



Downtown Milwaukee | Education Center at Walker's Square  
Mequon | Oak Creek | West Allis

**2023 ANNUAL SECURITY  
AND FIRE SAFETY REPORT**



2023

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## MESSAGE FROM MATC PRESIDENT VICKI J. MARTIN

The health and safety of Milwaukee Area Technical College students and employees is our highest priority.

Maintaining this safe environment is a shared responsibility. Anyone connected to or visiting our college community should report any safety incidents to MATC's Public Safety department. Details and our "Speak Up for Safety!" reporting form can be found on the Public Safety webpage at [matc.edu/public-safety](http://matc.edu/public-safety). In a life-threatening emergency, dial 414-297-6200 (76200 from an on-campus phone) or 911.

This Annual Security & Fire Safety Report outlines how we put our health and safety priority into action each and every day and I appreciate you taking the time to read it. I am proud of the safe learning environment at MATC, driven by the collaborative efforts of MATC personnel in partnership with the law enforcement agencies and community protective service departments that serve our four campuses.

Should you have any questions, please contact MATC Public Safety at its nonemergency number (414-297-6588) or email [publicsafety@matc.edu](mailto:publicsafety@matc.edu).

Vicki J. Martin, Ph.D.

MATC President

## REPORTING PROCEDURES FOR CRIMES AND CAMPUS EMERGENCIES

Policy statements contained in this report apply to all MATC campuses unless otherwise indicated.

### Reporting Procedures

MATC encourages accurate and prompt reporting of all crimes and campus emergencies to the Public Safety department and the appropriate law enforcement agencies when the victim of a crime elects to. Public Safety will assist if a victim of crime is unable to make such a report. When reports are made directly to Public Safety, officers will assist in coordinating with local law enforcement or emergency services, as appropriate. Prompt reporting is crucial for ensuring safety, timely warning reports and the required annual statistical disclosures.

911 can be dialed from any campus phone to reach police, fire and emergency medical services. When 911 is called, Public Safety also must be notified.

In addition to reporting to the Public Safety department, crimes may be reported to any of the following campus security authorities:

Public Safety Emergency Line	414-297-6200
Public Safety Nonemergency Line	414-297-6588
Director of Public Safety	414-297-7035
Director of Labor Relations	414-297-7688
Director of Student Life	414-297-6870
Judicial Affairs Officer	414-297-8177
Title IX Hotline	414-297-6028

### Response to Reports

Public Safety will respond to and investigate all reports of crime or calls for assistance on MATC property and surrounding public property. Law violations will be referred to appropriate law enforcement agencies and when appropriate, to Judicial Affairs, Student Life or Labor Relations for review and internal disciplinary action, as warranted. Public Safety dispatchers are available 24 hours a day to answer your calls.

In response to a call, MATC Public Safety will take the required action, either dispatching an officer or asking the victim to report to the Public Safety department to file an incident report. Reported crimes will be investigated by Public Safety and fully documented. Public Safety reports may become a matter of public record. If assistance is required from local police, fire or EMS, Public Safety will contact the appropriate agencies. Public Safety and other MATC staff will offer victims of crime a wide variety of services as described in this document.

### Speak Up for Safety

All members of the MATC community – students, faculty and staff – play an important role in creating and maintaining a safe environment that supports working and learning. The “Speak Up for Safety” campaign promotes a safe campus environment by providing another means for the MATC community to report situations of non-imminent danger, including observations of unusual or dangerous behavior or to communicate a concern, via an online incident report form. The form is accessible at:

[https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout\\_id=1](https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=1)

### **Anonymous Reporting**

For purposes of inclusion in the annual disclosure of crime statistics, reports may be filed anonymously, but students and employees are encouraged to provide contact information for follow-up purposes. Crimes or suspicious activity can be reported anonymously to the MATC Tip Line at 414-297-8477. The caller should leave a recorded message containing as much information as possible. Public Safety staff monitor this line 24 hours a day.

Additionally, anonymous reports can be submitted via the Speak Up for Safety online reporting form, which can be accessed at [www.matc.edu](http://www.matc.edu) or using the following link:

[https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout\\_id=1](https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=1)

The purpose of an anonymous report is potentially to help promote safety. In addition, MATC can keep an accurate record of the number of crimes, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics.

### **Voluntary Confidential Reporting**

MATC Public Safety reports are public records under state law; therefore, we cannot hold reports of crime in confidence. MATC does not allow voluntary confidential reporting to the MATC Public Safety department.

### **Pastoral and Professional Counselors**

MATC does not have campus “Pastoral Counselors.”

MATC “Professional Counselors,” when acting as such, are not considered campus security authorities for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics. The professional counselors at MATC are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis to the MATC Public Safety department. They also are encouraged to share information about the option of anonymous reporting via the Speak Up for Safety online reporting form, which can be accessed at [www.matc.edu](http://www.matc.edu) or using the following link:

[https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout\\_id=1](https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=1)

MATC does not have a voluntary confidential reporting procedure and, therefore, professional counselors cannot notify their clients of that type of reporting option at MATC.

### **Daily Crime Log**

MATC Public Safety maintains a daily crime log, which includes a listing of all crimes reported to the department for the last 60 days. This log is available at each of the Public Safety offices, as well as on the MATC Public Safety webpage at:

<https://www.matc.edu/public-safety/index.html>

### **Timely Warnings**

In the event of a threat to the MATC college community, numerous and diligent efforts will be made to advise college community members. MATC takes seriously its duty to inform students, employees and campus visitors of threatening situations. As a result, alerts in the form of timely warning notices will be provided in an accurate and timely manner including information that can be used by college community members to best protect themselves from harm and to reduce chances of becoming victims.

In the event a crime is reported or a situation arises within the MATC Clery geography (on-campus, public property and non-campus property) that constitutes a serious or continuing threat in the judgment of the director of Public Safety or designee in his/her absence and in consultation with responsible authorities when time permits, a campuswide “timely warning” notice will be issued when the following criteria have been met:

- Public Safety becomes aware of a crime
- The crime can be classified as a Clery Act crime
- The crime occurred within the campus Clery geography
- The incident poses a serious or ongoing threat to the campus community

“Timely Warning Notices” may be posted for other crime classifications and locations, although not required by the law, at the sole discretion of MATC. Crime awareness and safety awareness messages may be posted when incidents don’t meet the above criteria, but notifying the campus community promotes safety efforts. Decisions will be made on a case-by-case basis in light of the facts surrounding a crime. Additional factors that may be considered include:

- The nature of the crime
- When and where the incident occurred
- When the incident was reported
- The amount of information known
- The possible risk of compromising law enforcement efforts

Timely warning notices WILL NOT include any information to identify the victim. Information that could compromise law enforcement efforts may also be withheld.

The decision to issue a timely warning notice is made in consultation with on-duty Public Safety command staff, who monitor all crimes reported to Public Safety, the vice president of finance, the chief marketing officer and the director of Public Safety. In an extreme emergency, the notification process can be implemented at the sole direction of the director of Public Safety or designee. The chief marketing officer and the director of Public Safety or their designees will write and distribute all timely warning messages.

When the decision to issue a timely warning has been made, the chief marketing officer and the director of Public Safety or their designees, will use one or more of the following communication tools to deliver messages to the college community:

- Mass notification system
- RaveAlert (text, voicemail and email)
- Email messages
- Phone system (reverse all-call)
- MATC website
- MATC social media tools
- Postings and signage in highly visible locations throughout campus
- Other methods deemed necessary or appropriate

Subsequent information will be provided to the entire MATC community, including any updates regarding the initial crime or any additional safety precautions.

Timely warning notices will be distributed as soon as pertinent information is available in a manner that withholds the names of victims as confidential and with the goal of aiding in the prevention of similar occurrences.

## **SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

The Public Safety department is fully committed to ensuring a safe and secure campus environment throughout the district. For comments, questions and/or suggestions regarding programs or services, visit the Downtown Milwaukee Campus, Public Safety Center (Main Building, Room M274) or any regional campus administrative office.

### **Access to Campus Facilities**

The Public Safety department collaborates with various college departments, regional campuses and other personnel to determine the appropriate level of access granted throughout the college. Permission to enter college facilities

during non-school hours requires prior approval by the individual's academic dean and/or administrative unit head, as well as the Public Safety director.

Faculty, staff, students and guests may enter MATC buildings during normal business hours. After-hours access is granted through designated exterior doors via pre-authorization and with proper identification. Doors to each campus are secured based on business requirements of the individual locations.

### **Maintenance of Campus Facilities**

MATC Public Safety personnel routinely work with the Facilities department to identify and correct safety deficiencies relating to campus facilities, grounds, landscaping and lighting. Public Safety officers are required to report all identified safety hazards. These reports are forwarded to the Facilities department for corrective action.

Questions or concerns regarding campus facilities can be directed to the Facilities department at 414-297-6677 or through the Speak Up for Safety online report form:

<https://www.matc.edu/public-safety/speak-up-for-safety.html>

### **Security of Campus Facilities**

Public Safety personnel closely monitor facility security, both electronically and physically, via internal and external patrols. When MATC campuses are closed, all exterior doors are secured and an internal security monitoring system is activated. During these instances, entry into MATC buildings is restricted to individuals possessing appropriate authorization.

All MATC campuses are monitored by an internal fire protection system maintained around the clock by MATC Public Safety personnel.

### **Security and Maintenance of Campus Housing Facilities**

On-campus student housing is accommodated through individual leasing arrangements at the Westown Green apartments. This facility is managed and maintained by a private on-site management company. Emergency maintenance can be reached at 414-336-1759. Access control is monitored by on-site management personnel.

### **Weapons Policy**

MATC's weapons policy prohibits the possession of dangerous or illegal weapons in any MATC building or at any related event. Signs are posted at all campus building entrances. Violations of this policy will be reported to the appropriate law enforcement authorities and the MATC Public Safety department. Anyone violating this policy is subject to disciplinary action up to and including expulsion for students and termination for employees.

Legal weapons maintained or possessed in a vehicle must be encased, unloaded (except for handguns), and stored out of sight in a locked vehicle. Any person in legal possession of a weapon in an area not prohibited is responsible for complying with all applicable local, state and federal statutes, rules and regulations. Employees and students must observe the policy of the employer or property owner at any alternative site visited for college business or for instruction.

## **MATC PUBLIC SAFETY**

### **Enforcement Authority**

MATC Public Safety personnel are granted the authority to enforce college policy and local, state and federal laws on all campus property, but are not certified law enforcement officers as defined by Wisconsin state statute 165.85 (2) (c). They do not have the power to make arrests. The local police agencies (Milwaukee police department, Mequon police department, Oak Creek police department and West Allis police department) possess primary law enforcement authority, including the powers of arrest and the responsibility for investigating alleged criminal offenses.

The MATC Public Safety department collaborates with local law enforcement agencies on matters concerning MATC and remains the designated lead agency on all internal security and safety matters. Reports requiring a law enforcement response are forwarded promptly to the appropriate law enforcement agency.

**Jurisdiction**

All MATC property falls under the jurisdiction of both the college’s Public Safety department and the various local law enforcement agencies serving those campuses.

**Working Relationship With Local Law Enforcement**

The MATC Public Safety department maintains a close working relationship with the local police agencies at each of the MATC campuses, including Mequon, Milwaukee, Oak Creek and West Allis police departments and the Milwaukee and Ozaukee County sheriffs. Written memorandums of understanding are in place with each jurisdiction to outline these roles, including the investigation of criminal incidents, between MATC and each agency.

**CAMPUS SECURITY AND CRIME PREVENTION PROGRAMS**

MATC encourages all students and employees to take an active role and to be responsible for their own safety and the security of others while on any MATC campus.

The MATC Public Safety department provides a variety of public safety programs and services to members of the campus community. Public Safety personnel regularly patrol the interior and exterior of the college campuses. Off-campus response by department staff is provided on a case-by-case basis. In all situations, Public Safety collaborates with local authorities to ensure the safety and security of MATC affiliated personnel and facilities.

The department strives to develop and maintain collaborative partnerships with all area law enforcement agencies and the various local field offices of state and federal law enforcement agencies. Public Safety also engages key public safety agencies, such as local emergency medical services, emergency management and fire departments in operational planning and incident response efforts.

The MATC Public Safety department offers a number of prevention-based security and safety awareness programs to the college community. These services are provided each semester at all campuses, in the form of training sessions, presentations, workshops, department meetings, classroom visits, services and safety devices.

2022 Safety Awareness and Crime Prevention Programs	
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The following is a list of primary and ongoing safety awareness and crime prevention programs:

**Automated External Defibrillator (AED) Program**

Automated External Defibrillators (AED), located in select college areas, assist trained responders with cardiac emergencies. Public Safety department personnel are certified in Cardiopulmonary Resuscitation (CPR) and the use of AEDs.

**Bicycle Registration Program**

MATC Public Safety personnel assist students and employees with bicycle registration through local law enforcement. Public Safety personnel routinely inspect campus bicycle racks for proper security, and provide advice and information to bicycle owners to keep their property safe.

**Emergency Telephone System**

Emergency telephones are located both internally and externally on campus, including in classrooms, offices, corridors, select college parking lots, and in high-traffic exterior walkways. Interior emergency phones are strategically located throughout the campus building corridors and in all classrooms and offices. These phones offer a “soft key” feature that allows users to be directly connected to the Public Safety dispatcher with one-touch dialing.

Exterior emergency phones located in the parking lots are topped with a blue strobe light and are clearly marked “Public Safety.” These phones are linked directly to the Public Safety Dispatch Center to allow for rapid emergency

response. In addition, most of the external emergency phones are integrated with nearby surveillance cameras that permit remote visual monitoring of both the phone and surrounding parking areas.

### **Campus Emergency Response Team**

The MATC Campus Emergency Response Team (CERT) is a group of students and employees who have participated in training on specific campus emergency procedures, including crisis communications, fire, severe weather, active shooter and medical emergencies. CERT members learn how to keep themselves and others safe during a campus emergency. They also have the opportunity to participate in campus drills by serving as floor captains.

### **Campus Grounds, Landscaping and Lighting Evaluations**

Public Safety personnel routinely work with the Operations department to identify and correct safety deficiencies relating to campus facilities, grounds, landscaping and lighting. Public Safety officers are required to report all safety hazards. These reports are forwarded to the Operations department and the Environmental Health and Safety department to provide notification and request corrective action.

### **Public Safety Advisory Committee**

The Public Safety Advisory Committee meets quarterly to discuss safety concerns at all campuses. The committee is comprised of college stakeholders and includes students, faculty and staff.

### **Emergency Procedure Guides**

Emergency procedure guides and safety posters are located in all classrooms and labs. These guides allow for quick reference before or during a variety of emergencies. This guide is provided free of charge to community members and can be obtained by students and employees from any Public Safety office. An electronic version also is available at:

<https://www.matc.edu/public-safety/matc-district-emergency-procedures-guide.pdf>

### **Operation ID**

The Operation ID program allows students and employees to borrow engravers from any MATC Public Safety office for use to place identifying marks on personal property and equipment.

### **Presentations**

MATC Public Safety personnel conduct monthly security and safety workshops covering a wide range of topics including: campus-specific security procedures for fire, severe weather and active shooter situations, general crime prevention awareness and other specific safety topics as requested by community members. These presentations are announced via email from Public Safety. All members of the college community are invited to attend.

Public Safety is an active participant in MATC's various employee- and student-orientation programs, providing safety information to new members of the community.

### **Publications**

Crime prevention and safety brochures on a wide range of topics are given to campus community members at no cost and are available at any Public Safety office.

### **Public Safety Day**

Public Safety Day is a community resource and safety fair to provide information about a number of safety services available to students and employees from both Public Safety and community resource providers.

### **RaveAlert and Rave Guardian**

The college maintains a subscription to a third-party voice, email and text messaging service (RaveAlert) that enables college officials to create and distribute emergency messages to the college community. With the Rave Guardian mobile app, the college community can also send instant messages to Public Safety and direct messages instantly to an on-duty dispatcher.

### **Safety Escort Services**

Walking safety escorts are available to MATC faculty, staff, students and visitors. Upon request, Public Safety personnel will escort an individual to and from their destination within the service area. Arrangements for escorts are made by calling 414-297-6588 or visiting the District Emergency Response Center/Regional Public Safety Centers, or by approaching a Public Safety officer on patrol.

Riding safety escorts are available at the Downtown Milwaukee Campus. The campus shuttle service operates during normal business hours and provides escorts to and from campus parking lots and student housing facilities.

### **Speak Up for Safety**

All members of the MATC community, including students, faculty and staff, play an important role in creating and maintaining a safe environment that supports working and learning. The “Speak Up for Safety” campaign promotes a safe environment by providing another means for the MATC community to report situations of non-imminent danger, including observations of behavior or communications of concern, via an online incident report form accessible at:

[https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout\\_id=1](https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=1)

## **MONITORING OF CRIMINAL ACTIVITY AT NON-CAMPUS LOCATIONS**

MATC does not have any officially recognized non-campus locations for student organizations; therefore, we do not monitor student criminal activity that occurs outside of our campus geography.

## **POSSESSION, USE AND SALE OF ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS**

MATC policies and procedures, including Public Safety department enforcement practices, are consistent with applicable local, state and federal laws regarding the possession, use and/or sale of alcoholic beverages and illegal drugs.

### **Standards of Conduct**

MATC Policy G0300 – Drug-Free Campuses and Workplace prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance including but not limited to alcohol, prescription and illicit drugs at any college campus, evening center or other college premise; or while participating in officially sponsored college events off premise.

Violations of this policy will result in appropriate progressive disciplinary action up to and including: (a) expulsion of students in accordance with applicable civil, state and federal law and the MATC Student Code of Conduct; (b) termination of employment from MATC in accordance with applicable civil, state and federal law; and (c) referral for prosecution for violations.

Each college employee will, as a condition of employment, abide by this policy. In addition, any employee engaged in the performance of a federal grant or contract is required to notify his or her supervisor no later than five (5) days after any conviction under a criminal drug statute for a violation that occurred in the workplace.

### **Legal Standards**

State Law: The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and outlines specific penalties for the violation of the regulations. A person convicted of manufacturing a controlled substance, delivering a controlled substance or possessing a controlled substance with an intent to manufacture or deliver, can be imprisoned for up to 30 years and fined up to \$1,000,000. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. See Wis. Stat.s §961.41-50.

Wisconsin law also restricts the use of alcohol in certain situations such as procurement, dispensing or selling alcohol under the age of 21. See Wis. Stat.s §125.07. Penalties may include significant fines, required participation in a supervised work program and suspension of driver’s license.

Federal Law: Pursuant to federal law, the United States Sentencing Guidelines establish mandatory minimum penalties for categories of drug offenses and provide for penalty enhancements in specific cases. See 21 U.S.C. §841-865.

MATC is committed to maintaining a drug-free work and campus environment in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. MATC policies further recognize the adverse impact that illicit drug use and alcohol dependency can have on the educational and working environment, including negative impacts on safety and security. Further, the Student Handbook and Code of Conduct, as well as the Employee Handbook, address college policies and resources surrounding drug and alcohol abuse. As a result, the college is committed to providing students and staff with information and resources to assist in identifying and addressing issues related to substance abuse.

MATC encourages employees and students with substance abuse problems or concerns to seek confidential counseling and/or referral services. The college will answer questions, sponsor campus programs and make referrals to proper agencies for students and employees seeking further assistance. Additionally, services are available to students and employees through one-on-one counseling assessment with our alcohol and other drug abuse (AODA) certified and/or licensed professional counselors (LPC).

Conscientious efforts to seek such help shall not in themselves jeopardize any employee's job or student's enrollment and will not be noted in the employee's file or student's record. On the following page is a list of drug and alcohol abuse resources.

## Student and Employee Resources

### Students:

MATC Counseling and Psychological Services (CAPS), email [counseling@matc.edu](mailto:counseling@matc.edu) 414-297-8482

### Employees:

Advocate Aurora Employee Assistance Program (EAP) [www.aurora.org/eap](http://www.aurora.org/eap) 1-800-236-3231

MATC Public Safety Emergency 414-297-6200

Non-Emergency 414-297-6588

### Community:

Mental Health America of Wisconsin, [www.mhawisconsin.org](http://www.mhawisconsin.org) 414-276-3122

IMPACT alcohol and other drug misuse – Services include substance abuse assessments and related treatment referrals. 414-256-4808

211 IMPACT – Milwaukee County Community Resource Hotline. Point of access for Substance Abuse Disorder (SUD), mental health, family health and social services. 414-773-0211 (211)

Alanon Family Groups – Help for family and friends affected by another’s alcohol dependence. 414-257-2415

Alateen – Young members, usually teens, affected by a family member’s drinking. 414-257-2415

[www.aurora.org/eap](http://www.aurora.org/eap)

Alcoholics Anonymous Central Office - 24-hour hotline and meeting information. Support for those in and seeking recovery. 414-771-9119  
[www.aamilwaukee.com](http://www.aamilwaukee.com)

Aurora Health Care – Private pay and insurance. 414-454-6600

(Dewey Center for substance abuse treatment and psychiatric services available)

Rogers Behavioral Health – Private pay and insurance for treatment of substance and mental health issues. 414-865-2500 (Brown Deer)

414-327-3000 (West Allis)

SAMHSA (Substance Abuse and Mental Health Services Administration) – AODA and mental health resources and data. [www.samhsa.gov](http://www.samhsa.gov)

### Alcohol on Campus

MATC Policy F0601 prohibits the consumption of alcoholic beverages on MATC premises and/or at MATC sponsored events except those functions approved by the executive vice president of student success or the appropriate MATC administrator if the serving of alcoholic beverages is required as a component of a course curriculum in conjunction with an academic activity or for other non-student related functions, and then only in accordance with Wisconsin law. The unlawful manufacture, distribution, dispensing, possession, sale or use of illicit drugs and alcohol beverages by students or employees on MATC property, or as part of MATC activities, is prohibited. The MATC Public Safety department has primary responsibility for the enforcement of state underage drinking laws, as well as the enforcement of federal and state drug laws.

Violation of this policy by employees will result in appropriate action, up to and including termination from employment. Students who violate this policy will face disciplinary action, up to and including expulsion from MATC. In the event of a violation, an AODA assessment, participation in and/or completion of an appropriate rehabilitation program may be required.

### Know Your Risks

According to the National Institute on Drug Abuse (NIDA), addiction is when people who use drugs cannot stop taking a drug, even if they want to. People start taking drugs and alcohol for a number of reasons, including socialization, boredom, coping with a loss and loneliness; but no one plans to get addicted. When using drugs or alcohol continues, use quickly becomes abuse and the person becomes dependent on the drug just to feel normal. That is addiction and it can quickly take over a person's life.

Addiction is a disease, just as diabetes and cancer are diseases. Addiction is not simply a weakness or personality flaw, and people can enter recovery and maintain normal life activities. People from all backgrounds, rich or poor, can become addicted. Addiction can happen at any age, usually in adolescence or early adulthood, but older adults and those experiencing trauma or changes in their lifestyle are also vulnerable.

Here are some questions to ask yourself or someone you know. If the answer to some or all of these questions is yes, you might have an addiction.

- Do you think a lot about or plan events around drug and alcohol use?
- Did you ever try to stop or cut down on your use of alcohol or drugs but were unable to?
- Have you ever thought you did not fit in or have a good time without drugs?
- Did you ever use drugs or alcohol because you were upset or angry with other people?
- Have you ever used a drug without knowing what it was or what it would do to you?
- Have you ever taken one drug to get over the effects of another?
- Have you lost relationships, friendships and job opportunities related to your alcohol or drug use?
- Have you found yourself in dangerous situations or associated with people that do not meet your standards when sober?

(For more information, see NIDA's website, [www.easyread.drugabuse.gov](http://www.easyread.drugabuse.gov).)

If you believe you are at risk for addiction, or are addicted to drugs or alcohol, the college offers the resources outlined above. Please contact us.

### Symptoms

It is important to recognize the symptoms of drug and/or alcohol misuse. People with drug problems might act differently than they used to. They might:

- Spend a lot of time alone
- Lose interest in their favorite things
- Get messy – for instance, not bathe, change clothes or brush their teeth
- Be really tired and sad
- Be very energetic, talk fast or say things that do not make sense
- Be nervous or cranky (in a bad mood)
- Quickly change between feeling bad and feeling good
- Miss class, work or meetings/appointments
- Fall asleep during class or work
- Eat a lot more or a lot less than usual

People with an addiction usually cannot stop taking the drug on their own. They want and need more. They might try to stop taking the drug and then feel sick. Then they take the drug again to stop feeling sick. They keep using the drug even though it is causing terrible family, health or legal problems. They need help to stop using drugs. Drug treatment can help.

You can find more information on NIDA's Easy-to-Read Drug Facts webpage, Drug Treatment ([www.easyread.drugabuse.gov/content/drug-treatment](http://www.easyread.drugabuse.gov/content/drug-treatment)).

### **Drug and Alcohol Awareness Plan**

The Drug Free Schools and Campuses Act (DFSCA) and implementing regulations require that the college conduct a biennial report regarding the review, evaluation and adaptation of its alcohol and other drugs (AOD) prevention program. While the college has taken a broad approach, as detailed above, to notify students and employees of policies, sanctions and resources to identify and address drug and alcohol misuse, MATC also is in the process of assessing these programs in order to identify improved methods of communication regarding AOD issues for students and employees. The college is examining its ability, from a staffing and financial perspective, to assign an Substance Abuse Disorder (SUD) coordinator tasked with the program and biennial evaluation. A complete description of these topics, as provided in MATC's annual notification to students and employees, is available online at:

<https://www.matc.edu/student-right-to-know.html>

## **SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING**

MATC is committed to fostering a safe learning environment conducive to academic success for all students. All members of the MATC community share responsibility for maintaining this environment by following college policies and exemplifying respect for others. It is important that members of the MATC community recognize unfair treatment, including sexual misconduct, and speak up to prevent and reduce sexual and relationship violence in our college community.

MATC adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. MATC will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any complaint process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

College policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the college's policy on nondiscrimination.

In accordance with Title IX and the Violence Against Women Act (VAWA) and consistent with MATC's commitment to human dignity, any type of sexual discrimination or other unlawful discrimination or harassment is taken seriously and is promptly investigated by the college. Sexual discrimination includes gender inequity, as well as all forms of sexual misconduct, including sexual harassment, sexual assault, stalking, domestic violence and dating violence. The college prohibits the crimes of domestic violence, dating violence, sexual assault and stalking and will take prompt action to eliminate sexual discrimination or misconduct, prevent its recurrence and address its effects.

Toward this end, MATC issues this statement of policy to inform the campus community of the programs addressing domestic violence, dating violence, sexual assault and stalking, as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking, which will be followed whether the incident occurs on or off campus when reported to a college official.

MATC has a comprehensive set of policies and procedures addressing sexual assault, sexual violence and sexual misconduct. All members of the MATC community should read and be familiar with these policies and procedures regarding response to incidents and any other form of unlawful discrimination or harassment. Policies are outlined in the following sections and the MATC procedure, *Interim Process for Resolving Complaints of Harassment, Sexual Misconduct and Other Forms of Discrimination*, can be found in the Appendix.

Questions regarding sexual misconduct, including sexual assault, domestic violence, dating violence and stalking can be directed to the Title IX coordinator, deputy coordinators or through MATC’s Title IX line.

Eva Martinez Powless, Title IX Coordinator 1015 North Sixth Street, Milwaukee, WI 53233	414-297-6080
Daniel McColgan, Deputy Title IX Coordinator 700 West State Street, Milwaukee, WI 53233	414-297-7688
William Smith, Deputy Title IX Coordinator and Equity Officer 700 West State Street, Milwaukee, WI 53233	414-297-7275
Title IX Phone Line	414-297-6028

**Definitions**

The Clery Act and VAWA mandate that colleges provide domestic violence, dating violence, sexual assault and stalking definitions applicable in its jurisdiction, as well as those supplied by VAWA. While the definitions that follow have slight variations, they are provided for awareness purposes.

Pursuant to VAWA, incidents of domestic violence, dating violence, sexual assault and stalking are disclosed in MATC’s annual campus crime statistics. These crime statistics are based on the definitions provided by the Clery Act, and can be found in the Campus Crime Statistics section at the end of this document.

**VAWA Definitions**

**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. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- 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.

**Sexual Assault** – An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Report (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- **Rape** – 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.

- Fondling – 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.
- Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

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.

For the purposes of this definition:

- 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.

### **Jurisdictional Definitions**

Wisconsin statutes recognize that sexual assault, domestic violence, dating violence and stalking are serious criminal offenses. It is important for all members of the MATC community to understand how these offenses are defined by law and to be aware of the penalties. The following definitions are partial excerpts from the applicable Wisconsin State Statutes.

### **Dating Violence – Wis. Stat. 813.12**

(1) (ag) “Dating relationship” means a romantic or intimate social relationship between two adult individuals but “dating relationship” does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship and the frequency of the interaction between the adult individuals involved in the relationship.

NOTE: Under Wisconsin law, dating violence is considered a form of domestic abuse.

### **Domestic Violence – Wis. Stat. 813.12 and Wis. Stat. 968.075**

813.12 Domestic Abuse restraining orders and injunctions.

(1)(am) “Domestic abuse” means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A violation of s. 940.32.
5. A violation of s. 943.01, involving property that belongs to the individual.
6. A threat to engage in the conduct under subd. 1., 2., 3., 4. or 5.

(b) "Family member" means a spouse, a parent, a child or a person related by blood or adoption to another person.

(c) "Household member" means a person currently or formerly residing in a place of abode with another person.

968.075 Domestic abuse incidents; arrest and prosecution.

(1) DEFINITIONS. In this section:

(a) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.

2. Intentional impairment of physical condition.

3. A violation of s. 940.225 (1), (2) or (3).

4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.

**Sexual Assault - Wis. Stat. 940.225**

(1) 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.

(2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C 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.

(cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(f) 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.

(g) Is an employee of a facility or program under s. 940.295.

(2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

(h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(i) Has sexual contact or sexual intercourse with an individual who is on probation, parole or extended supervision if the actor is a probation, parole or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole or extended supervision agent or who has influenced or has attempted to influence another probation, parole or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(j) Is a licensee, employee or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.

(3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

(3m) FOURTH DEGREE SEXUAL ASSAULT. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

(4) CONSENT. "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h) and (i). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

(b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(5) DEFINITIONS. In this section:

(b) "Sexual contact" means any of the following:

1. Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1):

a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.

b. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.

2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

3. For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

(c) "Sexual intercourse" includes the meaning assigned under s. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

**Stalking – Wis. Stats. 940.32**

(1)(a) “Course of conduct” means a series of two or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim’s workplace or contacting the victim’s employer or coworkers.
4. Appearing at the victim’s home or contacting the victim’s neighbors.
5. Entering property owned, leased or occupied by the victim.
6. Contacting the victim by telephone or causing the victim’s telephone or any other person’s telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
- 6m. Photographing, videotaping, audiotaping or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim’s family or household or an employer, coworker or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased or occupied by the victim.
9. Delivering an object to a member of the victim’s family or household or an employer, coworker or friend of the victim or placing an object on, or delivering an object to, property owned, leased or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subs. 1. to 9.

(cb) “Member of a family” means a spouse, parent, child, sibling or any other person who is related by blood or adoption to another.

(cd) “Member of a household” means a person who regularly resides in the household of another or who within the previous six months regularly resided in the household of another.

(d) “Suffer serious emotional distress” means to feel terrified, intimidated, threatened, harassed or tormented.

(2) Whoever meets all of the following criteria is guilty of a Class I felony:

(a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household.

(b) The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor’s acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

**MATC Policy Definitions**

Consent and the purposes for which this definition is used, as defined in the MATC Equal Opportunity, Harassment and Nondiscrimination policies C0200 and F0104, is described as follows:

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

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

*Note: MATC recognizes that state law definitions of reportable crimes change from time to time. Specifically, the following definitions of reportable crimes have changes under Wisconsin state law: (1) Stalking (Wis. Stat. s. 940.32); (2) Sexual Assault (Wis. Stat. s. 940.225); and Dating Violence (Wis. Stat. s. 813.12(am)).*

*MATC is working toward incorporating the statutory changes into all policies, procedures and communications to staff and students. To date, the changes have been incorporated in the Student Handbook and Procedure CC0200-Appendix B. MATC will submit changes to board policies, including Policy C0200 periodically.*

**Reporting Sexual Assault, Domestic Violence, Dating Violence and Stalking**

All students, employees and other members of the MATC community are encouraged to promptly and accurately report incidents of sexual assault, domestic violence, dating violence and stalking to the MATC Public Safety Department. As these crimes are considered a form of sexual harassment, the college’s Title IX policies and procedures may also apply, therefore Public Safety will notify the Title IX coordinator and/or deputy Title IX coordinators.

MATC Public Safety Department	414-297-6588 414-297-6200
MATC Title IX Coordinator, Eva Martinez Powless 1015 North Sixth Street, Milwaukee, WI 53233	414-297-6080
MATC Deputy Title IX Coordinator, Daniel McColgan 700 West State Street, Milwaukee, WI 53233	414-297-7688
William Smith, Deputy Title IX Coordinator and Equity Office 700 West State Street, Milwaukee, WI 53233	414-297-7275
Title IX Phone Line	414-297-6028

In accordance with MATC Policy C0200 Equal Opportunity, Harassment and Nondiscrimination, the college will investigate and respond to any formal or informal complaint or notice of potential violation of the policy that is received by the Title IX coordinator, deputy coordinator, Human Resources staff, Judicial Affairs, director of Student Life, Athletics director, or other manager or supervisor representing the college.

MATC's Title IX Coordinator Eva Martinez Powless is responsible for overseeing and administering the investigation and resolution of complaints arising under the Equal Opportunity, Harassment and Nondiscrimination policy and is supported by Deputy Title IX Coordinator Daniel McColgan.

MATC's process for investigation and appeal of determinations is described in detail in the Appendix. This procedure will apply to all complaints involving students, staff, faculty or other members of the MATC community, including contractors. Redress and requests for responsive actions for complaints brought against nonmembers of the community are also covered by these procedures.

### **Filing a Complaint**

Any member of the community who believes that the policy for Equal Opportunity, Harassment and Nondiscrimination has been violated may file a complaint at any time from any location using the online reporting form found at:

[https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout\\_id=2](https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=2)

All complaints will be reviewed and tracked by the Title IX coordinator or designee.

Concerned individuals also may contact the Title IX coordinator or deputy coordinators directly. It is possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member, or any member of the community may contact MATC Public Safety at any time. These individuals will in turn notify the Title IX coordinator and/or deputy Title IX coordinator.

All employees receiving reports of a potential violation of college policy related to sexual assault, stalking, dating violence and domestic violence are expected to contact the Title IX coordinator or a deputy coordinator within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy; specific information on any complaints received by any party will be reported to the Title IX coordinator and deputy Title IX coordinators but, subject to the college's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a complaint.

In all cases, MATC will give consideration to the complainant with respect to how the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

### **Notice of Victim Rights**

Victims of sexual assault, stalking, domestic violence or dating violence have the right to receive assistance from the MATC Public Safety department in reporting such incidents to local law enforcement. Public Safety personnel will assist any person requesting assistance and conduct investigations as required. Victims may also be assisted by Student Life or the Title IX coordinator or deputy coordinator in reporting incidents to the MATC Public Safety department or local law enforcement.

Victims also have the right to decline to notify such authorities, however Public Safety personnel are required by Wisconsin state law to report all crimes to local law enforcement. Public Safety personnel will take reasonable steps to investigate and respond consistent with the victim's wishes, whenever possible.

Students and employees reporting victimization of sexual assault, stalking and domestic or dating violence (relationship violence) have the right to:

- Request information concerning MATC's investigation and grievance procedure (CC0200) for equal opportunity and be informed of the range of possible sanctions under the MATC Student Code of Conduct or applicable personnel and ethics policies.
- Receive all of the following information in writing;
- Explanation of procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the college will protect the confidentiality of victims and other necessary parties;

- Be assisted by campus authorities if reporting a crime to local law enforcement;
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to victims, both within the college and the community;
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking;
- Options for, available assistance in and how to request accommodations and protective measures, including changes in academic, living, transportation and work situations to avoid a hostile environment;
- Information on how to obtain or enforce a temporary restraining order, injunction or other no contact directive

These rights will be afforded to victims whether or not they report the incident to the Public Safety department or local law enforcement, and victims will be provided with a written copy explanation of their rights and options, whether the offense occurred on or off campus.

### **Complainants and Respondents Rights**

- To be treated with respect by college officials
- To take advantage of campus support resources (such as counseling for students or employee assistance program services for employees)
- To experience a safe educational and work environment
- To refuse to have an allegation resolved through alternative dispute resolution procedures, such as mediation or other conflict resolution
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident
- To be free from retaliation
- To have complaints heard in substantial accordance with college procedures
- To full participation of the injured party in any investigation and hearing process whether the injured party is serving as the complainant or the college is serving as complainant
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible

### **Confidentiality**

Victims of sexual assault, domestic violence, dating violence or stalking have the right to confidentiality while seeking support services from MATC's counseling services and MATC's Employee Assistance Program (EAP) and any specific victim support services offered by the college, including victim advocacy.

MATC officials, depending on their roles at the college, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, trained counselors acting in a crisis counseling role and EAP resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless the reporting individual requested information to be shared.

All other campus resources will take action when you report victimization to them, while making efforts to afford as much privacy to the reporter as possible under the circumstances and sharing information on a need-to-know basis.

Complainants are encouraged to speak to college officials, such as the Title IX coordinator, director of Student Life, director of Athletics, Human Resources staff, Public Safety, etc., to make formal reports of incidents of sexual misconduct. Complainants have the right, and can expect, to have complaints taken seriously by the college when formally reported, and to have those incidents investigated and properly resolved through the college policy and

procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

### **Federal Timely Warning Obligations**

Victims of sexual misconduct should be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

MATC will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C 13925(a)(20); and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the accommodations or protective measures.

### **Standard of Evidence**

In all MATC investigations of sexual assault or sexual harassment reports, the standard of evidence used by the college will be the preponderance of the evidence (more likely than not) standard. This standard will apply to all enforcement of college policies, procedures and codes of conduct involving discrimination, harassment, sexual assault and sexual misconduct.

### **Information Concerning Sexual Assault, Domestic Violence, Dating Violence and Stalking**

Victims should call the MATC Public Safety department or dial 911 for immediate help. Preserving physical evidence is especially important for any subsequent investigation.

#### **Guidelines to follow after a sexual assault include:**

- Get to a safe place as soon as you can.
- When an incident occurs on campus, contact the Public Safety department at 414-297-6200 or dial 911 for immediate assistance. If 911 is called, then the Public Safety department should be made aware of the incident as soon as possible.
- Try to preserve all physical evidence. Do not wash, use the toilet or change clothing if possible. If you do change clothes, put all clothing you were wearing at the time of the incident in a paper (not plastic) bag.
- Get medical attention as soon as possible to ensure you are physically well and to collect important evidence.
- Talk with a counselor who will maintain confidentiality, help explain your options, give you information and provide emotional support.
- Contact someone you trust to be with and support you.

#### **Guidelines to follow after domestic violence, dating violence or stalking include:**

- If injured, seek medical attention as soon as possible.
- Contact the Public Safety department at 414-297-6200 or 911 for immediate assistance.
- Document injuries with photos.
- Document dates and times. Keep a timeline of events, including arguments, threats, telephone calls, text messages, etc.
- Save any text messages, voicemails, emails or other physical evidence such as handwritten letters or notes.
- Save screenshots of social media posts or instant messages.

- Tell a friend or family member what has occurred. Seek resources for support and assistance.

It is important to note that the preservation of evidence may strengthen investigations, which may result in a better chance of obtaining protective orders or holding the accused responsible. As time passes, evidence may dissipate or become lost or unavailable, thereby making more difficult the investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident. If the victim decides to report the incident to law enforcement or the college at a later date, this evidence will assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

If a victim chooses not to make a formal complaint regarding an incident, he or she nevertheless should consider speaking with an advocate who can provide information about legal rights and options, evidence preservation, obtaining restraining orders, creation of personalized safety plans and additional resources.

The following table lists resources for victims of sexual assault and relationship violence.

Milwaukee County		
Aurora Healing & Advocacy Services – Individual treatment, care and services to meet the unique needs of survivors of sexual assault.	<a href="https://www.aurorahealthcare.org/healing-advocacy-services#Start-Healing">https://www.aurorahealthcare.org/healing-advocacy-services#Start-Healing</a>	Call 414-219-5555  Text 414-219-1551
Sojourner Family Peace Center – Provides an array of support to families affected by domestic violence.	<a href="https://www.familypeacecenter.org">https://www.familypeacecenter.org</a>	414-933-2722
UMOS Inc. – A statewide, culturally specific, victim service agency providing confidential and comprehensive advocacy services to victims of domestic violence and sexual assault.	<a href="https://www.umos.org/social-services/">https://www.umos.org/social-services/</a>	414-389-6510
Community Advocates/Milwaukee Women’s Resource Center – Provides crisis counseling, intervention, information and referrals to victims of domestic violence.	<a href="https://communityadvocates.net/what-we-do/need-help.html">https://communityadvocates.net/what-we-do/need-help.html</a>	414-671-6140
Impact 211 – A central access point for people in crisis to connect with free confidential assistance.	<a href="https://www.impactinc.org/impact-2-1-1/">https://www.impactinc.org/impact-2-1-1/</a>	Call 211  Text ZIP code to 898211  Offers online chat
Ozaukee County		
Advocates of Ozaukee – Provides domestic and sexual violence awareness, advocacy, safety and justice.	<a href="https://www.advocatesofozaukee.com">https://www.advocatesofozaukee.com</a>	262-284-6902 877-375-4034

National		
RAINN – Anti-sexual violence organization and sexual assault hotline.	<a href="https://www.rainn.org/index.php">https://www.rainn.org/index.php</a>	800-656-4373 Offers online chat
National Domestic Violence Hotline – Provides support, crisis intervention and referral services for survivors of domestic violence.	<a href="https://www.thehotline.org">https://www.thehotline.org</a>	800-799-7233
Love Is Respect – Resources for youth ages 13-26 to disrupt and prevent unhealthy relationships and intimate partner violence through inclusive and equitable education, support and resources.	<a href="https://www.loveisrespect.org">https://www.loveisrespect.org</a>	Call 866-331-9474 Text LOVEIS to 22522 Offers online chat

**Campus Disciplinary Procedures in Sexual Assault, Domestic Violence, Dating Violence and Stalking Cases**

MATC procedures for college disciplinary action in cases of alleged sexual assault, domestic violence, dating violence and stalking can be found in the Appendix. These procedures provide for proceedings that:

- Are prompt, fair and impartial from the initial investigation to the final result;
- Are completed within reasonably prompt time frames designated by college policy, including a process that allows for the extension of time frames for good cause with written notice to the accuser and the accused of the delay and reason for it;
- Are conducted in a manner that is consistent with college policies and transparent to the accuser and accused, and includes timely notice of meetings at which the accuser or accused or both may be present, and provides timely and equal access to the accuser, the accused and appropriate officials to any information to be used during informal and formal disciplinary meetings and hearings;
- Are conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused;
- Are conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- Provide the accuser and the accused with the same opportunities to have others present during any college disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor (any individual who provides the accuser or accused support, guidance or advice) of their choice;
- Do not limit the choice of the advisor or presence for either the accuser or the accused in any meeting or college disciplinary proceeding, however the college may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
- Require simultaneous notification in writing to both the accuser and the accused of the result of any college disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking;

- Require simultaneous notification in writing to both the accuser and the accused of college procedures for the accused and the victim to appeal the result of the proceeding;
- Require simultaneous notification in writing to both the accuser and the accused of college procedures for any change to the result and when the result becomes final.

MATC policies addressing sexual harassment and other professional misconduct apply to students, staff and faculty. These policies, as applicable, may be used to hear and determine sanctions in cases of alleged sexual harassment offenses. Sanctions are provided in the Appendix.

### **Sexual Assault and Relationship Violence Awareness and Prevention Programs**

The college engages in comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end sexual assault, domestic violence, dating violence and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research, or assessed for value, effectiveness or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students and employees that:

- Identifies sexual assault, domestic violence, dating violence and stalking as prohibited conduct;
- Defines, using definitions provided both by the U.S. Department of Education as well as state law, domestic violence, dating violence, sexual assault and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Wisconsin and using the definition of consent found in MATC policy and procedures as well as the purposes of the MATC consent definition;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Provides information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides information regarding:
  - o Procedures victims should follow if a crime of sexual assault, domestic violence, dating violence and stalking occurs;
  - o How the institution will protect the confidentiality of victims and other necessary parties;
  - o Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
  - o Options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective orders; and
  - o Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking.

MATC's Title IX coordinator and deputy coordinators provide awareness programs in the form of presentations, workshops and training that take place throughout the year at student and employee orientations, departmental meetings, employee in-service training sessions and student advisory board meetings. These presentations also provide information concerning college policies as well as resources, and discuss concerns related to equal opportunity issues, including sexual misconduct and sexual harassment prevention.

The programs listed below include a variety of strategies focused on educating new students and employees as well as current students and employees on the issues involving sexual assault, domestic violence, dating violence and stalking. Some of these programs may involve the distribution of educational materials, inviting guest speakers to campus, and providing programs and services to the college community.

### **Bystander Intervention**

The MATC Bystander Intervention program provides students and employees with the tools and knowledge to intervene before, during or after a situation of violence or oppression. The program is designed to give members of the college community safe and positive ways to engage in the prevention of sexual and relationship violence that may occur in the campus community. The program focuses on "The Five Ds" of intervention.

- **Direct** – This technique includes evaluating the situation for safety and when appropriate, directly confronting the issue by naming it and addressing the harasser. This action should be short and is not intended to create a debate or argument with the aggressor. Instead it should directly identify that a certain behavior is not okay or appreciated. It allows all involved to see that the victim is not alone and that negative behavior has not gone unnoticed.
- **Distract** – The aim of distraction is to derail an incident by interrupting it. Distraction is a subtle and creative way to intervene, by ignoring negative behavior and changing the subject to something unrelated. This technique gives everyone involved the chance to cool down, while gaining time and distance between the victim and aggressor.
- **Delegate** – Delegation is appropriate in those situations when intervening may not be a safe situation. The technique involves asking for assistance from a third party or someone in authority. This tool also can be used when distraction has been utilized.
- **Delay** – When it is not possible to intervene in the moment, delayed intervention is still a good tool. Checking on a victim after an incident lets them know they have support.
- **Document** – Be an engaged witness. Report any incident of sexual or relationship violence to appropriate college officials. Write down what was seen or heard, who assisted and what happened. These actions can assist the victim in obtaining services or assistance at a later date.

### **Denim Days**

MATC participates in and promotes the "Denim Day" sexual assault prevention campaign, which provides awareness to students and employees about the myths surrounding sexual assault.

### **Orientations**

Information about the awareness and prevention of sexual assault, domestic violence, dating violence and stalking is shared with new students and employees at orientations conducted by Student Life and Human Resources. College policies and procedures are discussed.

### **Student Resource Center**

MATC has partnered with a consortium of community-based organizations whose missions are to offer supportive services to students, thereby reducing and/or removing barriers to student success so they can reach their fullest potential academically, professionally and personally. The Student Resource Center is located at the Downtown Milwaukee Campus in Room S215 and offers resources for mental health and crisis counseling, food, employment, transportation and legal aid. Students can get more information or complete a Student Resource Center Intake/Referral Form at <https://www.matc.edu/student-life-resources/student-resource-center/index.html>.

### **Risk Reduction**

MATC includes risk reduction strategies in all of its presentations and programs, as appropriate. With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse & Incest National Network, [www.rainn.org](http://www.rainn.org)).

1. Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you do not know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.
6. Make sure your cellphone is with you and charged.
7. Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening and leave together.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911).
11. Don't leave your drink unattended while talking, dancing, using the restroom or making a phone call. If you have left your drink alone, just get a new one.
12. Watch out for your friends and vice versa. If a friend seems "out of it," seems too intoxicated for the amount of alcohol they have had or is acting out of character, get him or her to a safe place immediately.

### **Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Is Reported**

MATC has procedures in place sensitive to victims who report sexual assault, domestic violence, dating violence and stalking. The procedures inform individuals of their right to file criminal charges, as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus. They also include additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, protective orders, transportation and working accommodations, if reasonably available. MATC will make such accommodations, at the victim's request and if they are reasonably available, regardless of whether the victim chooses to report the crime to the MATC Public Safety or local law enforcement. Students and employees should contact Title IX Coordinator Eva Martinez Powless, 414-297-6080; or Deputy Title IX Coordinator Daniel McColgan, 414-297-7688; to inquire about these accommodations.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the college, the procedures the college will follow are described on the next pages.

Incident Being Reported	Procedures MATC Will Follow
Sexual Assault	<ul style="list-style-type: none"> <li>✓ Depending on when reported (immediate or delayed report) assist in providing victim with access to medical care</li> <li>✓ Assess immediate safety needs of complainant</li> <li>✓ Assist complainant with contacting local police if complainant requests</li> <li>✓ Provide the complainant with contact information for local police department</li> <li>✓ Provide complainant with referrals to off-campus mental health providers</li> <li>✓ Assess the need to implement interim or long-term protective measures, if appropriate</li> <li>✓ Provide the victim with a written explanation of the victim's rights and options</li> <li>✓ Provide a "no trespass" directive to accused party if deemed appropriate</li> <li>✓ Provide written instructions on how to apply for a protective order</li> <li>✓ Provide a copy of the policy applicable to sexual assault to the complainant and explain time frames for inquiry, investigation and resolution</li> <li>✓ Inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>✓ Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ul>
Stalking	<ul style="list-style-type: none"> <li>✓ Assess immediate safety needs of complainant</li> <li>✓ Assist complainant with contacting local police, if requested</li> <li>✓ Provide complainant with contact information for local police department</li> <li>✓ Provide written instructions on how to apply for a protective order</li> <li>✓ Provide written information to complainant on how to preserve evidence</li> <li>✓ Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>✓ Provide the victim with a written explanation of the victim's rights and options</li> <li>✓ Provide a "no trespass" directive to accused party if deemed appropriate</li> </ul>

Incident Being Reported	Procedures MATC Will Follow
Domestic Violence	<ul style="list-style-type: none"> <li>✓ Assess immediate safety needs of complainant</li> <li>✓ Assist complainant with contacting local police if requested</li> <li>✓ Provide complainant with contact information for local police department</li> <li>✓ Provide written instructions on how to apply for a protective order</li> <li>✓ Provide written information to complainant on how to preserve evidence</li> <li>✓ Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>✓ Provide the victim with a written explanation of the victim’s rights and options</li> <li>✓ Provide a “no trespass” directive to accused party if deemed appropriate</li> </ul>
Dating Violence	<ul style="list-style-type: none"> <li>✓ Assess immediate safety needs of complainant</li> <li>✓ Assist complainant with contacting local police if requested</li> <li>✓ Provide complainant with contact information for local police department</li> <li>✓ Provide written instructions on how to apply for a protective order</li> <li>✓ Provide written information to complainant on how to preserve evidence</li> <li>✓ Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>✓ Provide the victim with a written explanation of the victim’s rights and options</li> <li>✓ Provide a “no trespass” directive to accused party if deemed appropriate</li> </ul>

**Restraining Orders and No Contact Orders**

MATC complies with Wisconsin law in recognizing restraining orders. Students and employees should provide a copy of any orders to Public Safety and the Title IX coordinator. A complainant may then meet with Public Safety or Title IX personnel to develop a Safety Action Plan, which serves to reduce risk of harm while on campus, or coming and going from campus. This plan may include, but is not limited to, walking escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. MATC cannot apply for a restraining order for a victim. The victim is required to apply directly for these services. In Wisconsin, the following services may be available to victims of sexual assault, domestic violence, dating violence or stalking.

Type of Order	Circumstances and Who Can Request	Where to File
<p>Domestic Abuse Injunction</p>	<p>If you are an adult, you may be able to file against any of the following people who have committed domestic abuse against you (the abuser must also be an adult):</p> <ul style="list-style-type: none"> <li>• a current or former spouse;</li> <li>• a parent;</li> <li>• an adult child;</li> <li>• a person related to you by blood or adoption;</li> <li>• a person with whom you currently live or formerly lived;</li> <li>• anyone with whom you have had a child, even if you were never married to him/her;</li> <li>• someone you are dating or have dated; or</li> <li>• a caregiver.<sup>1</sup></li> </ul> <p>You can also file for a domestic abuse injunction on behalf of a incapacitated adult who is the victim of domestic abuse if you are that adult's legal guardian.<sup>2</sup></p> <p>1 Wis. Stat. § 813.12(1)(am), (1)(b), (1)(c)</p> <p>2 Wis. Stat. § 813.12(5)(d)</p>	<p>You will need to file the court forms in the circuit court in any of the following counties:</p> <ul style="list-style-type: none"> <li>• where you live;</li> <li>• where you are temporarily living;</li> <li>• where the abuser (respondent) lives; or</li> <li>• where an incident of abuse took place (where the "cause of action arose").<sup>1</sup></li> </ul> <p>To file the forms, go to the clerk of court. The forms must be filed during business hours. Tell the clerk that you want to file for a domestic abuse injunction. You can ask for a temporary restraining order, a domestic abuse injunction, or both on the same form.</p> <p>1 Wis. Stat. § 801.50(5s)</p>

Type of Order	Circumstances and Who Can Request	Where to File
Harassment Restraining Order	<p>Anyone who is being physically or sexually abused, stalked, threatened, and/or harassed or intimidated repeatedly with no legitimate (valid) purpose by another person is eligible to file for a harassment order.<sup>1</sup></p> <p>If the victim of harassment is a minor (under age 18), the minor can file on his/her own or the minor’s parent, step-parent or legal guardian can file on the minor’s behalf.<sup>2</sup> The judge may appoint a guardian ad litem to represent the minor, but appointment of a guardian ad litem is not necessary for a child victim to petition for a harassment restraining order.<sup>3</sup></p> <p>1 See Wis. Stat. § 813.125(1)</p> <p>2 Wis. Stat. §§ 813.125(2)(b), 813.122(1)(b)</p> <p>3 Wis. Stat. § 813.125(2g),(2)(b)</p>	<p>You will need to file the court forms in the circuit court in any of the following counties:</p> <ul style="list-style-type: none"> <li>• where you live;</li> <li>• where you are temporarily living;</li> <li>• where the abuser (respondent) lives; or</li> <li>• where an incident of abuse took place (where the “cause of action arose”).<sup>1</sup></li> </ul> <p>To file the forms, go to the clerk of court. The forms must be filed during business hours. Tell the clerk that you want to file a harassment restraining order.</p> <p>1 Wis. Stat. § 801.50(5s)</p>

The college may issue an institutional no contact order if deemed appropriate, or at the request of the victim or accused. If the college receives a report that such an institutional no contact order has been violated, the college will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence or stalking include:	
Wisconsin Restraining Orders	<a href="https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders">https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders</a>
Victims of Abuse	<a href="https://www.womenslaw.org">https://www.womenslaw.org</a>

**Notification to Victims of Crimes of Violence**

Upon written request, MATC will disclose to the alleged victim of a crime of violence or a nonforcible sex offense the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## REGISTERED SEX OFFENDERS

The Wisconsin Department of Corrections maintains a Sex Offender Registry at <https://appsdoc.wi.gov/public/>. The site contains detailed program information and an offender search capability by the offender's name or specific location.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The MATC Public Safety Department works in close collaboration with college partners and emergency first responders to establish, practice and test college emergency policies and procedures. Public Safety personnel maintain and update the MATC Emergency Management Plan on an annual basis. This plan is designed to be an all-hazards crisis management plan and complies with FEMA guidelines for Institutions of Higher Education, including planning, mitigation, and response and recovery actions.

### Drills and Exercises

MATC Public Safety conducts regular emergency drills at all four campuses, to test response procedures, and to train students and employees. Annually, eight drills are conducted at each campus, including two lockdown, one fire and one severe weather drill. Drills are conducted during day and evening classes.

Drill dates and times are announced and publicized, allowing the college community to both prepare for and practice campus evacuation procedures. They also allow Public Safety personnel to evaluate the effectiveness of emergency response procedures.

Additionally, the MATC Public Safety department and the MATC Crisis Response Team participate in exercises (tabletop or functional) as necessary to test and evaluate the MATC Emergency Management Plan.

Results of drills and exercises are documented, including strengths, weaknesses and plans for necessary corrective measures.

In conjunction with other emergency agencies, the MATC conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and if it was announced or unannounced.

The college publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

### Emergency Notification Process

In the event of a situation that poses an immediate threat to the college community, the MATC Public Safety department has various systems in place for communicating information. One or all of these systems may be utilized for emergency notification to some or all of the college community. In the event of an emergency, MATC will initiate and provide without delay immediate notifications to the appropriate segment(s) of the college community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors.

These college communication tools include the mass notification system, fire monitoring public address system, CISCO telephone system, RaveAlert, digital message boards and college email. (Face-to-face communication also may be used to notify the community.)

Public Safety personnel may become aware of dangerous situations by reports from automated fire and security systems, by campus community members to the MATC District Emergency Response Center, or upon discovery during routine patrol. The director of Public Safety or designee will be notified immediately.

The director of Public Safety or designee will confirm the dangerous situation, such as violence on campus, fire or severe weather, that involves an immediate threat to the health or safety of campus building occupants and will direct Public Safety personnel to begin appropriate evacuation procedures.

Public Safety personnel will without delay and taking into account the safety of the college community determine the appropriate communication tool, determine the content of a notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The content of mass notification messages will be determined based on the observed or suspected details of an incident and will include information about the nature of the emergency, the affected area(s) and appropriate steps to take to ensure personal safety. The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information. Public Safety personnel have developed template messages addressing the most common emergencies, but live messages also can be delivered. The Public Safety department will use some or all of the systems described below to communicate the threat to the MATC community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

After an emergency has been resolved, emergency notifications will be followed up with email messages to the entire college community. These follow-up messages will inform and advise the larger community regarding the nature of the incident, the college's response and resolution, and any necessary safety precautions. Follow-up information will be distributed using some or all of the identified communication systems.

Contact information, including email and phone numbers, will be automatically imported from student and employee personnel records into the RaveAlert system. Students and employees will have to log into the RaveAlert system only if they want to change or delete contact information. RaveAlert can be accessed at: <https://www.matc.edu/getrave/index.html>.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community also can access emergency information via the MATC homepage and/or social media.

### **Evacuation Procedures**

Emergency response procedures are outlined in the MATC District Emergency Procedures Guide, which can be found in all classrooms and offices. Additional copies can be obtained from any Public Safety office, or online at:

<https://www.matc.edu/public-safety/matc-district-emergency-procedures-guide.pdf>

Evacuation procedures listed in the MATC District Emergency Procedures Guide are highlighted below:

#### **Fire**

##### **Before a Fire: Planning and Preparation**

- The nearest fire alarm pull station is located:
- The nearest fire extinguisher is located:
- The nearest back-up fire extinguisher is located:
- The nearest exit is:
- An alternative exit is:
- The designated relocation point for my location is:
- An alternate relocation point for my location is:
- Practice exiting your area by imagining you are in a dark and smoky environment, count the number of doorways, turns, etc.
- Report potential hazards and refer fire prevention questions to Public Safety at 414-297-6588

### During a Fire: Response

If you observe fire or smoke, immediately contact Public Safety at 414-297-6200.

If no alarm has been activated, locate and pull the nearest fire alarm.

If Public Safety has announced an evacuation due to a fire emergency or if you feel your location is unsafe:

- Remain calm. Provide further instructions to students or employees.
- Organize groups and prepare for evacuation, taking a head count.
- Prepare to assist anyone with disabilities. Ask for volunteers.
- Leave all nonessential belongings behind.
- Stay together as a group.
- Close doors upon leaving the room. Turn off lights.
- Take predesignated routes to outside relocation points, in a calm and orderly manner.
- If predesignated routes are unsafe, re-evaluate and take alternate routes. Stay together.
- Move to the rear of the relocation point to allow space for those who may still be exiting the building
- Upon arrival at the relocation point, take another head count.
- Notify Public Safety or first responders of anyone unaccounted for or left behind.
- Stay clear of any emergency vehicles that may be arriving on campus.
- Remain in the designated relocation point until the “all clear” has been given, or until you have been given instructions by authorized MATC personnel to leave campus.

You may attempt to extinguish the fire using a campus extinguisher if:

- You have notified Public Safety
- You have been trained
- The fire is small and contained

Remember PASS = Pull, Aim, Squeeze, Sweep

### **Lockdown**

Before an Active Shooter Incident: Planning and Preparation

- Plan ahead by discussing procedures with students and employees.
- Whenever possible, keep doors in a locked position. Prop doors open for access, so they can be quickly closed in the event of an emergency.
- Evaluate all locations that you occupy on campus to determine how you would escape and where you would hide.
- Visualize the actions you would take if you were faced with this situation.

### During an Active Shooter or Violent Event: Response

In any active shooter or violence on-campus situation, you have three options: run, hide or defend. Only you can determine which option is best based on your situation and surroundings.

#### **Run**

If you observe violence on campus, or if Public Safety activates a lockdown, your first option is to run.

1. If you know where the hazard is and have a safe route to escape the building, you should run.
2. Warn other occupants as you leave the building.
3. Drop all belongings and keep your hands visible.
4. Once outside, get as far away from the building as possible.
5. Call 911 or contact Public Safety to notify them of what you observed.
6. DO NOT re-enter the building until you have been given the “all clear” by police or Public Safety.

#### **Hide**

If you do not know where the hazard is or do not have a safe route to escape the building, your second option is to hide.

1. Stay in your current location or seek the nearest safe location.
2. If it is safe to do so, gather anyone stranded in the corridors into your classroom or office.
3. Lock, secure and barricade doors and windows.
4. Turn off lights and computer monitors, silence cellphones, etc.
5. Assist others as appropriate.
6. Get out of sight – behind/under furniture, away from doors/windows.
7. Remain calm and quiet.
8. After the door has been closed, locked or barricaded, DO NOT open it.
9. Monitor campus communication systems for further information or instructions. Contact Public Safety at 414-297-6200 or call 911, if needed.
10. Stay in your safe place until the “all clear” announcement has been given or your current location becomes unsafe.

#### **Defend**

If you cannot run or hide and an active shooter has entered your room, your last option is to defend.

1. Fight back only as a last resort and when your life is in imminent danger.
2. Organize others and formulate a plan.
3. As a group, throw books, furniture and electronics. Find anything you can use as a weapon against the shooter.
4. Act as aggressively as possible to overpower or disarm the shooter.
5. Do not be a victim! Use the options you have practiced.

## Remember

- A lockdown may be implemented for a variety of reasons, including weapons or intruders on campus, hazards or police activity in or around the campus, a shooter on campus or a terrorist attack.
- Public Safety will provide as much information as possible, as soon as possible.
- You should be prepared to take the necessary actions based on what you observe. Do not hesitate!

## Severe Weather

### Before a Severe Weather Event: Planning and Preparation

- The nearest severe weather shelter is:
- An alternate severe weather shelter is:
- The nearest exit route to the shelter is:
- An alternative exit route to the shelter is:

### During a Severe Weather Event: Response

If you observe severe weather approaching, immediately contact Public Safety at 414-297-6200.

If Public Safety has announced an evacuation due to a severe weather emergency or if you feel your location is not safe:

1. Remain calm. Provide further instructions to students or employees.
2. Organize groups and prepare for evacuation, taking a head count.
3. Prepare to assist anyone with disabilities. Ask for volunteers.
4. Leave all nonessential belongings behind.
5. Stay together as a group.
6. Close doors upon leaving the room. Turn off lights.
7. Take predesignated routes to severe weather shelters, in a calm and orderly manner.
8. If predesignated routes are unsafe, re-evaluate and take alternate routes. Stay together.
9. Move to the rear of the severe weather shelter to allow space for those who may still be evacuating.
10. Upon arrival to shelter, take another head count.
11. Notify Public Safety or first responders of anyone unaccounted for or left behind.
12. Stay in the severe weather shelter until the "all clear" is given.

## People With Disabilities

All individuals at MATC, including those with disabilities, must prepare for emergencies before they occur. This includes reviewing the MATC Emergency Response Procedures and creating a personal plan.

Steps for creating personal emergency response plans:

1. At the beginning of each semester, faculty and staff should discuss the MATC Emergency Response Procedures with students and employees. Identify exits, two routes of evacuation, and relocation points for fire and severe weather shelters.

2. Ask if anyone will need assistance in the event of evacuation. Do not assume that someone who appears to have a disability will need assistance, or that someone who appears not to have a disability will not need assistance.
3. Determine what assistance will be needed. There is no need to know what specific disability a person has, instead ask what will be needed to assist.
4. Request volunteers to serve as evacuation assistants.
5. Share this information and practice your plan during campus drills.

### **Suggested Guidelines for Assisting People with Disabilities During an Evacuation**

#### To Alert People With Visual Impairments:

- Announce the type of emergency.
- Offer your arm for guidance to lead them. Do not grasp their arm and do not push or pull them.
- Tell the person where you are going. Alert them to obstacles you encounter.
- Do not separate people with visual impairments from their guide dogs or mobility aids.
- When you reach safety, ask if further help is needed.

#### To Alert People With Hearing Limitations:

- Turn lights on/off to gain the person's attention.
- Offer visual instructions, including directions and gestures.
- Write a note listing the type of emergency and evacuation.

#### To Evacuate People With Mobility Limitations:

- Always consult with the person to determine the best carry options. Nonambulatory people have varied needs and preferences.
- In the case of fire, evacuate across a skywalk or bridge into a nonaffected building whenever possible.
- It is not recommended that wheelchairs be used to evacuate people with disabilities, as they are often too heavy to carry down the stairs.
- Offer the use of MATC evacuation chairs. The location of the nearest chair should be listed in the person's personal emergency plan.
- If no one is able to assist with the MATC evacuation chair, accompany the person to the nearest safe stairwell, well away from the emergency, where they can wait for assistance. These individuals will be the first priority of first responders.
- In the case of severe weather, accompany the person to the nearest interior room away from all doors and windows. Restrooms generally are a good option.
- Immediately notify Public Safety or first responders that someone needs assistance evacuating and give the exact location.

To request assistance with creating a personal plan, please contact:

- Public Safety 414-297-6588
- Student Accommodations 414-297-6750
- Human Resources 414-297-8960

## MISSING STUDENTS

If anyone has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify MATC Public Safety at 414-297-6200. Public Safety will generate a missing person report, contact the dean of Student Experience and initiate an investigation.

After investigating the missing person report, if the college determines the student is missing and has been missing for more than 24 hours, Public Safety will notify the local law enforcement agency with jurisdiction. The dean of Student Experience will notify the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the dean of Student Experience will notify the student's parent or legal guardian immediately after it has been determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify a confidential contact, who will be notified by the dean of Student Experience in the event the student is determined to be missing for more than 24 hours. This information is confidential, accessible by authorized campus officials and law enforcement only, and will not be disclosed outside of a missing person investigation. If a student has identified such an individual, the dean of Student Experience will notify that individual no later than 24 hours after the student is determined to be missing. Should the investigation determine the student is missing prior to 24 hours, these procedures will be implemented immediately.

Students who wish to identify a confidential contact can do so by contacting Dean of Student Experience Equan Burrows at 414-297-6870 or Student Life Director Erich Zeimantz at 414-297-6307.

## FIRE SAFETY REPORT

MATC publishes the annual fire safety report together with the annual security report in accordance with the Higher Education Opportunities Act of 2008 and as part of its annual Clery Act compliance. This report contains information regarding the fire safety practices and standards for MATC on-campus housing, including statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. This report is available for review 24 hours a day on the MATC website at: <https://www.matc.edu/public-safety/index.html>.

A physical copy is available from any Public Safety office during normal business hours.

### Fire Safety

MATC publishes a daily fire log together with the daily crime log. A daily crime and fire log is available for review 24 hours a day on the MATC website or in person at any Public Safety office during normal business hours. The daily crime and fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location. A fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. If a fire occurs in a residential hall, community members should immediately notify 911. When calling, please provide as much information as possible about the location, date, time and cause of the fire. If anyone finds evidence of a fire that has been extinguished, and the person is not sure if the fire department has already responded, the individual should notify 911 immediately.

MATC takes fire safety seriously and has established fire safety programs for students living in on-campus residence halls. Fire evacuation plans have been developed for residence halls and copies of these plans are provided to students during the move-in process. They also are posted in the Community Policy Handbook. MATC additionally has specific fire safety programs that target all campus community members, such as fire safety and fire extinguisher training. Fire safety training can be provided upon request by calling MATC Public Safety at 414-297-6588.

### Residence Hall Fire Statistics

MATC currently has one residence hall, Westown Green, 925 North Martin Luther King Jr. Drive, Milwaukee, WI 53203. The college ended its contract with the Eleven25 at Pabst residence hall in June of 2021.

The following statistics are collected and reported by the Public Safety department and are published on the Public Safety website at: <https://www.matc.edu/public-safety/index.html>.

Fire Statistics for Residential Facilities in 2021						
MATC On-Campus Housing Location	Total Fires	Fire Number	Cause of Fire	Fire-Related Injuries	Deaths Related to Fire	Value of Property Damage
Westown Green	0	none	none	none	none	none

### Definitions

- Fire: Any instance of open flame burning or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- Cause of Fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- Fire-Related Injury: Any instance in which a person is injured as the result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters or any other individuals.
- Fire-Related Death: Any instance in which a person is killed as the result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or who dies within one year of injuries sustained as a result of the fire.
- Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including contents damaged by fire and related damages caused by smoke, water and overhaul. Property damage does not include indirect loss, such as business interruption.

Fire Safety Systems in MATC On-Campus Housing							
MATC On-Campus Housing Location	On-Site Building Fire Alarm Monitoring	Smoke Detection	Sprinkler System	Fire Doors	Fire Extinguisher	Evacuation Plans	Number of Fire Drills
Westown Green	Yes	Yes	Yes	Yes	Yes	Yes	0

### Building Fire Alarm System

MATC on-campus housing facilities are equipped with an interior fire alarm system with detection throughout the buildings, including smoke detectors in each unit, vestibules and hallways; and carbon monoxide detectors in student rooms. The buildings are monitored by both a 24-hour on-site monitoring service and a private off-site fire monitoring service that reports all alarms directly to the local fire department. However, never assume that the fire department has been notified because you hear a fire alarm or smoke detector sounding in the building. Always notify 911 in the event of a fire or fire alarm.

### Fire Sprinkler Systems

A fire sprinkler system is a system of pipes and sprinkler heads that, when triggered by the heat of a fire, automatically discharges water to extinguish the fire. The sprinkler system will continue to discharge water until it is turned off. When a sprinkler system activates, an alarm is sounded.

### Fire Safety Policies and Procedures

Students are provided with a fire safety and evacuation plan during the move-in process. Plans and emergency evacuation maps are posted in all common areas of the building.

Information included in the plan includes means of egress, description of fire suppression systems, basic fire prevention and preparedness measures, evacuation instructions, and residence hall fire safety policies.

### Emergency Fire Safety and Evacuation Instructions

#### To Report a Fire

If you discover a fire in a campus building, **IMMEDIATELY** pull the nearest fire alarm as you exit the building and follow Evacuation of Building procedures. To report a fire, call 911.

In the event of a fire, follow the directions of fire department and security personnel. If no first responders are on the scene and there is an emergency situation, you may be required to decide on a course of action to protect yourself and the other members of your room or suite.

This Fire Safety Plan is intended to assist you in selecting the safest course of action in such an emergency. No Fire Safety Plan can account for all possible factors and changing conditions, so you may have to decide the safest course of action under the circumstances.

#### In the Event of a Fire

Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Follow these procedures in the event of a fire:

- Stay calm and do not panic
- Pull the fire alarm
- Leave the building immediately using the nearest emergency exit
- Close doors behind you
- Call 911 when safe to do so and then contact Public Safety at 414-297-6200
- Assemble in a designated area
- Re-enter the building only when instructed by officials

### Residence Hall Policies Regarding Portable Electrical Appliances, Smoking and Open Flames

A complete list of residence hall rules and policies concerning portable electrical appliances, smoking and open flames in resident housing is published in student housing lease and Community Policy Handbook.

**Prohibited Electrical Appliances and Items**

Prohibited items include:

	Westtown Green
Items with an open flame or heating element	Prohibited
Bonfires, fire pits, barbecues and cooking grills	Prohibited
Candles or kerosene lamps and heaters	Prohibited
Flammable or combustible liquids	Prohibited
Fireworks, firecrackers or other explosives	Prohibited
Live-cut Christmas trees, wreaths and decorations	Prohibited
Gas appliances	Prohibited

**Smoking Policy**

Smoking is prohibited in all areas of the Westtown Green facility. This includes the use or possession of a cigar, cigarette, e-cigarette, hookah, vaporizer or pipe containing tobacco or a tobacco product that is burning, lighted, vaporized or ignited regardless of whether the person using or possessing is inhaling or exhaling the smoke from each product.

**Plans for Future Improvements in Fire Safety**

MATC collaborates with housing staff to assess and upgrade fire safety equipment in an ongoing process to ensure it meets National Fire Safety Association (NFSA) standards. There are no current plans for improvement. Future improvements will be made as needed as part of the ongoing assessment process.

**CAMPUS CRIME STATISTICS**

**Annual Disclosure of Crime Statistics**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the distribution of an annual security report to all current students and employees, and notice of its availability to prospective students and employees. Information is compiled from the contents of the MATC Daily Crime Log, a thorough review of all Public Safety department incident reports for the applicable calendar years, information provided by Campus Security Authorities and information provided by local law enforcement agencies.

Campus Security Authorities are officials of the college who are members of the Public Safety department with responsibilities for campus security; any member of the college designated as an individual to whom students or employees should report criminal offenses, including Student Life, Human Resources and Title IX coordinators or deputy coordinators; or any individual who has a significant responsibility for student and campus activities.

The purpose of this report is to inform current and potential MATC community members of all reported crimes, arrests and referral statistics for the three most recent years that occurred on campus, in certain off-campus buildings, or property owned or controlled by MATC, and on public property within or immediately adjacent to and accessible from the campus.

The responsibility to prepare and distribute the Annual Security and Fire Safety Report rests with the director of Public Safety or designee. This will be accomplished in coordination with a multidisciplinary team composed of members from various departments, including but not limited to: Student Success, Student Life, Human Resources, Public Safety, General Counsel, Title IX and Athletics.

The final Annual Security and Fire Safety Report will be distributed by October 1 of each calendar year, unless extended by the U.S. Department of Education. The final document will be posted electronically on the MATC Public Safety webpage. An email notice announcing the availability of the report will be delivered to all current students and

employees, at least three times per year, including October 1 of each calendar year and at the beginning of each subsequent semester. Email notices also will be sent to all current students and employees if the Annual Security Report is updated at any point during the year. The email will include a brief summary of the contents of the report and a direct link to the report.

Prospective students will be notified of the availability of the Annual Security and Fire Safety Report via a link on the MATC Student Right to Know webpage, located at: <https://www.matc.edu/student-right-to-know.html>.

Prospective employees will be notified of the availability of the Annual Security and Fire Safety Report via a link on the MATC Human Resources webpage, located at: <https://www.matc.edu/who-we-are/offices/human-resources/index.html>.

### Campus Environment

Crime statistics in this report reflect incidents that occurred on individual MATC campuses. Each MATC campus includes the buildings and property owned and/or controlled by the college, facilities used in direct support of or in relation to educational purposes, and public sidewalks and streets immediately adjacent to the campus.

For the purpose of this report, the following campus locations are included:

#### On-Campus Locations

Downtown Milwaukee Campus, 700 West State Street, Milwaukee, WI 53233

Education Center at Walker's Square, 816 West National Avenue, Milwaukee, WI 53233

Mequon Campus, 5555 West Highland Road, Mequon, WI 53092

Oak Creek Campus, 6665 South Howell Avenue, Oak Creek, WI 53154

West Allis Campus, 1200 South 71st Street, West Allis, WI 53214

West Allis Campus Child Care Center, 865 South 72nd Street

#### On-Campus Student Housing

Westtown Green, 925 North Martin Luther King Jr. Drive, Milwaukee, WI 53203

#### Non-Campus Locations

Photovoltaic Educational Laboratory, 810 East Capitol Drive, Milwaukee, WI 53211

### Definitions

The following is a list of Clery Act definitions that may help in understanding the statistics included in this report:

#### Crimes

**Aggravated Assault:** The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from aggravated assault when a gun, knife or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

**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.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft.

**Consent:** The words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact.

**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. The existence of such a relationship shall be determined based on the

reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**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; or 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.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her age, or because of temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

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

**Manslaughter by Negligence:** The killing of another person through gross negligence.

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

**Rape:** 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.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** Engaging in a course of conduct (either directly, indirectly or through a third party) directed at specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

## Hate Crimes

A hate crime is: any crime reported in the annual statistics, other crime involving bodily injury, and any of the following crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability. (Note: The following additional crimes are reported in the annual statistics only if the crime is considered a hate crime.)

**Larceny-Theft:** The unlawful taking of, carrying, leading or riding away property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault:** An 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.

**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 person having custody or control of it.

### Arrests and Referrals for Disciplinary Action

Included in the statistics are the number of arrests and referrals for disciplinary action for the following offenses:

**Drug Abuse Violations:** Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances, and 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 – Carrying, Possessing, etc.:** The violation 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.

**Liquor Law Violations:** The violation 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.

### Geography

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls. Also, any building or property that is within or reasonably contiguous to the area identified in the first part of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-Campus Student Housing:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Non-Campus Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution, or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks and parking facilities, within the campus, or immediately adjacent to and accessible from campus.

### Crime Statistics and Campus Geography Maps

The following tables reflect the specific crime statistics mandated by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as compiled by the MATC Public Safety department. Campus geography maps are included to clarify the location of these crime statistics.

#### Unfounded Crimes

2022: No unfounded crimes.

2021: No unfounded crimes.

2020: No unfounded crimes.

#### Hate Crimes

2022: No hate crimes.

2021: One on-campus incident of hate crime, Intimidation.

2020: No hate crimes.

### CRIMINAL OFFENSES MILWAUKEE CAMPUS 2020-2022

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS LOCATIONS	PUBLIC PROPERTY
MURDER, NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
RAPE	2022	0	0	0	2
	2021	1	1	0	0
	2020	1	1	0	0
FONDLING	2022	1	0	0	0
	2021	0	0	0	1
	2020	1	0	0	0
INCEST	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
STATUTORY RAPE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ROBBERY	2022	1	1	0	2
	2021	0	0	0	4
	2020	0	0	0	0
AGGRAVATED ASSAULT	2022	1	0	0	5
	2021	1	1	0	2
	2020	2	1	0	0
BURGLARY	2022	0	0	0	0
	2021	2	1	0	0
	2020	9	9	0	0

Chart continues on next page.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS LOCATIONS	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2022	13	0	0	70
	2021	17	0	0	44
	2020	0	0	0	4
ARSON	2022	0	0	0	0
	2021	1	1	0	0
	2020	0	0	0	0

**ARRESTS AND DISCIPLINARY REFERRALS MILWAUKEE CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS LOCATIONS	PUBLIC PROPERTY
ARRESTS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0	0	1
	2021	0	0	0	0
	2020	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ARREST: DRUG ABUSE VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	1
	2020	0	0	0	1
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2022	0	0	0	0
	2021	3	2	0	0
	2020	3	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	11	11	0	0
	2020	0	0	0	0

### VAWA OFFENSES MILWAUKEE CAMPUS 2020-2022

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS LOCATIONS	PUBLIC PROPERTY
DATING VIOLENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
DOMESTIC VIOLENCE	2022	9	6	0	7
	2021	2	2	0	4
	2020	2	1	0	1
STALKING	2022	3	1	0	0
	2021	2	0	0	0
	2020	0	0	0	0

**CRIMINAL OFFENSES MEQUON CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER, NON-NEGLIGENT MANSLAUGHTER	2022	0	0
	2021	0	0
	2020	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0
	2021	0	0
	2020	0	0
RAPE	2022	0	0
	2021	0	0
	2020	0	0
FONDLING	2022	0	0
	2021	0	0
	2020	0	0
INCEST	2022	0	0
	2021	0	0
	2020	0	0
STATUTORY RAPE	2022	0	0
	2021	0	0
	2020	0	0
ROBBERY	2022	0	0
	2021	0	0
	2020	0	0
AGGRAVATED ASSAULT	2022	0	0
	2021	0	0
	2020	0	0
BURGLARY	2022	0	0
	2021	0	0
	2020	0	0

Chart continues on next page.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2022	0	0
	2021	0	0
	2020	0	0
ARSON	2022	0	0
	2021	0	0
	2020	0	0

**ARRESTS AND DISCIPLINARY REFERRALS MEQUON CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	0
	2020	0	0
ARREST: DRUG ABUSE VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2022	0	1
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0

**VAWA OFFENSES MEQUON CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
DATING VIOLENCE	2022	0	0
	2021	0	0
	2020	0	0
DOMESTIC VIOLENCE	2022	0	0
	2021	0	0
	2020	0	0
STALKING	2022	0	0
	2021	0	0
	2020	0	0

**CRIMINAL OFFENSES OAK CREEK CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER, NON-NEGLIGENT MANSLAUGHTER	2022	0	0
	2021	0	0
	2020	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0
	2021	0	0
	2020	0	0
RAPE	2022	0	0
	2021	0	0
	2020	0	0
FONDLING	2022	0	0
	2021	0	0
	2020	0	0
INCEST	2022	0	0
	2021	0	0
	2020	0	0
STATUTORY RAPE	2022	0	0
	2021	0	0
	2020	0	0
ROBBERY	2022	0	0
	2021	0	0
	2020	0	0
AGGRAVATED ASSAULT	2022	0	0
	2021	0	0
	2020	0	0
BURGLARY	2022	1	0
	2021	0	0
	2020	0	0

Chart continues on next page.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2022	0	0
	2021	0	0
	2020	0	0
ARSON	2022	0	0
	2021	0	0
	2020	0	0

**ARRESTS AND DISCIPLINARY REFERRALS OAK CREEK CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	1
	2020	0	0
DISCIPLINARY REFERRALS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	0
	2020	0	0
ARREST: DRUG ABUSE VIOLATIONS	2022	1	0
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0

**VAWA OFFENSES OAK CREEK CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
DATING VIOLENCE	2022	0	0
	2021	0	0
	2020	0	0
DOMESTIC VIOLENCE	2022	0	0
	2021	0	0
	2020	0	0
STALKING	2022	0	0
	2021	0	0
	2020	1	0

**CRIMINAL OFFENSES WEST ALLIS CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER, NON-NEGLIGENT MANSLAUGHTER	2022	0	0
	2021	0	0
	2020	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0
	2021	0	0
	2020	0	0
RAPE	2022	0	0
	2021	0	0
	2020	0	1
FONDLING	2022	0	0
	2021	0	0
	2020	0	0
INCEST	2022	0	0
	2021	0	0
	2020	0	0
STATUTORY RAPE	2022	0	0
	2021	0	0
	2020	0	0
ROBBERY	2022	0	0
	2021	0	0
	2020	0	0
AGGRAVATED ASSAULT	2022	0	0
	2021	0	0
	2020	0	0
BURGLARY	2022	0	0
	2021	0	0
	2020	0	0

Chart continues on next page.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2022	5	1
	2021	0	0
	2020	0	0
ARSON	2022	0	0
	2021	0	0
	2020	0	0

**ARRESTS AND DISCIPLINARY REFERRALS WEST ALLIS CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	0
	2020	0	0
ARREST: DRUG ABUSE VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0

**VAWA OFFENSES WEST ALLIS CAMPUS 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
DATING VIOLENCE	2022	0	0
	2021	0	0
	2020	0	0
DOMESTIC VIOLENCE	2022	5	0
	2021	0	0
	2020	0	0
STALKING	2022	0	0
	2021	0	0
	2020	0	0

**CRIMINAL OFFENSES EDUCATION CENTER AT WALKER'S SQUARE 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER, NON-NEGLIGENT MANSLAUGHTER	2022	0	0
	2021	0	0
	2020	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0
	2021	0	0
	2020	0	0
RAPE	2022	0	0
	2021	0	0
	2020	0	0
FONDLING	2022	0	0
	2021	0	0
	2020	0	0
INCEST	2022	0	0
	2021	0	0
	2020	0	0
STATUTORY RAPE	2022	0	0
	2021	0	0
	2020	0	0
ROBBERY	2022	0	0
	2021	0	3
	2020	0	0
AGGRAVATED ASSAULT	2022	0	0
	2021	0	5
	2020	0	0
BURGLARY	2022	0	0
	2021	0	0
	2020	0	0

Chart continues on next page.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2022	0	2
	2021	0	2
	2020	0	0
ARSON	2022	0	1
	2021	0	0
	2020	0	0

**ARRESTS AND DISCIPLINARY REFERRALS  
EDUCATION CENTER AT WALKER'S SQUARE 2020-2022**

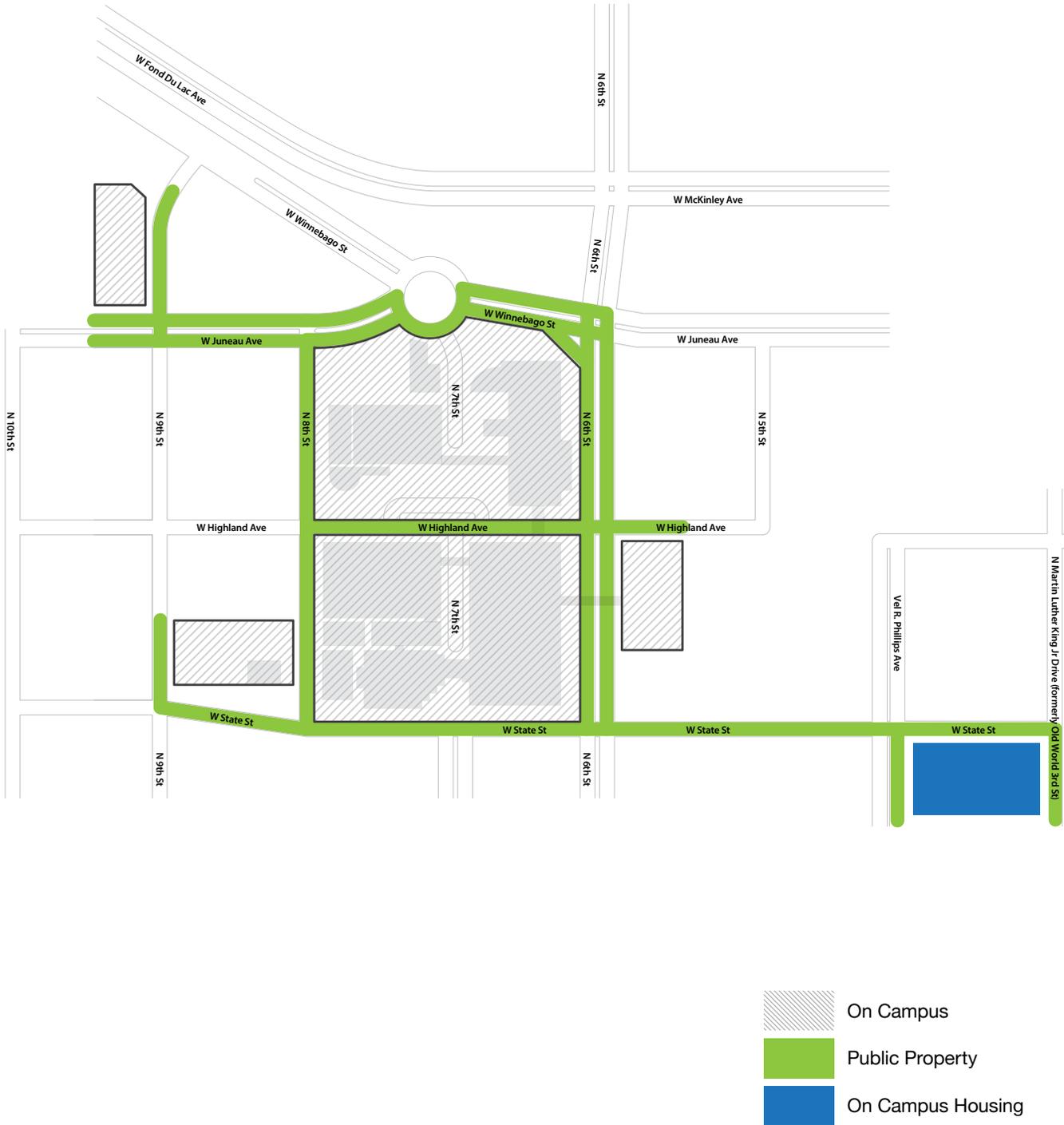
OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	2
	2020	0	0
DISCIPLINARY REFERRALS: WEAPONS-CARRYING, POSSESSING, ETC.	2022	0	0
	2021	0	0
	2020	0	0
ARREST: DRUG ABUSE VIOLATIONS	2022	0	0
	2021	0	1
	2020	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0
DISPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2022	0	0
	2021	0	0
	2020	0	0

**VAWA OFFENSES EDUCATION CENTER AT WALKER’S SQUARE 2020-2022**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	PUBLIC PROPERTY
DATING VIOLENCE	2022	0	0
	2021	0	0
	2020	0	0
DOMESTIC VIOLENCE	2022	0	1
	2021	1	0
	2020	0	0
STALKING	2022	0	0
	2021	0	0
	2020	0	0

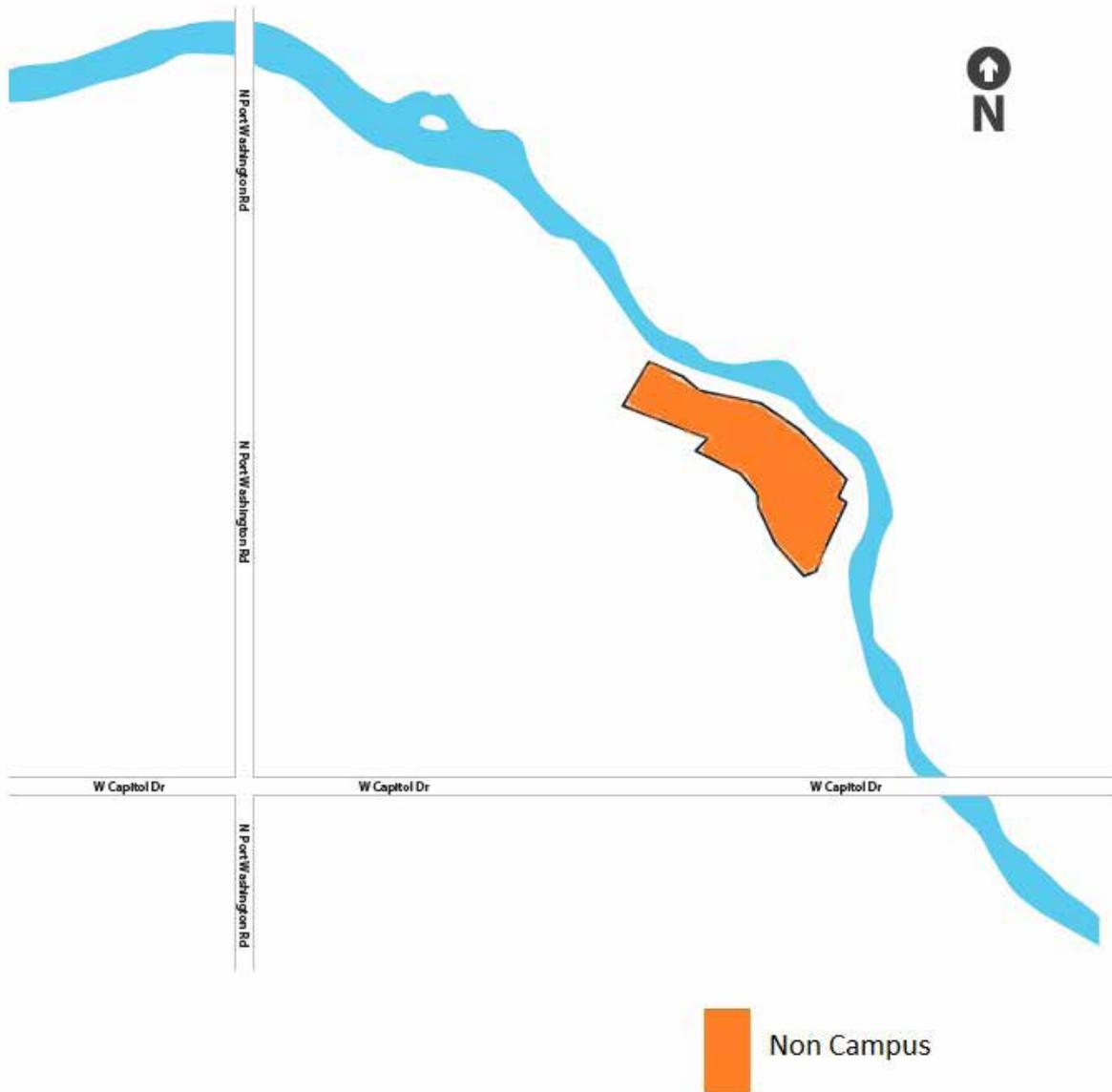
## CRIME STATS BY CAMPUS

# Downtown Milwaukee Campus



CRIME STATS BY CAMPUS

# Photovoltaic Educational Lab



## CRIME STATS BY CAMPUS

# Mequon Campus



## CRIME STATS BY CAMPUS

# Oak Creek Campus



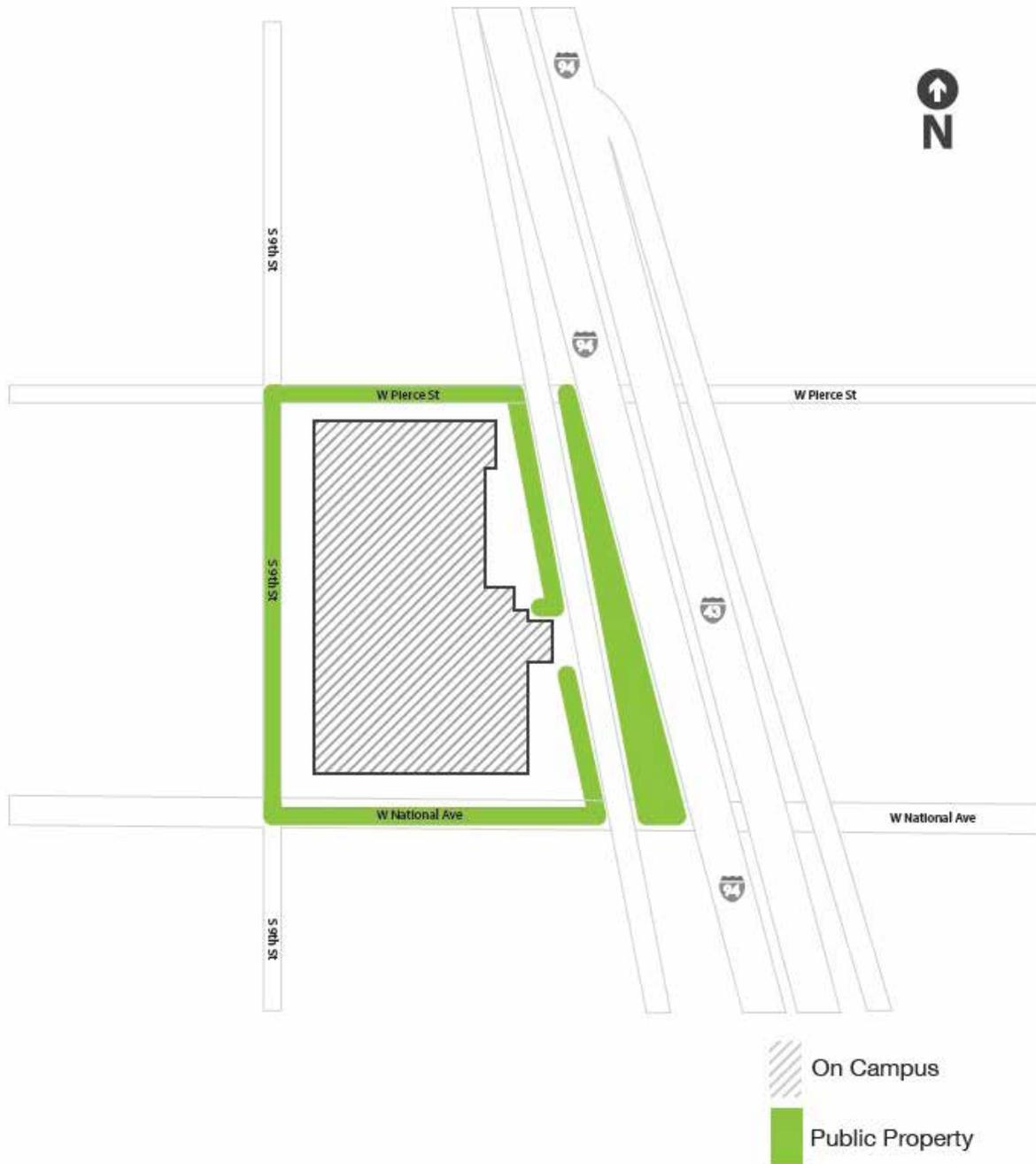
## CRIME STATS BY CAMPUS

# West Allis Campus



CRIME STATS BY CAMPUS

# MATC Education Center at Walker's Square



**APPENDIX: INTERIM PROCESS FOR RESOLVING COMPLAINTS OF  
HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION**



**ADMINISTRATIVE REGULATION AND PROCEDURE**

<p>Title: Interim Process for Resolving Complaints of Harassment, Sexual Misconduct and Other Forms of Discrimination</p>	<p>Code: CC0200</p>
<p>Policy Reference: C0200, C0201, C0202</p>	

In accordance with MATC Policy C0200 Equal Opportunity, Harassment & Nondiscrimination, the College will investigate and respond to any formal or informal complaint or notice of potential violation of the policy that is received by the Title IX Coordinator, Deputy Coordinators, Human Resources staff, Judicial Affairs, Director of Student Life, Athletics Director, or other manager or supervisor representing the College.

MATC's Title IX Coordinator is generally responsible to oversee and administer the investigation and resolution of complaints arising under the Equal Opportunity, Harassment & Nondiscrimination policy and is supported by Deputy Title IX Coordinators Nina Powell (414) 297-6306 and Daniel McColgan (414) 297-7688.

MATC's process for investigation and appeal is described in detail below. This procedure will apply to all complaints involving students, staff or faculty members or other members of the MATC community, including contractors. Redress and requests for responsive actions for complaints brought against non-members of the community are also covered by these procedures.

**Filing a Complaint**

Any member of the community who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated may file a complaint at any time from any location using the online reporting form found at:

[https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout\\_id=2](https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=2)

All complaints will be reviewed and tracked by the Title IX Coordinator or designee.

Concerned individuals may also contact the Title IX Coordinator or Deputy Coordinators or through MATC's Title IX line at 414-297-6028. It is also possible for employees to notify a supervisor, or for students of the community may contact MATC Public Safety at any time. These individuals will in turn notify the Title IX Coordinator and/or Deputy Title IX Coordinators.

All employees receiving reports of a potential violation of College policy are expected to promptly contact the Title IX Coordinator or a Deputy Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any complaints received by any party will be reported to the Title IX Coordinator and Deputy Title IX Coordinators, but, subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a complaint.



Title: INTERIM PROCESS FOR RESOLVING COMPLAINTS OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION	Code: C0200
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In all cases, MATC will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Title IX Coordinator will promptly review and analyze the complaint information and contact the complainant if additional information is needed to determine next steps.

When an alleged violation of MATC Policy C0200 Equal Opportunity, Harassment & Nondiscrimination is reported, the allegations are subject to resolution using MATC's "Process B", as detailed below. When the allegations meet the following definition of Sexual Harassment, MATC's "Process A" applies. The Title IX Coordinator retains the authority to make this determination.

Process A applies when the allegations meet the following definition of Sexual Harassment<sup>1</sup>, as an umbrella category, which includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of MATC, to notify an administrative advisor or faculty member, or any member
  - b. conditions<sup>2</sup> the provision of an aid, benefit, or service of MATC,
  - c. on an individual's participation in unwelcome sexual conduct.
  
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,
  - e. objectively offensive,
  - f. that it effectively denies a person equal access to MATC's education program or activity.<sup>3</sup>

<sup>1</sup>This definition is consistent with the requirements of 34 CFR Part 106 issued by the U.S. Department of Education on May 6, 2020.

<sup>2</sup> Implicitly or explicitly.

<sup>3</sup> Unwelcomeness is subjective and determined by the complainant, except when the complainant is younger than the age of consent. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.



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3) Sexual assault, defined as:

a) Sex Offenses, Forcible:

- Any sexual act directed against another person,

Sexual Acts include:

Forcible Rape:

- 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 complainant

Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- Forcibly,
- And or against that person's will (non-consensually), or
- Not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:

- The use of an object or instrument to penetrate
- However slightly
- The genital or anal opening of the body of another person
- Forcibly
- And or against that person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, and breasts)
- For the purpose of sexual gratification
- Without the consent of the complainant,
- Including instances in which the complainant is incapable of giving consent,

b) Sex Offenses, Non-Forcible:

- Incest:
  - 1) Non- forcible sexual intercourse,
  - 2) between persons who are related to each other,
  - 3) Within the degrees wherein marriage is prohibited by Wisconsin law.



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- Statutory Rape:
  - 1) Non forcible sexual intercourse;
  - 2) With a person who is under the statutory age of consent in Wisconsin

4) Dating Violence, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the complainant.
  - i. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as<sup>4</sup>:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the complainant,
- d. by a person with whom the complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or
- g. by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety,
 or

<sup>4</sup> To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.



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- ii. the safety of others; or
  - iii. Suffer substantial emotional distress.
- For the purposes of this definition—
- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the respondent 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.
  - (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
  - (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## PROCESS A<sup>5</sup>

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence and stalking as defined above) involving students, staff, administrators, or faculty members.

If a dismissal occurs under Process A, "Process B" describes the procedures applicable to the resolution of such allegations, as determined by the Title IX Coordinator<sup>6</sup>. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when MATC does not have jurisdiction within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct.

<sup>5</sup> The procedures described in Process A supersede any previous policies or procedures addressing conduct which would fall under Process A. MATC reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect. During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. If government laws or regulations change or court decisions alter legal requirements, Process A will be construed to comply with the most recent government regulations or holdings.

<sup>6</sup> Any authority delegated to the "Title IX Coordinator" under Process A may be delegated to a trained designee substitute in MATC's discretion.



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Unionized/other categorized employees are subject to the terms of their agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations.

Under Process A, *complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity, and *respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity. *Decision-maker* refers to individuals who have decision-making and sanctioning authority as designated by MATC.

### **Jurisdiction**

Process A applies to allegations occurring in MATC's education program and activities, to conduct that takes place on the campus or on property owned or controlled by MATC, at College-sponsored events, or in buildings owned or controlled by MATC's recognized student organizations. The +respondent must be a member of the MATC community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to MATC's educational program. MATC may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest<sup>7</sup>.

Regardless of where the conduct occurred, MATC will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or

<sup>7</sup> MATC's policies are written and interpreted to include online conduct when those behaviors occur in or have an effect on MATC's education program and activities or use the college's networks, technology, or equipment. Any online posting or other electronic communication by students occurring completely outside of MATC's control will only be subject to this process when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.



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achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

- d. Any situation that is detrimental to the educational interests or mission of the College.

If the respondent is unknown or is not a member of the MATC community, the Title IX Coordinator will assist the complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the respondent is not a member of the MATC community, supportive measures, remedies and resources may be available to the complainant.

In addition, MATC may take other actions as appropriate to protect the complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving MATC through third-party contracts are subject to the policies and procedures of their employers, or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee complainant who experiences sexual harassment or retaliation in an externship or other environment external to the College where sexual harassment policies and procedures of the facilitating or host organization may apply.

**Notice/Complaint<sup>8</sup>**

Upon receipt of a complaint or notice to the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps. The Title IX Coordinator will initiate at least one of three responses:

<sup>8</sup> There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the respondent is no longer subject to MATC's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action. When notice/complaint is affected by significant time delay, MATC will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint



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- 1) Offering supportive measures because the complainant does not wish to file a formal complaint; and/or
- 2) An informal resolution, upon submission of a formal complaint; and/or
- 3) A Formal Grievance Process including an investigation and a hearing, upon submission of a formal complaint.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to MATC's education program or activity, including measures designed to protect the safety of all parties or the educational environment, and/or deter sexual harassment and/or retaliation. At the time that supportive measures are offered, MATC will inform the complainant, in writing, that they may file a formal complaint either at that time or in the future, if they have not done so already.

A formal complaint is a document submitted or signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a respondent and requesting that MATC investigate the allegation.

MATC uses a Formal Grievance Process<sup>9</sup> to determine whether or not policy has been violated. If so, MATC will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

### **Initial Assessment**

Following receipt of notice of a complaint, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment may include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment<sup>10</sup> indicates a compelling threat to health and/or safety.

<sup>9</sup> *Formal Grievance Process* means "Process A," a method of formal resolution which complies with the requirements of the Title IX regulations (34 CFR §106.45).

<sup>10</sup> A violence risk assessment is an assessment of any potential violence or danger of a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community, performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team ("BIT").



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- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the complainant to offer supportive measures.
- The Title IX Coordinator works with the complainant to ensure they are aware of the right to have a resolution advisor.
- The Title IX Coordinator works with the complainant to determine whether the complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
- If a supportive and remedial response is preferred, the Title IX Coordinator works with the complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the complainant can elect to initiate one later, if desired.
- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the respondent is willing to engage in informal resolution.
- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address an incident, and/or a pattern of alleged misconduct, and/or a culture/climate concern, based on the nature of the complaint.
  - If it does not, the Title IX Coordinator determines that Title IX does not apply and will “dismiss” that aspect of the complaint, if any, and assesses which policies may apply and refers the matter for resolution under Process B or another applicable process. Dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit MATC’s authority to address a complaint with an appropriate process and remedies.

### **Dismissal**

MATC must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by MATC (including buildings or property controlled by recognized student organizations), and/or MATC does not have control of the respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or



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attempting to participate in the education program or activity of MATC<sup>11</sup>.

MATC may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The respondent is no longer enrolled in or employed by MATC; or
- 3) Specific circumstances prevent MATC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, MATC will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below.

**Emergency Removal**

MATC may act to remove a student respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (“BIT”).

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but is an administrative process intended to determine solely whether the emergency removal is appropriate.

When this meeting is not requested within five (5) business days of the emergency removal, objections to the emergency removal will be deemed waived.

A complainant and their resolution officer, as described below, may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

The Emergency Removal provision also applies to any restrictions that a coach or athletic

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<sup>11</sup> Such a complainant is still entitled to supportive measures, but the formal grievance process is not applicable.



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administrator may place on a student-athlete arising from allegations related to Title IX.

A respondent may be accompanied by a resolution advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

MATC will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

There is no appeal process for emergency removal decisions.

Where the respondent is an employee, existing provisions for interim action are applicable.

**Right to a Resolution Advisor**

The parties may each have a resolution advisor of their choice present with them for all meetings, interviews and hearings within the resolution process, if they so choose. The parties may select whomever they wish to serve as their resolution advisor as long as that individual is eligible and available<sup>12</sup>. Typically, one resolution advisor is permitted for each party; in cases where the Title IX Coordinator allows more than one resolution advisor for one party, all parties will have an equitable right.<sup>13</sup> Resolution advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings to clarify and understand their role and MATC’s policies and procedures.

The Title IX Coordinator will also offer to assign a resolution advisor for any party if the party so chooses. Parties also have the right to choose not to have a resolution advisor in the initial stages of the resolution process, prior to a hearing.

During the hearing phase of the formal grievance process, indirect questioning must be

<sup>12</sup> Choosing a resolution advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses a resolution advisor who is also a witness can anticipate that issues of potential bias will be explored at the hearing.

<sup>13</sup> For parties who are entitled to union representation, MATC will allow the unionized employee to have their union representative if requested by the party as well as a resolution advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party, regardless of union membership, will also be permitted to have two resolution advisors. Witnesses are/are not permitted to have union representation or resolution advisors in grievance process interviews or meetings.



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conducted by the parties' resolution advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have a resolution advisor for a hearing, MATC will appoint one for the limited purpose of conducting any questioning of the other party and witnesses. A party may reject this appointment and choose their own resolution advisor, but they may not proceed without a resolution advisor. If the party's resolution advisor will not conduct questioning, MATC will appoint one to do so. Questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

All resolution advisors are subject to MATC's policies and procedures. Resolution advisors are expected to advise their advisees without disrupting proceedings. Although the resolution advisor generally may not speak on behalf of their advisee, the resolution advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. Any resolution advisor who oversteps their role as defined by this policy will be warned only once. If the resolution advisor continues to disrupt or otherwise fails to respect the limits of the resolution advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the resolution advisor's non-compliance and future role.

MATC provides a consent form that authorizes MATC to share documentation with resolution advisors. Resolution advisors are expected to maintain the privacy of the records shared with them.

MATC generally expects a resolution advisor to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings to accommodate a resolution advisor's inability to attend, if doing so does not cause an unreasonable delay. MATC may also make reasonable provisions to allow a resolution advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

The parties are expected to inform the Title IX Coordinator of the identity of their resolution advisor at least two business days before the date of their first meeting with Investigators, or as soon as possible if a more expeditious meeting is necessary or desired. The parties are expected to provide timely notice to the Title IX Coordinator if they change resolution advisors at any time.

**Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with MATC policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. MATC encourages parties to discuss any



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sharing of information with their resolution advisors before doing so.

**Informal Resolution**

Following the submission of a formal complaint and at any time prior to reaching a determination regarding responsibility, MATC may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication when MATC:

- Provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- Obtains the parties' voluntary, written consent to the informal resolution process; and
- Does not offer an informal resolution process to resolve allegations that an employee sexually harassed a student.

If the respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether informal resolution can be used

The ultimate determination of whether informal resolution is available or successful is to be made by the Title IX Coordinator, who maintains records of any resolution that is reached. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions.

**Formal Grievance Process:<sup>14</sup> Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the respondent upon commencement of the Formal Grievance Process. The NOIA is also copied to the complainant, who will be given advance notice of when the NOIA will be delivered to the respondent.

The NOIA will include:

- A meaningful summary of all of allegations,

<sup>14</sup> The Formal Grievance Process relies on a pool of internal and/or external administrators ("the pool") to carry out the process. Pool members and are trained on an annual basis.



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- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that MATC presumes the respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about MATC's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have a resolution advisor of their choosing,
- A statement informing the parties that MATC's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how a party may request disability accommodations during the interview process,
- A link to MATC's VAWA brochure or other VAWA-related information,
- The name(s) of the Investigator(s) who will conduct the investigation, along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official College records, or emailed to the parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Once the decision to commence a formal investigation is made, the Title IX Coordinator will assign one of the Deputy Title IX Coordinators to investigate, as appropriate.

#### **Resolution Timeline**

MATC will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for



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appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

**Impartiality**

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Deputy Title IX Coordinators, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific complainant or respondent. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another pool member will be assigned and the impact of the bias or conflict, if any, will be remedied.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained. Credibility determinations may not be based solely on an individual’s status or participation as a complainant, respondent or witness.

MATC operates with the presumption that the respondent is not responsible for the reported misconduct unless and until the respondent is determined to be responsible for a policy violation by the applicable standard of proof which is preponderance of the evidence.

**Steps in the Investigation Process**

MATC will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. Investigations are typically completed expeditiously, normally within forty-five business days, but a short delay in the investigation may occur if circumstances require, including a request from law enforcement to temporarily delay the investigation<sup>15</sup>, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. In such cases, MATC will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. MATC will promptly resume its investigation and resolution process as soon as feasible. During such a delay, MATC will implement supportive measures as deemed appropriate.

All investigations are thorough, reliable, impartial, prompt and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information as necessary.

<sup>15</sup> MATC’S action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.



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All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically: identify issues and develop a strategic investigation plan; prepare the initial Notice of Investigation and Allegation (NOIA); conduct interviews and provide each interviewed party and witness an opportunity to review and verify the Investigator’s summary notes or transcript of the relevant evidence/testimony from their respective interviews and meetings; make good faith efforts to notify the parties of any meeting or interview involving the other party; when participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose; interview all available, relevant witnesses and conduct follow-up interviews as necessary; allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in an investigation report which questions were asked, with a rationale for any changes or omissions.

The Investigator(s) also will complete the investigation promptly and without unreasonable deviation from the intended timeline and provide regular status updates to the parties throughout the investigation

Prior to the conclusion of the investigation, the Investigator(s) will provide the parties with a list of witnesses whose information will be used to render a finding and will write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence may be included. The Investigator(s) gather, assess, and synthesize evidence, but make no determinations as part of their report.

Prior to the conclusion of the investigation, the Investigator(s) will provide the parties and their resolution advisors a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which MATC does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.

The Investigator(s) may elect to respond in writing in the investigation report to the parties’ submitted responses and/or to share the responses between the parties for additional responses.

The Investigator(s) will incorporate relevant elements of the parties’ written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any



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changes made after the review and comment period

The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their resolution advisors through secure electronic transmission or hard copy at least ten business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report. Witnesses (as distinguished from the parties) who are employees of MATC are expected to cooperate with and participate in the investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policies and may warrant disciplinary action.

No unauthorized audio or video recording of any kind is permitted during investigation meetings.

#### **Evidentiary Considerations in the Investigation and Hearing**

The investigation and hearing do not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

#### **Consent**

Under Process A, Consent is:

- Knowing and voluntary, and
- clear permission
- by word or action to engage in mutually agreed upon sexual activity..

It is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.



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Consent to some sexual contact cannot be presumed to be consent for other sexual activity. A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on MATC to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). It is a defense to a sexual assault policy violation that the respondent neither knew nor should have known the complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

**Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.<sup>16</sup>

The hearing cannot be less than ten business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker–unless

<sup>16</sup> Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the college and remain within the 60-90 business day goal for resolution. In these cases, if the respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Procedure is not in good standing to graduate.



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all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will designate the Decision-maker. The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as resolution advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

### **Notice of Hearing**

No less than ten business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s).



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For compelling reasons, the Chair may reschedule the hearing.

- Notification that the parties may have the assistance of a resolution advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have a resolution advisor, and MATC will appoint one. Each party must have a resolution advisor present.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

#### **Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five business days prior to the hearing. The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five business days prior to the hearing so that appropriate arrangements can be made.

#### **Pre-Hearing Preparation**

After any necessary consultation with the parties, the Chair or hearing facilitator will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not agree to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation should be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).



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The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and resolution advisors at least five business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and resolution advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

**Hearing Procedures**<sup>17</sup>

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in connection with sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, resolution advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions about procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

**The Order of the Hearing**

The Chair explains the procedures and introduces the participants.

The Investigator(s) will present a summary of the final investigation report, including items that

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<sup>17</sup> In hearings involving more than one respondent or in which two (2) or more complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each respondent with respect to each alleged policy violation.



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are contested and those that are not, and may be subject to questioning by the Decision-maker(s) and the parties through their resolution advisors. The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, resolution advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

#### **Testimony and Questioning at the Hearing**

Once the Investigator(s) present their report and are subject to questioning, the parties and witnesses may provide relevant information in turn, beginning with the complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their resolution advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The resolution advisor, who will remain seated during questioning, will pose the proposed question, the proceeding will pause to allow the Chair to consider it and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair may invite explanations or persuasive statements regarding relevance with the resolution advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask resolution advisors to frame why a question is or is not relevant from their perspective but will not hear argument from resolution advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

#### **Refusal to Submit to Cross-Examination and Inferences**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing, including those contained in the investigation report, in the ultimate determination of responsibility. Evidence provided that is something other than a statement by the party or witness may be considered.



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If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-maker(s) may not draw any inference solely from a party or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their resolution advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's chosen resolution advisor refuses to comply with MATC's established rules of decorum for the hearing, MATC may require the party to use a different advisor. If a College-provided resolution officer refuses to comply with the rules of decorum, MATC may provide that party with a different advisor to conduct cross-examination on behalf of that party.

### **Recording Hearings**

Hearings are recorded by MATC for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their resolution advisors, and appropriate administrators of MATC will be permitted to listen to the recording in a setting determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

### **Deliberation, Decision-making, and Standard of Proof**

The Decision-maker will determine whether the respondent is responsible or not responsible for the policy violation(s) in question, based on a preponderance of the evidence standard of proof. When there is a finding of responsibility on one or more of the allegations, the Decision-maker may consider any impact statements provided by a party in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker may consider the statements, but they are not binding.

The Decision-maker may review the statements and any pertinent conduct history and will determine the appropriate sanction. in consultation with other appropriate administrators. as



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required. Administrators (i.e. Judicial Affairs Officer and Director, Labor Relations) may make recommendations regarding the appropriate sanction.

The Chair will prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report must be submitted to the Title IX Coordinator within fifteen business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

**Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their resolution advisors within five business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official MATC records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by MATC from the receipt of the report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent MATC is permitted to share such information under state or federal law; any sanctions issued which MATC is permitted to share according to state or federal law; and any remedies provided to the complainant designed to ensure access to MATC's educational or employment program or activity, to the extent MATC is permitted to share such information under state or federal law.<sup>18</sup>

<sup>18</sup> This detail is not typically shared with the respondent unless the remedy directly relates to the respondent.



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The Notice of Outcome will also include information on when the results are considered final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### **Sanctions**

Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. Factors considered when determining a sanction/responsive action may include, but are not limited to the nature, severity of, and circumstances surrounding the violation(s), the respondent's disciplinary history, the need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation, the need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation, and the need to remedy the effects of the sexual harassment and/or retaliation on the complainant and the community.

Typical student sanctions range from a warning through expulsion and may include withholding of a diploma or revocation of an awarded degree and exclusion from campus. Typical employee sanctions range from a warning to termination.

### **Withdrawal or Resignation While Charges Pending**

If a student has an allegation pending for violation of policy, MATC may place a hold on the student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student respondent permanently withdraw from MATC, the resolution process ends, as MATC no longer has disciplinary jurisdiction over the withdrawn student.

However, MATC will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation.

A student who withdraws or leaves while the process is pending may not return to MATC. Such exclusion applies to all campuses of MATC. A hold will be placed on their ability to be readmitted. They may also be barred from MATC property and/or events.

If a student respondent only withdraws or takes a leave for a specified period of time, the resolution process may continue remotely and that student is not permitted to return MATC unless and until all sanctions have been satisfied.

Should an employee respondent resign with unresolved allegations pending, the resolution process ends, as MATC no longer has disciplinary jurisdiction over the resigned employee.



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An employee who resigns with unresolved allegations pending is not eligible for rehire with MATC or any campus of the MATC, and the records retained by the Title IX Coordinator and the Department of Human Resources will reflect that status.

All MATC responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

**Appeals**

Any party may file a request for appeal but it must be submitted in writing to the Title IX Coordinator within three business days of the delivery of the Notice of Outcome.

Title IX Coordinator will assign an Appeal Decision maker to decide the appeal. The Appeal Decision-maker will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The request for appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a review for standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Appeals are limited to the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet these grounds, that request will be denied by the Appeal Decision-maker and the parties and their resolution advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the request for appeal meet these grounds, then the Appeal Decision-maker will notify the other party(ies) and their resolution advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

The other party (ies) and their resolution advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and will be given three business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.



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The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the stated grounds by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses in three business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Appeal Decision-maker will render a decision in no more than three business days, barring exigent circumstances, applying the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which MATC is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent MATC is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**Sanctions Status During Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, emergency removal procedures for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

MATC may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation from the College.



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### **Appeal Considerations**

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

An appeal is not an opportunity for Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

Except in the instance of disciplinary suspension or discharge of an employee under this Procedure, as provided below, the appeal decision is final: further appeals are not permitted, even if a decision or sanction is changed on remand, except in the case of a new hearing.

In rare cases where a procedural error cannot be cured by the original Decision-maker, as in cases of bias, the appeal may order a new hearing with a new Decision-maker(s).

The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **Additional Appeal Rights for Certain Employees**

With respect to issues involving disciplinary suspension and discharge under this Procedure, employees may be entitled to the additional appeal to the MATC District Board under Step 3 of the Appeal Process for Discipline, Discharge and Workplace Safety set forth in the MATC Employee Handbook if they meet the requirement for an "employee" as defined in the handbook at the time of the incident.



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### **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation or administering this process can be subject to discipline under MATC policy.

### **Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop sexual harassment and/or retaliation, remedy its effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to referral to counseling and health services, referral to the Employee Assistance Program, education to the individual and/or the community, permanent alteration of work arrangements for employees, implementation of long-term contact limitations between the parties, and implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by MATC to the respondent to ensure no effective denial of educational access.

MATC will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the MATC's ability to provide these services.

### **Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s).

Failure to abide by the sanction(s)/action(s) imposed by the date specified may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from MATC and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.



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### **Recordkeeping**

MATC will maintain for a period of [at least] seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to MATC's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an informal resolution process. MATC will make these training materials publicly available on MATC's website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - The basis for all conclusions that the response was not deliberately indifferent;
  - Any measures designed to restore or preserve equal access to MATC's education program or activity; and
  - If no supportive measures were provided to the complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **Disabilities Accommodations in the Resolution Process**

MATC is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to MATC's resolution process.

Anyone needing such accommodations or support should contact Student Accommodation Services or Human Resources who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

### **PROCESS B**

Process B applies when Process A does not apply, as determined by the Title IX Coordinator. Process B can apply to sexual harassment, including sexual assault, dating violence, domestic violence and stalking when jurisdiction does not fall under Process A.

#### **1. Complaint Intake**

Normally, within two business days, an initial determination is made whether a policy violation may have occurred and/or whether conflict resolution might be



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appropriate. If the complaint does not appear to allege a policy violation or if other conflict resolution assistance is desired by the complainant and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation.

A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members, or if the Title IX Coordinator determines an investigation is warranted. The College aims to complete all investigations of complaints of gregious conduct within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or Deputy Title IX Coordinators with notice to the parties.

## 2. Investigation

If a complainant wishes to pursue a formal complaint investigation or if the College, based on the alleged policy violation, wishes to pursue a formal complaint investigation, then the Title IX Coordinator appoints one or more trained investigators to conduct the investigation, usually within two business days of determining that a complaint should proceed. Investigation of complaints brought directly by those alleging harm should be completed expeditiously, normally within 2-4 weeks of assignment of the investigator. However, time for completion of the investigation is dependent upon multiple factors including the availability of the parties and witnesses and other relevant information. Investigation may take longer when initial complaints fail to provide direct first-hand information, or when witnesses are unavailable.

MATC's action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The College will make all efforts to complete an investigation within sixty (60) calendar days from receipt of the complaint. Certain circumstances may require extensions of this timeframe, which the College may make at its sole discretion. An extension may be necessary in instances of complex cases, delays due to semester or holiday breaks, inclement weather, or other circumstances.

If an extension is necessary, it will be concurrently communicated to the complainant and respondent prior to the expiration of the sixty (60) day period. The parties will be advised as to the reasons why the case has not been



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completed, and when they can reasonably expect a response.

### 3. Interim Measures

The Title IX Coordinator and/or Deputy Title IX Coordinators may provide interim measures intended to address the short or long-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further harassment or violations. Interim measures may also be used when, in the judgment of the Title IX Coordinator or a Deputy Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question.

These measures may include referral to student counseling services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

The Judicial Affairs Officer may interim suspend a student or organization pending the completion of Equity Grievance Process investigation and procedures (See Policy C0200). In all cases in which an interim suspension is imposed, the student or student organization will be given the opportunity to meet with the Title IX Coordinator or Judicial Affairs Officer prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.

Employees who are accused of a policy violation may be suspended pending investigation of the complaint. Employees facing possible disciplinary action as the result of information gained during investigation interviews have a right to include an advocate in all meetings with the Title IX Coordinator or investigators in accordance with the policies set forth in the MATC Employee Handbook. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to the College campus, facilities and events. As determined by the Title IX Coordinator, this restriction includes classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused



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student.

#### 4. Complaint Resolution

During or upon the completion of investigation, the investigators will meet with the Title IX Coordinator, or the appropriate Deputy Title IX Coordinator for review of the information obtained through investigation. If the Title IX Coordinator or Deputy Title IX Coordinator decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation) does not support a finding of a policy violation, then the process will end and the parties will be informed in writing of the conclusion and outcome of the investigation. After receiving such notification, the complainant may request that the Title IX Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator.

The Title IX Coordinator may, at any time, direct the investigation to continue until a determination can be made as to whether a policy violation occurred based upon the preponderance of the evidence. If the preponderance of the evidence gathered during the investigation supports a finding of violation of College policy and the respondent is a student then the Title IX Coordinator may recommend a resolution without a hearing or a formal hearing, based on the below criteria.

For complaints concerning conduct by an employee of MATC, if the Title IX Coordinator or Deputy Title IX Coordinator determines, based upon a preponderance of the evidence gathered during the investigation, that a policy violation has occurred, appropriate sanction or responsive action including disciplinary action will be determined and implemented by Human Resources and/or the employee's supervisor. Employee appeals of disciplinary action will follow the policies and procedures set forth in the MATC Employee Handbook.

##### a. Resolution without a Hearing – Student Conduct

Resolution without a hearing can be pursued for any student behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination<sup>19</sup>, at any time during the process. The Title IX Coordinator or Deputy Title IX Coordinator will provide written notification of a complaint and any investigative

<sup>19</sup> And which does not fall under Process A, which contains separate considerations for informal resolution.



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findings to any member of the college community who is accused of an offense of harassment, discrimination, or retaliation. At any point in the process, the respondent may choose to admit responsibility for all or part of the alleged policy violations.

If so, the Title IX Coordinator or Deputy Title IX Coordinator will render a finding that the individual is in violation of college policy for the admitted conduct. For admitted violations, the appropriate Deputy Title IX Coordinator will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the complainant and respondent, the College will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community.

If either party rejects the sanction/responsive action, a hearing will be held on the sanction/responsive action only, according to the procedures below.

#### **b. Formal Hearing – Student Judicial Affairs**

For any complaints involving student respondents or other non-employees that are not resolved without a hearing, the Title IX Coordinator will initiate a formal hearing following the procedures described below.

#### **c. Hearing Panels**

The Judicial Affairs Officer will serve as non-voting Chairperson for all hearings concerning violation of the Equal Opportunity, Harassment and Non-Discrimination policy. The Title IX Coordinator will appoint and three other qualified members of college administration to the hearing panel, none of whom have been previously involved with the complaint. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair.

#### **d. Notification of Charges**

At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Chair will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result:



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- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.

If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Chair may reschedule the hearing. The parties may have the assistance of a resolution advisor at the hearing. Typically, resolution advisors are members of the campus community, but the Title IX Coordinator may grant permission for an outside resolution advisor upon request. The resolution advisor may not be a practicing attorney. In the rare instance where civil or criminal court proceedings currently involve a party to the complaint or at the discretion of the Chair, legal counsel may be permitted to serve as a resolution advisor. The resolution advisor may not make a presentation or represent the complainant or respondent during the hearing. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their resolution advisor. The resolution advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel. Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the college and remain within the 60-day goal for resolution.

#### e. Hearing Procedures

Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The hearing panel has the authority to hear all collateral misconduct, meaning that it may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall under the non-discrimination policy of the college. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the non-voting Chair, the three members of the panel, the investigator(s) who conducted the investigation on the complaint or an alternate investigator to present a report if the Chair conducted the investigation, the complainant and respondent(s), any resolution advisors to the parties and any called witnesses. The Chair will exchange the names of witnesses the College intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least two business days prior to the hearing. In addition, the parties will be given a list of the names of



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each of the hearing panel members at least two business days in advance of the hearing. Should either (any) party object to any panelist, that party must raise all objections, in writing, to the Chair immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist or Chair who feels they cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (virtual hearing/testimony, questions directed through the Chair, etc.), the parties should request them from the Chair at least two business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the members of the hearing panel, including the Chair. In the event the Chair served as investigator for the complaint, the results of investigation will be presented by an alternate investigator. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator(s) is/are questioned, the Chair will permit questioning of and by the parties, and of any present witness. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, or (2) the sexual history of or the character



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of the victim/complainant.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses, but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one accused individual or in which two complainants have accused the same individual of substantially similar conduct, the standard procedure will be to hear the complaints jointly; however, the Title IX Coordinator may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their resolution advisors.

Hearings are recorded for purposes of review in the event of an appeal. Hearing panel members, the parties and/or the persons who initiated the action, and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

**f. Decisions**

The hearing panel will deliberate in private to determine whether the respondent is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual respondent or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX Coordinator.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation and any information the hearing



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panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Title IX Coordinator within two days of the end of deliberations.

The Title IX Coordinator (or designee) will inform the respondent and the complainant of the final determination within 2-3 business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

#### **g. Sanctions**

Sanctions or responsive actions will be determined by the hearing panel and Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous complaints or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community

#### **h. Student Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure or



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directive will result in more severe sanctions/responsive actions.

- *Probation:* A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non- contact orders and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the College. This sanction will be noted as a Conduct Suspension on the student's official transcript.
- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma.* The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree.* The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions.* Deactivation, de-recognition, loss of all privileges (including registration), for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### **i. Withdrawal or Resignation While Charges Pending**

Students: The College does not permit a student to withdraw if that student has a complaint pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, or for charges under the Code of Student Conduct.



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<sup>20</sup>Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to MATC unless all sanctions have been satisfied.

Employees: Should an employee resign during investigation of a pending complaint, the records of the Title IX Coordinator will reflect that status, and the College responds to any future inquiries regarding employment references for that individual may include such information. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

#### **j. Failure to Complete Sanctions/Comply with Responsive Actions**

All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the College. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **k. Records**

In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in a secure record-keeping mechanism, such as Maxient.

#### **l. Statement of Complainants' and Respondents' Rights**

- To be treated with respect by College officials.
- To take advantage of campus support resources (such as Counseling for students, or EAP services for employees).
- To experience a safe educational and work environment.
- To refuse to have an allegation resolved through alternative dispute resolution procedures such as mediation or other conflict resolution.

<sup>20</sup> See Process A for information relevant to allegations under that process.



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- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have complaints heard in substantial accordance with these procedures.
- To full participation of the injured party in any investigation and hearing process whether the injured party is serving as the complainant or the College is serving as complainant.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.

**5. Revision**

These procedures will be reviewed and updated periodically by the Title IX Coordinator and/or Deputy Title IX Coordinators. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.



# MILWAUKEE AREA *Technical College*

*Transforming Lives, Industry & Community*



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**OAK CREEK**  
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**WALKER'S SQUARE**  
1816 West National Avenue

**WEST ALLIS**  
1200 South 71st Street

MATC is an Affirmative Action/Equal Opportunity Institution and complies with all requirements of the Americans With Disabilities Act. MATC is accredited by the Higher Learning Commission, Commission on Institutions of Higher Education, the national standard in accrediting colleges and schools for distinction in academics and student services.