



*Experience. Success.*

Wisconsin Indianhead Technical College  
Right to Know

2016

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## **1 INTRODUCTION**

### **1.1 Purpose**

The Wisconsin Legislature and the U.S. Congress have passed numerous laws which require colleges and universities to provide written information about their experience and policies regarding safety and security, alcohol and drugs, student misconduct and campus crime. The laws are not intended to frighten, but rather to inform students and employees about the environment in which they study and work.

The Wisconsin Indianhead Technical College (WITC or College) strives to maintain a campus environment that is safe and supportive of the educational process. The information contained in the Right to Know (RTK) Plan will alert students, employees, and visitors to potential problems before they occur and/or direct them to helpful resources if and/or when problems do occur.

## **2 RESPONSIBILITIES**

The development and continued update of the RTK Plan is the responsibility of the WITC Safety Office, Human Resources. It is the responsibility of all students, employees and visitors to maintain a safe and supportive learning and working environment. Questions concerning any of the information contained in the RTK Plan should be directed to the Safety Office, Human Resources at WITC Administrative Office, 505 Pine Ridge Drive, Shell Lake, WI 54871, telephone 800/243-9482 OR 715/468-2815. Email: HumanResources@witc.edu. TTY: 711.

## **3 ALCOHOL AND OTHER DRUG USE**

### **3.1 Standard of Conduct for Drugs and Alcohol**

WITC believes the use and abuse of alcohol and other drugs interferes with a person's ability to learn and grow in the college environment. To that end, the College has established the following alcohol and drug policy for students, staff and visitors.

- A. The use, possession, manufacture, delivery or sale of illegal drugs is prohibited at all WITC campuses and other instructional sites as well as at all WITC sponsored activities.
- B. The possession and/or use of any beverage containing alcohol, including beer and other malt beverages, wine, wine coolers or distilled beverages on College property is prohibited except when approved by the President or designee under special very limited circumstances where use of alcoholic beverages is appropriate.
- C. The possession and/or use of alcohol as a part of any off-campus, College-sponsored activity without prior approval from the President (or his designee) are prohibited. If alcoholic beverages are present with authorization at any WITC-sponsored activities, provisions must be made to accommodate any student under 21 years of age. All College-sponsored student activities (using tax dollars and/or activity fees) must be open to all students regardless of age.
- D. The consumption of alcoholic beverages is prohibited during the program/activity portion of any educational field trip or while in transit to/from the campus.
- E. The use of alcoholic beverages in any WITC Conference Center is not to be encouraged and will be authorized only in rare and unusual circumstances with the prior approval of both the local Campus Administrator and the President.
- F. The expenditure of student activity fees for alcoholic beverages is not allowed.
- G. The advertising of alcoholic beverages is prohibited on WITC property and in College publications.
- H. Any student or employee who violates this policy or exhibits disruptive/abusive behavior while on

WITC property, while at other WITC instructional sites or while attending any WITC-sponsored activity may be asked to leave/be escorted from the premises. In the case of serious behavioral problems, law enforcement personnel will be called.

- I. Please refer to the policies and procedures that govern international educational activities for guidelines and requirements regarding standards of conduct for drugs and alcohol while participating as a student, employee or visitor of any WITC sponsored/affiliated international program.
- J. Staff or students found in violation of this policy will be subject to disciplinary action which may include written reprimand, suspension, expulsion, or loss of employment, and/or referral to law enforcement authorities. Rehabilitation may be a condition for continued association with the College.

### **3.2 State of Wisconsin and Federal Legal Sanctions**

Substantial restrictions against alcohol abuse exist in Wisconsin. It is against the law to sell alcohol to anyone who has not reached the legal drinking age of 21. There is a concurrent duty on the part of an adult to prevent the illegal consumption of alcohol on his/her premises, **Wis. Stats. 125.07**. Violation of this statute can result in a \$500 fine. It is against the law for an underage person to attempt to buy an alcoholic beverage, falsely represent his/her age or enter a licensed premise. Offenders can be fined \$500, ordered to participate in a supervised work program, and/or have their driver's license suspended. Harsher penalties exist for retailers of alcoholic beverages, including up to 90 days in jail and revocation of their retail liquor permit.

The laws of Wisconsin also prohibit drug possession and delivery through the **Uniform Controlled Substances Act, Wis. Stats. 961**, which mandates penalties of up to 30 years in prison and fines of up to \$1,000,000. A person with a first-time conviction for possession of a controlled substance can be sentenced up to one year in prison and fined up to \$5,000. Penalties vary according to the type and amount of drug confiscated, the number of previous offenses by the individual and whether the individual intended to manufacture, sell, or use the drug. In addition to the penalties for possession or delivery, sentences can be doubled when other offenses are involved, such as when a person distributes a controlled substance to a minor.

The federal government has recently revised the penalties against drug possession and trafficking through its Federal Sentencing Guidelines, which reduce the discretion that federal judges may use in sentencing offenders of federal drug statutes. Under these guidelines courts can sentence a person up to 6 years in prison for the unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana. A sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury. Possession of more than 5 grams of cocaine can trigger intent to distribute penalty of 10-16 years in prison, **United States Sentencing Guidelines 202.1(b)(1)**.

### **3.3 College Sanctions**

#### **Employees**

An employee found to be in violation of the Drug-Free Workplace policy and/or the Drug-Free Schools policy will be subject to discipline and penalties up to and including termination. Discipline taken could also include that the employee be required to satisfactorily participate in a drug abuse rehabilitation program, at their own expense, before being allowed to return to work. Disciplinary action will be taken as soon as is administratively possible from when WITC learns that a conviction or violation has occurred, however, a conviction is not required for the College to take appropriate disciplinary action.

## Students

A student found to be in violation of the Alcohol/Drug-Free College policy will be reported to law enforcement agencies when appropriate as well as subject to disciplinary action, up to and including dismissal or termination (if employed) from the College.

## **4 COLLEGE SECURITY POLICY AND CRIME STATISTICS**

### **4.1 College Security Policy**

The College works to maintain a high level of safety and security at all of its campuses and outreach centers. The following information is provided in conjunction with that commitment and in conformance with the guidelines of the **Crime Awareness and Campus Security Act of 1990**, known as the Clery Act.

### **4.2 Campus Law Enforcement**

The College does not have its own security force, however, a cooperative and professional relationship exists between the College and the police departments in each of the cities where facilities are located. Information is exchanged with law enforcement agencies regarding security reports in order to maintain informed cooperative efforts in preventing campus crime and resolving crime-related problems.

### **4.3 Reporting of Criminal Actions**

To report a security situation **contact the Information Services desk** at the location (campus or administrative office) at which the incident occurred as quickly as possible. The Information Services Staff will immediately contact the Campus Administrator (or designee) who will take appropriate action as dictated by urgency. In an emergency situation, dial 911 from any phone and provide appropriate information.

During the academic school year the Information Services desks at the WITC campuses are open as follows, however, please refer to the identified campus website for the most up-to-date information:

#### ❖ **Ashland Campus**

M- 7:30 a.m. – 7:30 p.m. • T-Th: 7:30 a.m. – 7:00 p.m. • Fri: 7:30 a.m. - 4:30 p.m.

<http://www.witc.edu/ashland/services.htm>

#### ❖ **Hayward & Ladysmith Outreach Centers**

M-Th: 8:00 a.m. – 8:30 p.m. • Fri: 8:00 a.m. – 4:00 p.m.

<http://www.witc.edu/hayward/hours.htm>

#### ❖ **New Richmond Campus**

M-Th: 7:30 a.m. – 6:45 p.m. • Fri : 7:30 a.m. – 3:30 p.m.

<http://www.witc.edu/newrichmond/services.htm>

#### ❖ **Rice Lake Campus**

M- 7:30 a.m. – 4:30 p.m. • T- 7:30 a.m. – 6:30 p.m. • W-Fri: 7:30 a.m. - 4:00 p.m.

<http://www.witc.edu/ricelake/services.htm>

#### ❖ **Shell Lake Administrative Office**

M-F: 8:00 a.m. - 4:30 p.m.

<http://www.witc.edu/adminoffice/services.htm>

#### ❖ Superior Campus

M-Th: 8:00 a.m. – 6:30 p.m. • Fri: 8:00 a.m. – 4:00 p.m.

<http://www.witc.edu/superior/services.htm>

Incidents occurring outside of the normal school day should be reported to the evening supervisor/ manager at the facility or to the Campus Administrator as soon as possible. Summer hours at each location will be posted to indicate when the Information Services desk is open. Incidents involving injury, burglary, or theft will receive **immediate** response by contacting the appropriate medical emergency and/or law enforcement involvement. Custodial staff on duty will provide back-up to Information Services Staff in the incident response process. Campus Administrators are responsible for security responses at the campuses. The Vice President, Human Resources & Risk Management is to be contacted concerning Administrative Office security concerns. All security incident reports filed will be conveyed on a daily basis to the appropriate Administrator with a copy to the Safety Office, Human Resources in Shell Lake for recordkeeping and risk management purposes.

#### **4.4 Security and Access to Campus Facilities**

The College maintains a commitment to campus security and safety. Exterior lighting in the parking lots, pedestrian walkways and exterior of buildings is provided to illuminate these areas for safety and security.

College buildings are secured and may be periodically monitored by facilities staff, video surveillance and/or police patrol. Exterior doors are locked and buildings closed as listed below.

<b>Ashland:</b>	10:00 p.m. - 6:00 a.m. Monday-Friday 5:00 p.m. Friday - 6:00 a.m. Monday
<b>New Richmond:</b>	10:00 p.m. - 6:00 a.m. Monday-Friday 6:00 p.m. Friday - 8:00 a.m. Saturday 4:00 p.m. Saturday - 6:00 a.m. Monday
<b>Rice Lake:</b>	10:30 p.m. - 7:00 a.m. Monday-Friday 5:00 p.m. Friday - 8:00 a.m. Saturday Noon Saturday - 7:00 a.m. Monday
<b>Superior:</b>	10:00 p.m. - 6:00 a.m. Monday-Friday 6:00 p.m. Friday - 6:00 a.m. Monday 4:00 p.m. Saturday – 6:00 a.m. Monday
<b>Shell Lake:</b>	4:30 p.m. - 8:00 a.m. Monday-Friday 4:30 p.m. Friday - 8:00 a.m. Monday

**NOTE:** *Building access may vary to accommodate evening and weekend classes according to scheduled activities.*

The College grounds and landscaping are maintained by the facilities, custodial staff and some contract services, assuring safety for pedestrians with concern for vehicle traffic considerations.

#### **4.5 Crimes to be Reported**

A yearly report is compiled by the College based upon the Security Incident Reports filed during the year

and information obtained from police and sheriffs' departments in cities and counties where College campuses are located. Statistics obtained are used for required annual Clery Act reporting and is also shared with the College Board for appropriate action with regard to operational policies and procedures. Following are definitions of reportable Clery Act crimes. Definitions were obtained from The Handbook for Campus Safety and Security Reporting and from the National Institute of Justice website:

**Murder/Non-Negligent manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

**Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a. **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 the consent of the victim.
- b. **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.
- c. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This offense is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Aggravated assault may include assault and battery, disorderly conduct, domestic violence, or simple assault by some local jurisdictions even though a weapon was used in the incident.

**Burglary (Breaking and Entering):** The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Arson:** 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.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Simple Assault:** The unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent 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. Cyber-intimidation (threatened via computer) is included in this definition.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the persons having custody or control of it. Examples include cutting into tires, drawing obscene pictures on restroom walls, smashing windows, destroying school records, defacing library books.

**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. 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:** A felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 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; 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.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to, acts in 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.

#### **4.6 Arrests Made On or in the Vicinity of Campus**

Educational institutions must also report the number of arrests for the following crimes that occur on or in the vicinity of the educational institution: Liquor law violations, drug abuse violations, and weapons possessions. An "Arrest" has occurred when a law enforcement officer has detained an individual with the intention of seeking charges against the person for a specific offense(s) and a record is made of the detention.

Definitions of crimes for which arrest must be reported:

**Liquor Law Violations:** Violations 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.

**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.

**Weapons Possessions:** Violations 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.

#### 4.7 College Crime Statistics – Calendar Year 2015

Offense	Number of Offenses at WITC Location*							Number of Offenses within vicinity# of WITC Location							Number of Crimes Reported by Law Enforcement in Cities or Counties Where Campuses are Located**						
	Ash	Hay	Lady	NR	RL	SUP	SL	Ash	Hay	Lady	NR	RL	SUP	SL	Ash	Hay	Lady	NR	RL <sup>1</sup>	SUP	SL <sup>2</sup>
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	1	0	9	7
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	1	0	1	1	13	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	33	6	4	11	0	36	13
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	43	1	7	20	95	196	58
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	1	0	0	9	37	43	170	106	1215	139
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	310	0	0	5	13	68	13
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	1	0	2	1
Liquor Law Violations	0	0	0	0	0	0	0	1	0	0	0	4	0	0							
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0							
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0	0	0							
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0							
Intimidation	0	0	0	0	0	0	0	0	0	0	0	1	0	0							
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0							
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	1	0	0							
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0							
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0							

\*Source: WITC Incident Reports, County Sheriff/City Police Departments  
 #Vicinity defined as the public sidewalk that borders the campus, the public street running along the sidewalk, and the public sidewalk on the other side of the street.  
 \*\*Source: Federal Bureau of Investigation, Uniform Crime Reports  
 RL<sup>1</sup> = Barron County statistics  
 SL<sup>2</sup> = Washburn County statistics

#### How to Obtain Information about Crime Prevention

Informational brochures and supporting prevention information are provided for all students and staff through College orientation and in-service activities. College and its vicinity crime statistics are also available to the public via the College website.

#### Criminal Activity of Off-Campus Student Organizations

WITC currently does not recognize any off-campus student organization. Student conduct codes enumerate and describe acceptable behavior and sanctions for misconduct actions relating to drugs and alcohol, assaults, weapons and other security-related concerns whether on or off-campus.

#### Alcohol and Drug Policies

WITC has developed policy and procedures regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws and a description of any drug or alcohol abuse education programs. These policy statements are included in the RTK Plan.

## **5 UNLAWFUL DISCRIMINATION/HARASSMENT/SEXUAL HARASSMENT/SEXUAL MISCONDUCT/SEXUAL VIOLENCE**

On March 7, 2013, the Campus Sexual Violence Elimination Act (Campus SaVE Act) was signed into law, a compliment to Title IX and an update to the Jeanne Clery Act, as part of reauthorization of the Violence Against Women Act. The new law is designed to help institutions better protect their students and employees from sexual violence.

WITC prohibits and will not tolerate unlawful discrimination, harassment or sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking by or against any student, employee, student/employee applicant, vendor/customer, anyone associated with WITC or other members of the public.

Any student, employee, or student/employee applicant who believes that he/she has been unlawfully discriminated against or harassed or sexually harassed or a victim of sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking in violation of College policy is urged to report the incident to the Vice President, Human Resources & Risk Management, Administrative Office, 505 Pine Ridge Drive, Shell Lake WI 54871, 715-468-2815 ext. 2225. Employees and students may also report complaints to any member of President's Cabinet or to law enforcement as appropriate.

All complaints or reports of alleged acts or charges of unlawful discrimination/harassment/sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking reported to the College will be handled under developed procedures that will include, but not be limited to, taking immediate action to eliminate the unlawful action, preventing its recurrence, addressing its effects, publishing a notice of non-discrimination/non-harassment/non-retaliation, adopting and publishing grievance procedures and ensuring College employees are trained to respond to issues/complaints promptly and equitably. Prompt and remedial action will be taken, if necessary, to ensure appropriate behavior in the academic/work environment.

WITC Vice President, Human Resources & Risk Management serves as the Equal Opportunity/Affirmative Action Officer and Title IX Coordinator and the central intake point for complaints of unlawful discrimination/harassment/sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking. All charges of unlawful discrimination/harassment/sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking will be investigated according to College procedure by the Vice President, Human Resources & Risk Management (or designee) or a supervised investigation will be delegated to other trained, responsible members of President's Cabinet and/or outside legal counsel as appropriate.

### **5.1 Definitions**

1. Unlawful discrimination shall mean a difference in treatment in any employment/education related action, service, program, course, or facility of WITC on the basis of race, color, religion, sex, national origin, age, disability or status in any group protected by federal, state or local law in employment, admissions or its programs, services or activities. Unlawful discrimination may be in the form of harassment such as:
  - a. Unsolicited and repeated derogatory epithets, derogatory statements or gestures made to a person because of his/her protected status.
  - b. Any attempt to penalize or punish a person because of his/her protected status.
2. Sexual Harassment means unwelcome sexual advances, unwelcome physical contact of a sexual nature, unwelcome request for sexual favors, and other verbal or physical conduct of a sexual nature (including, but not limited to, deliberate or repeated unsolicited gestures or

comments, or the deliberate or repeated display of offensive, sexually graphic materials, not necessary for educational purposes), when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's status as a student or employee;
  - b. Submission to or rejection of such conduct by an individual is used as a basis for enrollment, rating, or grading of a student or any employment related action for an employee;
  - c. Such conduct has the purpose or effect of substantially interfering with an individual's academic or work progress, or creating an intimidating, hostile, or offensive academic or working environment.
3. Sexual misconduct/sexual violence is also sexual harassment and as such is prohibited and could include sexual acts against a person's will or where a person is incapable to give consent.
    - a. The term "sexual assault" means an offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation.
  4. "Domestic violence" includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
  5. "Dating violence" means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
  6. "Stalking" means a pattern of repeated and unwanted attention, harassment, contact, or other action directed at a specific person that could cause a reasonable person to feel fear.

## 5.2 Notification of Complaint

1. Any applicant, student, employee, or citizen requesting services from WITC who believes he/she has experienced or observed a violation of this policy or procedure at WITC may file a report with the Vice President, Human Resources & Risk Management at the following address: WITC Administrative Office, 505 Pine Ridge Drive, Shell Lake, WI 54871. Phone: (715) 468-2815, ext. 2225.
2. The complaint report will be in writing, to the Vice President, Human Resources & Risk Management. The report should detail the facts and circumstances which are the basis for the complaint and identify the individual(s) at WITC responsible for the alleged violation and the policy, procedure, or practice that has been violated. Whenever possible, the "Unlawful Discrimination/Harassment/ Sexual Harassment/Sexual Misconduct/Sexual Violence Complaint Form" should be used to provide the information requested. The complainant and the respondent will be advised of the College policy and procedures when filing a complaint.
3. In accordance with Wisconsin law, a complaint alleging discrimination must be filed within 300 days of the alleged violation; however, a more immediate reporting of the incident will facilitate a prompt and thorough investigation of the facts and circumstances involved.
4. The filing of a report with the College does not restrict a person's right to seek redress through avenues outside of the College.
5. Retaliatory action against anyone filing a legitimate report for any type of unlawful discrimination/ harassment, including sexual harassment/sexual misconduct/sexual violence, is strictly prohibited.

## 5.3 Investigation

Upon receipt of a complaint and/or Unlawful Discrimination/Harassment/Sexual Harassment/Sexual

Misconduct/Sexual Violence Complaint Form, the Vice President, Human Resources & Risk Management will authorize an investigation of the incident(s) in question and seek prompt and equitable resolution of the matter. The specific steps of the investigation will vary based on the nature of the allegations and other factors; however, the College's inquiry will be prompt, thorough and impartial. Within ten (10) working days or school days from the receipt of the complaint or as soon as is administratively possible, the Vice President, Human Resources & Risk Management will initiate the following as needed:

1. Conduct individual meetings with the person who filed the complaint and with other persons identified in the complaint as being either witnesses to or responsible for the alleged violation(s).
2. Conduct group meetings with the principal parties involved in the incident(s) in question, as necessary.
3. Attempt to resolve the matter to the mutual satisfaction of the principal parties involved. The resolution actions may include advisement, investigation, observation, sensitivity training, accommodations, disciplinary action up to and including termination or expulsion, and reporting criminal activity and/or specific counseling for behavior modification. If the matter cannot be resolved to the mutual satisfaction of the principal parties involved, the individual will have the option to proceed to an appeal hearing with the Board of Trustees (Board). The appeal hearing would be in accordance with the Appeal Process (section 4).

#### **5.4 Findings**

If there is a preponderance of evidence to believe that a violation(s) has occurred, the College will take appropriate action. Individuals discriminating against students or employees will be subject to discipline under appropriate WITC policies. The College will also take other necessary corrective action to remedy any instances or effects where unlawful discrimination/ harassment/sexual misconduct/sexual violence is determined to have occurred. Notice of the action will be sent to the principal parties involved.

#### **5.5 Appeal Process**

Within five (5) working days or school days following notification of the action taken by the College, either of the principal parties involved may file an appeal with the WITC President for a hearing with the Board. The Board will, if practical, consider the request for appeal at its next regularly-scheduled meeting (but not sooner than 30 days or later than 60 days from receipt of the request for appeal), and may deny the appeal, overturn the original decision, or remand the matter for a partial or complete review, citing specific matters to be considered. The disposition of the Board is final and there shall be no further appeal within the College of the matter.

#### **5.6 Restriction**

1. Action relating to employment and/or enrollment should not be taken for or against a person until a report of unlawful discrimination/harassment has been resolved, unless such action is deemed necessary to the well-being or safety of the people involved in the action or to the function of the College or when such action/decision is part of the usual business of the College.
2. Inasmuch as this review process represents an administrative inquiry into the facts and circumstances surrounding a report of unlawful discrimination/harassment/sexual harassment/sexual misconduct/sexual violence, the use of legal counsel and/or representation is not permitted. However, nothing in these procedures will preclude an employee's or student's right to seek other avenues of redress outside of the College including a complainant's right to file a criminal complaint, as appropriate.

## **5.7 Documentation**

A record of all complaints must be maintained and forwarded to the College's Vice President, Human Resources & Risk Management for reporting purposes in compliance with federal and state laws.

WITC will submit a report by September 1st to the Board and the Wisconsin Technical College System Board specifying the number of complaints received in the previous school year and the disposition of each such complaint.

In compliance with Section 36.11(22) Wisconsin Statutes and concern for students and employees, WITC provides the following information:

## **5.8 Sexual Assault of an Adult: Definitions and Penalties**

### **First Degree Sexual Assault**

Whoever does any of the following is guilty of a Class B felony:

- A. Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
- B. 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.
- C. 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.

Penalty for first-degree sexual assault is imprisonment for not more than sixty years.

### **Second Degree Sexual Assault**

Whoever does any of the following is guilty of Class BC Felony:

- A. Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- B. 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.
- C. 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.
- D. Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
- E. 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.
- F. Is an employee of an inpatient facility or a state treatment facility and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility.

Penalty for second-degree sexual assault is imprisonment for not more than thirty years and/or a fine of not more than \$10,000.

### **Third Degree Sexual Assault**

Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class D felony. This includes sexual contact or intercourse by a member of the instructional staff of a school

district with a student enrolled in the school who is 16 years of age or older.

Penalty for third degree sexual assault is imprisonment for not more than ten years and/or a fine of not more than \$10,000.

#### **Fourth Degree Sexual Assault**

Whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

Penalty for fourth degree sexual assault is imprisonment for not more than nine months in the county jail and/or a fine of not more than \$10,000.

### **5.9 Sexual Assault of a Child: Definitions and Penalties**

#### **First Degree Sexual Assault**

Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of Class B felony.

Penalty for first-degree sexual assault is imprisonment for not more than sixty years.

#### **Second Degree Sexual Assault**

Whoever has sexual contact or sexual intercourse with a person who is at least 13 but under has not attained the age of 16 years of age is guilty of Class BC felony. Engaging in repeated acts (defined as three or more violations) with the same child within a specified period of time may result in prosecution as a Class B felony.

Penalty for second-degree sexual assault is imprisonment for not more than thirty years and/or a fine of not more than \$10,000.

#### **Failure to Act**

A person responsible for the child's welfare is guilty of a Class C felony if that person has knowledge that another person intends to have, is having or has had sexual intercourse or sexual contact with the child, is physically and emotionally capable of taking action which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.

Penalty of second-degree sexual assault is imprisonment for not more than thirty years and/or a fine of not more than \$10,000.

#### **Death of Victim**

This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.

### **5.10 Sexual Exploitation by Therapist**

#### **Sexual Contact Prohibited**

Any person who is or who holds himself/herself out to be a therapist and who intentionally has sexual contact with a patient or client during any ongoing therapist-patient or therapist-client relationship, regardless of whether it occurs during any treatment, consultation, interview or examination, is guilty of a Class C felony. Consent is not an issue in an action under this sub-section.

Penalty for sexual exploitation by a therapist is imprisonment for not more than fifteen years and/ or a fine of not more than \$10,000.

## **5.11 Protective Behaviors**

### **Being Aware**

Being aware that sexual assault can happen anywhere to anyone is the first step in self-protection. Thinking that sexual assault only happens to someone else could increase the chances of actually becoming a victim.

The next step is to decrease assault opportunities by increasing the opportunities of protection:

- Be aware of the people who are around you (i.e. on the street, in the elevator, on the bus.)
- Be aware of areas of potential danger: high crime areas, unlit streets, vacant lots, alleys, dark doorways, and parking lots. Be aware of areas where you can seek help: 24-hour stores, police station, houses with lights on, restaurants, and hospitals.
- Know the facts about sexual assault and sexual misconduct including date rape, domestic violence, stalking, and other inappropriate actions.

### **Assertiveness**

First learn to present yourself as strong and capable. Appearing shy and afraid are signals to an assailant that you will be an easy victim.

- Body language: make eye contact with people on the street approaching you and those you meet in elevators; walk erect with a firm step.
- Appear confident.
- If you are approached don't be afraid to make a scene. As a person you have rights. If someone violates you in any way, you do not have to tolerate it.
- You have the right to say no. Say it as loudly and as often as you need to. Sounding like a broken record may eventually discourage the potential attacker.
- Know you have the right to set sexual limits.
- Communicate those limits.
- Be honest with people about what you want or don't want.
- Trust your feelings. If you feel you are in danger, you're probably right.
- Act on those feelings; do not ignore them. Walk or run away, get angry, seek help.

## **5.12 How to Avoid Sexual Assault Situations**

### **Home**

We all like to feel safe in our homes and apartments and often don't consider the possibility of being attacked while at home. There are some ways, however, that you can make your home safer.

- Do not allow anyone in your home with whom you are not comfortable or do not know
- Always check identification of repair/sales people before opening your door. If you have doubts, call the employer.
- If you live alone, do not advertise it. Use only last name on mailbox and first initial and last name in phone book.
- Teach children not to open the door or give out information by phone about who is home, or how long they may be out.
- When you come home, if you notice any signs of tampering on doors or windows, do not go

inside. Leave immediately and call police.

- Install dead bolt locks and a peephole viewer in the door and use them.
- Never open your door without knowing who is on the other side.

### **While Driving or Riding**

Be especially cautious even when driving your car and/or using public transportation. Reduce risks by taking these precautions.

- Have keys ready in your hand for your car or home.
- Park your car in well-lighted areas.
- After entering or leaving your car, always lock the door.
- If you think you are being followed, drive to a public place or police station.
- When taking public transportation wait in a well-lighted place.
- Notice who gets on and off with you.
- Sit near the driver.
- If you feel you are being followed by someone, go to the nearest well-lighted area or house/business and request help.

### **Date or Acquaintance Rape**

We all have the right to pursue a social life without being hindered by the fear of sexual assault. However, the reality is that people are more often assaulted by people they know than by strangers. Both direct attacks by strangers and subtle coercion by dates or friends can be considered sexual assault because neither offers choice. It is important to remember that every person has the right to set social/sexual limits.

The following are common examples of how and when women and men may feel pressured, intimidated or coerced into sex.

- Date expects sex in exchange for buying dinner or drinks.
- "If you love me, you'll have sex with me."
- "Nobody will believe you didn't want to have sex with me when you invited me in after our date."
- "We're married. It's your duty to have sex with me."

If you feel your date or partner is pressuring you into sex you don't want, be assertive in expressing your feelings. Every person has the right to say "NO."

### **If Attacked**

Because all people and all situations are different, there is no one-way to protect yourself. We all have different capabilities and you must decide for yourself the best defense method for you. Don't panic. THINK.

There are many factors that will determine how you may react. Make a quick assessment of the situation. Is there a weapon involved? Is there available help? Is there a means of escape? Do you have something you could use as a weapon or could an element of surprise throw the attacker off guard? There is no wrong decision. You'll do what you have to do to survive.

**Immediate assertive action has been shown to be effective in many situations.**

If the assault can't be prevented, concentrate on identifying characteristics so you can make an accurate



report to the police. Reporting sexual assaults or attempted assaults to the police is a personal decision. Reporting can help prevent the assailant from victimizing others in the future.

After an assault, do not change clothing, shower, bathe or apply medication, even though this would be your natural reaction. The physical evidence will be important in the prosecution of the attacker should you decide to report the assault.

It is recommended that you have a medical exam not only for collection of evidence, but also because of the possibility of injury, pregnancy or venereal disease.

### **5.13 Basic Bill of Rights for Victims and Witnesses**

Victims of federal crimes are entitled to certain rights and services according to federal law. These rights are included in Section 3771 of Title 18 of the U.S. Code, Crimes and Criminal Procedure (see the Federal Bureau of Investigation website at [www.fbi.gov](http://www.fbi.gov)). Under the Campus SaVE Act, Title IX, and Clery Act, students who believe they have experienced unlawful discrimination/ harassment/sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking also have rights which include receiving the following information:

- Name of College Title IX Coordinator
- Awareness of the protections of Title IX
- Know what to do if harassment occurs
- How to obtain orders of protection or no-contact orders and how the College will cooperate in their enforcement
- How the College will maintain confidentiality
- Notice of the right to change academic, living, transportation or work situations, whether or not a victim has formally reported an incident
- Notification of available mental health, legal assistance, victim's advocacy and other resources
- Notice of student's rights and options, whether the assault took place on campus or off
- Access to prevention programs

The College must also provide students with information on:

- Post attack procedures
- Reporting or right not to report
- Disciplinary procedures
- Right to have advisor of choice
- Simultaneous notification of proceeding results
- Victim's right to confidentiality
- Appeal Procedure
- Contact information for counseling, health (mental or physical), legal and victim's assistance groups and other services available on or off campus

As a victim of a crime in Wisconsin, you have the following rights:

- To be treated with fairness, dignity and respect for your privacy.
- To not have personal identifiers including email disclosed or used for a purpose unrelated to the official duties of an agency, employee or official.
- To be informed of your rights and how to exercise your rights.
- To be provided information regarding the offender's release from custody.

- To be notified of a decision not to prosecute if an arrest has been made.
- To speak with the Assistant Attorney General (AAG), or prosecutor representative upon your request, about the possible outcome of the case, potential plea agreements and sentencing options.
- To attend court proceedings in the case.
- To have reasonable attempts made to notify you be notified of the time, date and place of upcoming court proceedings, if you so request.
- To be provided with a waiting area separate from defense witnesses.
- To a speedy disposition of the criminal case.
- To have your interest considered when the court is deciding to grant a request for a delay (continuance).
- To be notified if charges are dismissed.
- To be accompanied to court by a service representative. This right is limited to specific types of crimes.
- To ask for assistance with your employer if necessary, resulting from court appearances.
- To request an order for, and to be given the results of, testing the offender for sexually transmitted diseases or HIV. This right is limited to specific types of crimes.
- To provide a written or oral victim impact statement concerning the economic, physical and psychological effect of the crime upon you to be considered by the court at sentencing.
- To have the impact of the crime on you included in a presentence investigation.
- To be provided sentencing or dispositional information upon request.
- To restitution as allowed by law.
- To a civil judgment for unpaid restitution.
- To compensation for certain expenses as allowed by law.
- To have your property expeditiously returned when it is no longer needed as evidence.
- To be notified of the offender's eligibility for parole and to have input into the parole-making decision.
- To be notified by have the Department of Corrections make a reasonable attempt to notify you of specific types of releases, escapes or confinements as provided by law.
- To have a reasonable attempt made to notify you be notified of a pardon application to the governor and to make a written statement regarding the pardon application.
- To contact the Department of Justice about any concerns you may have about your victim rights treatment as a crime victim.

In order to receive information you must keep the appropriate agency informed of your current address and telephone number.

Source: Wisconsin Department of Justice, Office of Crime Victim Services

#### **5.14 Services Available**

For support and counseling opportunities after a sexual assault or rape crisis, contact the counseling office at any of the WITC campuses listed below or the Affirmative Action Officer (Vice President, Human Resources & Risk Management) at the WITC Shell Lake Administrative Office: 715/468-2815.

WITC-Ashland	715/682-4591
WITC-New Richmond	715/246-6561
WITC-Rice Lake	715/234-7082
WITC-Superior	715/394-6677
WITC-Shell Lake	715/468-2815

## **6 OTHER RIGHT TO KNOW INFORMATION**

In addition to information provided regarding safety and security, alcohol and drugs, student misconduct and campus crime, the following right to know information is provided in accordance with standards established by the Occupational Safety & Health Administration (OSHA) and the Department of Safety & Professional Services (DSPS).

### **6.1 Exposure Control Plan**

In accordance with OSHA standard 29 CFR 1910.1030 Bloodborne Pathogens Exposure Control and DSPS 332 Public Employee Safety and Health, an Exposure Control Plan (ECP) is provided for WITC employees to eliminate or minimize occupational exposure to bloodborne pathogens and other infectious materials. The ECP is a key document to assist in implementing and ensuring compliance with the standard, thereby protecting employees. The ECP includes:

- Determination of employee exposure;
- Implementation of various methods of exposure control, including:
  - Universal precautions,
  - Engineering and work practice controls,
  - Personal protective equipment, and
  - Housekeeping
- Hepatitis B vaccination program;
- Post-exposure evaluation and follow-up;
- Communication of hazards to employees and training;
- Recordkeeping; and
- Procedures for evaluating circumstances surrounding an exposure incident.

A copy of the ECP can be found on The Connection or by contacting the Safety Office, Human Resources.

### **6.2 Chemical Hygiene Plan**

The WITC Chemical Hygiene Plan (CHP) is intended to provide guidelines for individuals working in campus laboratories. The CHP describes policies, procedures, equipment, personal protective equipment, and work practices that are capable of protecting laboratory personnel from the health hazards in laboratories. In addition, the CHP has been established by WITC to meet the requirements of DSPS in Chapter 332 and also addresses OSHA rule 29 CFR 1910.1450 and 29CFR 1910.1200. The laboratory supervisors/instructors will produce standard operating procedures to accompany the CHP to suit their individual needs and more accurately portray the hazards and controls of their laboratories.

A copy of the CHP can be found on The Connection or by contacting the Safety Office, Human Resources.

### **6.3 Hazard Communication**

The Hazard Communication Standard 29 CFR 1910.1200 (HCS) implemented by OSHA requires employers to provide information to employees and regarding the hazardous chemicals in the workplace and the hazardous properties of these chemicals. This information must be disseminated through a Hazard Communication Plan (HCP) involving labeling, safety data sheets (SDS), employee training, employee access to written records, and a written hazard communication plan. The implementation of the HCP will ensure all employees the “right-to-know” the hazards and identities of the chemicals with which they work.

The HCP applies to any chemical that is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use, or in a foreseeable emergency. In accordance with OSHA regulations, employees working in a laboratory setting are covered under WITC's Chemical Hygiene Plan and are not included in the Hazard Communication Plan. The OSHA standard, 29CFR 1910.1200 sets out a procedure for hazard determination and any substance determined to be hazardous under this procedure is subject to the program. The definition of "hazardous chemical" under the standard is extremely broad, and includes any chemical that is a physical or health hazard. For determination of physical and health hazards associated with products, employees should rely on the evaluation performed by the chemical manufacturer or importer transmitted via SDS.

WITC's HCP is designed to:

- Reduce the likelihood of injury or illness to employees by implementing specific procedures to identify and evaluate the chemical hazards in the workplace and then inform and train employees on those hazards.
- Ensure that all individuals at risk are adequately informed about the chemicals used and stored in the workplace.
- Outline procedures for all employees working with hazardous chemicals.

A copy of the HCP can be found on The Connection or by contacting the Safety Office, Human Resources.

### **Equal Opportunity Employer and Educator**

Wisconsin Indianhead Technical College does not discriminate on the basis of race, color, religion, sex, national origin, age, disability or status in any group protected by state or local law in employment, admissions or its programs or activities. The following person has been designated to oversee Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 and to handle inquiries regarding the College's nondiscrimination policies: Cher Vink, AA/EEO Officer/Vice President, Human Resources & Risk Management, Administrative Office, 505 Pine Ridge Drive, Shell Lake WI 54871, 715-468-2815 ext. 2225, Wisconsin Relay System TTY: 711, [cher.vink@witc.edu](mailto:cher.vink@witc.edu).