



<p><b>Policy Title</b> Sexual Misconduct</p>	<p><b>Original Adoption Date</b> 7/12/1993</p>	<p><b>Policy Number</b> HR-323</p>
<p><b>Responsible College Division/Department</b> Human Resources</p>	<p><b>Responsible College Manager Title</b> Chief Human Resources Officer</p>	
<p style="text-align: center;"><b>Policy Statement</b></p> <p>Lakeshore Technical College (LTC) will comply with Titles VI and VII of the Civil Rights Act of 1964 as amended, the Civil Rights Restoration Act of 1987, and the Civil Rights Act of 1991; Title IX of the Educational Amendments Act of 1972; the Carl D. Perkins Vocational Education Act;; Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA); the Wisconsin Fair Employment Law; the Office of Civil Rights Guidelines for Eliminating Discrimination and Denial of Services on the basis of Race, Color, national Origin, Sex and Handicap in Vocational Programs (34CFR Part 100, Appendix B) and other fair employment/education laws, executive orders, administrative directives and codes.</p> <p>The College will maintain a learning and work environment free of illegal discrimination, including illegal harassment, for students and employees. Illegal discrimination/harassment is prohibited in all College employment practices, educational programs, services, activities, and events regardless of their location</p> <p><b><u>Sexual Harassment/Sexual Assault</u></b></p> <p>The College prohibits sexual harassment, which includes acts of sexual violence, as well as discrimination/harassment based on age, race, color, religion, disability, gender, marital status, sexual orientation, national origin, ancestry, pregnancy and other legally protected status. Harassment is defined as verbal and/or physical conduct that unreasonably interferes with an individual’s work or academic performance, creates a hostile, intimidating or offensive environment or is the basis for an employment or educational decision. More specifically, sexual harassment is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> <li>1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment or educational status.</li> <li>2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual.</li> <li>3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile or offensive working or learning environment.</li> </ol> <p>Examples of behaviors that may be considered sexual harassment/assault include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Unnecessary and unwelcome touching, grabbing, caressing, pinching or brushing up against a person.</li> </ol>		



2. Sexual comments or innuendoes, jokes or stories of a sexual, demeaning, offensive or insulting nature.
3. Requests for sexual favors as a condition of a favorable employment or educational decisions.
4. Deliberate, repeated display of sexually explicit or otherwise offensive posters, calendars or materials.
5. Whistles, cat calls, and sexual references (hunk, doll, babe, honey, sweetheart, fox, stud, etc.).
6. Sexual gestures with hands or body movements.
7. Asking unwelcome personal questions about a person's social or sexual life.
8. Repeatedly asking out a person who has stated he/she is not interested, or other unwelcome sexual advances.
9. Staring at a person or looking them up and down ("elevator eyes").
10. Sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

Sexual assault is a serious criminal matter accompanied by criminal penalties. Unconsented sexual intercourse; sexual contact; or relations with a person who, because of mental illness, unconsciousness, or other incapacity is deemed unable to consent constitutes a Class B, C, or D felony, depending on the degree of force used and other circumstances. Unconsented sexual contact without intercourse or proven use of force or violence is a Class A misdemeanor. "Sexual intercourse" includes anal intercourse and oral sex.

Maximum penalties for sexual assault for felonies include: Class B, 20 years; Class C, 10 years and/or \$10,000; Class D, 5 years and/or \$10,000. Class A misdemeanor maximum penalties include 9 months and/or \$10,000, and Class B includes forfeiture of \$1,000.

Additional information, such as more detailed definitions of sexual harassment and assault, rights of victims, protective behaviors and sexual assault, and forcible rape statistics, are \*excerpted in the "Students' and Employees' Right to Know and Campus Security Information" flyer. This flyer is updated and made available to all staff and students annually in September. More information is also available in the LTC Gender Discrimination & Sexual Misconduct (Title IX) Program.

### **Retaliation**

The College prohibits retaliation against individuals who bring forth any complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination.

An employee who engages in discriminatory/harassing behavior or who retaliates against a person who either alleged he/she was discriminated against/harassed or participated in a discrimination/harassment investigation will be subject to discipline, up to and including termination. A student who engages in discriminatory/harassing behavior or who retaliates



against a person who either alleged he/she was discriminated against/harassed or participated in a discrimination/harassment investigation will be subject to discipline, as outlined in the LTC Student Code of Conduct, up to and including expulsion.

Harassment of employees and students from any person doing business with the College or others encountered in the course of the College's functions is also prohibited. While the College's ability to control the conduct of others may be limited, it will take appropriate action to address the harassment.

To ensure compliance regarding Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act, questions or complaints should be directed to:

**Student Coordinator**

Doug Gossen  
Vice-President of Student Services  
Lakeshore Technical College  
1290 North Avenue  
Cleveland, WI 53015  
Phone: 920.693.1221

**Employee Coordinator**

Kathleen Kotajarvi  
Chief Human Resources Officer  
Lakeshore Technical College  
1290 North Avenue  
Cleveland WI 53015  
920.693.1163

**Reason for Policy**

The college is committed to protecting and ensuring the rights of its students and employees and to eliminate all forms of assault and harassment on its campuses. Education programs are planned and presented to students and employees periodically. These programs are aimed at promoting awareness and prevention of rape, acquaintance rape, and other sex offenses.

**Historical Data, Cross References and Legal Review**

**Reviewed/Revised: 9/21/94; 12/15/94; 6/17/96; 3/12/99; 3/29/05; 10/4/10; 9/12/13; 7/29/15; 9/2/15**

**Legal Reference: Hate Crime Statistics Act; Campus Security Act; Higher Education Reauthorization Act of 1992; 1989 Wisconsin Act 177; WI Statutes 36.11 (21), 38.12 (10), and 940.225**

**Cross Reference: Equal Opportunity and Affirmative Action; Complaint Procedure; Progressive Discipline Policy; Student Discipline; Complaint Form (Human Resources Department)**

**Legal Counsel Review and Approval: 3/29/05**

**Board Policy: III.A. General Executive Constraint, III.B. People Treatment**

**Definitions**