

Discrimination/Harassment Policy

Harassment is a prohibited practice when it results in discrimination for or against a staff member or a student on the basis of conduct not related to performance. Harassment on the basis of race, sex, national origin, age, handicap, religion, sexual orientation, or other protected status is unlawful and prohibited by WITC. Harassment in the delivery of services by WITC is also prohibited. Preventive measures and appropriate sanctions, if necessary, will be taken to eliminate harassment. In compliance with federal and state laws and/or regulations, the WITC District Board establishes the following policy as a part of its continuing Equal Opportunity and Affirmative Action efforts:

Employees and students of WITC shall be allowed to function in an atmosphere free of harassment on the basis of age (40 and over), race, color, sex, national origin, religion, disability, sexual preference, marital status, or other protected status. In this context, harassment shall mean the use of aspersions, insults or slurs, or other verbal or physical conduct based upon an individual's membership in one of the protected classifications identified above when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or enrollment; or
- Submission to or rejection of the conduct by an individual is used as a basis for employment or academic decisions affecting the individual; or
- The conduct had the purpose or effect of substantially interfering with an individual's performance/educational opportunity or creating an intimidating, hostile, or offensive environment.

It is possible for sexual harassment to occur within different levels of relationships: between faculty members and students, supervisors and work-study students, student-to-student, supervisor to employee, and employee to employee. An employer may also be responsible for the acts of non-employees, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. The WITC District Board prohibits and will not tolerate the harassment of any employee or student by faculty, supervisory personnel, co-workers, students, non-students, or vendors, or anyone associated with WITC in an advisory/appointed capacity. Any employee or student who believes that he/she has been harassed in violation of this policy is urged to report the incident to Sandra Sutter, Affirmative Action Officer/Title IX, Section 504, and Title VII Coordinator. All such reports will be investigated in accordance with procedures developed pursuant to federal or state laws. Other counselors, advisors, or faculty members may also provide assistance to you. Don't allow harassment to jeopardize your rights and opportunities for work or education. We want to help. For support and counseling opportunities after a sexual assault or rape crisis, contact the affirmative action officer at the WITC Administrative Office in Shell Lake at 715.468.2815 or the counseling office at any WITC campus.

Sexual harassment is defined as:

- Unwelcome sexual advances
- Unwelcome requests for sexual favors
- Unwelcome physical contact of a sexual nature
- Unwelcome verbal or physical conduct of a sexual nature

Such conduct includes:

- Deliberate, repeated making of unsolicited gestures or comments of a sexual nature
- Deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes
- Deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile, or offensive work or educational environment
- Conduct directed by a person at another person of the same or opposite gender

Examples of Sexual Harassment Behaviors

- Whistling or cat-calling
- Vulgar and obscene jokes
- Crude or vulgar language
- Pinching or patting
- Unwelcome hugging
- Grabbing or tearing someone's clothing
- Leering or "undressing" the person with your eyes
- Pressuring someone to sit on your knee, hug you, kiss you
- Leaning over someone for a "better view"

- ➔ Commenting on the clothing of an individual in a sexual way; for example, "Boy, I sure like the way those pants fit"
- ➔ Jokes or comments that put women or men down
- ➔ Recounting one's sexual exploits in the office, classroom, or work area
- ➔ Referring to someone in demeaning terms; example, "girl", "sweetie", or "hunk"
- ➔ Repeatedly asking someone for a date after you have been turned down
- ➔ Displaying crude jokes and pictures, including pinups from magazines such as *Playgirl* or *Playboy*
- ➔ Revealing parts of your body that violate common decency
- ➔ Starting and spreading rumors about the sex life of a fellow employee or student
- ➔ Physically forcing sexual activity on someone
- ➔ Stalking someone
- ➔ Vulgar or obscene slogans on any items of clothing: caps, shirts, etc.

What Can You Do About Sexual Harassment?

If you believe you have been a victim of harassment, you have several options:

You can confront the harasser directly or send a letter to the harasser. The letter should contain a factual account of what happened, a description of how the writer feels about what happened, and what the writer wants to happen next (for example, "I want you to stop harassing me and leave me alone"). Writing the letter can give the writer a sense of doing something constructive about the situation. It can also give the harasser a new perception of how his/her behavior is experienced by others.

Or

You may discuss your concerns with a campus counselor, your advisor, faculty member, college administrator, or with the college's affirmative action officer.

Or

You may file a written formal complaint using the college's Discrimination/Harassment Compliance/Sexual Assault procedures (G-113, J-121, and J-220). You can find more information about these procedures in your campus Student Services office, the campus administrator's office, or from Sandra Sutter, WITC's Affirmative Action Officer, WITC Administrative Office, Shell Lake, Wisconsin.

- ➔ If a written complaint is filed, the Vice President, Administrative Services will initiate an investigation process within 10 days of the receipt of the complaint.
- ➔ Individual meetings will be conducted with the person who filed the report and with other persons identified in the report as being either witness to or responsible for the alleged act(s) of discrimination/harassment.
- ➔ An attempt will be made to resolve the matter consistent with college policies and law.
- ➔ A written notice, stating the action taken will be sent to the president, WITC District Board, and the affirmative action officer.
- ➔ If the matter is not resolved through this process, the individual will have the option to proceed to an appeal hearing with the WITC Board of Trustees.

If an individual wishes to file a formal complaint, he/she must do so 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.

The filing of a report with the college does not restrict a person's right to seek redress through avenues outside the institution.

Sexual Assault

WITC, out of concern for its students and employees and in compliance with Wis. Act 177, provides the following information:

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:

- ➔ Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person
- ➔ Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon
- ➔ Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence

Penalty for first-degree sexual assault is imprisonment for not more than 60 years.

Second-Degree Sexual Assault - Whoever does any of the following is guilty of a Class B Felony:

- Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence
- Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease, impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim
- Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition
- Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious
- Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person
- Is an employee of 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 30 years and/or a fine of not more than \$10,000.

Third-Degree Sexual Assault - Whoever has sexual intercourse with a person without their consent is guilty of a Class D felony. Penalty for third-degree sexual assault is imprisonment for not more than 10 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 9 months in the county jail and/or a fine of not more than \$10,000.

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 a Class B felony. Penalty for first-degree sexual assault is imprisonment for not more 60 years.

Second-Degree Sexual Assault - Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class BC felony. Penalty for second-degree sexual assault is imprisonment for not more than 30 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 30 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.

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 subsection. Penalty for sexual exploitation by a therapist is imprisonment for not more than 15 years and/or a fine of not more than \$10,000.

Protective Behaviors

- Being Aware - Being aware that sexual assault can happen to you is the first step in self-protection. Thinking that sexual assault only happens to someone else could increase your chances of actually becoming a victim. Once you accept the fact that you may become a victim, the next step is to decrease your vulnerability by increasing your ability to protect yourself:
- 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, parking lots. Be aware of areas where you can seek help: 24-hour stores, police stations, houses with lights on, restaurants, and hospitals.
- Know the facts about sexual assault.

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 and 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 to people.
- 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.

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 - Sexual assault on college and university campuses is occurring at an alarming rate. The majority of these are date/acquaintance rapes perpetrated against women by men.

Date/acquaintance rapists often believe myths such as: women owe men sex if they spend money on her; some women play hard to get and say no when they mean yes; and women enjoy being pursued by an aggressive male. Additionally, alcohol and drugs as well as gendered communication may be factors in these sexual assaults. Regardless, it is NEVER the victim/survivor's fault no matter what she wore, where she was, whether or not she fought back, or whether or not she and the perpetrator were drinking. Perpetrators are 100% responsible for their actions.

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

Because all people and all situations are different, there is more than one specific way to protect yourself from an attack. We all have different capabilities and you must decide for yourself the best defense method for you. Don't panic. THINK. If you are attacked:

- 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? Whether you choose to escape, talk your way out of it, or fight your way out of it, 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.

Sexual Assault Facts

SEXUAL ASSAULT IS ANY FORCED OR COERCED SEXUAL CONTACT. Sexual assault is a crime of violence where assailants, whether known to the victim or not, are motivated by a desire to humiliate and have power over the victim.

In the United States:

- Every two and a half minutes, somewhere in America, someone is sexually assaulted.
- One in six American women has been the victim of an attempted or completed rape and 10% of sexual assault victims are men.
- In 2003-2004, there were an average annual 204,370 victims of rape, attempted rape or sexual assault.
- About 44% of rape victims are under age 18, and 80% are under age 30.
- Since 1993, rape/sexual assault has fallen by over 64%.

In Wisconsin:

- 5,618 sexual assaults were reported to police in 2004. It is estimated that only 1 out of every 3 sexual assaults is reported to the police
- 85% of victims are female; 15% are male
- 93% of assailants are male; 7% are female
- Nearly 90% of sexual assaults were perpetrated by someone known to the victim
- The scene of the assault was the victim's residence 32.6% of the time.

Source: *Office of Justice Assistance, Madison, Wis.*

Basic Bill of Rights for Victims and Witnesses - Victims and witnesses of crimes have the following rights:

- To be informed by local law enforcement agencies and the district attorney of the final disposition of the case. If the crime charged is a felony, the victim shall be notified whenever the defendant or perpetrator is released from custody. The victim shall be notified of a pardon application to the governor.
- To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court. To have the court provided with information pertaining to the economic, physical, and psychological effect of the crime upon the victim of a felony and have the information considered by the court.
- To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.
- To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services.

- To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.
- To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants.
- To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property where the ownership is disputed, shall be returned to the person within 10 days of being taken.
- To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
- To be entitled to a speedy disposition of the case in which they are involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.
- To have the family members of all homicide victims afforded all of the rights and analogous services whether or not they are witnesses in any criminal proceedings.

Reporting Criminal Actions

In an emergency situation, the Information Services staff will immediately contact the Campus Administrator (or designee) who will take appropriate action.

To report a security situation, contact the Student Services office:

Ashland
extension 3100
New Richmond
extension 4100
Rice Lake
extension 5100
Superior
extension 6100

- After hours - Incidents occurring after the normal school day should be reported to the evening supervisor at the facility.
- Summer hours - Summer hours at each location will be posted to indicate the hours during which the Student Services office is open. If the Student Services office is not open, contact any available staff member for assistance.
- Response - Incidents involving injury, burglary, or theft will receive immediate attention from appropriate medical, emergency, and/or law enforcement personnel.
- Responsibility - Campus administrators are responsible for security responses at their respective campuses.