



Non-Discrimination Disclosure

Dear Student, Staff and Faculty,

WTC protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at recipient institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient’s educational programs and activities.

WTC follows Federal, State, and Local law to ensure equal recruitment, employment, compensation, development and advancement opportunity for all qualified individuals, and prohibits discrimination or harassment based on protected categories of race, color, religion, sex, national origin, age, disability, marital status, military or veteran status, sexual orientation, or gender identity.

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DEFINING SEXUAL HARASSMENT

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's education program or activity.
- An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct; or
- Sexual assault, dating violence, domestic violence, or stalking as those terms are defined in VAWA.

The conduct can be carried out by college employees, other students, and non-employee third parties, such as a visiting speaker. Both male and female students can be victims of sexual harassment, and the harasser and the victim can be of the same sex. The conduct can be verbal, nonverbal, or physical.

DEFINITIONS

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SEXUAL ASSAULT

When a person intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without the person's consent; or causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus or sexual organ of another person, including the actor.

DOMESTIC VIOLENCE

Domestic violence under the Clery Act is defined as a felony or misdemeanor crime of violence committed: by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

STALKING

Stalking is defined by the Clery Act as 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

REPORTING SEXUAL HARASSMENT

Any student, faculty or staff member who believes they have been the victim of sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, stalking and/or discrimination, can report the incident to the Title IX Coordinator either in person, by phone, or by email.

The College will promptly investigate all allegations of discrimination and harassment, and act as appropriate based on the outcome of the investigation. An investigation and its results will be treated as confidential to the extent feasible. Employees who raise concerns and make reports in good faith can do so without fear of reprisal; at the same time, employees have an obligation to cooperate with the College enforcing this policy and investigating and remedying complaints.

If a report has not yet been submitted, the Coordinator will ask the person reporting to fill out an incident form that specifies the nature of the complaint. Any person reporting may request and receive assistance completing the form.

However, if after investigating any complaint of harassment or unlawful discrimination, the College determines that the complainant or a witness has provided false information regarding the complaint, disciplinary action will be taken, up to and including discharge.

RESPONDING TO SEXUAL HARASSMENT

WTC will respond to sexual harassment when:

- The college has actual knowledge of the alleged sexual harassment. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a college's Title IX Coordinator or any official of the college who has authority to institute corrective measures on behalf of the institution, or to any employee of the college.
- The alleged sexual harassment occurred in an education program or activity of the college. An education program or activity of the college includes "locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the institution."

Even if a student does not want to file a complaint or does not request that the college take any action on the student's behalf, if a college knows or reasonably should know about possible sexual harassment or sexual violence, it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. Only a complainant (victim) or TIX Coordinator can file a formal complaint.

A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the college of its duty under Title IX to resolve complaints promptly and equitably.

ELEMENTS OF A SUFFICIENT RESPONSE

- WTC will respond promptly and in a manner that is not deliberately indifferent.
- WTC will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a compliant grievance process before the imposition of any disciplinary sanctions against a respondent.
- The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

WTC would be permitted to remove a respondent from campus on an emergency basis, provided:

- That the college undertakes an individualized safety and risk analysis.
- Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

SUPPORTIVE MEASURES:

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Such measures are designed to restore or preserve equal access to the college’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the college’s educational environment, or deter sexual harassment.

Counseling	Extensions of deadlines or other course-related adjustments	Modifications of work or class schedules
Campus escort services	Mutual restrictions on contact between the parties	Changes in work locations
Changes in housing locations	Leaves of absence	Increased security and monitoring of certain areas of the campus

The college must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures.

GRIEVANCE PROCESS

- WTC will treat complainant and respondent equitably by recognizing the need for complainant to receive remedies where a respondent is determined responsible and for respondent to face disciplinary sanctions only after a fair process determines responsibility.
- Will objectively evaluate all relevant evidence both inculpatory and exculpatory and ensure that rules voluntarily adopted by a recipient treat the parties equally.
- Requires Title IX Coordinator, investigator, decision-maker, and persons who facilitate informal resolutions to be free from conflicts of interest and bias and trained to serve impartially without prejudging the facts at issue.
- Presumes the non-responsibility of respondent until conclusion of the grievance process.
- Include reasonably prompt time frames for the grievance process.
- Inform all parties of critical information about the recipient's procedures including the range of remedies and disciplinary sanctions a recipient may impose, the standard of evidence applied by the recipient to all formal complaints of sexual harassment under Title IX (which must be either the preponderance of the evidence standard, or the clear and convincing evidence standard), the recipient's appeal procedures, and the range of supportive measures available to both parties; and
- Protect any legally recognized privilege from being pierced during a grievance process.

NOTICE OF ALLEGATIONS-INITIAL NOTICE REQUIREMENTS

- Upon receipt of a formal complaint, the college will provide written notice to parties that includes:
 - Discussion of the formal complaint process, including any informal resolution option.
 - Sufficiently detailed statement of allegations. Sufficient detail includes the identities of the parties, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
 - Statement that the respondent is presumed innocent and that a determination of responsibility is made at the conclusion of the process.
 - Statement regarding right to an advisor and to review and inspect evidence.
 - Reminder that college prohibits knowingly making false statements or knowingly submitting false information.
- Parties must be provided sufficient time to prepare a response before any initial interview.
- The college also must provide updated notice if the college decides to investigate allegations about the respondent or complainant that are not included in the initial notice.

COMPLAINT DISMISSAL

Required Dismissal

The college must dismiss a formal complaint of sexual harassment “for purposes of sexual harassment under title IX” if the alleged conduct:

- Would not constitute sexual harassment even if proved.
- Did not occur in the college’s education program or activity; or
- Did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of the college’s code of conduct.

Optional Dismissal

The college may dismiss a formal complaint of sexual harassment if, at any time:

- A complainant notifies the Title IX Coordinator in writing that he/she would like to withdraw.
- The respondent is no longer enrolled or employed by the college; or
- Specific circumstances prevent the college from gathering sufficient evidence to reach a determination.

Upon a required or optional dismissal, the college must promptly and simultaneously send written notice to the parties.

CONFIDENTIALITY

The college must keep confidential the identity of any individual who has made a report or complaint of any form of prohibited sex discrimination, including any reporter, complainant, respondent, or witness, except:

- As may be permitted by FERPA;
- As required by law; or
- To carry out the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

TIMING OF ACCESS

- **Generally-** WTC will provide access early enough that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- **Prior to issuance of investigative report-** WTC will send parties all evidence subject to inspection and review and afford at least 10 days to submit a written response.

- **10 days prior to hearing or other determination-** WTC will send investigative report to parties for review and written response.
- **At and during any hearing-** WTC will make all evidence available to parties' and afford equal opportunity to review, including for purposes of cross-ex.

HEARINGS

- The college is required to include a live hearing in their formal complaint process.
- Live hearings maybe conducted with all parties physically present or, at the college's discretion, participants may appear virtually, with technology enabling them to see and hear each other.
- The college must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

CROSS-EXAMINATION

- The Adjudicator must permit each party's advisor to cross-examine the other party and any witnesses.
- Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.
- If a party does not have an advisor, the college will provide an advisor of its choice, free of charge, to conduct cross-examination. The advisor may be, but is not required to be, an attorney.
- At the request of either party, the college must provide for the live hearing to occur with the parties located in separate rooms, with technology enabling the adjudicator and parties to simultaneously see and hear the party or the witness answering questions.
- Only relevant cross-examination and other questions, including those challenging credibility, may be asked of a party or witness.
- Before a party or witness answers a cross-examination or other question, the adjudicator must determine whether the question is relevant, and explain any decision to exclude a question as not relevant.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence:
 - Are offered to prove that someone other than the respondent committed the alleged conduct; or
 - Concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- If a party or witness does not submit to cross-examination at the live hearing, the adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
 - However, the adjudicator cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

DETERMINATIONS

- **Allegations-** Identification of the allegations of sexual harassment.
- **Procedural Recitation-** A recitation of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- **Findings of Fact-** Findings of fact supporting the determination.
- **Conclusions-** Conclusions regarding the application of the college's sexual misconduct policy to the facts, including a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the college imposes on the respondent, and whether remedies designed to restore or preserve equal access to the college's education program or activity will be provided by the college to the complainant.
- **Appeal-** Procedures and permissible bases for appeal.

Written Determination

- The college must provide the determination to the parties simultaneously.
- The determination becomes final either:
 - On the date on which an appeal would no longer be considered timely; or
 - If an appeal is filed, on the date that the college provides the parties with the written appeal determination.

APPEALS**Appeals Required**

- College must offer both parties an appeal from:
 - A determination regarding responsibility.
 - A college's dismissal of a formal complaint or any allegations therein.
- Appeals may be granted on the following bases:
 - A procedural irregularity that affected the outcome.
 - New evidence that was not reasonably available at the time the determination or dismissal was made and could affect the outcome; and
 - The Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias that affected the outcome of the matter.
- A college also may offer an appeal equally to both parties on additional bases.

Appeal Procedures

- The college generally must implement appeal procedures equally for both parties. In addition, they must:
 - Notify the other party in writing when an appeal is filed.
 - Ensure that the appeal officer is not the hearing adjudicator, investigator, or Title IX Coordinator.
 - Ensure that the appeal officer has received required training.
 - Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
 - Issue a written decision describing the result; and
 - Provide the written decision simultaneously to both parties

INFORMAL RESOLUTION

- The college may not, under any circumstance, require a student or employee to waive the right to an investigation and adjudication of formal complaints under Title IX.
- Similarly, the college may not require the parties to participate in the informal resolution of a formal complaint or even offer an informal resolution process unless a formal complaint is filed.
- However, at any time prior to reaching a final determination, a college may facilitate an informal resolution that does not involve a full investigation and adjudication, provided that the college:
 - Provides the parties a written notice disclosing (1) the allegations, (2) the requirements of the informal resolution process (3) the circumstances under which it precludes the parties from resuming a formal complaint arising from the same facts, and (3) any other consequences of participating in the informal resolution process, (4) the records that will be maintained or could be shared;
 - Obtains the parties' voluntary, written consent to the informal resolution.
- Informal resolution is not available to resolve allegations that an employee sexually harassed a student.

- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution and to resume the formal complaint process.

RETALIATION

- The new rule specifically prohibits retaliation, providing that no college “or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.”
- Addressing certain, anticipated nuances, the new rule also provides:
 - The exercise of rights protected under the First Amendment does not constitute retaliation.
 - It is not retaliation if a college charges an individual with a code of conduct violation for making a materially false statement in bad faith during a Title IX proceeding.

TITLE IX CONTACT INFORMATION

Title IX Coordinator/Investigator
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