

Sexual Misconduct and Gender-Based Discrimination Policy

Silver Lake College promotes respect for the dignity and integrity of each person. Members of the college community, guests and visitors have the right to an environment free from all forms of gender and sex-based discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking. All members of the college community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Silver Lake College takes reports of sexual misconduct and gender-based discrimination very seriously and treats each report with the utmost care and urgency. When an allegation of discrimination or misconduct is brought to an appropriate administrator's attention, and a responding party is found to have violated this policy, sanctions will be applied to prevent such actions from being repeated. In addition, accommodative and remedial measures will be offered to mitigate the effects of the conduct. This policy has been developed to reaffirm these principles, to provide a mechanism for determining when this policy has been violated, and to provide recourse for those individuals whose rights have been violated.

Overview of Consensual Relationships Policy

The educational mission of the college is promoted by professionalism in relationships between administrators, faculty, students and staff. Professionalism is fostered by an atmosphere of mutual trust and respect. Trust and respect are diminished when those in position of authority abuse, or appear to abuse, their power.

Sexual relationships between faculty and student, or staff and student, are strongly discouraged. Even when both parties have consented to the development of such relationships, they can raise serious concerns about the validity of the consent, conflicts of interests, and/or unfair treatment of others. Moreover, others may be adversely affected by such behavior because it may create the perception that the faculty or staff member may favor or advance one student's interests at the expense of others.

Sexual relationships between supervisor and employee are prohibited when a direct evaluative relationship exists. In such cases the college requires that the faculty member, administrator, staff member or employee divest him or herself of the professional responsibility for evaluation and/or cease such conduct.

Sexual Misconduct and Gender-Based Discrimination Policy

Silver Lake College prohibits all forms of gender based discrimination and sexual misconduct. Gender-based discrimination or sexual misconduct can be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of the persons involved in the acts.

This policy prohibits the following forms of misconduct:

Gender-Based Discrimination — Gender-Based Discrimination includes discrimination on the basis of gender, sexual orientation, gender identity or domestic violence victim status in any aspect of employment or access to college curricular, co-curricular or extracurricular educational programs and/or resources, including without limitation:

- Hiring and firing
- Compensation, assignment, or classification of employees
- Transfer, promotion, layoff, or recall
- Job advertisements
- Recruitment
- Testing or grading
- Use of college facilities

Training and apprenticeship programs
Fringe benefits
Pay, retirement plans, and disability leave
Admissions and recruiting standards and practices
Financial aid and scholarship awarding policies and practices
Eligibility for academic programs
Use of student housing
Participation in extracurricular student activities
Other terms and conditions of employment or the student experience

This policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office's policies.

Sexual Harassment — Sexual harassment is unwelcome, gender-based, sexual orientation-based or gender identity-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the college's educational program, employment, and/or activities, and is based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation. It constitutes sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education opportunities or activities,
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or educational opportunities or activities affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or learning environment.

For example, sexual harassment would include the following kinds of behavior, or other kinds of behavior with a similar harassing effect:

- Abusing an employee or student through insulting, degrading, or oppressive sexual remarks, jokes, innuendoes, or other sexually oriented conduct (including, among other things, graphic or descriptive comments relating to an individual's body or physical appearance, sexually oriented teasing or pranks, improper suggestions, objects or pictures, unwanted physical contact);
- Threats, demands, or suggestions that an employee's working conditions or a student's grade depends in any way upon tolerating or accepting or refusing sexual advances or sexually oriented conduct
- Attempts to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; gender-based bullying.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall and which they both live.
- Explicit sexual pictures are displayed in a professor's office on the exterior of a residence all door.
- Two supervisors frequently "rate" several employees' bodies and sex appeal commenting suggestively about their clothing and appearance.
- A professor engages students in his/her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter or the class. S/he probes for explicit details,

and demands that students answer him/her though they are clearly uncomfortable and hesitant. An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.

Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers.

A student grabs another student by the hair, then grabs her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

Sexual Assault — Sexual Assault includes Non-Consensual Sexual Contact and Non-Consensual Sexual Intercourse, as defined below. ^{[[SEP]]}Non-Consensual Sexual Contact – any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, directly or with any object that is without affirmative consent. Acts of non-consensual sexual contact may include but are not limited to intentional contact (directly or over clothing) with another person’s breasts, buttocks, groin, genitals, or inner thigh, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts. ^{[[SEP]]}
Non-Consensual Sexual Intercourse — any penetration, however slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without affirmative consent. This type of sexual assault also includes non-forcible sexual intercourse with a person who is under the statutory age of consent. In Wisconsin, the statutory age of consent is 18 years old.

Sexual Exploitation — occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation may include but are not limited to: any audio and/or visual recording of a consensual sexual act or private activity (such as undressing or showering) without the person’s consent; distributing, without the prior consent of the victim of exploitation or beyond parameters of consent given by the victim, an audio and/or visual recording of a consensual sexual act; or private activity otherwise going beyond the boundaries of consent (such as allowing people to hide in the closet to view consensual sexual contact/intercourse); voyeurism; engaging in sexual activity with another while knowingly infected with a sexually transmitted disease; attempting to incapacitate someone for the purposes of committing sexual assault; exposing one’s genitals in non-consensual circumstances; or sex or gender-based bullying.

Stalking — engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others, or suffer substantial emotional distress. Examples of stalking behavior include but are not limited to: repeated attempts at communication (phoning, texting, email, social messaging); making direct or indirect threats to harm an individual or the individual’s relatives, friends or pets; physical and/or verbal confrontations; entering one’s residence hall room/apartment or vehicle without permission; following, observing or lying in wait for another; vandalizing or threatening to vandalize the property of another; gaining access to personal online accounts or information; etc.

Domestic Violence — Any violent behavior committed by a current or former spouse of a victim, by a person with whom a victim shares a child, by a person with whom the victim currently cohabitates or previously cohabitated as a romantic or intimate partner, by an individual who is or was similarly situated to a spouse of the victim, and/or by a person against a victim who is protected from the other person’s acts under the domestic or family violence laws of the jurisdiction in which the act of violence occurs.

Relationship/Intimate Partner Violence (Dating Violence) — any violent behavior committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship may be determined based on consideration of the length of the relationship, the type of

relationship, and/or the frequency of interaction between the persons involved in the relationship.

Other Misconduct Offenses (will be addressed under this policy when based on gender, gender identity, sexual orientation, or domestic violence victim status)

Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of another person;

Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

Hazing and

Bullying defined as repeated and or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or emotionally.

Additional Applicable Definitions:

Consent — Consent means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or contact. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Whenever the word "consent" is used in this policy, it should be understood to mean consent as defined here.

The following conditions apply to the term "consent" according to the college:

Silence, lack of physical resistance, and/or the absence of a verbal "no" are not forms of consent.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. In other words, it is not an excuse that the person initiating the act was intoxicated or incapacitated due to alcohol or other drugs.

Consent can be initially given but withdrawn at any time.

When consent is withdrawn or can no longer be given, sexual activity must stop. Once a person says "no," it is established that he or she is not giving consent to a sexual act. However, the absence of a verbal "no" does not constitute consent. Any activity or further encouragement beyond that point could be construed as force, coercion or intimidation.

A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity with any person cannot be presumed to be consent to sexual activity in the future with the same or a different person. A sexual act must be mutually agreed upon each time it occurs.

Consent to one sexual act does not indicate consent to other sexual acts.

Consent cannot be given if a person is incapacitated (see definition of "incapacitation"). Sexual activity with someone whom one should know to be — or based on the circumstances should reasonably have known to be — incapacitated (for example, by disability, sleep, involuntary restraint, or the taking of drugs or alcohol, unconsciousness or blackout) constitutes a violation of this policy.

Consent cannot be given under coercion, force, or threat of physical harm or injury.

Consent cannot be given if someone is under the legal age of consent. In Wisconsin, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

Force — Force is the use of physical violence and/or imposing on someone physically to gain sexual access. It includes threats and/or intimidation (implied threats) that overcome resistance. It also includes rendering someone incapacitated by administering alcohol or any other drug.

Coercion — Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive

behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Incapacitation — Incapacitation is a state where someone lacks the ability to knowingly choose to participate in a specific activity. Incapacitation can result from disability, sleep, lack of consciousness, involuntary restraint, or other factors that prevent voluntary choice. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.

Note: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent.

Confidentiality and Reporting of Offenses Under this Policy

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. The college offers a number of confidential and non-confidential resources on-campus.

Certain college employees are considered “confidential” resources because they are not required by law to report known incidents of sexual assault or other crimes to college officials, including the Title IX Coordinator.

Confidential resources generally will not share information about an individual without the individual’s express written permission.

Other employees at the college are non-confidential resources and are required to share a report with the Title IX Coordinator so that the college may take steps to offer support services and prevent the recurrence of sexual misconduct or gender-based discrimination. If you are unsure of an individual’s reporting obligations, please ask before disclosing information you wish to remain confidential. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become the victim of sexual misconduct or gender-based discrimination. Even college offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Confidential Assistance

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with mental health counselors, the college chaplain, and/or off-campus resources such as InCourage, a sexual assault resource center. All of these resources will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Confidential resources that are college employees will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

Quick Reference Contact Information:

InCourage Crisis Line 920-684-5770

Aurora Medical Center-Sexual Assault Nurse Examiner (SANE) 920-794-5000 or 920-794-5125

Holy Family Memorial Hospital Emergency Room 920-320-2275

Non-Confidential Resources

All college employees other than confidential resources have a duty to share reports of gender-based discrimination or sexual misconduct with the Title IX Coordinator or a Deputy Coordinator so that the college may take steps to offer support services and prevent the recurrence of any misconduct. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal

resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or a Deputy Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law.

In cases of pattern, predation, physical threat, weapons, and/or violence, the college will likely be unable to honor a request for confidentiality. If the college determines that it must proceed with an investigation, the reporting party can choose whether or not he/she is going to be part of it. The burden of investigation, disciplinary charges, and consequences is not on the reporting party, but instead rests with the college. In cases where the reporting party requests confidentiality and the circumstances allow the college to honor that request, the college will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.

College's Procedures for Investigation of Sexual Misconduct and Gender-Based Discrimination

Silver Lake College strongly encourages any individual who has been subjected to sexual misconduct or gender-based discrimination to report the misconduct to college officials and/or law enforcement. A reporting party has the right and can expect to have reports taken seriously by the college when formally reported, and to have those incidents investigated and properly resolved through these procedures. The college's main concern is that reporting parties receive the help and guidance essential for beginning the process of healing, while also giving consideration to the welfare of the campus community and providing a fair process for claims of gender discrimination and sexual misconduct.

Anyone wishing to report incidents of sexual misconduct or gender-based discrimination should do so through Campus Safety, Residential Staff (Residential Assistants or Residential Directors), the reporting party's supervisor, or directly with the Title IX Coordinator (Employment and Professional Development Specialist). Investigations will ordinarily take no longer than 60 days. However, the nature of a complaint and/or extenuating circumstances (such as the time of the academic year, the timing of college break periods, the effect of concurrent criminal proceedings, etc.) may require an extension of that timeframe.

Complaints will be considered according to the following procedure:

Once a report is received, information is shared with the Title IX Coordinator and/or a Deputy Coordinator. Preliminary information gathering will occur to determine whether or not a formal investigation is appropriate.

Some complaints may be resolved through conflict resolution in lieu of a formal investigation. Conflict resolution may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal process to resolve conflicts. The Title IX Coordinator and/or Deputy Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, the Title IX Coordinator and/or Deputy Coordinator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies, in which case the complaint is resolved. The Title IX Coordinator will keep records of ^[T]_[SEP]any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. Conflict resolution will not be used to address complaints of sexual assault or violent behavior of any kind, or in other cases of serious violations of policy. It is not necessary to pursue conflict resolution first in order to make a formal complaint, and anyone participating in conflict resolution can stop that process at any time and request a formal process.

If a formal investigation is deemed appropriate, the Title IX Coordinator will appoint investigators to the case. If it is determined a formal investigation is not appropriate, the college will offer the reporting

party and/or alleged victim accommodations, which may include “No Contact” orders if requested. In each case, a responding party is entitled to a presumption that he or she is “not responsible” until a finding of responsibility is made pursuant to the provisions of this policy. The responding party will receive written notice, prior to any interview or meeting he or she is required or entitled to attend, referencing the specific policy provisions alleged to have been violated.

Investigators will seek to conduct interviews with any individuals who may be able to provide information pertaining to the potential violation, or other potential violations that may become apparent through the course of the investigation. They will also gather, examine and assess relevance of evidence, or other resources, brought forward throughout the course of the investigation. The investigators have the authority to investigate all allegations of collateral misconduct, meaning that they may consider allegations of gender-based discrimination or sexual misconduct, but also may hear any allegations of additional conduct or policy violations that are alleged to have occurred as part of the same set of circumstances as the alleged gender-based discrimination or sexual misconduct, even though those collateral allegations may not otherwise fall within this policy. Accordingly, investigations should be conducted with as wide a scope as necessary. Final determination of whether the investigation will deal with collateral misconduct will be made by the Title IX Coordinator.

After the investigation is complete, and based on the preponderance of the evidence standard (“more likely than not”), investigators will determine whether it is “more likely than not” the responding party(s) violated one or more policies and prepare the final report. Investigators will provide the final report to the Title IX Coordinator, along with a recommended finding and course of action. Final reports will include documented summary of interviews, evidence, credibility assessments and any other factual support for the investigators’ findings.

The Title IX Coordinator and/or Deputy Coordinator will inform the reporting party and responding party in writing of the outcome of the investigation, including the relevant findings of fact and the rationale for the determination. If the determination is that the responding party is responsible for one or more violations, the Title IX Coordinator and/or Deputy Coordinator will determine the appropriate sanction dependent on whether the responding party is a faculty/staff member, or student.

Should a student be accused of a violation of the Sexual Misconduct or Gender-Based Discrimination Policy, they are NOT subject to the same process and procedure outlined in the Code of Conduct under the “Judicial Process”, and the processes and procedures in this policy will be followed instead. There is no hearing to determine responsibility, as that is the purpose of the investigation process.

If the responding party found responsible for a violation is a faculty or staff member, the Title IX Coordinator will consult with Director of Human Resources and the appropriate executive officers to review:

The responding party’s personnel file

Any past informal complaint where there has been a finding of discrimination and/or harassment

A finding of discrimination and/or harassment by the responding party through the formal complaint process

Any past formal or informal complaint against the responding party. After this history has been taken into consideration, the Title IX Coordinator will make a final recommendation for corrective action to the appropriate executive officer for implementation, if appropriate. Copies of the final recommendation will be sent to the reporting party, responding party, Director of Human Resources and appropriate executive officer for both the reporting party and responding party. This process will be done within 60 days of the registration of the complaint in writing unless there are extenuating circumstances. ^[1]_[SEP]The executive officer will fully implement the recommendations unless she/he has good reason not to. An executive officer who, for whatever reason, chooses not to fully implement the recommendations will

explain her/his reasons for this decision in writing (insofar as possible) or in a face-to-face meeting with the Title IX Coordinator. After disposition and/or implementation of the corrective actions, the executive officer must notify the reporting party, Title IX Coordinator, HR, in writing, of the disposition and/or corrective actions that have been implemented.

Sanctioning for Sexual Misconduct and Gender-Based Discrimination (for students only)

The Title IX Coordinator will determine sanctions in cases where a student is found responsible for violation of the Sexual Misconduct and Gender-Based Discrimination Policy through an investigation.

Both the reporting party and the responding party shall be notified verbally and in writing of the outcome of any investigation, hearing or administrative action and any sanctions and changes to the forgoing. The following sanctions may be imposed upon any member of the community found to have violated the Sexual Misconduct or Gender-Based Discrimination Policy. Ranges for violations are referenced below.

Student Sanctions (where Applicable, as defined in the Code of Conduct):

- Written Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Loss of Campus Residency
- Organizational Sanctions
- Suspension
- Expulsion
- Withholding of Diploma and/or Degree Conferral
- Revocation of Degree

Employee Sanctions:

- Warning — written
- Performance Improvement Plan
- Required Counseling
- Written Reprimand
- Formal Apology
- Transfer or reassignment
- Disciplinary Probation
- Non-Renewal of Employment Agreement
- No Contact Order
- Required Training/Education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Termination — No corrective action will be implemented that violates any provision of a Silver Lake College employment contract.

Transcript Notation — The following standards for institutional transcript notation apply to any student accused of a violation of any Silver Lake College policy that is defined as a crime of violence reportable under

the Clery Act:

Students suspended after a finding of responsibility for said violations will have the following noted on the transcript: “Suspended after a finding of responsibility for a code of conduct violation.”

Students expelled after a finding of responsibility for said violations will have the following noted on the transcript: “Expelled after a finding of responsibility for a code of conduct violation.”

Students withdrawing from the college during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), with respect to allegations of said violations, will have the following noted on the transcript: “Withdrew with conduct charges pending.”

Withdrawal Prior to Completion of Process — Students withdrawing from the college during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), to which they are subject as a responding party, may not be eligible for re-admission to the college or re-enrollment in any courses offered by the college on campus, online, or through any affiliate programs, unless and until the pending charges are resolved to the college’s satisfaction.

Resignation Prior to Completion of Process — Employees who resign from the college during an investigation, or any time prior to the completion of judicial procedures or other resolution process (including an appeal process), to which they are subject as a responding party, may not be eligible for re-hire unless and until the pending charges are resolved to the college’s satisfaction.

Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement — The college may withhold a student’s degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

Amnesty — The health and safety of every student at Silver Lake College is of utmost importance. The college recognizes that students who have been drinking and/or using drugs, (whether such use is voluntary or involuntary) at the time that violence occurs, including but not limited to Domestic Violence, Dating Violence, Stalking, or Sexual Assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The college strongly encourages students to report Domestic Violence, Dating Violence, Stalking or Sexual Assault to college officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of Domestic Violence, Dating Violence, Stalking or Sexual Assault to college officials or law enforcement will not be subject to the college’s Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Domestic Violence, Dating Violence, Stalking, or Sexual Assault.

Appeals (for students only) — An appeal shall be considered when either the reporting party or the responding party choose to appeal the finding and/or the sanction imposed. Additionally, appeals for removal of a suspension notation from the official transcript may be considered. If granted, the suspension notation will be removed no less than one year after the suspension is completed.

Appeals will be considered by the Assistant Dean of Student Development or a designee. Any conflicts of interest should be reported to the Title IX Coordinator, and the Title IX Coordinator will make the determination as to whether recusal is warranted.

Appeal of Investigative Finding (for students only) — The appealing student shall file a written appeal to the Title IX Coordinator. Appeals may be filed for the following reasons:

Material procedural defect in the original investigation that is likely to have impacted the outcome, and/or
Presence of new material evidence that was not available through no fault of the appealing party throughout the course of the investigation, and that, if known, would be likely to have impacted the outcome, and/or
Substantial disregard for factual evidence that is likely to have impacted the outcome.

Appeal for Review of Sanction — The Assistant Dean of Student Development (or designee) will consider appeals of sanctions in cases involving a finding of responsibility for Sexual Assault, Domestic Violence, Dating Violence or Stalking, and in other cases where the sanction is expulsion, suspension, loss of good disciplinary standing, or loss of campus residency, if either party contends that the sanction is disproportionate to the nature of the severity of the violation. Other sanctions are not subject to review.

Appeal Procedure (Students Only) - The appealing party must file the appeal electronically as a Word Document attachment via college email to the Title IX Coordinator within five class days of notification of the outcome of the investigation stating the specific reason and justification for the appeal. Possible reasons include:

A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

Consideration of new evidence, unknown or unavailable during the original investigation that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

The sanctions imposed fall outside the range of sanctions the college has designated for the offence and the cumulative record of the responding party.

The Appeal process is not a “re-hearing” of the case. It will only consider facts and issues relevant to the basis for the appeal, and will not be conducting new investigations. It will be assumed in the appeal consideration that the original investigation and sanctions are sound, and the burden is on the appealing party to prove otherwise. The Assistant Dean of Student Development or designee may meet with the appealing party and the non-appealing party (if requested), and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.

The appeal will result in one of the following decisions:

Finding/Sanction Stands: If a review of relevant information finds that there is no merit to the appeal, or that any issue brought up in the appeal would not change the finding or the sanction, then the finding and (if applicable) the sanction will be affirmed. This decision is final, and the case is closed.

Appeal Granted: If a review of relevant information finds that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the appeal may result in action consistent with that determination. That may include, without limitation, in the case of procedural error, new information, or substantial disregard for the evidence remanding the case in whole or in part to the original investigators or new investigators or, in the case of disproportionality of a sanction, modifying that sanction as appropriate.

Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more parties seek review of the appeal proceedings ordered on remand.

Accommodations and Interim Measures

Certain accommodations and interim measures may be made by the Title IX Coordinator and/or Deputy Coordinators, or appropriate designee, in an effort to protect the safety and/or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, domestic violence, dating violence, stalking or retaliation, or to prevent further harm to the alleged victim and to prevent further violations. These accommodations could include, but are not limited to: (a) changes in academic, living, transportation, and working situations if those changes are requested by the alleged victim and reasonably appropriate and available; (b) “No Contact” Orders, Summary Suspension, or Access Restrictions as provided in the Code of Conduct under “Interim Sanctions”; or (c) any other interim restriction or condition deemed appropriate by the Title IX

Coordinator or Deputy Coordinators, or appropriate designee. A written summary of rights, options, supports, and procedures, is provided to all reporting and responding parties, whether they are students, employees, guests, or visitors.

If an outside agency or court of law has put in place an order of protection, the college will assist in upholding the order, including explaining the legal consequences for violating the order. If the college receives a report of an official order of protection being violated, the college will provide assistance in contacting the appropriate law enforcement agency.

Title IX Investigators, Title IX Coordinator/Deputy

All Title IX officials (investigators, Title IX Coordinator and Deputy Coordinators) will be individuals who receive annual Title IX training and participate in ongoing development on issues related to gender based discrimination, sexual harassment, domestic violence, dating violence, sexual assault and stalking. They will also receive training on their respective roles in the process.

Advisor of Choice

The reporting party and the responding party have the right to an advisor of their choice present with them through any interviews throughout the investigation, any proceedings resulting from Title IX investigations and any related meetings. Advisors are not permitted to ask or answer questions, nor are they to interfere in the process for any reason at any time. If an advisor does not adhere to these or other applicable ground rules, the advisor will be dismissed from the applicable interview, proceeding, or meeting, which will continue without opportunity for the advisee to secure a new advisor. Additionally, the college will determine its own schedule, and it is incumbent upon the reporting party and responding party to ensure their advisors are available. The schedule for interviews, hearings, appeals, or any meeting necessary will not be driven by advisor availability. Except in cases involving allegations of Domestic Violence, Dating Violence, Stalking or Sexual Assault, the advisor of choice for an employee of the college must be another employee of the college.

Retaliation

Reporting parties have the right to continue their employment or educational endeavors free from retaliation or further harassment as a result of filing a report or participating in a judicial process. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person's participation in an investigation or other process undertaken pursuant to this policy, or their support of someone involved in such an investigation or process. Retaliatory actions include but are not limited to threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. An allegation that retaliation has occurred in violation of this policy will be investigated and adjudicated in accordance with the procedures set forth in this policy. Without limiting the preceding sentence, any evidence of such behavior from a responding party throughout the course of an investigation, or on behalf of the responding party, could warrant immediate summary suspension from the college pending the completion of the investigation and subsequent judicial process.

Training and Prevention Programming

In an effort to reduce the risk of sexual misconduct and gender-based discrimination occurring among its students, Silver Lake College utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of the Silver Lake College to offer programming to prevent domestic violence, relationship/intimate partner violence, sexual assault (including stranger and known offender assaults) and

stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct and gender-based discrimination as well as the Wisconsin definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, guest speakers, events, and programs sponsored by student clubs and organizations.

Title IX Coordinator

In accordance with Office of Civil Rights legislation pertaining to Title IX of the Education Amendments of 1972, the college is required to appoint and maintain a coordinator for Title IX Compliance on campus. Silver Lake College's Title IX Coordinator is the director of Human Resources, Hollynn Gahagan and can be contacted by email at Hollynn.Gahagan@sl.edu or by phone at 920-686-6180 (Office) 920-627-9564 (cell) and is in room 219. Documentation of investigations and findings outcomes regarding alleged sexual misconduct and gender-based discrimination will be kept on record with the Title IX Coordinator in accordance with college policies regarding records management.

Students' Rights

Make a report to local law enforcement and/or State Police

Have disclosures of domestic violence, dating/intimate partner violence, stalking and sexual assault treated seriously

Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice

Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard

Be treated with dignity and to receive from the college courteous, fair and respectful health care and counseling services, where available

Describe the incident to as few college representatives as practicable and not be required to unnecessarily repeat a description of the incident

Be protected from retaliation by the college, any student, the responding party and/or their friends, family, and acquaintances within the jurisdiction of the college

Access to at least one level of appeal of determination

Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the investigation process including all meetings and hearings related to such process

Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the college

Volunteer Rights

Make a report to local law enforcement and/or State Police

Have disclosures of sex discrimination, sexual harassment, domestic violence, dating/intimate partner violence, stalking and sexual assault treated seriously

Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice. This applies only if the employee is the person the crime is against

Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard

Be treated with dignity, courtesy, fairness and respect

Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or that the reporting individual should have acted in a different manner to avoid such crimes or violations

Describe the incident to as few college representatives as practicable and not be required to unnecessarily repeat a description of the incident

Be protected from retaliation by the college, any student, the responding party and/or their friends, family, and acquaintances within the jurisdiction of the college

Be accompanied by an advisor of choice in Domestic Violence, Dating Violence, Stalking, Sexual Assault matters who may assist and advise a reporting individual, accused, or respondent throughout the investigatory process including all meetings and hearings related to such process. In other matters, the advisor of choice must be an employee of the college.

Anti-Discrimination/Anti-Harassment Policy

Silver Lake College is committed to providing a workplace that is free from unlawful harassment and discrimination. The college strictly prohibits and does not tolerate unlawful harassment or discrimination based on an employee's race, color, sex, national origin, age, disability, sexual orientation, marital status, genetic information, arrest or conviction record, religion, military status, or any other characteristic protected by federal, state or local law (collectively referred to as "protected characteristics").

Prohibited harassment includes, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with the employee's normal work or movement. Harassment also may include written or graphic material placed on walls, bulletin boards or elsewhere on the college's premises or circulated in the workplace that denigrates, shows hostility or aversion toward an individual or group because of any protected characteristics.

Whether or not the person means to give offense or believes his or her comments or conduct were welcome is not significant. Rather, the college's policy is violated when other employees, whether recipients or mere observers are, in fact, offended by comments or conduct based on the individual's protected characteristic.

Complaint Procedure

If you have experienced or believe you have experienced any discrimination or harassment based on your protected status, or if you witness any such conduct, you should immediately report any such incident to the Director of Human Resources.

Because the subject of harassment or discrimination may be difficult to talk about, an employee may also report an incident to the Chief Financial Officer.

The college treats all claims of harassment and discrimination seriously. The college will promptly

investigate all allegations of prohibited harassment and/or discrimination that are brought to its attention. The investigation will be handled in a confidential manner as much as is practical and appropriate under the circumstances. Employees and supervisors have a duty to cooperate in the college's investigation of alleged harassment.

The college strictly prohibits any form of retaliation against any employee for filing a bona fide, good faith complaint concerning prohibited harassment or discrimination or for assisting in a complaint investigation. Any employee who believes that he or she has been subjected to retaliation in violation of this policy should immediately report the retaliation to the employee's supervisor or department manager, or Human Resources.

Each manager and/or supervisor is responsible for ensuring that this policy is enforced. This responsibility includes making employees aware of the college's policies on discrimination and harassment, and maintaining a work area free from conduct that causes, or reasonably could be considered to cause, an intimidating or offensive work environment.

Any employee who is found, after appropriate investigation, to have violated this policy will be subject to appropriate action, up to, and including, termination of employment.

If further information, interpretation or advice is needed regarding prohibited harassment or discrimination or the complaint process, an employee should contact a supervisor or Human Resources.

Corrective Action Process

Silver Lake College operates on the assumption that all employees are responsible adults who take their work seriously and conduct themselves with pride and self-respect; that employees will rarely lapse from competent work habits or violate established rules and regulations; and that employees will strive to correct performance lapses promptly in a professional and constructive manner if problems are brought to their attention. Progressive corrective action is intended to help employees resolve performance deficiencies or address policy infractions. Depending upon the nature and severity of the infraction, the college reserves the right to bypass any of the steps outlined below and not provide any progressive discipline prior to termination. The college may terminate an employee at any time for any reason, at any time, and with or without cause.

Typically, minor offenses are addressed with verbal counseling or reprimands but may, at the college's discretion, be documented in the employee's personnel records or reflected in annual performance evaluations.

Serious or more frequent violations may warrant more serious action, up to, and including, termination of employment. Levels of corrective action may include (but is not limited to) the following and are documented in writing with the original notification placed in the employees personnel file in Human Resources:

Verbal warning or counseling — The supervisor arranges a meeting with the employee for counseling or for a verbal warning to inform the employee of the standards of behavior or performance that are not being met.

Written warning — The supervisor may issue a written reprimand or warning including notice that future incidents may result in more serious disciplinary action, up to, and including, termination of employment.

Suspension without pay — The supervisor may recommend that the employee be suspended without pay for a specific period of time, depending upon the severity of the conduct. Such a recommendation is to be developed in conjunction with the Office of Human Resources and must be approved by the appropriate vice president.

Termination of employment — Depending upon the severity of the conduct or performance expectations, the supervisor may recommend to Human Resources and the appropriate vice president that the individual's employment be terminated either immediately or following progressive discipline. The Director of Human Resources must approve all terminations before they occur.

Supervisors may place an employee on a Performance Improvement Plan (PIP) at any time during the

progressive discipline process. A PIP is a document that specifically details the standards of conduct or performance expectations that are not being met and the specific changes required of the employee. The PIP will have specific milestone dates for behavioral changes and include consequences of not meeting the requirements of the PIP.

Deficiencies and infractions may include, but are not limited to, the following:

- Poor performance.

- Falsification of timesheets, personnel records or other institutional records.

- Neglect of duties, wasting time during work hours, overall unsatisfactory performance or not in assigned work area while on work time.

- Excessive absenteeism or tardiness for work or required meetings, and no-call/no-show.

- Reporting late for work or leaving early without proper authorization.

- Insubordination or refusal to follow work procedures or perform work as requested.

- Physically or verbally abusive behavior, intimidating or hostile behavior toward co-workers, students or visitors to Silver Lake College (including sexual and other forms of harassment).

- Fighting, horseplay, practical jokes or other disorderly conduct that may endanger the well-being of other individuals.

- Unacceptable work quality or intentionally causing additional work for others.

- Improper, unsafe, wasteful, or careless handling of tools, equipment, property, supplies or goods of Silver Lake College.

- Failure to cooperate with co-workers.

- Violations of safety rules or accepted safety practices.

- Reporting to work while intoxicated or under the influence of illegal drugs and/or the use, possession, distribution of, or sale of illegal drugs. "Illegal drugs" includes abusing, misusing, or selling prescriptive drugs.

- Engaging in act of dishonesty, fraud, theft, damage or sabotage of Silver Lake College property or personal property of students, co-workers, visitors.

- Gambling or participation in lotteries or any other games of chance on the premises during work time.

- Encouraging or inducing other employees to violate college policies and procedures.

- Violation of college policies or rules including harassment and discrimination policies.

- Any other circumstance in which Silver Lake College feels corrective action is warranted.

Corrective action, particularly suspension and discharge, are generally coordinated with Human Resources.