to believe that a student has pursued a course of conduct which is contrary to Gateway policy and requires sanction(s), the dean of campus affairs may take appropriate action. Within two (2) days from the action, the student shall be given notice in writing, by certified mail or personal delivery, the results of the investigation and the sanctions applied. The notice will also provide the information necessary for the student to appeal the sanctions if he/she wishes.
- Step 3** If the student appeals the sanctions, he/she must notify the executive vice president/provost in writing within three (3) working days of receipt of the letter. The student will be notified in writing, by certified mail or personal delivery, of the time and place of the hearing before a disciplinary committee composed of the executive vice president/provost or designee, a staff member, and a student. Said hearing shall be held no less than two (2) working days nor more than seven (7) calendar days from the date the student receives the above notice of hearing. The student shall be provided the name(s) of the witness(es) testifying against him/her and a copy of the initial investigation results that was conducted by the dean of campus affairs.
- Step 4** At any hearing before the disciplinary committee, the student shall have the right to present testimony on his/her own behalf, call witnesses, and be represented by legal counsel of his/her choosing.
- Step 5** The committee shall issue a dated, written order (to the student) informing the student of the decision. The order may be personally delivered or sent certified mail.

NON-ACADEMIC SANCTIONS

The following sanctions may be imposed to students who fail to comply with this policy.

- Warning: Issued to a student who has committed a minor violation of this policy and doesn't pose a continued concern for the college.
- Disciplinary Probation: Issued to a student who has committed a violation of this policy and will face additional sanctions if any additional violations occur during a specified time frame.
- Suspension: Issued to a student, for a specified time frame, who has committed a major, egregious or continued violation(s) of this policy.
- Dismissal: Permanent removal, issued to a student who has committed a major, egregious or continued violation(s) of this policy.
- Restriction: Issued to a student who has committed a violation of this policy and the resolution is a limitation on the student's access to identified services, locations, education, community activities or persons and issued for a specified time frame.
- Restitution: Issued to a student who has committed a violation of this policy that resulted in staff, institutional or another student's financial loss. May be issued as a condition of return or continued

attendance in the college.

- Referral: Issued to a student who has committed a violation of this policy and it's determined that continued participation at the college is contingent upon the student attending designated services (college or private vendor) or programs. May be issued for a specified time frame or as permanent and may be issued as a condition of return or continued attendance in the college.
- Loss of Privileges: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance in the college with permanent limitations on the student's access to identified service, location, or educational community activities.
- No Contact: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance in the college with permanent limitations on the student's access/contact with an identified individual(s) or groups of student and/or staff.

These sanctions are not meant to be progressive in nature. A student may be issued one or more of these sanctions in response to an incident. The college will determine the level of sanction based on the severity of the incident or series of incidents.

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Gateway Technical College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, Gateway Technical College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:

Procedures Gateway Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant¹ and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonable

available, regardless of whether the victim chooses to report the crime to the Office for Equal Opportunity and Civil Rights or local law enforcement. Students and employees should contact the Office for Equal Opportunity and Civil Rights at compliance@gtc.edu or 262-564-3062.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with referrals for medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No Contact Directive” to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for a Restraining Order 9. Institution will provide a copy of the college’s policy on Equal Opportunity, Sexual Harassment, and Civil Rights to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for a Restraining Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No Contact Directive” to accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant

	<ol style="list-style-type: none"> 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No Contact Directive" to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for a Restraining Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No Contact Directive" to accused party if deemed appropriate

H-110: Equal Opportunity, Civil Rights, and Sexual Harassment

1. Office for Equal Opportunity and Civil Rights

The Office for Equal Opportunity and Civil Rights (synonymous with “Gateway” throughout this policy) is comprised of the Director of Compliance, who serves as the Title IX & ADA Coordinator and Affirmative Action Officer, and the Vice President of Diversity, Equity, and Inclusion, who serves as the Equal Opportunity Officer. The Equal Opportunity Officer’s primary role is to provide review and final approval of investigation reports, excluding those related to Title IX Sexual Harassment, that are completed by the Director of Compliance/Director of Compliance/Title IX Coordinator. The Director of Compliance is primarily responsible for managing the day-to-day operations of the Office and addressing discrimination complaints (i.e. investigation and resolution), assuring compliance with applicable civil rights and employment laws, reviewing and approving investigation reports, and prevention training and education. The Director of Compliance has the primary responsibility for coordinating Gateway’s efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. In addition, the Director of Compliance maintains the college’s equal opportunity and civil rights policies and procedures.

Additional Title IX/Civil Rights team members include

- Amanda Robillard, Manager of Customer Relationship Management (CRM) Technology, serves as an investigator and as the Deputy Director of Compliance/Title IX Coordinator. The Deputy Director of Compliance/Title IX Coordinator fulfills the roll of the Director of Compliance/Title IX Coordinator when the Director of Compliance/Title IX Coordinator is unavailable or designates such responsibilities.
- Maxwell Banor, Associate Dean of General Studies, serves as a civil rights investigator.
- Jason Pruitt, Career and Employment Services Manager, serves as a civil rights investigator.

The Director of Compliance, Equal Opportunity Officer, and other members of the Title IX/Civil Rights team act with independence and authority free of conflicts of interest and bias that impacts the investigation or adjudication. The Director of Compliance oversees all resolutions under this policy and acts to ensure that all Institution representatives act with objectivity and impartiality and are assessed with respect to conflicts of interest and/or potential bias. When there is an identified conflict of interest, the conflicted individual will not make substantive decisions regarding the case and will delegate those decisions to another qualified member of the Title IX/Civil Rights team. To raise any concern involving a conflict of interest or bias by the Equal Opportunity Officer or Director of Compliance, contact the President of the college, Bryan Albrecht, at albrechtb@gtc.edu or, to raise a concern involving a conflict of interest or bias about any other member of the Title IX team, contact the Director of Compliance.

Allegations of violations of policy, or inquiries about or concerns regarding this policy and procedure, may be made internally to:

Joshua Vollendorf
Director of Compliance
Title IX & ADA Coordinator/Affirmative Action Officer
1001 S. Main Street, L101
Racine, WI 53403
262-564-3062
vollendorfj@gtc.edu

3. Glossary

These terms are used in policies H-110, H-120, and H-130.

- Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic; or retaliation for engaging in a protected activity.
- Complaint (formal) means a document submitted or signed by a Complainant or signed by the Director of Compliance/Director of Compliance/Title IX Coordinator alleging harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity against a Respondent and requesting that Gateway investigate the allegation.
- Confidential Resource means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- Day means a business day when Gateway is in normal operation.
- Directly Related Evidence is evidence connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.
- Decision-maker means the person who hears evidence, determines relevance, and make the final determination of whether this policy has been violated and/or assigns sanctions.
- Director of Compliance/Director of Compliance/Title IX Coordinator are interchangeable titles that refer to one position that is designated by Gateway to ensure compliance with Title IX and other anti-discrimination laws and Gateway's Title IX & equal opportunity programs. References to the Coordinator or Director of Compliance throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- Education program or activity means locations, events, or circumstances where Gateway exercises substantial control over both the Respondent and the context in which the Sexual Harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Gateway.
- Equity Resolution Process means a method of administrative resolution of discrimination and misconduct complaints that relate to protected class discrimination with the exception of cases that fall under 34 CFR §106.30 (all forms of Sexual Harassment).
 - Final Determination: A conclusion by the standard of proof that the alleged conduct did or did not violate policy.
 - Finding: A conclusion by the preponderance of evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- Formal Complaint means a document submitted or signed by a Complainant or signed by the Director of

Compliance/Title IX Coordinator alleging a Respondent engaged in Sexual Harassment or retaliation for engaging in a protected activity and requesting that Gateway investigate the allegation(s).

- Formal Grievance Process refers to policy H-130: Title IX Grievance Procedure, and is a method of formal resolution designated by Gateway reserved for Sexual Harassment claims, and which complies with the requirements of the Title IX Regulations (34 CFR §106.45) and the Violence Against Women Act § 304.
- Grievance Process Pool includes any investigators, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- Hearing Officer refers to the person who has decision-making and sanctioning authority within Gateway's Formal Grievance process.
- Investigator means the person or persons charged by Gateway with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence for Title IX Sexual Harassment cases. In non-Title IX Sexual Harassment cases, the investigator also completes a credibility assessment, finding of fact, conclusion, and makes recommendations for sanctions in all other cases.
- Mandated Reporter means an employee of Gateway who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Director of Compliance/Director of Compliance/Title IX Coordinator.
- Notice means that an employee, student, or third-party informs the Director of Compliance/Director of Compliance/Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- Official with Authority (OWA) means an employee of Gateway explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Gateway.
- Parties means the Complainant(s) and Respondent(s), collectively.
- Relevant Evidence: Relevant Evidence is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- Remedies are post-final determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Gateway's education program.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic; or retaliation for engaging in a protected activity under this policy.
- Resolution means the result of an informal or formal grievance/resolution process.
- Sanction means a consequence imposed by Gateway on a Respondent who is found to have violated this policy.
- Sexual Harassment is an umbrella category including the offenses of Sexual Harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 14(a) for greater detail. Sometimes the

term sexual misconduct is used interchangeably with Sexual Harassment.

- Student means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Gateway.
- Title IX Team refers to the Director of Compliance/Director of Compliance/Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.
- Unwelcome: Though assessed in a variety of ways, it is generally behavior that is not wanted, not welcome, and not reciprocated.

4. Scope of this policy

Gateway Technical College (“Gateway” or the “College”) affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. Gateway is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, Gateway has developed internal policies and procedures that will provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected status. Gateway values and upholds the equal dignity of all members of its community, and strives to balance the rights of the parties in what is often a difficult time for all those involved.

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass Sexual Harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged policy violation of this anti-discrimination policy is reported, the allegations are subject to resolution using H-130: Title IX Grievance Procedures for Title IX Sexual Harassment cases or H-120: Equity Resolution Procedure for non-Sexual Harassment cases, as determined by the Director of Compliance/Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Gateway’s community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Gateway community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

This policy applies to all allegations that occur from the date it went into effect. Allegations made prior to that date, regardless of when they are reported, are processed under the policy in effect at the time of the allegation and utilize the current resolution process applicable to the allegations.

5. Reporting Discrimination, Harassment, Sexual Harassment and Retaliation

Anyone who believes that the policy on Equal Opportunity, Civil Rights, and Sexual Harassment has been violated should file a report or contact the Director of Compliance. Reports of discrimination, harassment (including sexual assault, dating violence, domestic violence, and stalking) and/or retaliation may be made using any of the following options. Reports can be made in-person during business hours and any time

electronically (Maxient, e-mail, US mail, or phone).

- Report online, using the Incident (Maxient) reporting form located at gtc.edu/TitleIX and gtc.edu/eeo.
- Report directly to the Office for Equal Opportunity and Civil Rights at 262-564-3062, vollendorffj@gtc.edu, or in-person at the Racine Campus, Lake Building, Room L101B.
- File an incident report with a Campus Security Officer (Racine/iMet: 262-619-6208; Kenosha/Horizon/Lakeview: 262-564-2208; Elkhorn/Burlington: 262-741-8208)

Anonymous reports are accepted but can give rise to a need to investigate. Gateway provides supportive measures to all Complainants, though doing so is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Gateway respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Gateway to discuss and/or provide supportive measures.

Formal Complaint means a document submitted or signed by the Complainant or signed by the Director of Compliance/Title IX Coordinator alleging a policy violation by a Respondent and requesting that Gateway investigate the allegation(s). A formal complaint may be filed with the Director of Compliance/Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Gateway) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that Gateway investigate the allegations.

Allegations of misconduct, discrimination, harassment or retaliation committed by the Director of Compliance, Vice President of Diversity, Equity, and Inclusion, or President should be sent to the law offices of Quarles & Brady at lindsey.davis@quarles.com or sean.scullen@quarles.com. To ensure an equitable, fair, and objective investigation, Quarles & Brady, or a third party designated by Quarles & Brady, will conduct the initial assessment and investigation, should one be required.

Upon completion of the initial assessment and a determination that there is not a likely policy violation, Quarles & Brady (or its designated third party) will provide a written justification of this decision to the reporting party and the Office for Equal Opportunity and Civil Rights. Should Quarles & Brady (or its designated third party) determine that the allegations indicate a likely policy violation, a copy of the final investigation report will be sent to the reporting party and the Office for Equal Opportunity and Civil Rights (or the Vice President Diversity, Equity, and Inclusion if the Director of Compliance is the responding party).

Inquiries may be made externally to:

Employee complaints regarding employment discrimination and those relating to an employee (or a student when the Oliveras* test is met):

Wisconsin Equal Rights Division (DWD)
PO Box 7997
Madison, WI 53707-7997
608-266-3131
dwd.wisconsin.gov/er/civilrights/

AND/OR

Equal Employment Opportunity Commission (EEOC)
Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203-2292
eoc.gov
Phone: 1-800-669-4000
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122

Student and/or employee or third-party complaints regarding discrimination in the college's education program or activities:

U.S. Department of Education Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
ocrcas.ed.gov
Telephone: (312) 730-1560
Email: OCR.Chicago@ed.gov

Students may also file a complaint relating to disability discrimination in post-secondary education with the Wisconsin Equal Rights Division or on any protected characteristic under the WFEA when the Oliceras test is met.

*The Oliveras decision requires that for the Equal Rights Division to have jurisdiction under the provisions of the Act, three requirements must be satisfied: (1) the complaint must allege that an actual or potential "employee" or "applicant for employment or licensing" has been unlawfully discriminated against; (2) the complaint must name as respondent a party who is an "employer," a "labor organization," a "licensing agency," or a "person" within the meaning of the Act; and (3) the complaint must allege a sufficient nexus between the discrimination complained of and the denial or restriction of some employment opportunity.

There is no time limitation on providing notice/complaints to the Office for Equal Opportunity and Civil Rights. However, if the Respondent is no longer subject to Gateway's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on allegations significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Director of Compliance/Director of Compliance/Title IX Coordinator, who may document allegations for future reference, offer supportive measures, and/or engage in informal or formal action, as appropriate. When notice/complaint is affected by significant time delay, Gateway will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint. Those versions are available from the Office for Equal Opportunity and Civil Rights.

Mandated reporting of policy violations

All Gateway employees, including casual, temporary, and student employees, have a duty to report allegations of discrimination, harassment, sexual misconduct, and/or retaliation, unless exempted from doing so under the "Confidential Reporting" section below, that they observe or have knowledge of, even if not

reported to them by the Complainant or third-party. All employees shall promptly file a Maxient Incident Report within 48 hours of becoming aware of such information. Failure of a non-confidential employee to report an incident or incidents of discrimination, harassment, sexual misconduct or retaliation of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply. Confidentiality and mandated reporting are addressed more specifically later in this policy

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations, and these employees will immediately pass reports to the Director of Compliance/Director of Compliance/Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Gateway is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves. Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Director of Compliance by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal College action.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Director of Compliance/Director of Compliance/Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Director of Compliance/Director of Compliance/Title IX Coordinator has ultimate discretion over whether Gateway proceeds when the Complainant does not wish to do so, and the Director of Compliance/Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Director of Compliance/Director of Compliance/Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Gateway to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Gateway may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Director of Compliance/Director of Compliance/Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Gateway's ability to pursue a Formal Grievance or Resolution Process fairly and effectively.

When the Director of Compliance/Title IX Coordinator executes the written complaint, they do not become

the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When Gateway proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that Gateway's ability to remedy and respond to notice may be limited if the Complainant does not want Gateway to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the Gateway's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Gateway to honor that request, Gateway may offer informal resolution options (as appropriate and applicable), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Gateway, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence or present issues with respect to the status of the parties.

Privacy

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to Office for Equal Opportunity and Civil Rights, Campus Safety and Security, Human Resources, Campus Dean, and the CARE Team. Information will be shared as necessary with investigators, witnesses and the responding party.

Information will be shared as necessary with investigators, Decision-makers, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under H-120: Equity Resolution Process or H-130: Title IX Grievance Procedure.

The Director of Compliance/Director of Compliance/Title IX Coordinator reserves the right to determine which Gateway officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

All reports are acted upon promptly while every effort is made by the College to preserve the privacy of reports. Regardless of whether the reporting party has opted-out of allowing the College to share "directory information," personally identifiable information about the reporting party and witnesses will be treated as private, and shared with those on a "need to know" basis. In cases where a formal complaint is filed and the reporting party wishes to proceed with a resolution, the responding party will be provided with the name of the reporting party, the nature of the allegations, and the names of witnesses provided. Likewise, the

responding party's list of witnesses will be shared with the reporting party.

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Gateway must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Gateway will ensure that a Complainant'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 potential danger.

Federal Reporting Obligations

Certain institutional officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- All “primary crimes,” which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA -based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with campus security regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. Gateway does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld. Campus Security Authorities are addressed in more detail in Gateway's policy H-106: Clery Act Compliance.

Amnesty

The Gateway community encourages the reporting of harassment, discrimination, and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident.

It is in the best interests of the Gateway community that reporting parties choose to report to Gateway officials, and that witnesses come forward to share what they know. To encourage reporting, Gateway maintains a policy of offering reporting parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs - related to the incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a

Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to campus security).

Gateway maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, Gateway may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees: Sometimes, employees are hesitant to report harassment, discrimination, or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the unethical relationship provision of this policy and is then assaulted in the course of that relationship might hesitate to report the incident to College officials.

Gateway may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

6. Jurisdiction of this policy

This policy applies to the employment and education programs and activities of Gateway, to conduct that takes place on the campus or on property owned or controlled by the Gateway, at Gateway-sponsored events, or in buildings owned or controlled by Gateway's recognized student organizations. This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Gateway's education program and activities or benefits and opportunities of employment. Gateway may also extend jurisdiction to off-campus and/or to online conduct when the Director of Compliance/Director of Compliance/Title IX Coordinator determines that the conduct affects a substantial Gateway interest. Regardless of where the conduct occurred, Gateway will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off-campus sponsored program or activity.

A substantial Gateway interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the College as determined by the Director of Compliance.

If the responding party is unknown or is not a member of the Gateway community, the Director of Compliance/Director of Compliance/Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report. In addition, Gateway may take other actions as appropriate to protect the reporting party against such third parties, such as barring the latter from

Institution property and/or events. All vendors serving the college through third-party contracts are subject to the policies and procedures of their employers. Further, even when the Respondent is not a member of Gateway's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Director of Compliance/Director of Compliance/Title IX Coordinator.

When the responding party is enrolled in or works at another Institution, the Director of Compliance/Director of Compliance/Title IX Coordinator can assist the reporting party in liaising with the appropriate individual for that Institution, as it may be possible to pursue action under that Institution's policies.

Similarly, the Director of Compliance/Director of Compliance/Title IX Coordinator may be able to assist and support a student or employee reporting party who experiences discrimination in an externship, study abroad program, or other environment external to the Institution where Sexual Harassment policies and procedures of the facilitating organization may give recourse to the reporting party. Further, even when the responding party is not a member of Gateway's community, remedies and resources can be accessed by contacting the Director of Compliance or by visiting gtc.edu/TitleIX.

The policies of Gateway are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the Gateway's education program and activities or use Gateway's networks, technology, or equipment.

Although Gateway may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Gateway, it will engage in a variety of means to address and mitigate the effects where possible.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute nude or semi-nude photos or recordings, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Gateway community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the Gateway's control (e.g., not on Gateway networks, websites, or between Gateway email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by Gateway only when such speech is made in an employee's official or work-related capacity.

7. Gateway's Policy on Non-Discrimination

Gateway adheres to all federal and state civil rights laws and their implementing regulations prohibiting discrimination and in public institutions of higher education. These laws include but are not limited to Title IX of the Educational Amendments, Section 504 of the Rehabilitation Act, the Wisconsin Fair Employment Act, the Civil Rights Act of 1964, the Americans with Disabilities Act, Wisconsin Statute 106.56 (Postsecondary education: prohibition against discrimination on basis of physical condition or developmental disability), the Pregnancy Discrimination Act, the Equal Pay Act of 1963, the nondiscrimination provision of the Immigration and Nationality Act, the Age Discrimination in Employment Act of 1967, the Uniformed Services Employment

and Reemployment Rights Act of 1994, and the Genetic Information Nondiscrimination Act of 2008.

To provide equal employment, advancement, and learning opportunities to all individuals, employment and student admission decisions at Gateway will be based on merit, qualifications, and abilities. Gateway does not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of age, ancestry, arrest or conviction record, color, creed, disability, gender identity or expression, marital status, membership in any reserve component of the armed forces, union affiliation, national origin, parental status, pregnancy, political affiliation, race, religion, sex, sexual orientation, veteran status (including disabled veteran; recently separated veteran; active-duty, wartime, or campaign badge veteran; and Armed Forces Service Medal veteran), viewpoint expression, or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies. You can see a list of definitions for each of these protected classes in Appendix B.

The above protected characteristics are governed by various state and federal law. Application and governance of this policy relating to any of the above protected characteristics is governed in accord with the applicable law(s) governing the specific protected characteristic. For example, arrest and conviction record discrimination is prohibited by the Wisconsin Fair Employment Act (WFEA) and generally applies only to applicants for employment and employees.

This policy covers nondiscrimination in all aspects of employment and in access to educational opportunities and protects the rights of those engaging in activities protected by civil rights laws. Therefore, any member of the campus community who acts to deny, deprive or limit the educational or employment access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their actual or perceived membership in the protected characteristics listed above is in violation of Gateway's nondiscrimination policy. When brought to the attention of the College, any such discrimination will be appropriately addressed and remedied by the College according to the procedures described in this and referenced policies. Non-members of the campus community who engage in discriminatory actions within Gateway's programs or on College property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with the College. All vendors serving the College through third-party contracts are subject by those contracts to Gateway policies and procedures, in addition to any in place through their employment.

8. Gateway's Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Gateway's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include relevant, but controversial or sensitive subject matters protected by academic freedom. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Gateway policy, though remedies may be offered to those impacted. All policies encompass actual and/or attempted offenses.

Discriminatory Harassment

Discriminatory harassment—defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristic protected by policy or law—is a form of prohibited

discrimination under this policy. Gateway does not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. Gateway will remedy all forms of harassment, including by imposing sanctions on the harasser through application of the Equity Resolution Process or Formal Grievance Procedure, as applicable. Gateway's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community, when that conduct creates a hostile environment.

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

Any employee, student, visitor, or guest who is affected by unwelcome harassing conduct is encouraged to make a report so that the College can offer assistance and resources. Where conduct does not rise to the level of creating a hostile environment, the College may invite persons alleged to be responsible to meet and discuss remedial actions, education, and/or effective conflict resolution mechanisms. Participation in such actions is voluntary.

9. Gateway's Policy on Affirmative Action

Gateway is committed to affirmative action for women, minorities, veterans, and disabled individuals in employment and academic advancement. The college completes a comprehensive affirmative action plan every year and uses this data to guide placement goals relating to these groups. Placement goals, when indicated, are neither rigid nor inflexible goals that set a ceiling or floor for employment of particular groups. Goals do not create set-asides for employment groups nor are they intended to achieve proportional representation or equal results. Goals do not supersede objective criteria and merit selection principles. All employment decisions are made in a nondiscriminatory manner and placement goals are not used to extend a preference to any individual or adversely affect an individual employment status on the basis of race, sex, religion, etc. In addition, the college conducts an adverse impact analysis to identify possible barriers to employment for all groups to ensure equal employment opportunity.

Gateway's Director of Compliance has been designated as the Affirmative Action Officer and will share relevant information relating to the affirmative action plan with human resource leaders and other members of the college and the public through various methods. Select information regarding the affirmative action plan will be published on the college's website at gtc.edu/eeo.

10. Gateway's Policy on Accommodation of Disabilities

Gateway is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other applicable federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA defined a major life activity as are those functions that are important to most people's daily lives and include breathing, walking, talking, hearing, seeing, sleeping, caring for one's self, performing manual tasks, and working.

Under the WFEA (as it applies to employees), an individual has a disability when he or she has a physical or mental impairment which makes achievement unusually difficult or limits the capacity to work. An impairment "makes achievement unusually difficult" when it limits a person's major life activities such as

seeing, hearing, walking, learning, and working. An impairment "limits the capacity to work" when the restrictions imposed by the impairment limit the individual's ability to perform the particular job in question. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not.

Neither the ADA or WFEA require an employer to lower or disregard production or performance standards because an employee with a disability cannot meet standards due to a disability-related reason. The ADA and Section 504 of the Rehabilitation Act do not require the College to lower or disregard academic or performance standards for students with a disability cannot meet standards due to a disability-related reason.

The Director of Compliance has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance. Grievances related to disability status and/or accommodations for both students and employees will be addressed using policy H-120: Equity Resolution Process.

Students with Disabilities

Gateway is committed to providing qualified students with disabilities with reasonable accommodation(s) and support needed to ensure equal access to the academic programs and activities of the College. All accommodations are made on a case-by-case basis. A student requesting an accommodation should first contact Disability Support Services (DSS) (<https://www.gtc.edu/disability-support-services>) who coordinates services for students with disabilities. The Disability Services Instructor reviews documentation provided by the student and, in consultation with the student and other College faculty and staff (as necessary and appropriate), determines which reasonable accommodations are appropriate to the student's particular needs and academic programs in accordance with applicable college policies.

Applicants and Employees with Disabilities

Pursuant to the ADA and WFEA, Gateway will provide reasonable accommodation(s) to all job applicants and qualified employees with disabilities who request accommodations and where their disability makes achievement unusually difficult, limits their capacity to work, and/or impacts their ability to perform the essential functions of their job, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation request in writing or electronically using the Accommodation Request Form found on the Compliance intranet page (gtc.edu/compliance) and submitting the completed form, along with appropriate documentation, to the Office for Equal Opportunity and Civil Rights. The Director of Compliance/ADA Coordinator or designee will work with the employee's supervisor to identify which job functions or tasks are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with applicable Gateway policies.

While disability accommodation requests are managed with a high level of confidence, the Director of Compliance may, in certain circumstances, work with the employee's supervisor and human resources to identify which essential functions of the position are affected by the employee's disability and to implement the specific accommodation. In these situations, only information about the accommodation, and not the medical condition being accommodated, will be shared with these parties.

Service Animals

A person with a disability has a general right of privacy about the disability, and cannot be asked about the nature or extent of the disability. Service animals are defined by the Americans with Disabilities Act as a dog, or, in more limited cases, a miniature horse, that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. The dog must be trained to take a specific action when needed to assist the person with a disability. However, state law defines a service animal as any animal that has been individually trained to do work or perform tasks for the person with a disability. Service animals, which includes guide and signal dogs, are allowed to go anywhere the general public or student is allowed to go with few exceptions. If admitting service animals would fundamentally alter the nature of a service, activities, or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

There is no requirement under state or federal law that a service or support animal be documented in an official registry or wear an identifying vest or identification tag. In addition, students may voluntarily register their service animal with Disability Support Services and include their animal on their accommodation plan.

Emotional support, therapy, comfort, and companion animals are not service animals and are not allowed inside buildings except under specific college-approved circumstances such as when the college brings in therapy dogs during finals week.

Service animals must always be under the control of their handler and their handler is solely responsible for all care of the animal. This means that the animal must be leashed, tethered, or harnessed unless doing so is not possible due to the handler's disability. In such cases, the handler must use voice, signal, or other effective means to maintain control of the animal.

Gateway employees should not inquire about a service animal unless the animal is disruptive, acting dangerous, or otherwise presents a health or safety concern. In such cases, the Gateway employee should contact security or the Office for Equal Opportunity and Civil Rights, and file a Maxient report.

Employees, including campus security, may only ask one question of a person with a service animal: Is the service animal required because of a disability? Federal law allows an additional question, about what work or tasks the animal has been trained to perform. However, this question is not permitted under state law and therefore should not be asked.

Wisconsin law prohibits the following conduct toward a service animal: intentional or reckless harassment, injury, or death of service animals.

11. Gateway's Policy on Language Access

In accordance with Title VI of the Civil Rights Act of 1964, Gateway will take reasonable measures to provide meaningful access to those with Limited English Proficiency (LEP) in the provision of all activities, services, and programs offered or sponsored by the college, to the extent required by law. For the purposes of this policy, LEP is defined as "individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English." Meaningful access is defined as language assistance that results in accurate, timely, and effective communication to the LEP individual. For LEP individuals, meaningful access denotes access that is not unreasonably restricted, delayed, or inferior as compared to access to programs or activities provided to English proficient individuals.

The college will ensure meaningful communication with persons who are LEP and their authorized representatives, as well as providing for communication of information contained in vital documents. Gateway will provide all interpreters, translators, and other aids needed to comply with this policy without cost to persons accessing services. The college will provide language assistance through the use of competent bilingual staff, contracts or formal arrangements with organizations providing interpretation or translation services, or technology and telephonic interpretation services.

Requests for language access services should be made to the Office for Equal Opportunity and Civil Rights.

12. Training and prevention programming

Gateway provides all students and employees with the opportunity to complete training that focuses on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, stalking, and other forms of discrimination. Primary programming is provided to incoming and existing employees through the Title IX for Employees workshop and for incoming and existing students online through the Know Your (Title IX) Rights training. In addition, ongoing programming is provided to employees and students through such campaigns and events, including but not limited to, tabling events, presentations to students and employees, awareness campaigns (i.e. sexual assault awareness month and domestic violence awareness month), and bystander intervention training.

Primary programming offered in 2022 included:

Program	Audience	Dates Offered
Title IX and Civil Rights for Employee.	Employees	2/17/22, 4/20/22, 6/23/22, 8/24/22, 12/12/22
Title IX for adjuncts and casual employees.	Employees	On-demand
Civil Rights training for Supervisors	Employees	On-demand, assigned to all existing and new supervisors
Online New Student Orientation – Title IX and Safety	Students	Online, on-demand
Harassment Prevention: A Commonsense Approach	Employees	3/16/22, 5/23/22, 6/28/22, 7/8/22, 8/31/22, 10/20/22, 12/7/22
Stop Gawking, Start Talking Bystander Intervention	Employees & Students	8/8/22

Ongoing programming offered in 2022 included:

Program	Audience	Dates Offered
Title IX/VAWA awareness month social media posts, denim day, and trivia.	Employees & Students	April & October 2022
Title IX/VAWA Stalking Awareness workshop	Employees & Students	4/7/22 & 10/12/22
Title IX/VAWA Healthy relationship workshop	Employees & Students	4/8/22, 10/19/22
Title IX/VAWA Self-defense workshop	Employees & Students	10/27/22

13. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and Wisconsin Equal Rights Division regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Gateway has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community though the specifics of federal (2 U.S.C. 2000e-2) and state (Wisconsin Statute 111.36) are included in this policy.

Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual-based Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Sex-based Harassment

Conduct on the basis of sex/gender, or that is sexual in nature, that is sexual that satisfies one or more of the following:

Quid Pro Quo:

- an employee of Gateway,
- conditions the provision of an aid, benefit, or service of Gateway,
- on an individual's participation in unwelcome sexual conduct.

Sexual Harassment:

- unwelcome conduct,
- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive, that it effectively denies a Complainant equal access to the Gateway's education program or activity or denies an employee the benefits or opportunities of employment.

Under Wisconsin Statute 111.36(1)(b), Sexual Harassment in the employment context includes implicitly or explicitly making or permitting acquiescence in or submission to Sexual Harassment a term or condition of employment; or making or permitting acquiescence in, submission to or rejection of Sexual Harassment the basis or any part of the basis for any employment decision affecting an employee, other than an employment decision that is disciplinary action against an employee for engaging in Sexual Harassment in violation of this paragraph; or permitting Sexual Harassment to have the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, hostile or offensive work environment. Under this paragraph, substantial interference with an employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.

Sexual Harassment by an Employer is committed if a supervisor, manager, or owner of the employer engages in verbal or physical conduct of a sexual nature, whether or not that conduct creates a hostile work environment. In addition,

Sexual assault, defined as:

- Any sexual act, including rape, sodomy, sexual assault with an object, or fondling, directed against a Complainant,
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.

Rape:

- Penetration,
- no matter how slight,
- of the vagina or anus with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant.

Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Dating Violence, defined as:

- violence,
- on the basis of sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the 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, defined as:

- a felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction, and
- includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—
- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- shares a child in common with the victim; or

- 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, defined as:

- engaging in a course of conduct,
- on the basis of sex (or other protected characteristics),
- directed at the Complainant, that
- would cause a reasonable person to fear for the person’s safety, or
- the safety of others; or
- 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Gateway reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy. The most serious offenses are likely to result in suspension/expulsion/termination.

Unethical Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). The relationship may be less consensual than the person who has greater power perceives. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The College 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. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor. Under such circumstances, the College will likely remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual romantic or sexual relationship. While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Gateway reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

14. Legal Definitions

Domestic violence is defined under Wisconsin statute 968.075 (1)(a) as any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

- Intentional infliction of physical pain, physical injury or illness.
- Intentional impairment of physical condition.

A violation of s. 940.225 (1), (2) or (3) [sexual assault statute]

A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.

Wisconsin does not have a separate legal definition of dating violence.

Wisconsin statute 940.32(1)(1) defines **stalking** as a course of conduct, which is a series of two or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

- Maintaining a visual or physical proximity to the victim.
- Approaching or confronting the victim.
- Appearing at the victim's workplace or contacting the victim's employer or coworkers.
- Appearing at the victim's home or contacting the victim's neighbors.
- Entering property owned, leased, or occupied by the victim.
- Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
- Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
- Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
- Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
- Causing a person to engage in any of the acts described in subsd. 1. to 9.

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

Under State of Wisconsin law 940.225, rape is referred to as sexual assault, and is defined as sexual intercourse against the will of the victim that can occur under a variety of circumstances, including:

First degree sexual assault. Whoever does any of the following is guilty of a Class B felony:

- Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
- Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
- Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- Commits a violation under sub. (2) against an individual who is 60 years of age or older. This paragraph applies irrespective of whether the defendant had actual knowledge of the victim's age. A mistake regarding the victim's age is not a defense to a prosecution under this paragraph.

Second degree sexual assault. Whoever does any of the following is guilty of a Class C felony:

- Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
- Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.
- Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
- Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
- Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.
- Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.
- Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
- Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
- Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.
- Is a law enforcement officer and has sexual contact or sexual intercourse with any person who is detained by any law enforcement officer, as provided under s. 968.24, or is in the custody of any law enforcement officer. This paragraph applies whether the custody is lawful or unlawful and

whether the detainment or custody is actual or constructive. Consent is not an issue in an action under this paragraph.

Third degree sexual assault. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

Fourth degree sexual assault. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

The cities of Racine, Elkhorn, Kenosha, and Burlington; the villages of Sturtevant and Pleasant Prairie; and the counties of Racine, Kenosha, and Walworth do not have local ordinances relating to dating violence, domestic violence, sexual assault, or stalking.

15. **Other sexual offenses**

Besides rape, other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

In Wisconsin, sexual consent is defined as words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence:

- A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.
- A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

Complete Wisconsin sexual assault offense definitions can be found in WIS.STAT.940.225:

<http://docs.legis.wisconsin.gov/statutes/statutes/940/II>

16. **Sex Offenders**

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, you can view sex offenders on the Wisconsin Department of Corrections website: <http://offender.doc.state.wi.us/public>. All sex offenders are required to register in the state of Wisconsin and to provide notice of each institution of higher education in Wisconsin at which the person is employed, carries on a vocation, volunteers services or is a student.

In accordance with policy H-110: Equal Opportunity, Civil Rights and Sexual Harassment, students who have been convicted of a sex offense and are required to register with any state as a sex offender registry must disclose this information to the director of security and/or the Office for Equal Opportunity and Civil Rights at by completing the self-disclosure form. The form must be completed by hand and returned by mail to the Office for Equal Opportunity and Civil Rights (1001 Main St., Racine, WI 53403) or by email to compliance@gtc.edu

The purpose of this disclosure is to allow appropriate Gateway staff members to work with the student to address any existing restrictions imposed by probation and/or parole and implement any necessary safety planning. The college does not provide campus notifications of the existence of a sex offender on campus or share this information with anyone who does not have a need to know.

17. Force and Consent

As used in the offenses above, the following definitions and understandings apply:

- **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 (e.g. "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want."). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. 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. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.
- **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. 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.

Consent is:

- knowing, and
- voluntary, and
- clear permission by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on Gateway to determine whether its 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, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, and as a result, Gateway’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including due to alcohol or drug consumption. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

18. **Other Civil Rights Offenses**

In addition to the forms of Sexual Harassment described above, which are covered by Title IX, Gateway additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute Sexual Harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child pornography
- Harm/Endangerment, defined as:
 - threatening or causing physical harm;
 - extreme verbal, emotional, or psychological abuse; or
 - other conduct which threatens or endangers the health or safety of any person or damages their property.
- Discrimination, defined as:
 - actions that deprive, limit, or deny
 - other members of the community
 - of educational or employment access, benefits, or opportunities, including disparate treatment.
- Intimidation, defined as:
 - implied threats or
 - acts that cause the Complainant reasonable fear of harm.
- Hazing, defined as:
 - acts likely to cause physical or psychological harm or social ostracism to any person within the Recipient community,
 - when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy)
- Bullying, defined as:
 - Repeated and/or severely aggressive behavior

- that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- that is not speech or conduct that is otherwise protected by the First Amendment.

Violation of any other Gateway policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristics, and the result is a discriminatory limitation or denial of employment or education access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

19. **Preservation of Evidence**

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. Gateway will inform the Complainant of the importance of preserving evidence by taking the following actions:

Sexual Assault

Seek forensic medical assistance at the [specify] hospital, ideally within 120 hours of the incident (sooner is better).

Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.

Try not to urinate.

If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.

If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container [available from...].

Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

Stalking

Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.

Make a secondary recording of any voice messages and/or save the audio files to a cloud server.

Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook). Save copies of e-mail correspondence, including notifications related to account access alerts.

Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.

Save copies of any messages showing a request for no further contact.

Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Director of Compliance/Title IX Coordinator, the importance of taking these actions will be reiterated, if timely.

20. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Director of Compliance/Director of Compliance/Title IX Coordinator and will be promptly investigated. Gateway will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Gateway and any member of Gateway's community are prohibited from taking or attempting materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint could be considered retaliatory when the charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within H-120: Equity Resolution Process that is not provided by H-130: Title IX Grievance Process. Therefore, Gateway vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

Charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding or equity resolution process under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

21. Remedial Action

Upon notice of alleged discrimination, harassment, sexual harassment (to include dating violation, domestic violence, sexual assault, and stalking), or retaliation, Gateway will provide written notification to the parties and consider and implement appropriate initial remedial, responsive and/or protective actions. Such actions could include but are not limited to: no contact orders, providing counseling services, academic support, student financial aid counseling, providing a campus escort, changes in transportation, changes to academic, living or work schedules, safety planning, and/or referral to campus and community support resources. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to

campus police or local law enforcement. Requests for accommodations or changes to any accommodations (protective measures) can be made with the Office for Equal Opportunity and Civil Rights at 262-564-3062.

The College will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in discriminatory, harassing or retaliatory behavior.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures.

22. Bystander Intervention

Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm, dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- recognizing situations of potential harm;
- understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

The most basic and best action an active bystander can take is to call Security or local law enforcement at 911.

Additional ways to be a prosocial (active) bystander, include:

- Being vigilant by watching out for your friends and fellow students or employees.
- If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.
- Intervening and asking if a person needs help (e.g., "Do you need a ride?" or "Do you want me to call Security or the police?").
- Confronting people who seclude, hit on, and try to make out with, or have sex with people who may be incapacitated.
- Speaking up when someone discusses plans to take sexual advantage of another person.
- Believing someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Encouraging victims to self-report.
- Refer people to on- or off- campus resources listed in this document for support in health, counseling, or with legal assistance.

23. Confidentiality and Reporting of Offenses Under This Policy

All College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination, harassment, sexual harassment (to include dating violence, domestic violence, sexual assault, and stalking) and retaliation to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, Student Support Counselors may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College officials (except in limited circumstances include suspected child abuse or threat of harm to others) – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. They

may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

Employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client. Other resources exist to report crimes and policy violations and these resources will act when an incident is reported to them. If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will promptly pass reports to the Director of Compliance/Director of Compliance/Title IX Coordinator (and/or law enforcement, if desired by the Complainant), who will take action when an incident is reported to them. The following describes the reporting options at Gateway:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

On-campus

Licensed professional counselors (Student Support Counselor)

Elkhorn: 262-741-8300

Burlington: 262-741-8300

Kenosha: 262-564-2300

Racine: 262-619-6300

Off-campus (non-employees):

Licensed professional counselors

Local rape crisis counselors

Elkhorn: 800-365-1587

Burlington: 262-638-6741

Kenosha: 800-236-7188

Racine: 262-638-6741

Domestic violence resources

Elkhorn: 262-723-4653

Burlington: 262-633-3233

Kenosha: 800-853-3503

Racine: 262-633-3233

Local or state assistance agencies

Clergy/Chaplains

All of the above-listed individuals should maintain confidentiality except in extreme cases of immediacy of threat, danger or abuse of a minor. Student Support Counselors are available to help students free of charge and can be seen during normal business hours. For employees, the Employee Assistance Program is available to provide confidential support services and referrals.

Every effort is made by Gateway to preserve the confidentiality of reports. Gateway will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent; or any witness, except as permitted by the Family

Educational Rights and Privacy Act (FERPA) or its implementing regulations, or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Gateway reserves the right to determine which Recipient officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

24. Reporting child abuse and sexual abuse of children

Wisconsin law 48.981(2) requires that any mandated reporter who has a reasonable cause to suspect that a child (defined as any person under the age of 18) seen by the person in the course of professional duties has been abused or neglected, or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur is required to make a report. Mandated reporters include health professionals and mental health providers, among others. For the purpose of this policy, any employee who has reasonable cause to believe that a child who they've seen in the course of their duties at the College has been abused or neglected or threatened with abuse or neglect that will occur should immediately contact the Office for Equal Opportunity and Civil Rights and may be required to contact the local department of human services.

25. Parental Notification

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or student conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations.

When a student is non-dependent, the College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

26. False Allegations and Information

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence; tampering with, or destroying evidence; or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under appropriate Recipient policies.

H-120: Equity Resolution Process (excluding formal Title IX complaints)

Gateway Technical College will act on any formal or informal allegation or notice of violation of policy H-110, Equal Opportunity, Civil Rights, and Sexual Harassment, that is received by the Office for Equal Opportunity and Civil Rights or a member of the administration, faculty, or other employee required to make a report under policy H-110.

The procedures described below apply to allegations of harassment or discrimination on the basis of protected class and retaliation involving students, staff or faculty members. Title IX sexual harassment allegations that fall under 34 CFR 106 (Nondiscrimination on the basis of sex in education programs and activities receiving federal financial assistance), as well as cases that include such allegations in addition to any other protected class discrimination arising from the same set of facts (known as mixed motive cases), are all resolved using the grievance process that complies with 34 CFR 106.45 as described in policy H-130: Title IX Grievance Procedure. This means that allegations that are defined as sexual harassment (to include dating violence, domestic violence, sexual assault, and stalking) but are dismissed under Title IX may be processed under this policy.

When the Respondent (the person who is alleged to have violated this policy) is a member of the College community, such as a student or employee, the Equity Resolution Policy (ERP) is applicable regardless of the status of the Complainant (the person(s) making the allegations) who may be a member or non-member of the campus community, such as a student, student organization, employee, guest, visitor, etc. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing, discriminatory or retaliatory conduct (e.g.: vandalism, physical abuse of another, etc.).

1. Overview

Upon notice to the Director of Compliance, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate a private investigation that is thorough, reliable, impartial, prompt and fair process from the initial investigation to the final result. The investigation and the subsequent resolution process determine whether policy H-110 has been violated. If so, the College will promptly implement effective remedies designed to end the conduct at issue, prevent its recurrence and address its effects.

2. Equity Resolution Process (ERP)

Allegations under the policy on nondiscrimination are resolved using the ERP. Civil rights investigators are trained to investigate violations of civil rights, at the direction of the Director of Compliance:

- a. To provide sensitive intake for and initial advice pertaining to the allegations,
- b. To investigate allegations, and
- c. To act as process advisors to those involved in the Equity Resolution Process.

Investigators receive training at least annually, organized by the Director of Compliance, which includes, but is not limited to:

- The scope of Gateway's policy on Equal Opportunity, Civil Rights, and Sexual Harassment
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit/unconscious bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning

- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and resolution process including hearings (as appropriate), appeals, and informal resolution processes (applies to the Director of Compliance only)
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

3. Preliminary Inquiry/Intake

Following receipt of notice or an alleged violation of the College's policy on Equal Opportunity, Civil Rights, and Sexual Harassment, the Director of Compliance engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy could have been violated. Reasonable cause means a state of facts found to exist that would warrant a reasonably intelligent and prudent person to believe that the policy was violated. In addition, all parties are emailed a copy of their rights, information about the equity resolution process, and available support services offered on and off campus. This inquiry may also serve to help the Director of Compliance to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the Complainant has asked for no action to be taken. In any situation where violence, threat, pattern, predation, and/or weapon is not evidenced, the Director of Compliance may respect a Complainant's request for no action, and will investigate only so far as necessary to determine appropriate remedies. If the Director of Compliance determines that civil rights law is not applicable to allegations of discrimination or retaliation, but the College still intends to apply these policies and procedures to resolve the allegations, the Director of Compliance will document that it has been determined that civil rights law is inapplicable and that College policies and procedures will nevertheless be applied.

4. Resolution Options

When the Complainant wishes to proceed or the College determines it will proceed, and the preliminary inquiry shows that reasonable cause exists, the Director of Compliance will direct that the allegation be resolved through one of the following processes, discussed briefly here and in greater detail below:

- **Informal Resolution** – used for less serious offenses and only when both parties agree to informal resolution. If informal resolution is desired by the Complainant, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.
- **Administrative Resolution (investigation)** – resolution by a trained investigator. The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Director of Compliance.

Once a formal investigation is commenced, the Director of Compliance will provide written notification of

the investigation to the Respondent at the onset of a formal investigation. The College aims to complete all formal investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Director of Compliance with written notice to the parties of the delay, the reason for the delay, and the anticipated timeframe for completion.

If, during the preliminary inquiry or at any point during the formal investigation, the Director of Compliance determines that there is no reasonable cause to believe that policy H-110 has been violated, the process will end unless the Complainant requests that the EEO Officer makes an extraordinary determination to re-open the investigation. Such a determination may be appropriate where the Complainant identifies new evidence or information not previously available. This decision lies in the sole discretion of the Equal Opportunity Officer.

Cross-claims

The College permits the filing of cross-claims but uses the preliminary inquiry, described above, to assess whether the allegations are made in good faith. Cross-claims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. The College is obligated to ensure that the resolution process is not abused for retaliatory purposes.

Cross-claims determined to have been reported in good faith will be processed using the resolution procedures below. Investigation of such claims may take place after resolution of the underlying allegation, in which case a delay may occur. Cross-claims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Director of Compliance. When cross-claims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this policy.

5. Supportive measures

Gateway's Office for Equal Opportunity and Civil Rights offers and implements appropriate and reasonable responsive, supportive, and/or protective measures to Complainants upon notice of alleged harassment, discrimination, and/or retaliation regardless of whether a resolution option is initiated.

These supportive measures are intended to support both the Complainant; protect and preserve access to educational and employment programs and activity; address the short-term effects of harassment, discrimination, and/or retaliation; protect the safety of all parties; and prevent further violations.

- Referral to counseling, medical, and/or other health services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or institutional community subgroup
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support
- Offering adjustments to academic deadlines, course schedules, etc.

At the time that measures are offered, the College will inform the Complainant, in writing, that they may file a formal report with the College either at that time or in the future.

The College will maintain as confidential the supportive or protective measures, provided that confidentiality does not impair the College's ability to provide the supportive or protective measures. Reasonable measures taken will be at no cost to the parties.

The College will use the least restrictive means possible when determining appropriate interim actions to ensure the continued safety and health of the reporting and responding parties and/or the College's community and to ensure as minimal an academic/occupational impact on the reporting and responding parties. The College will supportive measures that do not unreasonably burden the Respondent and will regularly re-evaluate the actions to determine the necessity of their continued implementation.

6. Emergency Removal

Gateway can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Director of Compliance in conjunction with a person trained to conduct such an analysis using its standard objective violence risk assessment procedures. In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Director of Compliance prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Director of Compliance determines it is equitable to do so. There is no appeal process for emergency removal decisions. A Respondent may be accompanied by an Advisor of their choice when meeting with the Director of Compliance for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Director of Compliance has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion. Gateway will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Director of Compliance, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. At the discretion of the Director of Compliance, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties. Where the Respondent is an employee, existing provisions for interim action are applicable.

7. Investigation

Once the decision is made to commence a formal investigation, the Director of Compliance appoints at least one investigator to conduct the investigation, usually within two (2) days of determining that an investigation should proceed.

Investigations are completed expeditiously though some investigations take weeks or even months,

depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

The College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete or as soon as the College believes this to be the case. College action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair from the initial investigation to the final result. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary. The investigators and/or Director of Compliance will provide regular updates to the reporting and Respondent throughout the investigation, as appropriate.

The investigators will typically take the following steps, if not already completed (not necessarily in order). The nature and type of investigation will ultimately determine the steps and order of these steps.

- In coordination with campus partners (e.g.: Campus or Academic Dean), initiate or assist with any necessary interim remedial actions;
- Determine the identity and contact information of the Complainant;
- Identify all policies allegedly violated;
- In cases where there is reasonable cause to believe other college policies were violated the complaint will be referred to the appropriate office unless investigated as a collateral allegation as described in the Administrative Resolution section, below;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the Respondent, who will be given notice prior to interview;
- The Director of Compliance (or designee) will prepare the notice of allegation on the basis of the preliminary inquiry that includes the rights of all parties, on and off campus support services, information about the equity resolution process;
- Meet with the Complainant to finalize their statement, if necessary;
- Provide written notification to the parties prior to their interviews that they may have the assistance of an advisor of their choosing present for all meetings and proceedings attended by the advisee;
- Provide Complainant and Respondent with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;

- Make a finding, based on a preponderance of the evidence (which means whether a policy violation is more likely than not to have occurred);
- Once the report is complete, the report is shared with the parties for their review and comment. Both parties have ten days to review the report and all material evidence collected during the investigation and which was used to make a determination. The investigator(s) may conduct additional investigation based on the feedback and incorporate feedback from the parties as appropriate;
- The Director of Compliance will make recommendations for sanctions if the policy was violated;
- The EEO Officer will review and approve the report, findings, and sanctions, if applicable;
- The investigator will finalize and present the findings to the parties in writing.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the College's investigation and the Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone or Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

8. Advisors

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Director of Compliance if they change Advisors at any time.

Upon written request of a party, Gateway will copy the Advisor on all communications between Gateway and the party.

For parties who are entitled to union representation, Gateway will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

At the discretion of the Director of Compliance, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one to as well.

Gateway generally expects an Advisor to adjust their schedule to allow them to attend Gateway's meetings when planned, but Gateway may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Gateway may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by Recipient policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting Gateway meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

Assistance in acquiring an advisor

Gateway will provide a trained advisor upon request. These advisors are employees of the college who have been trained in the resolution process.

9. Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with College policy. While the contents of the meetings are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

a. Informal Resolution

Informal Resolution is often used for less serious, yet inappropriate, behaviors and certain types of allegations of discrimination, and is encouraged as an alternative to the formal resolution process to resolve matters. The Director of Compliance will determine if informal resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the alleged conduct to informal resolution. In an informal resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of an informal resolution process, though the parties may agree to appropriate remedies. The Director of Compliance will keep records of any resolution that is reached, and failure to abide by the agreement can result in appropriate responsive actions.

Informal resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Director of Compliance believe that it could be beneficial. It is not necessary to pursue informal resolution first in order to pursue Administrative Resolution, and any party participating in informal resolution can stop that process at any time and request a shift to Administrative Resolution.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Administrative Resolution Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the misconduct or discrimination, prevent its recurrence,

and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

b. Respondent Admits Responsibility for Alleged Violations

The Respondent may admit responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent admits responsibility for all alleged misconduct, the matter is referred to the Director of Compliance who renders the determination that the Respondent is in violation of College policy and determines appropriate sanctions and/or responsive actions.

The appropriate sanction or responsive actions are promptly implemented in order to effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Director of Compliance or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Director of Compliance has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome.

c. Negotiated Resolution

The Director of Compliance, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. A negotiated resolution is often used for disability related complaints such as barrier removal and access prevention.

d. Administrative Resolution

Administrative Resolution, also referred to as an investigation, can be pursued for any behavior that falls within the policy on Equal Opportunity, Civil Rights, and Sexual Harassment, at any time during the process. In addition, the College has the authority to address all collateral misconduct (i.e., any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation) during the Administrative Resolution even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Civil Rights, and Sexual Harassment. Accordingly, investigations should be conducted with as wide a scope as necessary.

Administrative Resolution relies on the evidence, information and recommended findings within the investigation report to render a determination. Upon completion of the investigation, the investigator will provide the Director of Compliance (or VP of Diversity, Equity, and Inclusion where the Director of Compliance conducts the investigation) with a written report summarizing the evidence gathered and examined, including an assessment of credibility of the parties and witnesses, an analysis of the information and a recommended finding and sanction (if applicable). The Director of Compliance will request that the investigator(s) conduct any additional necessary inquiry, and will then finalize a determination in accordance with the procedures below. The EEO Officer will consider, but is not bound by, recommendations of the investigation.

The Director of Compliance may consider all evidence that he or she believes is relevant and credible, including history and pattern evidence in making a recommended determination to the Equal Opportunity Officer. The Director of Compliance may exclude irrelevant or immaterial

evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Director of Compliance determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the Complainant (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the Complainant. While previous conduct violations by the Respondent are not generally admissible as information about the present allegation, the investigators will supply the Director of Compliance with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Neither the Director of Compliance nor the investigators will meet with character witnesses, but investigators will accept up to two (2) letters supporting the character of each of the parties when considering sanctions.

The Director of Compliance will base the determination(s) on the preponderance of the evidence (whether it is more likely than not that the Respondent violated policy as alleged).

The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point during the Administrative Resolution process. If the Respondent admits responsibility, the Director of Compliance may render a determination that the individual is in violation of College policy.

If the Respondent admits the violation, or is found in violation by a preponderance of the evidence, the Director of Compliance, in consultation with the Equal Opportunity Officer, and others as appropriate, will determine an appropriate sanction or responsive action, will implement it, and will act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct.

The Director of Compliance will inform the parties of the final determination within three (3) days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The notice will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and any appeals options that are available.

Any individual materially involved in the administration of the resolution process (including the Director of Compliance, investigator, or decision-maker(s)) may neither have nor demonstrate a conflict of interest or bias for either reporting or responding parties generally, or for a specific reporting or Respondent.

The Director of Compliance will vet the assigned investigators to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Director of Compliance will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

The resolution process involves an objective evaluation of all relevant evidence obtained, both that which supports that the Respondent engaged in a policy violation and that which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based, in any way, on an individual's status as a Complainant, Respondent, or witness.

Until the Respondent is determined to be responsible by a preponderance of the evidence for a policy violation, the Institution operates with the presumption that the Respondent is not responsible for the reported misconduct.

Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) calendar days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. Time to final resolution may take longer due to any delays and the timeframe for the parties to consider the draft report.

Compelling Formal Proceedings

The Director of Compliance reserves the right to initiate formal resolution proceedings without a report or participation by the Complainant when deemed necessary by the Director of Compliance, usually to protect the community in situations that evidence a compelling safety risk. When Gateway has actual knowledge of reports by multiple individuals regarding misconduct by the same Respondent, the Director of Compliance may initiate formal proceedings pursuant to this section, regardless of the participation level of one or more of the reporting parties.

When the College proceeds, the Complainant (or their advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this process irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the advisor is appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant. When the Director of Compliance believes it is necessary to move the process forward but also knows that credibility will be a key consideration in the formal process, the Director of Compliance must balance the institutional need to move forward without the involvement of the Complainant against the rights of the Respondent, who is entitled to a fair process in accordance with these procedures.

Delays in the Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to weeks) if circumstances require. Such circumstances include, but are not limited to, concurrent law enforcement activity, the need for language assistance, the absence of parties and/or witnesses, and/or accommodation for disabilities or health conditions. The Director of Compliance will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary and will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Institution will implement interim actions as deemed appropriate.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

e. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the community
- Any other information deemed relevant by the Director of Compliance

These factors can modify the typical sanction range.

The following are the usual sanctions that may be imposed upon students or student organizations singly or in combination.

- Educational Activity: assignment of an appropriate educational activity, such as a webinar, reading, training, etc., that creates awareness and spurs behavioral change.
- Warning: verbal or written notice to a student that serves to remind the student of the policy and prohibited behaviors, and that continued behavior may result in more significant sanctions.
- Restriction: a limitation on the student's access to identified services, locations, education, community activities or persons. Issued for a specified time frame.
- Restitution: Issued to a student who has committed a violation of this policy that resulted in staff, institutional or another student's financial loss. May be issued as a condition of return or continued attendance in the college.
- Referral: Issued to a student who has committed a violation of this policy and it is determined that continued participation at the college is contingent upon the student attending designated services (college or private vendor) or programs. May be issued for a specified time frame or as permanent and may be issued as a condition of return to or continued attendance at the College.
- Loss of Privileges: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance at the College with permanent or temporary limitations on the student's access to identified services, locations, or educational community activities.
- No Contact: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance at the College with permanent or temporary limitations on the student's access to or contact with an identified individual or group(s) of student and/or staff.

- Disciplinary Probation: Issued to a student who has committed a violation of this policy and will face additional sanctions if any additional violations occur during a specified time frame.
- Emergency removal: Issued to a student, for a specified time frame, who has committed a major, egregious or continued violation(s) of this policy.
- Expulsion/Dismissal: Permanent removal, issued to a student who has committed a major, egregious or continued violation(s) of this policy.
- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Sanctions range from a verbal warning to expulsion from the college, based on the offense and the factors noted above in addition to any mitigating, aggravating, and/or compounding factors.

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include

- Training: assignment of an appropriate training program (webinar, in-person event, etc.) that creates awareness and spurs behavioral change.
- Warning: verbal or written notice to an employee that serves to remind the employee of the policy and prohibited behaviors, and that continued behavior may result in more significant sanctions,
- Restriction: a limitation on the employee's access to identified services, locations, or persons. Issued for a specified time frame.
- Restitution: Issued to an employee who has committed a violation of this policy that resulted in staff, institutional or student's financial loss. May be issued as a condition of return or continued employment in the College.
- Referral: Issued to an employee who has committed a violation of this policy and it is determined that continued employment at the College is contingent upon the employee attending designated services or programs. May be issued for a specified time frame or as permanent and may be issued as a condition of return or continued employment at the College.
- Loss of Privileges: Issued to an employee who has committed a violation of this policy and it is determined that the employee may continue employment at the College with permanent or temporary limitations on the employee's access to identified services, locations, or College activities.
- No Contact: Issued to an employee who has committed a violation of this policy and it is determined that the employee may continue employment at the college with permanent or temporary limitations on the employees' access to or contact with an identified individual(s) or groups of student and/or staff.
- Disciplinary Probation: Issued to an employee who has committed a violation of this policy and will face additional sanctions if any additional violations occur during a specified time frame.

- Emergency removal: Issued to an employee, for a specified time frame, who has committed a major, egregious or continued violation(s) of this policy. Emergency removal may be unpaid depending on applicable College policy.
- Termination of employment: Permanent termination of employment for an employee who has committed a major, egregious or continued violation(s) of this policy.
- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Generally, sanctions range from a verbal warning to expulsion from the college, based on the offense and the factors noted above in addition to any mitigating, aggravating, and/or compounding factors.

The chart below is representative of the common range of sanctions for the specified violations.

The college retains the rights to issues sanctions outside the identified range depending on the individual circumstances.

Restrictions, loss of privileges, no contact orders, disciplinary probation, emergency removal, and expulsion generally range from one day to five years. Students and employees must satisfy any and all requirements imposed at the time of the sanction to remove the sanction(s).

10. Withdrawal or Resignation While an Investigation is Pending

Students: The College does not permit a student to temporarily withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Civil Rights, and Sexual Harassment. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to College unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should an employee resign with unresolved allegations pending, the records of the Office for Equal Opportunity and Civil Rights and Human Resources will reflect that status. Employees who resign during the Equity Resolution Process may be deemed ineligible for rehire.

11. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Director of Compliance within 5 working days of the delivery of the Notice of Outcome. A single Appeal Decision-maker will review the appeal request. No appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded by the Director of Compliance to the Appeal Decision-marker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

An investigator not involved in the current case will make appeal decisions will review and make a decision on the final outcome of the grievance process.

This initial review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- (C) The Director of Compliance or Investigator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter;
- (D) The sanctions imposed are not proportionate to the violation(s) and the cumulative record of the Respondent.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Director of Compliance, and, when appropriate, the Investigators.

The other party(ies) and their Advisors, the Director of Compliance, and, when appropriate, the Investigators will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and Appeal Decision-maker will render a decision within 5 business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Gateway is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Gateway is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Gateway-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

a. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process.

Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. Gateway may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

When the Appeal Decision-Maker finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Decision-Maker is to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Decision-Maker to substitute their judgment for that of the original Investigator(s) or Director of Compliance merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Decision-Maker.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Director of Compliance stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within five business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural [or substantive] error cannot be cured by the original Investigator(s) and/or Director of Compliance (as in cases of bias), the Appeal Decision-Maker may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.

- In cases in which the appeal results in Respondent's reinstatement to the Gateway or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term

Principles governing appeals involving a student emergency removal or expulsion will include the following:

- Where the Administrative Resolution Process has resulted in a finding that a student Respondent violated policy H-110 and the recommended sanction includes emergency removal or expulsion, prior to the implementation of the emergency removal or expulsion, the student may file an appeal. Under such circumstances, the matter will proceed to a hearing on the issue of whether a preponderance of the evidence demonstrates that the Respondent violated Policy H-110, and if so, what sanctions shall be implemented.
 - At least fourteen (14) calendar days prior to the hearing, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the parties, the Appeals Officer (or designee) will send a letter by at least one of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College issued email account. The letter will include the following: (1) an indication that the parties may have the assistance of an Advisor of their choosing, at the hearing, though the Advisor's attendance at the hearing is the responsibility of the respective parties; (2) the time, date and location of the hearing; and (3) a copy of the investigation determination. For good cause, the Appeals Officer may grant requests to reschedule the hearing date.
- At least seven (7) calendar days prior to the hearing, the parties provide the Appeals Officer a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least five (5) business days prior to the hearing, the Appeals Officer (or designee) will have the names of proposed witnesses and copies of all applicable documentary evidence available for the parties.
 - The Appeals Officer in consultation with the parties, the Director of Compliance, and the Investigator(s), may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the Investigator in the investigation report or during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative attendance or questioning methods are desired, the parties should request them from the Appeals Officer at least two (2) business days prior to the hearing. Gateway will make reasonable accommodations for both parties in keeping with the principles of equity and fairness.
- Conduct of Hearing

The Appeals Officer shall preside over the hearing, call the hearing to order, ascertain the presence or absence of the Director of Compliance, Investigator, and the parties, confirm receipt of the notice of hearing, report any extensions requested or granted, and establish the presence of any Advisors. Formal rules of evidence shall not apply during the hearing.

- *Investigator's Report and Testimony* - The Investigator will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Respondent, and the Appeals Officer. The Investigator may also call witnesses who will be subject to questioning by the Investigator, the

Complainant, the Respondent and the Appeals Officer. The Investigator may also submit documentary evidence. The Investigator(s) will remain present during the entire hearing process.

- *Complainant's Evidence* - The Complainant may give testimony and be subject to questioning by the Investigator, the Respondent (through the Appeals Officer) and the Appeals Officer. The Complainant may also call and question witnesses who may also then be questioned by the Respondent, the Investigator and the Appeals Officer. The Complainant may also submit documentary evidence.
- *Respondent's Evidence* - The Respondent may give testimony and be subject to questioning by the Investigator, the Complainant (through the Appeals Officer) and the Appeals Officer. The Respondent may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Appeals Officer. The Respondent may also submit documentary evidence.

Additional Rights of the Appeals Officer - The Appeals Officer shall:

- Determine the relevancy and admissibility of any evidence offered at the hearing;
 - Have the authority to exclude a witness proposed by the Investigator or the parties if it is determined that his/her testimony would be redundant or not relevant;
 - Have the authority to dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the Appeals Officer's rulings.
- *Findings and Sanctions* - Following the hearing, the Appeals Officer shall determine whether a preponderance of the evidence demonstrates that the Respondent is responsible for the policy violations in question. If the Respondent is found responsible, the Appeals Officer shall determine appropriate sanctions. The Appeals Officer will prepare a written report detailing the finding and information supporting the finding. If the Respondent is found responsible, the report will conclude with the recommended sanctions.

The report shall be delivered to the Investigator and Director of Compliance within ten (10) calendar days of the hearing. Deviation from this timeline will be communicated to the Investigator, Director of Compliance, and the parties. The Director of Compliance will inform the parties of the determination within five (5) calendar days of receipt of the report, without significant time delay between notifications. Notification will be made by at least one of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College issued email account.

- *Appeal of Hearing Findings and Sanctions* - All requests for appeal consideration must be submitted in writing to the EEO Officer within ten (10) calendar days of the delivery of the written findings to the appealing party. Any party may appeal the findings and/or sanctions under the grounds described below:
 - To determine whether a procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included. If additional information is offered or provided, the EEO Officer may refer the matter back to the Appeals Officer to consider the new information, provide either party with an opportunity to respond to such new information, and to determine whether the findings and sanctions should be changed.

The appeal will proceed consistent with the procedures outlined above and will be conducted by the Provost or designee.

12. Long-Term Remedies/Actions

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Director of Compliance may utilize long-term remedies or actions to stop discrimination, harassment, sexual harassment or retaliation, remedy their effects on the individual and college community, and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering work arrangements for employees
- Providing campus escorts
- Policy modification
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Director of Compliance, long-term remedies may also be provided even when the Respondent is found not responsible.

When no policy violation is found, the Director of Compliance will address any remedial requirements owed by the Recipient to the Respondent.

13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Director of Compliance. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions (including emergency removal, expulsion, or termination from the College) or responsive or corrective actions and may be noted on a student's official transcript. An emergency removal will only be lifted when compliance is achieved to the satisfaction of the Director of Compliance.

14. Records policy

Records, both physical and electronic, of incidents or complaints and those produced during a civil rights inquiry or investigation are maintained no less than seven years by the Office for Equal Opportunity and Civil Rights. Records that pertain to students are part of their student record and subject to FERPA. Drafts and "working files" are not considered records that must be maintained by the College and are destroyed at the conclusion of an inquiry or investigation. Students and employees may access these records in

accordance with applicable College policies on access to records.

15. Statement of the Rights of the Parties

Both the reporting party and the Respondent shall have the right to:

- Investigation and appropriate resolution of all credible allegations of sexual Harassment or discrimination made in good faith to College officials;
- Bring an advisor of their choosing to all phases of the investigation and resolution proceeding*;
- Ask the investigators to identify and question relevant witnesses, including expert witnesses;
- Be informed in advance, when possible, of any public release of information regarding the incident;
- Be treated with respect by College officials;
- Have College policies and procedures followed without material deviation and transparent to all parties;
- Have reports of sexual harassment /discrimination responded to promptly and with sensitivity by campus officials;
- Be notified in writing of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and within the larger community;
- A campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the party or others;
- Notification of and options for, and available assistance in, changing academic situations after an alleged incident covered under policy H-110, if so requested and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- Have the College maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
- Be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- Be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to a party for compelling safety reasons (this does not include the name of the Complainant, which will always be revealed);
- Not have irrelevant prior sexual history admitted as evidence;
- Regular updates on the status of the investigation and/or resolution;

- Have reports addressed by investigators and Director of Compliance who have received annual training;
- Preservation of privacy, to the extent possible and permitted by law;
- Meetings and/or interviews that are closed to the public;
- Petition that any College representative in the process be recused (removed) on the basis of demonstrated bias or conflict-of-interest;
- Have the College compel the participation of faculty and staff witnesses, and the opportunity (if desired) to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence;
- Submit a written statement describing the impact of the alleged discrimination/harassment to the civil rights investigator following determination of responsibility, but prior to sanctioning;
- Be promptly and simultaneously informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- Be informed simultaneously in writing of when a decision by the College is considered final, any changes to the sanction to occur before the decision is finalized, any change to the result and when such results become final, to be informed of the right to appeal the finding and result of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

In addition, the Complainant shall have the right to:

- Not have any personally identifiable information released to the public, without their consent;
- Not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- Not be discouraged by College officials from reporting sexual harassment (to include dating violence, domestic violence, sexual assault, and stalking) or discrimination to both on-campus and off-campus authorities;
- Be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the Complainant so chooses. This also includes the right not to be pressured to report, as well.

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Gateway will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

ON CAMPUS	Service Provider
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Counseling	Student Support Counseling 800-247-7122 to schedule an appointment - press 5 Gateway does not offer on-campus employee counseling.
Health	Gateway does not offer on-campus student health services. Employees who are covered by the college's insurance plan can obtain free health services through the Gateway Employer-based Clinic by contacting 262-687-7030.
Victim Advocacy	Gateway does not have on-campus victim advocacy.
Legal Assistance	Gateway does not have on-campus legal assistance.
Visa and Immigration Assistance	Gateway does not have on-campus visa and immigration assistance.
Student Financial Aid	Students can contact financial aid or student account for assistance with their financial situation and referrals to community financial resources by calling 800-247-7122.

OFF CAMPUS	Service Provider
Counseling	Employee Assistance Program (EAP) 800-540-3758
Health	Walworth County Health & Human Services 262-741-3200 Kenosha County Health Department 262-605-6700 City of Racine Health Department 262-636-9201 Central Racine County Health Department 262-898-4460 List of all Wisconsin public health departments and contact information bit.do/healthdept Forensic Sexual Assault Nurse Examiner (SANE) Services Aurora Kenosha Medical Center 10400 75th St # 205, Kenosha, WI Gateway does not provide on-campus health services.
Mental Health	Local Off-Campus Crisis Counseling 800-656-HOPE (4673)

OFF CAMPUS	Service Provider
Counseling	Employee Assistance Program (EAP) 800-540-3758
Health	<p>Walworth County Health & Human Services 262-741-3200</p> <p>Kenosha County Health Department 262-605-6700</p> <p>City of Racine Health Department 262-636-9201</p> <p>Central Racine County Health Department 262-898-4460</p> <p>List of all Wisconsin public health departments and contact information bit.do/healthdept</p> <p>Forensic Sexual Assault Nurse Examiner (SANE) Services Aurora Kenosha Medical Center 10400 75th St # 205, Kenosha, WI</p> <p>Gateway does not provide on-campus health services.</p>
Victim Advocacy	<p>Racine County Victim-Witness Advocate 262-636-3858</p> <p>Kenosha County Victim-Witness Advocate 262-653-2400</p> <p>Walworth County Victim-Witness Advocate 262-741-7194</p> <p>Walworth Domestic Violence Advocacy Association for the Prevention of Family Violence 262-898-4460</p> <p>Kenosha Domestic Violence Advocacy Women and Children's Horizons 800-853-3503</p> <p>Racine Domestic Violence Advocacy Women's Resource Center 262-633-3233</p>
Legal Assistance	<p>Legal Action of Wisconsin 855-947-2529</p> <p>Wisconsin State Bar Lawyer Referral 800-362-9082</p>

OFF CAMPUS	Service Provider
Counseling	Employee Assistance Program (EAP) 800-540-3758
Health	Walworth County Health & Human Services 262-741-3200 Kenosha County Health Department 262-605-6700 City of Racine Health Department 262-636-9201 Central Racine County Health Department 262-898-4460 List of all Wisconsin public health departments and contact information bit.do/healthdept Forensic Sexual Assault Nurse Examiner (SANE) Services Aurora Kenosha Medical Center 10400 75th St # 205, Kenosha, WI Gateway does not provide on-campus health services.
	Centro Legal 414-384-7900 List of free or low-cost legal services in Wisconsin bit.do/findlawyers
Visa and Immigration Assistance	UMOS (Statewide) 414-389-6000 International Institute of Wisconsin (Statewide) 414-225-6220
Student Financial Aid	Students can contact financial aid or student account for assistance with their financial situation and referrals to community financial resources by calling 800-247-7122.
Other	For personal assistance accessing local services, utility assistance, crisis intervention, AODA care, and more, contact 211 or 877-947-2211.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office for Civil Rights.

16. Disabilities Accommodation in the Equity Resolution Process

Gateway is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the College. Students needing such accommodations or support should contact the Director of Disability Support Services, and employees should contact the Director of Compliance, who will review the request and, in consultation with the person requesting the accommodation, and the Director of Compliance, determine which accommodations are appropriate and necessary for full participation.

17. Revision

These policies and procedures will be reviewed and updated regularly by the Director of Compliance. The College reserves the right to make changes to this document as necessary and once those changes are posted online at gtc.edu/eoo, they are in effect. The Director of Compliance may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Director of Compliance may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. The policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

H-130: Title IX Grievance Procedure

Gateway Technical College will act on any formal or informal allegation or notice of violation of policy H-110, Equal Opportunity, Civil Rights, and Sexual Harassment, that is received by the Office for Equal Opportunity and Civil Rights (Title IX Coordinator) or a member of the administration, faculty, or other employee required to make a report under policy H-110.

The procedures described below apply to allegations of harassment or discrimination on the basis of protected class and retaliation involving students, staff or faculty members in a Gateway education program or activity. Title IX sexual harassment allegations that fall under 34 CFR 106 (including sexual assault, dating violence, domestic violence, and stalking as described in policy H-110: Equal Opportunity, Civil Rights, and Sexual Harassment), involving students, staff, administrator, or faculty members. In addition, sexual harassment cases that include additional allegations of protected class discrimination arising from the same set of facts (known as mixed motive cases), are all resolved using the grievance process that complies with 34 CFR 106.45. If allegations do not fall within Title IX and this procedure (e.g. they do not include allegations of sexual harassment or are fall under the mandatory or discretionary dismissal provision), the Equity Resolution Process described in H-120: Equity Resolution Procedure will be used, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks.

1. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Gateway initiates a prompt initial assessment to determine the next steps the Gateway needs to take.

Gateway will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to proceed formally; and/or
2. A Formal Grievance Process including an investigation and a live hearing; and/or
3. An informal resolution (available only after a formal complaint is filed).

The investigation and grievance process will determine whether or not the Policy has been violated. If so, the Gateway will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

2. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
- If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety or other justification supports initiating a complaint.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
- If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the

misconduct alleged falls within the scope of Title IX:

- If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.
- If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply [, which resolution process is applicable, and will refer the matter accordingly.

a. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by specially trained CARE Team Members. A VRA authorized by the Title IX Coordinator should occur in collaboration with CARE Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

b. Dismissal (Mandatory and Discretionary)

Gateway must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- a) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
- b) The conduct did not occur in an educational program or activity controlled by Gateway (including buildings or property controlled by recognized student organizations), and/or Gateway does not have control of the Respondent; and/or
- c) The conduct did not occur against a person in the United States; and/or
- d) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

Gateway may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- a) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- b) The Respondent is no longer enrolled in or employed by the recipient; or
- c) Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Gateway will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties along with information regarding Gateway's appeals process.

This dismissal decision is appealable by any party under the procedures for appeal below.

3. Counterclaims

Gateway is obligated to ensure that the grievance process is not abused for retaliatory purposes. Gateway permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy and/or other Gateway policies and procedures.

4. Supportive measures

Gateway's Office for Equal Opportunity and Civil Rights offer and implement appropriate and reasonable responsive, supportive, and/or protective measures to reporting and responding parties upon notice of alleged harassment (to include dating violence, domestic violence, sexual assault, and stalking),

discrimination, and/or retaliation.

These supportive measures are intended to support both the reporting and responding parties; protect and preserve access to educational and employment programs and activity; address the short-term effects of harassment, discrimination, and/or retaliation; protect the safety of all parties; and prevent further violations.

- Referral to counseling, medical, and/or other health services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or institutional community subgroup
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support
- Offering adjustments to academic deadlines, course schedules, etc.

At the time that measures are offered, the College will inform the Complainant, in writing, that they may file a formal report with the College either at that time or in the future.

The College will maintain as confidential the supportive or protective measures, provided that confidentiality does not impair the College's ability to provide the supportive or protective measures. Reasonable measures taken will be at no cost to the parties.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the reporting and responding parties.

5. Emergency Removal

Gateway can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with a person trained to conduct such an analysis using its standard objective violence risk assessment procedures. In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions. A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion. Gateway will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties. Where the Respondent is an employee, existing provisions for interim action are applicable.

6. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Gateway community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Gateway, the Advisor will be trained by Gateway and be familiar with the Gateway's resolution process.

If the parties choose an Advisor from outside the pool of those identified by Gateway, the Advisor may not have been trained by Gateway and may not be familiar with Gateway policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

a. Advisors in Hearings/Gateway-Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Gateway will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, Gateway will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Questioning of the parties and witnesses will also be conducted by the Hearing Officer during the hearing.

b. Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Gateway cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Gateway is not obligated to provide an attorney.

c. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Gateway's policies and procedures. This right is afforded to both parties.

d. Advisor Violations of Gateway Policy

All Advisors are subject to the same Gateway's policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Gateway officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Hearing Officer except during a hearing proceeding, during cross-examination.

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

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role in the Title IX process.

e. Sharing Information with the Advisor

Gateway expects that the parties may wish to have Gateway share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Gateway also provides a consent form that authorizes Gateway to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Gateway is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Gateway will generally comply with that request subject to the discretion of the Title IX Coordinator.

f. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Gateway. Recipient may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Gateway's privacy expectations.

g. Expectations of the Advisor

Gateway generally expects an Advisor to adjust his/her schedule to allow the Advisor to attend Gateway meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Gateway may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

h. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout the Title IX Grievance process. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

As a public entity, Recipient fully respects and accords the Weingarten rights of employees. For parties who are entitled to union representation, Gateway will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

i. Assistance in Securing an Advisor

Gateway will provide a trained advisor upon request. These advisors are employees of the college who have been trained in the resolution process.

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

Those seeking legal representation may contact the [Wisconsin State Bar Association Attorney Referral program](#) at (800) 362-9082.

7. Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to

maintain the privacy of the proceedings in accord with College policy. While the contents of the meetings are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism;
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Gateway will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Gateway.

The Title IX Coordinator may look to the following factors to assess whether Informal Resolution is appropriate, or which form of Informal Resolution may be most successful for the parties:

- The parties' amenability to Informal Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Informal Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Informal Resolution (time, staff, etc.)

An informal resolution cannot be utilized when the Respondent is an employee in Quid Quo Pro Sexual Harassment allegations. Gateway will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Respondent Admits Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Gateway are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Gateway policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

c. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College.

e. Pool Membership

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are contained in this policy.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution if appropriately trained in appropriate resolution modalities
- To investigate complaints
- To serve as an Appeal Hearing Officer

b. Pool Member Appointment

The Title IX Coordinator, in consultation with the Equal Opportunity Officer, appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, the Recipient can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

The Pool members receive annual training jointly or based on their respective roles. This training includes, but is not limited to:

- The scope of Gateway's Equal Opportunity, Civil Rights, and Sexual Harassment policy
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Appeal Hearing Officers, intake personnel, Advisors (if they are Gateway employees), and the hearing officer (who is an Administrative Law Judge employed with the Wisconsin Division of Hearings and Appeals). All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted at gtc.edu/TitleIX.

d. Pool Membership

The Pool includes:

- Associate Dean of General Studies
- Manager of Customer Relationship Management (CRM) Technology
- Dean of Business & Workforce Solutions (BWS)

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the Gateway presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the Gateway’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the Gateway’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to Gateway’s Title IX Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Gateway records, or emailed to the parties’ Gateway-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

Gateway will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some

investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Gateway will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

11. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

12. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Hearing Officer, may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Equal Opportunity Officer.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Gateway operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

13. Delays in the Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to weeks) if circumstances require. Such circumstances include, but are not limited to, concurrent law enforcement activity, the need for language assistance, the absence of parties and/or witnesses, and/or accommodation for disabilities or health conditions. The Director of Compliance will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary and will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Gateway will implement interim actions as deemed appropriate.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and a fair process from the initial investigation to the final result. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties and indicated to the investigator) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which

the Recipient does not intend to rely in reaching a determination, for a ten (10) calendar day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) shares the report with the Title IX Coordinator for their review and feedback regarding thoroughness and formatting, but will not contribute information regarding substantive matters.
- The Investigator will share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) calendar days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Gateway are expected to cooperate with and participate in the Gateway's investigation and resolution process, though they cannot be compelled to do so. Witness cooperation is important as it allows Gateway to fulfill its role in making Gateway a safe and inclusive campus, as well as assure an equitable outcome.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Recipient will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, though this method is not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence in the determination of responsibility.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware audio and/or video recording.

17. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or 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.

18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing with the Wisconsin Division of Hearing and Appeals.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Hearing Officer–unless all parties and the Hearing Officer agree to an expedited timeline.

19. Hearing Officer

At the initiation of the Title IX Coordinator, Gateway will be assigned a Hearing Officer who is an Administrative Law Judge (ALJ) with the Wisconsin Division of Hearing and Appeals. The Division of Hearing and Appeals is a quasi-judicial, independent entity created by state law to conduct high quality, impartial, and independent hearings. ALJs are civil service employees who are licensed attorneys and trained as judicial officers.

The Hearing Officer will not have had any previous involvement with the investigation.

The Title IX Coordinator may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Hearing Officer.

20. Evidentiary Considerations in the Hearing

Any evidence that the Hearing Officer determines is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or 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.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Hearing Officer at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Hearing Officer renders a written determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could

result.

- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Hearing Officer on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least seven (7) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer. For compelling reasons, the Hearing Officer may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the Recipient will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Hearing Officer about the matter, unless they have been provided already.
- An invitation to each party to submit to the Hearing Officer an impact statement pre-hearing that the Hearing Officer will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Gateway and remain within the 60-90 business day goal for resolution.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

23. Pre-Hearing Preparation

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Hearing Officer assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Hearing Officer do not assent to the admission of evidence newly

offered at the hearing, the Hearing Officer will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Hearing Officer at least ten (10) business days in advance of the hearing. All objections to any Hearing Officer must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than seven business days prior to the hearing. Hearing Officers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Hearing Officer a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Hearing Officer who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Hearing Officer is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Hearing Officer at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Hearing Officer.

24. Pre-Hearing Meetings

The Hearing Officer may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Hearing Officer can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Hearing Officer must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Hearing Officer, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Hearing Officer will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Hearing Officer may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Hearing Officer may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

25. Hearing Procedures

Through the hearing process, the Hearing Officer has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Civil Rights, and Sexual Harassment.

Participants at the hearing will include the Hearing Officer, any additional panelists, the hearing facilitator/Title IX Coordinator, the Investigator(s) who conducted the investigation, the parties (or up to

three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Hearing Officer will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Hearing Officer will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Officer and the parties and will then be excused.

26. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

27. The Order of the Hearing

The Hearing Officer explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Hearing Officer on the basis of bias or conflict of interest. The Hearing Officer will rule on any such challenge unless the Hearing Officer is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator who is the Title IX Coordinator or a designee. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, corralling all versions of outcome letters/rationales, etc.

a. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Officer and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but does not take part in deliberations.

Neither the parties nor the Hearing Officer should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Hearing Officer will direct that it be disregarded.

b. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Hearing Officer. The parties/witnesses will submit to questioning by the Hearing Officer and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Hearing Officer. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or

in writing (orally is the default, but other means of submission may be permitted by the Hearing Officer upon request or agreed to by the parties and the Hearing Officer), the proceeding will pause to allow the Hearing Officer to consider it, and the Hearing Officer will determine whether the question will be permitted, disallowed, or rephrased.

The Hearing Officer may explore arguments regarding relevance with the Advisors, if the Hearing Officer so chooses. The Hearing Officer will then state his/her decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Hearing Officer will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Hearing Officer will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Hearing Officer has final say on all questions and determinations of relevance, subject to any appeal. The Hearing Officer may consult with legal counsel on any questions of admissibility. The Hearing Officer may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Hearing Officer has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Officer at the hearing, the Hearing Officer may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Hearing Officer should not permit irrelevant questions that probe for bias.

c. Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Hearing Officer may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Hearing Officer must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Hearing Officer may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Hearing Officer must disregard all statements. Evidence provided that is something other than a statement by the party or witness may be considered.

Whether a party or witness does or does not answer questions from the Hearing Officer, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked such questions. The Hearing Officer may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Hearing Officer may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the Division of Hearings and Appeals established rules of decorum for the hearing, the ALJ may require the party to use a different Advisor. If a Gateway-provided Advisor refuses to comply with the rules of decorum, Gateway may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

d. Recording Hearings

Hearings (but not deliberations) are recorded by Gateway or the Division of Hearings and Appeals for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Hearing Officer, the parties, their Advisors, and appropriate administrators of Gateway will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

e. Deliberation, Decision-making, and Standard of Proof

The Hearing Officer will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Hearing Officer, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Hearing Officer may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Hearing Officer will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Hearing Officer may – at their discretion – consider the statements, but they are not binding. The Hearing Officer will review the statements and any pertinent conduct history provided by the Title IX Coordinator in formulating the appropriate sanction(s).

The Hearing Officer will then prepare a written determination of responsibility and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

f. Notice of Outcome

Using the determination of responsibility, the Title IX Coordinator will work with the Hearing Officer to prepare a Notice of Outcome. The Title IX Coordinator will then share the Notice of

Outcome, including the determination of responsibility, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Hearing Officer's determination of responsibility.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Gateway records, or emailed to the parties' Gateway-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Gateway from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will:

- the finding on each alleged policy violation;
- the findings of fact that support the determination;
- conclusions regarding the application of the relevant policy to the facts at issue;
- a statement of, and rationale for, the result of each allegation to the extent the Recipient is permitted to share such information under state or federal law;
- any sanctions issued which Gateway is permitted to share according to state or federal law;
- and any remedies provided to the Complainant designed to ensure access to Gateway's educational or employment program or activity, to the extent Gateway is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Gateway to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

g. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the community
- Any other information deemed relevant by the Director of Compliance

These factors can modify the typical sanction range. The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

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

Student Sanctions

The following are the usual sanctions that may be imposed upon students or student organizations singly or in combination, depending on the nature and facts of a specific claim.

- Educational Activity: assignment of an appropriate educational activity, such as a webinar, reading, training, etc., that creates awareness and spurs behavioral change.
- Warning: verbal or written notice to a student that serves to remind the student of the policy and prohibited behaviors, and that continued behavior may result in more significant sanctions.
- Restriction: a limitation on the student's access to identified services, locations, education, community activities or persons. Issued for a specified time frame.
- Restitution: Issued to a student who has committed a violation of this policy that resulted in staff, institutional or another student's financial loss. May be issued as a condition of return or continued attendance in the college.
- Referral: Issued to a student who has committed a violation of this policy and it is determined that continued participation at the college is contingent upon the student attending designated services (college or private vendor) or programs. May be issued for a specified time frame or as permanent and may be issued as a condition of return to or continued attendance at the College.
- Loss of Privileges: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance at the College with permanent or temporary limitations on the student's access to identified services, locations, or educational community activities.
- No Contact: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance at the College with permanent or temporary limitations on the student's access to or contact with an identified individual or group(s) of student and/or staff.
- Disciplinary Probation: Issued to a student who has committed a violation of this policy and will face additional sanctions if any additional violations occur during a specified time frame.
- Emergency removal: Issued to a student, for a specified time frame, who has committed a major, egregious or continued violation(s) of this policy.
- Expulsion/Dismissal: Permanent removal, issued to a student who has committed a major, egregious or continued violation(s) of this policy.

Sanctions range from a verbal warning to expulsion from the college, based on the offense and the factors noted above in addition to any mitigating, aggravating, and/or compounding factors.

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include

- Training: assignment of an appropriate training program (webinar, in-person event, etc.) that creates awareness and spurs behavioral change.
- Warning: verbal or written notice to an employee that serves to remind the employee of the policy and prohibited behaviors, and that continued behavior may result in more significant sanctions,
- Restriction: a limitation on the employee's access to identified services, locations, or persons. Issued for a specified time frame.
- Restitution: Issued to an employee who has committed a violation of this policy that resulted in staff, institutional or student's financial loss. May be issued as a condition of return or continued employment in the College.
- Referral: Issued to an employee who has committed a violation of this policy and it is determined that continued employment at the College is contingent upon the employee attending designated services or programs. May be issued for a specified time frame or as permanent and may be issued as a condition of return or continued employment at the College.
- Loss of Privileges: Issued to an employee who has committed a violation of this policy and it is determined that the employee may continue employment at the College with permanent or temporary limitations on the employee's access to identified services, locations, or College activities.
- No Contact: Issued to an employee who has committed a violation of this policy and it is determined that the employee may continue employment at the college with permanent or temporary limitations on the employees' access to or contact with an identified individual(s) or groups of student and/or staff.
- Disciplinary Probation: Issued to an employee who has committed a violation of this policy and will face additional sanctions if any additional violations occur during a specified time frame.
- Emergency removal: Issued to an employee, for a specified time frame, who has committed a major, egregious or continued violation(s) of this policy. Emergency removal may be unpaid depending on applicable College policy.
- Termination of employment: Permanent termination of employment for an employee who has committed a major, egregious or continued violation(s) of this policy.

Sanctions range from a verbal warning to expulsion from the college, based on the offense and the factors noted above in addition to any mitigating, aggravating, and/or compounding factors. The college retains the rights to issues sanctions outside the identified range depending on the individual circumstances.

Restrictions, loss of privileges, no contact orders, disciplinary probation, emergency removal, and expulsion generally range from one day to five years. Students and employees must satisfy any and all requirements imposed at the time of the sanction to remove the sanction(s).

28. Withdrawal or Resignation While an Investigation is Pending Students:

The College does not permit a student to temporarily withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Civil Rights, and Sexual Harassment. Should a student decide to leave and/or not participate in the grievance procedure, the process will nonetheless proceed in the student's absence to a reasonable resolution. Should a student Respondent permanently withdraw from Gateway, the resolution process ends, as Gateway no longer has disciplinary jurisdiction over the withdrawn student.

However, Gateway will continue to address and remedy any systemic issues or concerns, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged policy violations. The student who withdraws or leaves while the process is pending may not return to Gateway. Such exclusion applies to all campuses of Gateway. Admissions will be notified that the student cannot be readmitted. They may also be barred from Gateway property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Gateway unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Gateway no longer has disciplinary jurisdiction over the resigned employee.

However, Gateway will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged policy violations.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Gateway or any campus of Gateway, and the records retained by the Title IX Coordinator will reflect that status.

29. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 working days of the delivery of the Notice of Outcome. A single Appeal Decision-maker will review the appeal request. No appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded by the Title IX Coordinator to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

A Title IX investigator not involved in the current case will make appeal decisions regarding Title IX Mandatory or discretionary dismissal and an Administrative Law Judge with the Division of Hearing and Appeals will review and make a decision on the final outcome of the grievance process.

This initial review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

- (C) The Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.
- (D) The sanctions imposed are not proportionate to the violation(s) and the cumulative record of the Respondent.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Officer.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Officer will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Hearing Officer, as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and Appeal Decision-maker will render a decision within 5 business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Gateway is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Gateway is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Gateway-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation. Gateway may still place holds on official

transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c) Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-maker to substitute their judgment for that of the original Hearing Officer merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Hearing Officer for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Hearing Officer (as in cases of bias), the appeal may order a new hearing with a new Hearing Officer.
- The results of a remand to a Hearing Officer cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Gateway or resumption of privileges, all reasonable attempts will be made to restore the Respondent to his/he prior status, recognizing that some opportunities lost may be irreparable in the short term.

30. Long-Term Remedies/Actions

Following the conclusion of the Title IX Grievance Procedure and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop discrimination, harassment, sexual harassment or retaliation, remedy their effects on the individual and college community, and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering work arrangements for employees
- Providing campus escorts
- Policy modification
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the

Respondent is found not responsible.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by Gateway to the Respondent.

31. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions (including emergency removal, expulsion, or termination from the College) or responsive or corrective actions and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

32. Records policy

Records, both physical and electronic, of incidents or complaints and those produced during a civil rights inquiry or investigation are maintained for no less than seven years by the Office for Equal Opportunity and Civil Rights. Records that pertain to students are part of their student record and subject to FERPA. Drafts and "working files" are not considered records that must be maintained by the College and are destroyed at the conclusion of an inquiry or investigation. Students and employees may access these records in accordance with applicable College policies on access to records.

Records of the following are retained:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the Gateway's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Gateway will make these training materials publicly available on Gateway's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to Gateway's education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Gateway will also maintain any and all records in accordance with state and federal laws.

33. Statement of the Rights of the Parties

Both the Complainant and the Respondent shall have the right to:

- Equitable investigation and appropriate resolution of all credible allegations of sexual harassment made in good faith to Gateway officials;
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Gateway officials.
- The right to have Gateway policies and procedures followed without material deviation.
- The right not to be pressured to informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Gateway officials from reporting sexual harassment to both on-campus and off-campus authorities.
- The right to be informed by Gateway officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Gateway authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Gateway security and/or other Gateway officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a Gateway-implemented no-contact order or no-trespass order against a non-affiliated third when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed in writing of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment (to include domestic violence, dating violence, sexual assault, and stalking), and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Visa/immigration assistance
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have the Gateway maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the Gateway's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Hearing Officer, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Hearing Officers who have received relevant annual training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Gateway representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have the Recipient compel the participation of faculty and staff witnesses.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.

- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Hearing Officer but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the Gateway.
- The right to a fundamentally fair resolution as defined in these procedures.

34. Disabilities Accommodation in the Equity Resolution Process

Gateway is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the College. Students needing such accommodations or support should contact the Director of Disability Support Services, and employees should contact the Title IX Coordinator, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

35. Revision of policies

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual harassment, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. Gateway reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
 - A Felony or misdemeanor crime of violence committed—
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence.
 - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent."
 - i. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - iii. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - iv. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
 - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A) Fear for the person's safety or the safety of others; or
 - B) Suffer substantial emotional distress.
 - ii. For the purposes of this definition—
 - A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker 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.
 - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

- C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Note: Jurisdictional and institutional definitions for the above listed items can be found in our Sexual Harassment Policy as listed below.

Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” Gateway Technical College wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

How to be an Active Bystander (adopted from Stanford University’s Bystander Intervention Strategies):

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **Don't allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs

Victims of sexual harassment, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence are encouraged to review some or all of the following procedures designed to guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call 911.
2. Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to the Student Services Center to speak with a licensed professional counselor for support and guidance. These licensed counselors are confidential resources and, in most cases, do not have a legal duty to report to the Title IX Coordinator. Outside of normal campus hours, you may ask to speak to a crisis support counselor provided by the county.
4. It is important to protect physical evidence of the assault. Do not shower, bathe, douche, or change clothes. Do not disturb anything at the scene of the assault or dispose of any evidence such as sheets and towels. If you go to the hospital, a Sexual Assault Nurse Examiner (SANE) will collect physical evidence from your body and clothes. Victims can have a forensic medical exam at the following hospital emergency departments, 24 hours a day, seven days a week.

Aurora Kenosha Medical Center, 10400 75th St # 205, 53142 Kenosha, WI, (262) 948 5640
Aurora Burlington Medical Center, 252 McHenry St., Burlington, WI. 53105, (262) 767-6100
Wheaton Franciscan Sexual Assault Treatment Center, 3801 Spring Street, CVI Building, Racine, WI. 53405,
262-687-4011

In Wisconsin, evidence may be collected even if you chose not to make a report to law enforcement.² Victims must register as a patient with the hospital and will receive any needed medical treatment. In addition, victims will be provided with a sexual assault advocate from a local sexual assault prevention agency.

Note: As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If an individual chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the Title IX Office or local law enforcement to preserve evidence in the event that the individual decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police. To further preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description,), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the campus Title IX Coordinator and/or Campus Security so that those orders can be observed on campus.

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

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Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

Any person who obtains a protective order from Wisconsin or any reciprocal state should contact Campus Security who can work with police and the Title IX Coordinator to coordinate services and additional assistance to the victim. This information will be shared with additional persons only at the request of the victim. Survivors may choose to meet with a local domestic violence advocate and/or the Office for Equal Opportunity and Civil Rights to develop a Campus Safety Action Plan, which is a plan for the victim to have in place to provide the victim options and resources to travel to and from campus safely. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

Domestic violence restraining orders may be issued when one or more the following occur:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A violation of s. 940.32.
5. A violation of s. 943.01, involving property that belongs to the individual.
6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.

A harassment restraining order may be issued when one or more of the following occur:

1. Striking, shoving, kicking or subjecting another to physical contact;
2. Engaging in an act that would constitute abuse under §48.02(1) [child abuse];
3. Sexual assault under §940.225 [1st, 2nd, 3rd degree];
4. Stalking under §940.32; or
5. Attempting or threatening to do any of the above.
6. Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

A restraining order is a court order that orders someone not to hurt you, to stay away from you, move out of the house, have no contact with you, or stop harassing you.

The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

How to get a restraining order

A victim may start the process by requesting papers for a temporary restraining order (TRO) from the Circuit Court 1) in the County where respondent resides; or 2) in the County where petitioner resides; 3) in the County where cause of action arose (where incident occurred); or 4) in the County where petitioner is temporarily residing. These papers are called the petition. The person completing the petition is called the petitioner. The person you file against is called the respondent. Once the victim files a TRO petition, the court decides whether or not to issue a TRO based on the information you write in the petition. If the court grants the TRO, the court will schedule a hearing for the victim to come back to court within 14 days. This hearing is called an injunction hearing. At that hearing the victim will ask the court to order a final order of protection, which is called an injunction. An injunction can be granted for up to 2 years for child abuse, and up to 4 years for domestic abuse, harassment, and individuals at risk.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs that are offered to all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of Wisconsin;
- D. The institution's definition of consent AND the purposes for which that definition is used.
- E. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- G. Information regarding:
 - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in "Procedures Victims Should Follow if a Crime of

- Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
- b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
 - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
 - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
 - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

Adjudication of Violations

Gateway’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The College will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to only consulting and advising their advisee. The advisor cannot speak for the advisee at the meeting or hearing. The advisor is allowed to ask questions for clarification, depending on the circumstances and with permission of the investigator.
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Clery Act Crime Information and Statistics

The below charts provide statistics for all Clery reportable crimes separated by campus. This includes the number of arrests for liquor, drug and illegal weapons law violations at each campus. The charts also show the number of students and employees referred for campus disciplinary action for conduct that would constitute both a liquor, drug, or weapons law violation, and a violation of college policy. Not all individuals referred for disciplinary action were found to have committed the rules violation with which they were charged but may still be captured in the total statistical disclosures below.

The information provided includes incidents and crimes reported to the Security Department, campus administrators, and Campus Security Authorities (CSAs) that occurred on or within the college's Clery Geography. Additionally, we made requests for crime statistics from local law enforcement agencies with jurisdiction over any Clery geography locations to include statistics in the charts below. Not all local law enforcement agencies responded to the request for statistics. The statistics in each chart include all reported crimes, not just those crimes determined to have actually occurred. Also, the reported crimes may have involved individuals not associated with Gateway Technical College.

Each chart provides information about the location where the alleged crime, arrest, or incident resulting in disciplinary action occurred. For the purposes of Clery Act geography, each campus requires its own chart. For the Kenosha Campus, LakeView Advanced Technology Center is represented on the chart and any incident at this location is listed under Non-Campus Property. In addition, all leased or controlled spaces not associated with a campus location are listed under the Kenosha Campus' Non-Campus property unless explicitly stated. Lastly, the Burlington Center and the HERO Center are listed as the Burlington Campus. The Kansasville Fire Training Area is listed as non-campus property for the Burlington Center.

The following definitions are used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

Clery Act Reportable Crime Definitions:

Murder and Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Rape: is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim. This offense includes the rape of both males and females.

Fondling: is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: is sexual intercourse with a person who is under the statutory age of consent.

Robbery: is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: is the unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: is the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Arson: is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crime: is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: Race, Religion, Sexual Orientation, Gender Identity, Ethnicity, National Origin, and Disability. Hate crimes include any of the following offenses that are motivated by bias: Murder and Non-Negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft*, Simple Assault**, Intimidation***, and Destruction/Damage/Vandalism of Property****.

*Larceny-Theft: is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault: is an unlawful attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

***Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

****Damage/Damage/Vandalism of Property: is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of.

Weapons: Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Clery Act Statistics



Criminal Offenses Reporting Table: **Kenosha Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0

	2021	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Hate Crimes: Kenosha Campus

-There were no reported Hate Crimes for calendar years 2020, 2021, and 2022.

Unfounded Crimes: Kenosha Campus

-There were zero (0) unfounded crimes in 2020, 2021, and 2022.

VAWA Offenses Reporting Table: Kenosha Campus

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Domestic Violence	2020	0	0	0
	2021	1	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	0	0	0
	2021	1	0	0
	2022	3	0	0

Arrests and Disciplinary Referrals Reporting Table: Kenosha Campus

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Arrests: Weapons Violations	2020	0	0	0
	2021	0	1	0
	2022	0	0	0
Disciplinary Referrals: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	2	0	0

Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

**Upon further review of statistics, the noncampus property "Arrests: Weapons Violations" changed from 0 to 1 for the 2021 calendar year.*



Criminal Offenses Reporting Table: Racine Campus

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0

	2022	0	0	0
Fondling	2020	1	0	0
	2021	0	0	0
	2022	0	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Hate Crimes: Racine Campus

-There were no reported Hate Crimes for calendar years 2020, 2021, and 2022.

Unfounded Crimes: Racine Campus

-There zero (0) unfounded crimes in 2020, 2021, and 2022.

VAWA Offenses Reporting Table: Racine Campus

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	0	0	0

	2021	1	0	0
	2022	3	0	0

Arrests and Disciplinary Referrals Reporting Table: **Racine Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Arrests: Weapons Violations*	2020	0	0	0
	2021*	0	0	0
	2022	0	0	0
Disciplinary Referrals: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	1	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

**Upon further review of statistics, the noncampus property "Arrests: Weapons Violations" changed from 1 to 0 for the 2021 calendar year.*



Criminal Offenses Reporting Table: **Elkhorn Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2021	0	0	1
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	9	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Hate Crimes: **Elkhorn Campus**

-There were no reported Hate Crimes for calendar years 2020, 2021, and 2022.

Unfounded Crimes: **Elkhorn Campus**

-There were zero (0) unfounded crimes in 2020, 2021, and 2022.

VAWA Offenses Reporting Table: **Elkhorn Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	0	0	0
	2021	0	0	0
	2022	2	0	0

Arrests and Disciplinary Referrals Reporting Table: **Elkhorn Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Arrests: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0



Criminal Offenses Reporting Table: **Burlington Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Motor Vehicle Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Hate Crimes: **Burlington Campus**

-There were no reported Hate Crimes for calendar years 2020, 2021, and 2022.

Unfounded Crimes: **Burlington Campus**

-There were zero (0) unfounded crimes in 2020, 2021, and 2022.

VAWA Offenses Reporting Table: **Burlington Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Arrests and Disciplinary Referrals Reporting Table: **Burlington Campus**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Arrests: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0

	2022	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0



Criminal Offenses Reporting Table: **Horizon Center**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0

	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Hate Crimes: **Horizon Center**

-There were no reported Hate Crimes for calendar years 2020, 2021, and 2022.

Unfounded Crimes: **Horizon Center**

-There were zero (0) unfounded crimes in 2020, 2021, and 2022.

VAWA Offenses Reporting Table: **Horizon Center**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Arrests and Disciplinary Referrals Reporting Table: **Horizon Center**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
	2020	0	0	0

Arrests: Weapons Violations	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0



Criminal Offenses Reporting Table: **SC Johnson iMET Center**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Fondling	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Incest	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Statutory Rape	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Robbery	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	0	0	0
	2021	0	0	0
	2022	1	0	0
Burglary	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arson	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Hate Crimes: SC Johnson iMET Center

-There were no reported Hate Crimes for calendar years 2020, 2021, and 2022.

Unfounded Crimes: SC Johnson iMET Center

-There were zero (0) unfounded crimes in 2020, 2021, and 2022.

VAWA Offenses Reporting Table: SC Johnson iMET Center

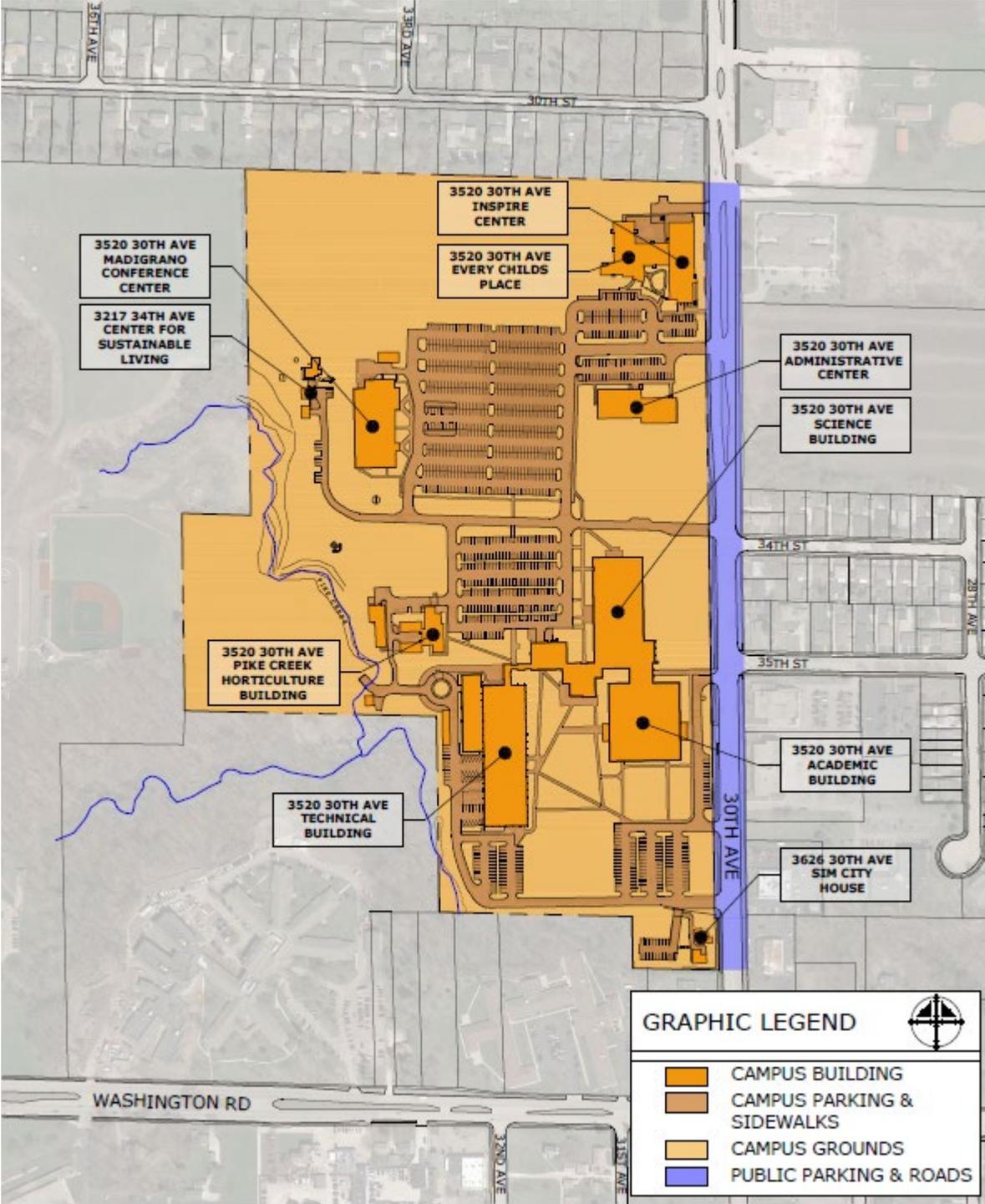
Offense	Year	On-Campus Property	Noncampus Property	Public Property
Domestic Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Stalking	2020	1	0	0
	2021	0	0	0
	2022	0	0	0

Arrests and Disciplinary Referrals Reporting Table: **SC Johnson iMET Center**

Offense	Year	On-Campus Property	Noncampus Property	Public Property
Arrests: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Weapons Violations	2020	0	0	0
	2021	0	0	0
	2022	1	0	0
Arrests: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

Campus Geography Maps

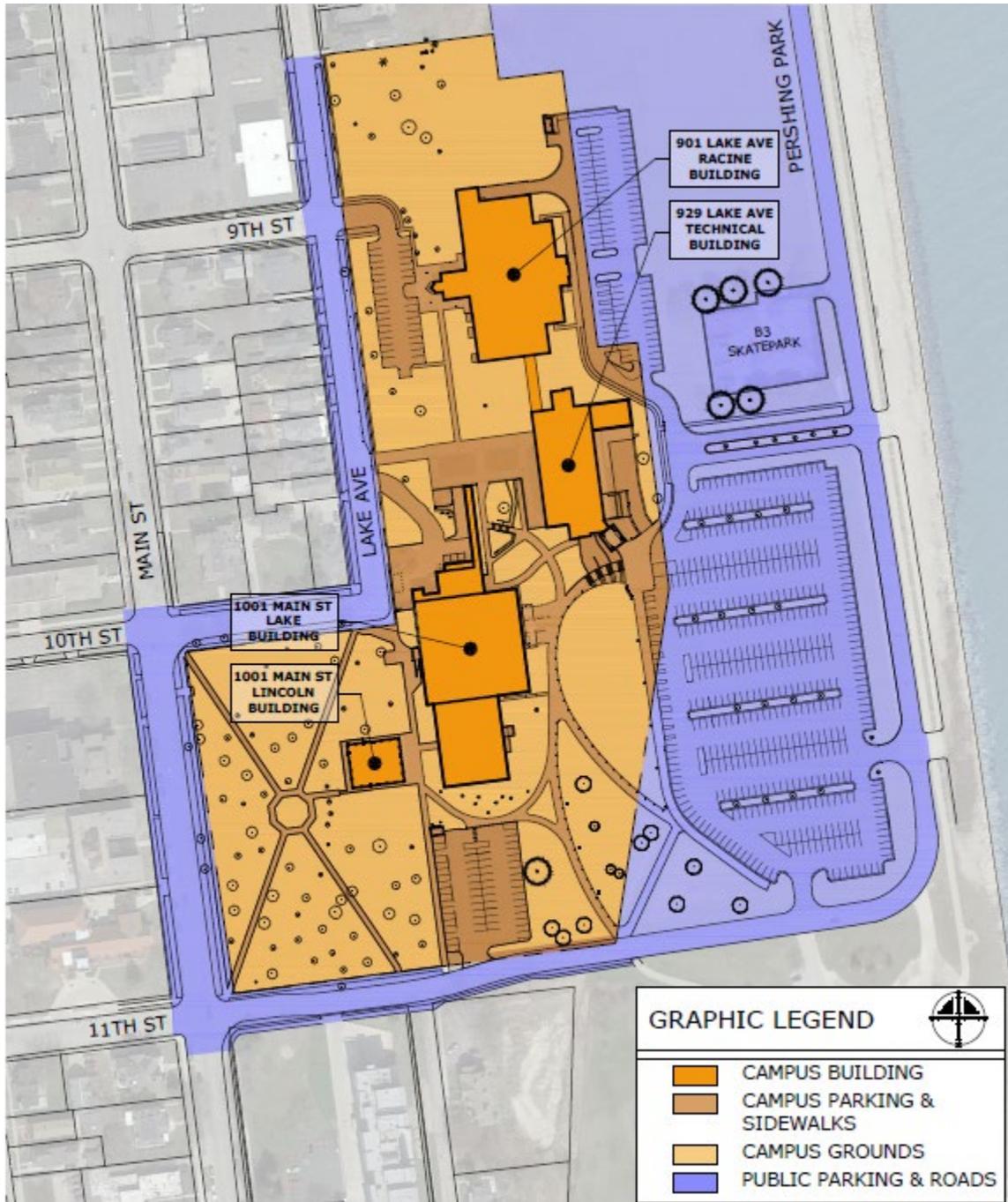
Kenosha Campus Clery Geography



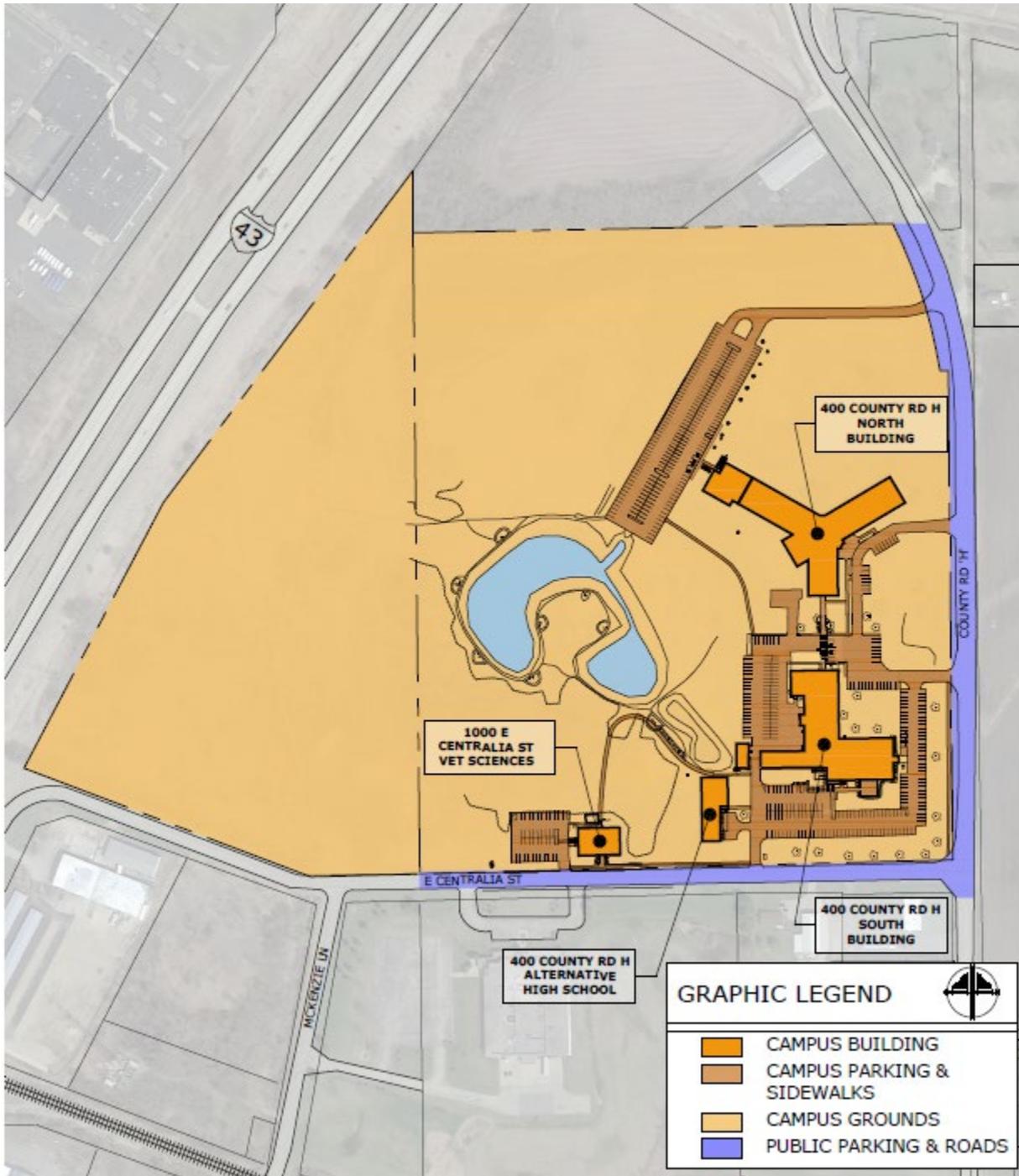
Racine Campus Clery Geography



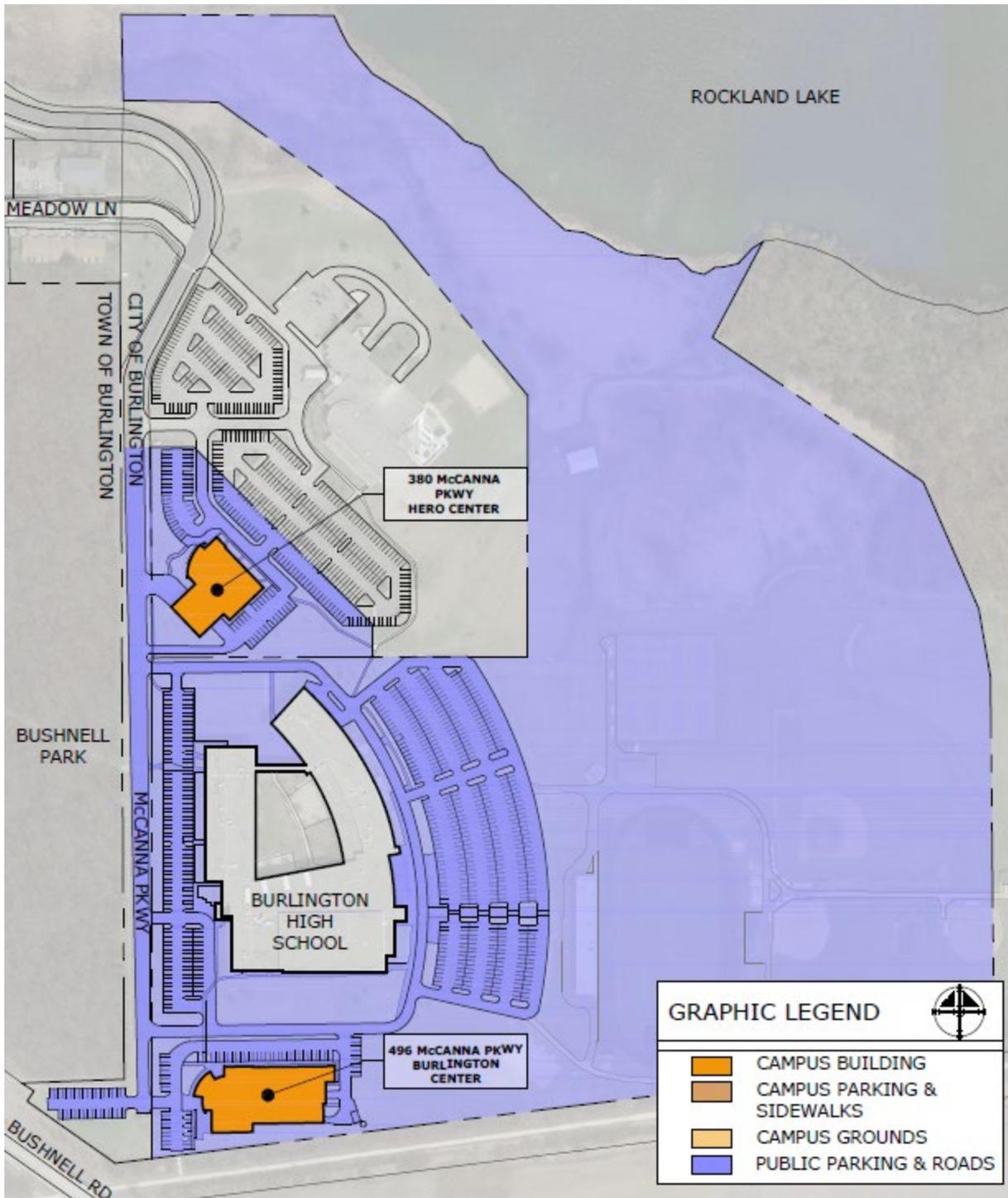
Racine Campus Clery Geography Continued



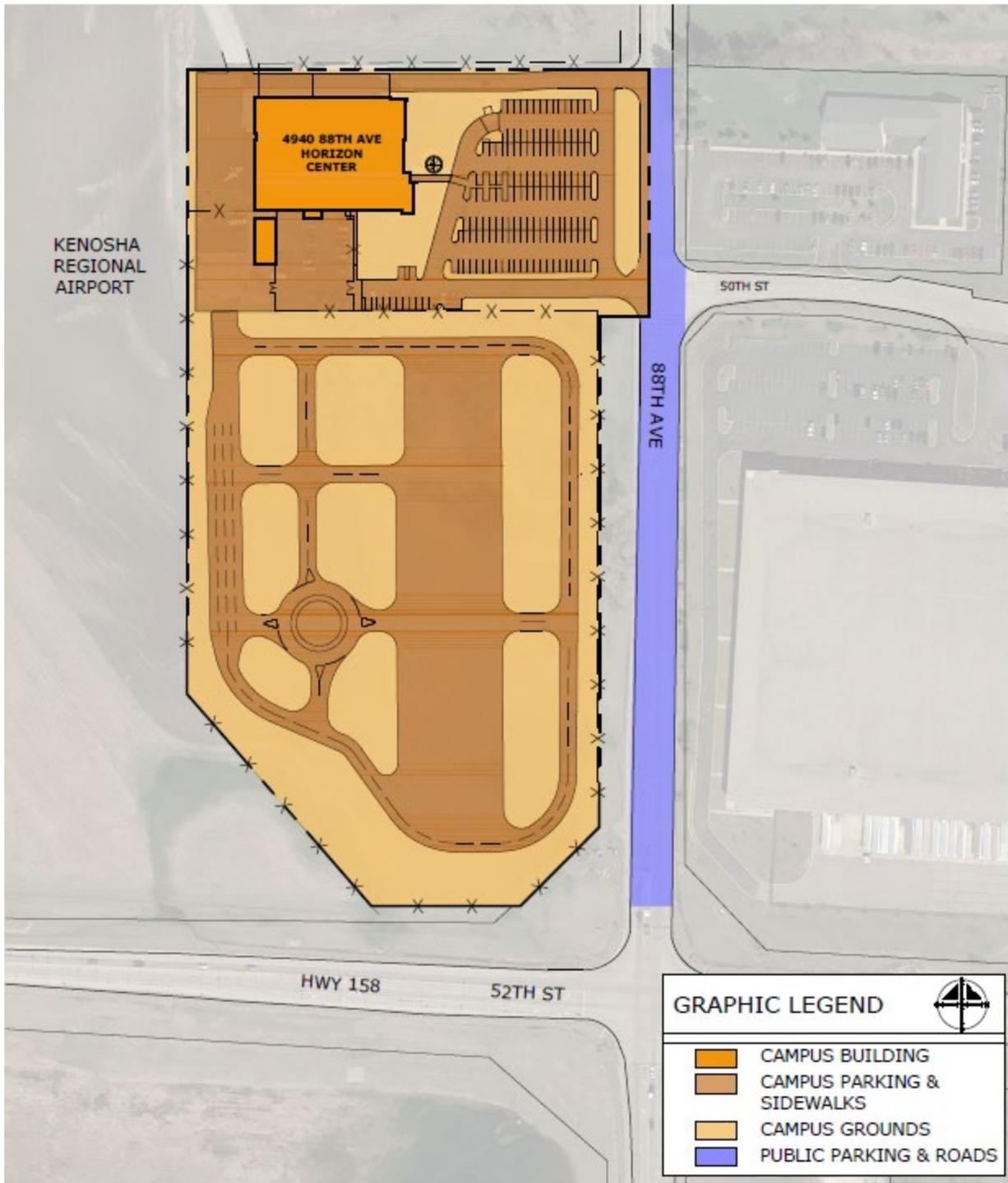
Elkhorn Campus Clery Geography



Burlington Campus Clery Geography



Horizon Center Clery Geography



SC Johnson iMET Center Clery Geography

