

TITLE IX

Rights and Responsibilities

A Student's Guide



The Title IX Promise

Your well-being is our top priority here on campus. **You deserve to feel welcomed, safe and heard in an environment where you can thrive as a student and an individual.**

That's part of the promise of the federal legislation known as Title IX, too: allowing you to **pursue an education free from sex discrimination of any kind.** Title IX prohibits sex-based discrimination in its multiple forms, including sexual assault, sex-based harassment, dating violence, domestic violence and stalking. Its scope also includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.

Inside these pages, you'll discover your rights, responsibilities and the resources available to you regarding Title IX. **We take sex-based discrimination violations very seriously and will respond promptly and effectively, with support and a fair process for all involved.**

Our Title IX Coordinator

Here on campus, our Title IX Coordinator is available to all students and responsible for...

- Ensuring that our institution carries out its Title IX responsibilities
- Accepting any report of sex discrimination, at any time, from a complainant or someone else speaking on that person's behalf
- Giving students full information so they can make informed choices about how to report incidents of sex discrimination, if they choose
- Offering and coordinating supportive measures that can be put in place
- Taking prompt, effective action to end any sex discrimination, prevent its recurrence and address its effects.
- Ensuring that no one is subjected to retaliation
- Acting without bias or conflicts of interest to treat complainants and respondents equitably, and serve impartially

You can talk with the Title IX Coordinator if you or someone you know is experiencing sex discrimination or the distress of being accused. We'll provide support and guidance and put you in touch with necessary resources right away!

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

– Title IX of the Education Amendments of 1972

Note: This guide doesn't serve as a substitute for our institution's full policies and procedures; it is solely meant to offer an informational summary.

What You Can Expect from Us

We don't tolerate discrimination and here's what that means when it comes to Title IX...

- We'll respond promptly and effectively to all sex discrimination complaints brought to our attention in a fair, transparent, impartial and reliable manner
- We'll treat complainants and respondents equitably
- We'll offer and explain an informal resolution process or our institution's grievance process
- We'll work with trained, unbiased decisionmakers when evaluating evidence
- We'll take steps to stop the act of sex discrimination, prevent its recurrence and address its effects
- We'll provide appropriate supportive measures to complainants and respondents, including referrals and information about campus and community resources
- We'll respond to conduct that impacts an individual's ability to participate in our school's education programs or activities
- We won't disclose personally identifiable information obtained through the Title IX process, with limited exceptions as necessary and appropriate
- We won't intimidate, threaten, coerce or discriminate against individuals for reporting sex discrimination or participating/refusing to participate in Title IX grievance procedures, plus we'll protect students from retaliation by other students

Knowing the Terms

Complainant = Individual alleged to have been subjected to conduct that could constitute sex discrimination

Respondent = Individual alleged to have violated the prohibition on sex discrimination

Grievance Procedures = Process providing for the prompt, equitable resolution of sex discrimination complaints

Confidentiality Concerns

When it comes to confidentiality, **we'll be up front with you.**

- We'll take all reasonable steps to investigate and respond in a manner consistent with a student's confidentiality request
- If the safety of others in the community could be at risk, however, the good of the whole may need to outweigh one student's confidentiality request
- If a student requests confidentiality and decides not to proceed in a sex discrimination case, the Title IX office might still need to submit a report of the incident to certain campus officials or law enforcement to comply with campus crime reporting laws

Helpful Information for Complainants

Complainant = *Individual alleged to have been subjected to conduct that could constitute sex discrimination*

Title IX complainants are empowered to make decisions regarding the remedies they would like to pursue if they experience sex discrimination. **We're here to help while you are in control.**

Here's what you can expect...

- Your wishes and autonomy will be respected
- You'll be given a clear choice about whether to file a formal complaint
- You'll be contacted confidentially by the Title IX Coordinator and offered supportive measures to restore or preserve equal access to education and protect your safety
- You'll have your identity kept confidential as required by law, except when necessary to ensure the safety of any person or as necessary to carry out a Title IX proceeding
- You'll be provided with a fair and impartial grievance process administered by trained, unbiased school officials, if you choose it
- You'll be protected from being coerced, shamed or threatened into participating in a grievance process
- You'll be able to make a sex discrimination complaint even if you've chosen to leave an education program or activity because of that discrimination or other reasons
- You'll have the right to an advisor of your choosing at any meeting or proceeding
- You'll have the right to present your own evidence and witnesses
- You'll be able to review and respond to all available evidence in advance of a hearing

Protection from Retaliation

You should never experience retaliation – defined as intimidation, threats, coercion or discrimination against any person for reporting information, making a complaint, testifying, assisting or participating/ refusing to participate in a Title IX resolution process. This includes retaliation for the purpose of interfering with your Title IX rights by the institution, a student, or an employee or other person authorized by the institution to provide aid, benefits or services. **No one should retaliate against you to interfere with your Title IX rights.**

- You'll have all relevant evidence objectively evaluated
- You'll be told what the stated standard of evidence being used is
- You'll be treated equitably and provided with remedies any time a respondent is found responsible
- You'll receive a written decision and rationale from our institution once the grievance process is completed
- You'll have an equal right to appeal and will receive information about our appeal procedures

Helpful Information for Respondents

Respondent = *Individual alleged to have violated the prohibition on sex discrimination*

Respondents are treated equitably with a presumption that they are not responsible until a determination is made. **We're here to help and answer any questions you have.**

Here's what you can expect...

- You'll be treated fairly
- You'll have your identity kept confidential as required by law, except when necessary to ensure the safety of any person or as necessary to carry out a Title IX proceeding
- You'll receive written notice of allegations upon receipt of a formal sex discrimination complaint
- You'll be contacted confidentially by the Title IX Coordinator and offered supportive measures to restore or preserve equal access to education and protect your safety
- You'll be treated equitably and not have any disciplinary sanctions imposed without the campus grievance process being followed – an emergency removal would be an exception to this
- You'll be provided with a fair and impartial grievance process administered by trained, unbiased school officials
- You'll be protected from being coerced, shamed or threatened into participating in a grievance process
- You'll have the right to an advisor of your choosing at any meeting or proceeding
- You'll have the right to present your own evidence and witnesses
- You'll be able to review and respond to all available evidence in advance of a hearing
- You'll have all relevant evidence objectively evaluated
- You'll be protected from retaliation
- You'll be told what the stated standard of evidence being used is
- You'll receive a written decision and rationale from our institution once the grievance process is completed
- You'll have an equal right to appeal and will receive information about our appeal procedures

Your Privacy

The entire campus Title IX proceeding is part of your private student record, which doesn't get released to the public, even if there's a finding of responsibility.

Sex-Based Harassment

Sex-based harassment is a form of sex discrimination prohibited by Title IX, meaning sexual harassment and other harassment based on sex. It may take one of three forms...

Quid Pro Quo Harassment occurs when someone is made to believe they must participate in unwelcome sexual conduct in order to participate in an institution's aids, benefits or services, or that an educational decision will be made based on whether they submit to unwelcome sexual conduct. It doesn't matter whether a person resists and suffers the threatened harm or submits to it and avoids the threatened harm for it to be considered sex-based harassment.

For example: A faculty member threatens to fail a student unless the student agrees to a date. A director doesn't give a student a role in a play because they've rebuffed the director's advances. Research funding for a student assistant is withdrawn when they don't respond to the researcher's sexual overtures.

Hostile Environment Harassment occurs when unwelcome sex-based conduct that is subjectively and objectively offensive is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from an institution's education programs or activities. It creates an intimidating, threatening or abusive educational environment.

For example: Someone repeatedly targets another person with crude, sexually suggestive comments, discussions about personal sexual experiences or inappropriate touching. This harassment may cause someone to resign from a leadership position, stop coming to class or avoid educational opportunities.

Any Instance of Sexual Assault, Dating Violence, Domestic Violence or Stalking, as defined by our institution's policy.

All these forms of sex discrimination jeopardize the equal access to education that Title IX is designed to protect. **You should never have to endure any of them!**

A Few More Points

- Sex-based harassment can take different forms depending on the harasser and the nature of the harassment
- College or university employees, other students or non-employee third parties, such as a visiting speaker, may be the ones carrying out this harassment
- The conduct can be verbal, nonverbal or physical
- People of all gender identities can be victims of sex-based harassment, and complainants and respondents may be of the same or different gender identities

Sexual Assault

Sexual assault is a form of sex-based harassment, prohibited by Title IX and the law. If you or someone else experience this, we are here to help, support and listen. **Please talk with a trusted person so we can provide you with the assistance you need while making sure you are in control of the process, every step of the way.**

Anyone can experience sexual assault, no matter their gender identity. People who commit sexual assaults and those who are subject to them may be of the same or different gender identities.

If You are Sexually Assaulted...

- Get to a place where you feel safe
- Seek a friend you can trust
- Don't shower, bathe any part of your body, douche, urinate, defecate, use medications or brush your teeth, if possible
- Stay in the clothes you are wearing or, if you've already changed, bring clothes, sheets and anything that was in contact with you during the assault in a paper bag (not plastic!) or wrapped in a clean sheet – don't clean or straighten the area
- Don't touch anything the respondent may have touched or left behind – this physical evidence can help in a subsequent investigation
- Get medical help to check for internal injuries you might not be aware of, treat external injuries, be treated for certain STIs, and get information about HIV/AIDS and pregnancy prevention
- Consider having a rape kit exam done by a specially trained Sexual Assault Nurse Examiner at the hospital – even if you don't want to press charges now, having this exam done allows you to have evidence collected should you change your mind later
- Seek counseling support
- Consider your legal options with campus/community support resources and ask questions for clarification so you feel comfortable
- Preserve any electronic evidence, such as text messages, pictures, videos, social media posts or conversations related to the assault that may have taken place before, during or after the incident

Sexual Assault Offenses Include...

- Forcible rape
- Forcible sodomy
- Sexual assault with an object
- Forcible fondling
- Incest
- Statutory rape

Sources: Wake Forest University, Sexual Assault Support; Southwestern University, Medical Issues and Immediate Safety; UCSC Title IX/Sexual Harassment Office

Pregnancy and Related Conditions

Under Title IX, sex discrimination also includes **any discrimination based on pregnancy or related conditions, such as childbirth, termination of pregnancy, lactation, related medical conditions and recovery**. Through the assistance of our Title IX Coordinator, we'll protect you from such discrimination by...

- Clearly informing you of your rights related to pregnancy or related conditions
- Providing individualized, reasonable modifications, as needed
- Allowing a voluntary leave of absence for, at minimum, the medically necessary time period – and then reinstatement upon return
- Providing a clean, private lactation space
- Not requiring supporting documentation to obtain reasonable modifications, unless doing so is necessary and reasonable
- Prohibiting the disclosure of personally identifiable information, with limited exceptions
- Ensuring you continue to have equal access to education programs and activities

Protection for Student Parents

Title IX prohibits treating individuals differently on the basis of sex in connection with their parental, family or marital status. This “parental status” includes adoptive parents, stepparents and legal guardians.

When you or someone else informs a campus employee of your pregnancy or related condition, you must be provided with information about our institution's obligation to prevent discrimination and ensure equal access. This typically happens by having a discussion with the Title IX Coordinator who can help you put things in place.

Protection for LGBTQIA+ Individuals

Title IX prohibits discrimination and harassment based on...

- Sexual orientation
- Gender identity
- Sex characteristics

Policies and practices that prevent a student from participating in an education program or activity consistent with their gender identity generally violate Title IX.

Note: This doesn't apply to sex-separate living facilities. And a separate rule will address how Title IX applies to sex-separate athletic teams.

Understanding Campus Grievance Procedures

Our campus grievance procedures **focus on resolving sex discrimination complaints under Title IX**. Here's what you can expect...

- We will investigate every formal complaint (filed by a complainant or by the Title IX Coordinator) alleging sex discrimination in a reasonable timeframe
- All parties will be treated equitably
- Written notice will be provided to all parties of allegations, dismissals, delays, meetings and proceedings
- Equal opportunity will be provided for each party to choose an advisor
- Trained Title IX staff will objectively evaluate all relevant evidence and be free from conflicts of interest, prejudice and bias
- The presumption will be made that the respondent is not responsible until a determination is made
- Reasonable steps will be taken to protect the privacy of complainants, respondents and witnesses during grievance procedures
- All parties will be given an equal opportunity to present fact witnesses and other evidence, equal opportunity to access relevant evidence or an accurate description of this evidence, and reasonable opportunity to respond
- A process for assessing credibility will be provided, if needed
- Questions that are unclear or harassing of the party being questioned will be prohibited
- Permitted dismissals and consolidation of complaints will be allowed in certain circumstances
- Our institution will bear the burden of proof and take reasonable steps to prevent and address unauthorized disclosures
- All parties will be simultaneously sent written determination of the conclusion
- If determined that sex discrimination occurred, there will be remedies for the complainant, disciplinary sanctions for those found responsible and other prompt, effective steps to ensure sex discrimination doesn't continue or recur
- An appeal process will be offered to all parties

It's Your Decision

If you choose to initiate a sex discrimination complaint with our Title IX Coordinator, you'll be able to find out more about possible resolution processes. It's *your* decision and we're glad to provide further information.

Seeking Supportive Measures

Appropriate supportive measures will be offered and coordinated to **restore or preserve equal access to education, protect your safety and well-being, and deter further sex discrimination**. Both complainants and respondents may receive them as part of a Title IX resolution process.

On our campus, these supportive measures may include...

- Counseling
- Deadline extensions
- Contact restrictions applied to one or more parties
- Academic accommodations
- Class schedule changes
- Housing moves
- Work changes
- Leaves of absence

These individualized measures are those that are reasonably available, non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Your wishes will always be considered with respect to supportive measures. Please discuss the options with our Title IX Coordinator to see what's possible.

How to Help a Friend

Have a friend who has experienced sex discrimination of some type?

To help in the best ways possible, you can...

- Listen with compassion
- Direct them to available resources
- Not take everything on your shoulders

Getting the appropriate, trained professionals involved is the best thing you can do to help a friend get the necessary support and assistance.

Campus Title IX Investigations Differ from Law Enforcement Investigations

If our school receives a report of sex discrimination occurring in an educational program or activity, we will promptly and equitably investigate as required by Title IX to determine what occurred. We'll also take appropriate steps to resolve the situation in a fair, impartial manner.

A campus Title IX investigation is different from any law enforcement investigation. You can tell someone on campus about a Title IX complaint and use the campus grievance process if you choose to. You can also choose to file a police report. It's completely up to you.

Our Title IX Coordinator and other resource people can provide the information that you need to choose the best course of action for you.

This will include describing our grievance procedures and the rights and opportunities available to both complainants and respondents. Please ask!

Title IX and College of Menominee Nation

Your Rights

The College of Menominee Nation prohibits all forms of discrimination, harassment, intimidation, and coercion on its campuses and at CMN-related activities and functions. Sexual harassment, assault, and other forms of sexual misconduct are considered a form of gender-based discrimination. CMN seeks to maintain campuses free from incidents of sexual misconduct through education, programming, training for students and staff, clear policies and procedures, and consistent actions for any violation of these policies and procedures.

How to File a Title IX Complaint:

If you believe you have been a victim of or are aware of discrimination, harassment, including sexual violence or misconduct, and retaliation, CMN encourages you to contact the Title IX Coordinator or a Title IX Co-Coordinator to report the incident.

Our Title IX Coordinators:

- **Kayla Diamond**, Dean of Student Success
College of Menominee Nation
P.O. Box 1179
Keshena, WI 54135
(715) 799-6226, ext. 3210
kdiamond@menominee.edu
Main Campus - Welcome Center
First Floor - Glen Miller Hall
- **Debbie Downs**, Tech Ed Coordinator
College of Menominee Nation
P.O. Box 1179
Keshena, WI 54135
(715) 799-6226, ext. 3185
ddowns@menominee.edu
Main Campus - Trades Building
- **Melinda Cook**, Chief of Staff
College of Menominee Nation
P.O. Box 1179
Keshena, WI 54135
(715) 799-6226, ext. 3040
melcook@menominee.edu
Main Campus - President's Office
Second Floor - Glen Miller Hall



Anonymous Reporting:

If you believe you have been a victim of or are aware of discrimination, harassment, including sexual violence or misconduct, and retaliation, CMN encourages you to report the incident. You have the option to file the report anonymously or you can provide your contact information. The report will go directly to the campus Title IX Coordinator to begin an inquiry into the incident. We respect and pursue to maintain confidentiality in all cases at all times. Complete the online complaint form:

<https://www.menominee.edu/student-portal/campus-security/title-ix-form>

Title IX and College of Menominee Nation

Campus and community resources are available for students and employees

Whether on-campus or off-campus, when an incident of sexual misconduct, violence, stalking or harassment happens, you should consider reporting immediately to authorities, seeking off-campus medical treatment, and/or just talking with someone who is trusted. As a College of Menominee Nation student, you can get confidential and free support. The Title IX Coordinator keeps your information and identity private.

Immediate Assistance:

Victims of sexual violence should get to a place of safety and call the Menominee Tribal Police Department at 715-799-3321, Menominee County Sheriff's Department at 715-799-3357, or Green Bay Police Department at 920-448-3200.

Immediately obtain medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and College officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers.

Complainant or Witness:

Contact the Menominee Tribal Police Department at 715-799-3321, Menominee County Sheriff's Department at 715-799-3357, or Green Bay Police Department at 920-448-3200.

Ongoing Assistance:

In order to ensure the safety and wellbeing of the complainant, CMN may take interim measures such as changing work schedules, academic schedules, addressing transportation issues, withdrawing from/retaking a class without penalty, and accessing academic support (e.g., tutoring), providing leaves of absence or campus escort services, or similar measures. In addition, while an investigation is pending CMN may initiate a "no contact order" between the parties that carries a sanction of expulsion if violated.

CMN does not offer internal counseling options, but law enforcement officials and College representatives are available to facilitate access to support services, which may be obtained through Menominee Tribal Police - Crime Victims Program 715-799-6168, Maehnowesekiyah Wellness Center (Domestic Violence) at 715-799-3835, Menominee County Sheriff's Department at 715-799-3357, or the Green Bay Police Department at 920-448-3200. Several service organizations in Wisconsin have provided telephone numbers and made available other services for students, faculty, staff and campus community members.

CMN Campus Support will assist any interested person in contacting these agencies. Additional Support Services: 211 Wisconsin: 24-hour helpline National Domestic Violence Hotline: 1-800-799-7233 (SAFE) Rape, Abuse & Incest National Network Hotline: 1-800-656-4673 (HOPE) Communication Services for the Deaf (TTY): 1-800-252-1017 (TTY) Communication Services for the Deaf (Voice): 1-866-845-7445 (Voice) Wisconsin Coalition Against Sexual Assault: 608-257-1516