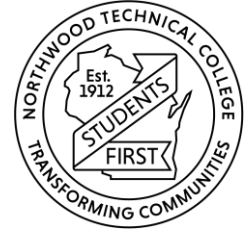


# NORTHWOOD TECHNICAL COLLEGE



## ADMINISTRATIVE PROCEDURE: 113B

### TITLE: Unlawful Discrimination/Harassment/Sexual Harassment/ Sexual Misconduct/Sexual Violence Complaints Grievance Procedure

#### CROSS REFERENCE(S):

111 (Administrative Policy – Disability Accommodation)  
111A (Administrative Procedure – Disability Accommodation)  
112 (Administrative Policy – Non Discrimination/Non Harassment Compliance)  
113 (Administrative Policy – Unlawful Discrimination/Harassment/Sexual Harassment/Sexual Misconduct/Sexual Violence Complaints)  
113A (Administrative Procedure – Title IX Unlawful Discrimination/Harassment/Sexual Harassment/Sexual Misconduct/Sexual Violence Complaints)  
114 (Administrative Policy – Sexual Violence Elimination Commitment)  
115 (Administrative Policy – Timely Warning Notice and Immediate Notification)  
115A (Administrative Procedure – Timely Warning Notice and Immediate Notification)  
125A (Administrative Procedure – Complaint Resolution)  
Title VII of the Civil Rights Act of 1964  
Title IX of the Education Amendments Act of 1972, as amended, US Department of Education  
Section 504 and Section 508 of the Rehabilitation Act of 1973  
Title II of The Americans with Disabilities Act of 1990, as amended  
The Americans with Disabilities Act Amendments Act of 2008  
Wisconsin Fair Employment Law, Section 111.31-39  
1993 Wisconsin Act 427, effective May 7, 1994  
Equal Pay Act of 1963, as amended  
Age Discrimination in Employment Act  
Higher Education Act of 1965, § 485(f) (20 U.S.C. § 1092(f))  
Clery Act, as amended, Sexual Violence Elimination Act (SaVE Act) as authorized by Violence Against Women Reauthorization Act  
Report Sexual Harassment/Misconduct/Violence and/or Unlawful Harassment/Discrimination at [NorthwoodTech.edu/Report](http://NorthwoodTech.edu/Report)

Any employee, or employee applicant who believes that they have been unlawfully discriminated against or harassed or sexually harassed in violation of Northwood Technical College (College) policy is urged to report the incident. For complaints subject to Title IX, 113A shall control the procedure. For matters outside of Title IX's jurisdiction, this procedure shall control. The College will make the final decision on which procedure controls depending on the facts and circumstances alleged in the complaint.

Amanda Gohde, Vice President, Talent & Culture, 1900 College Drive, Rice Lake, WI 54868, 715.645.7042, [amanda.gohde@NorthwoodTech.edu](mailto:amanda.gohde@NorthwoodTech.edu) has been designated to oversee compliance with federal and state statutory and regulatory requirements related to equal employment and equal educational opportunities including Title VII of the Civil Rights Act of 1964, Section 504 and Section 508 of the Rehabilitation Act of 1973, Title II of The Americans with Disabilities Act of 1990, as amended, and The Americans with Disabilities Act Amendments Act of 2008, Clery Act, as amended, Sexual Violence Elimination Act (SaVE Act) as authorized by Violence Against Women Reauthorization Act, Higher Education Act of 1965, §485(f) (20 U.S.C. 1092 (f)) and the guidance supplied by Department of Education, Office of Civil Rights and to handle inquiries, investigations and resolve complaints regarding the College's equal opportunity and non-discrimination/non-harassment policies for students, employees and student/employee applicants. Employees may also report complaints to Tom Barbano, Director of Workforce Success/Deputy Title IX Coordinator, 1019 South Knowles Avenue, New Richmond, WI 54017, 715.246.1804, [tom.barbano@NorthwoodTech.edu](mailto:tom.barbano@NorthwoodTech.edu), any member of the College Leadership Team, via online reporting form at [NorthwoodTech.edu/Report](http://NorthwoodTech.edu/Report), or to law enforcement as appropriate. If any member of the College Leadership Team is alleged to have engaged in unlawful discrimination/harassment/retaliation, the complaint must be filed directly with the President. If the President is alleged to have engaged in unlawful discrimination/harassment/retaliation, the complaint must be filed directly with the Board Chair. All allegations/complaints will be investigated promptly according to College procedures and both the complainant and accused will be afforded equitable rights during the investigative process.

All complaints or reports of alleged acts or charges of unlawful discrimination/harassment/sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking reported to the College will be handled in compliance with applicable law and under this Administrative Procedure. Actions the College may take include, but are not limited to, taking immediate action to eliminate the unlawful action, preventing its recurrence, addressing its effects, publishing a notice of non-discrimination/non-harassment/non-retaliation, adopting and publishing grievance procedures and ensuring College employees are trained to respond to issues/complaints promptly and equitably. The procedure is available for complaints by students, employees and student/employee

applicants concerning alleged unlawful discrimination/ harassment/sexual harassment/ sexual misconduct/sexual violence including domestic violence, dating violence, and/or stalking as those terms are defined in Policy 113. **This policy shall only apply where Title IX does not apply.**

Northwood Technical College (Northwood Tech) Vice President, Talent & Culture serves as the Equal Opportunity/ Affirmative Action Officer and Title IX Coordinator and is the central intake point for complaints of unlawful discrimination/harassment/sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, stalking, and/or similar unwelcome conduct determined to deny a person equal access to the College's educational programs or activities. All charges of unlawful discrimination/ harassment/sexual harassment/sexual misconduct/sexual violence including domestic violence, dating violence, stalking, and/or similar unwelcome conduct determined to deny a person equal access to the College's educational programs or activities will be evaluated according to College procedure by the ~~Associate~~ Vice President, Talent & Culture (or designee), who may investigate or assign a supervised, trained investigator and/or outside legal counsel as appropriate.

### **Complaint Procedure**

#### **1. NOTIFICATION OF COMPLAINT**

Any applicant, student, employee, or citizen requesting services from Northwood Tech who believes they have experienced or observed a violation of this policy or procedure at Northwood Tech may file a report with the Associate Vice President, Talent & Culture at the following address: Northwood Technical College 1900 College Drive, Rice Lake WI 54868, 715.645.7042, [amanda.gohde@NorthwoodTech.edu](mailto:amanda.gohde@NorthwoodTech.edu). Employees may also report complaints to Tom Barbano, Director of Workforce Success/Deputy Title IX Coordinator, 1019 South Knowles Avenue, New Richmond, WI 54017, 715.246.1804, [tom.barbano@NorthwoodTech.edu](mailto:tom.barbano@NorthwoodTech.edu), any member of the College Leadership Team, via online reporting form at [NorthwoodTech.edu/Report](http://NorthwoodTech.edu/Report), or to law enforcement as appropriate. If any member of the College Leadership Team is alleged to have engaged in unlawful discrimination/harassment/retaliation, the complaint must be filed directly with the President. If the President is alleged to have engaged in unlawful discrimination/harassment/retaliation, the complaint must be filed directly with the Board Chair.

The complaint report should be in writing, to the Associate Vice President, Talent & Culture. The report should detail the facts and circumstances which are the basis for the complaint and identify the individual(s) at Northwood Tech responsible for the alleged violation and the policy, procedure, or practice that has been violated. Whenever possible, the online reporting form available at [NorthwoodTech.edu/Report](http://NorthwoodTech.edu/Report) can be used to provide the information requested. The complainant and the respondent will be advised of the College policy and procedures when filing a complaint. For a complaint subject to Title IX, 113A shall control the procedure. For other matters, this procedure shall control. Northwood Tech will make the final decision on which procedure controls depending on the facts and circumstances alleged in the complaint.

- a. A complaint alleging discrimination must be filed within 300 days. Northwood Tech encourages individuals to report potential violations of this policy as soon as possible as a more immediate reporting of the incident will facilitate a prompt and thorough investigation of the facts and circumstances involved.
- b. The filing of a report with the College does not restrict a person's right to seek redress through avenues outside of the College.
- c. Retaliatory action against anyone filing a legitimate report for any type of unlawful discrimination/ harassment, including sexual harassment/sexual misconduct/sexual violence, is strictly prohibited.

#### **2. INVESTIGATION**

Upon receipt of a complaint and/or a Incident/Misconduct Form, the Vice President, Talent & Culture/Title IX Coordinator and/or the Director of Workforce Success/Deputy Title IX Coordinator will authorize an investigation of the incident(s) in question and seek prompt and equitable resolution of the matter. The specific steps and length of the investigation will vary based on the nature of the allegations and other factors; however, the College's inquiry will be prompt, thorough and impartial. As soon as is administratively possible, the Vice President, Talent & Culture (or designee) will initiate the following as needed:

Conduct individual meetings with the complainant to discuss the substance of the complaint and to identify witnesses (lay or expert) and other relevant inculpatory and exculpatory evidence.

Conduct an individual meeting with the respondent to discuss the substance of the complaint and to identify witnesses (lay or expert) and any other relevant inculpatory or exculpatory evidence.

Conduct interviews with relevant identified witnesses from each party (if any).

The investigator shall conclude the investigation by drafting a written investigation report which fairly summarizes the relevant evidence and provides recommended discipline (if any).

### 3. DECISION-MAKING PROCESS

If the respondent is a student, the written investigation report shall be submitted to the Vice President, Student Affairs or designee for review and final determination. If the Vice President, Student Affairs or designee determines that there is a violation of College policy, appropriate disciplinary action will be taken. If the respondent is an employee, the written investigation report shall be submitted to the respective divisional Vice President or designee for review and final determination. If it is determined that reasonable grounds establish a violation of College policy, appropriate disciplinary or corrective action to address the conduct will be taken, up to and including termination of employment with the College. The respondent's dean, director, and/or next level supervisor who was not involved in the underlying dispute will be notified of the investigation findings and outcomes, if any.

### 4. APPEAL PROCESS

All appeals related to findings of employee discipline or termination may be submitted through the appeal process outlined in 125A Complaint Resolution.

All appeals related to findings of student sanctions or academic misconduct may be submitted through the appeal process as defined in the Student Handbook.

### 5. INFORMAL RESOLUTION

At any time during the course of the investigation, the College may offer the parties the opportunity to engage in an informal resolution of the complaint, such as mediation. The parties may decline to participate in such process without affecting the proceedings. If the parties choose to engage in the process, the parties will each indicate consent in writing. A party may end informal resolution discussions at any time prior to reaching an agreed resolution. This process may not be utilized where the allegations involve an employee sexually harassing a student.

### 6. RESTRICTION

- a. Action relating to employment and/or enrollment should not be taken for or against a person until a report of unlawful discrimination/harassment has been resolved.
- b. Nothing in these procedures will preclude an employee's or student's right to seek other avenues of redress outside of the College including a complainant's right to file a criminal complaint, as appropriate.

### 7. DOCUMENTATION AND CONFIDENTIALITY

A record of all complaints, investigation and hearing records, informal resolutions and training records must be maintained and forwarded to the College's ~~Associate~~ Vice President, Talent & Culture for reporting purposes in compliance with federal and state laws.

Northwood Technical College will submit an annual report to the Board and the Wisconsin Technical College System Board specifying the number of complaints received in the previous school year and the disposition of each such complaint as directed by the WTCS Office.

**Reference:** This procedure requires **Board approval** per Wisconsin Technical College System Methods of Administration requirements and the regulations promulgated by the authority of Title VI of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972, as amended

Section 504 of the Rehabilitation Act of 1973

Title II of The Americans with Disabilities Act of 1990, as amended

The Americans with Disabilities Act Amendments Act of 2008

Higher Education Act of 1965, §485(f) (20 U.S.C. 1092 (f))

Clery Act, as amended, Sexual Violence Elimination Act (SaVE Act) as authorized by Violence Against Women Reauthorization Act

***Questions regarding this procedure should be directed to the Vice President, Talent & Culture.***

Procedure Adopted: August 17, 2020 (revisions made in conjunction with legal counsel on 8/3/20)

Procedure Revised:       August 16, 2021  
                                  August 15, 2022  
                                  August 16, 2023  
                                  August 20, 2025 (Revisions made in conjunction with Legal Counsel)

Procedure Reviewed:       August 21, 2024



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PRESIDENT  
NORTHWOOD TECHNICAL COLLEGE