

C0102-E0105 Anti-Harassment and Nondiscrimination Policy



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C0102-E0105 Anti-Harassment and Nondiscrimination Policy

Western Technical College (herein “Western”) is committed to building and preserving an educational and workplace environment where students¹ and employees² can learn and work together free from discrimination, harassment and retaliation in all benefits, programs, and activities. To ensure Western’s commitment to fostering an environment built on a foundation of integrity, teamwork, and respect, the college has developed internal policies and procedures that provide a prompt, fair, and impartial process for complaints of discrimination³ and harassment⁴ on the basis of Protected Characteristics⁵, and for complaints regarding retaliation. Western is committed to ensuring compliance with federal, state, or local law and First Amendment laws and regulations.

The prohibited offenses outlined in this policy may also be prohibited by Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972, 20 U.S. C. § 1681 et seq. (“Title IX”), by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and Section 304 of the Violence Against Women Reauthorization Act of 2013 (“VAWA”), and other applicable statutes, including the laws of the state of Wisconsin. This policy prohibits a broad continuum of harassment and discriminatory conduct.

Nothing in this policy shall affect the right of an individual to file a complaint with external law enforcement or applicable regulatory agencies, if applicable. A complaint may be filed concurrently with external law enforcement agencies or regulatory entities and the institution without jeopardizing an individual’s rights to an administrative investigation or other process as defined in our procedures.

¹ For the purpose of this policy, a “student” is a person who has gained admission to the institution.

² For the purposes of this policy, “employee” is defined as a person in the service of the College under any contract of hire, express or implied, oral and written, where the College has the power or right to control or direct the co-worker in the details of how the work is performed.

³ “Discrimination” means conduct, on the basis of a Protected Characteristic, which excludes from participation, denies benefits to, or otherwise differently treats persons in a way that limits or denies their ability to participate in the educational program or associated activity, including employment, except as permitted by federal or state law.

⁴ “Harassment” means unwelcome conduct, on the basis of a Protected Characteristic, where enduring the offensive conduct becomes a condition of continued employment or education or where the conduct is so severe or pervasive that it denies a person’s ability to participate in or benefit from the education program or activity.

⁵ Protected Characteristics include on the basis of race, color, religion, sex, national origin, disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy or related condition, genetic information, marital status or parental status, veteran or military status, or any other characteristic protected by federal, state, or local law.

Inquiries regarding the application of this policy and the respective resolution procedures used to resolve complaints may be referred to one or more of the following based on the type of Protected Characteristic.

**Office for Civil Rights (OCR) –
Department of Education**
400 Maryland Avenue, SW
Washington, DC 202-1100
Customer Service Hotline:
800-421-3481
Fax: 202-453-6012
TDD#: 877-521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/OCR>

**Equal Employment Opportunity
Commission (EEOC)**
Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203-2292
Phone: 1-800-669-4000
Fax: 414-297-4133
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
Web: <http://www.eeoc.gov>

Scope of Policy

This policy covers how Western Technical College will respond to allegations of harassment or discrimination based on Protected Characteristics as defined by this policy. While some Protected Characteristics are self-explanatory, others like sex, include subset protections required by law. For purposes of this policy and the institution’s resolution procedures, discrimination based on sex shall also include discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity or expression. The policy also covers instances and allegations of sex-based and gender-based harassment including hostile environment, quid pro quo, sexual assault, dating violence, domestic violence, and stalking.

Alleged harassment and discrimination not identified under this policy, including harassment not based on Protected Characteristics, may be addressed under other College policies.

This policy applies to the conduct of Western Technical College students⁶, faculty, staff, and third parties (e.g., non-members of the Western Technical College community, such as applicants, volunteers, vendors, alumni/ae, trustees, visitors, partners, guests, or residents). Third parties may be protected by and subject to this policy depending on their relationship with the institution. A third party may make a report or complaint of an alleged violation of this policy by a member of the Western Technical College community when the alleged violation occurs within the context of the institution’s programs and activities. A

⁶ For the purposes of this policy, “student” is defined as a person who has gained admission to the institution.

third party may also be permanently barred from Western Technical College or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs within the institution's premises, which includes land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Western Technical College either solely or in conjunction with another entity. This includes the institution's computing and networking resources whether accessed on the institution's physical property or remotely. Online and/or social media conduct may violate this policy if it meets the definition of Prohibited Conduct and may also be a violation of other Western Technical College policies.

This policy also applies to conduct not on Western Technical College's premises that is associated with an institution-sponsored program or activity, such as travel, research, or internship programs. Western Technical College may apply this policy to any off-campus conduct that contributes to a hostile environment on campus or within the educational setting. Human Resources and/or the Title IX Coordinator or designee, depending on the nature of the allegation and the status of the person or persons accused of harassment, will reasonably determine when an alleged off-campus incident falls within the jurisdiction of this policy.

Western Technical College will address allegations of prohibited harassment and discrimination conduct under this policy through the Anti-Harassment and Nondiscrimination Procedure. The grievance procedures will provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by this policy.

Policy Definition and Designated Officials

Western Technical College has designated specific individuals the responsibility for responding to allegations of harassment and/or discrimination (including sex-based and gender-based harassment) and carry out other requirements to comply with federal and state laws and regulations. These individuals are referenced in this policy and associated procedure in general terms as the "designated college official." Depending on the nature of the complaint, the appropriate designated college official will coordinate college efforts to respond to the allegation. This might include a response from the Title IX Coordinator, Title IX Personnel, or other designated college officials.

Administrator. For allegations of all Protected Characteristics except sex, the administrator is the official who is tasked with the intake, investigation, and resolution of the complaint.

Advisor of Choice. For resolutions of sex-based and gender-based harassment complaints involving students or for employee reports involving dating violence, domestic

violence, sexual assault, or stalking, the parties may be accompanied to any meeting or proceeding by an advisor of their choice. An advisor of choice is any individual who provides the complainant or respondent support, guidance, or advice and is not also a witness in the case. The advisor may not participate in the meetings or speak on behalf of the party except as outlined in this policy. Western Technical College will not limit the choice of advisor but may remove an advisor that violates the College's established rules of decorum. An advisor should be chosen whose schedule allows attendance at the scheduled dates and times because delays typically will not be allowed due to the scheduling conflicts of an advisor. An employee may serve as an advisor but is not required to do so even if requested.

Appeal Officer. "Appeal officer" means the person or persons that will make the determination on any appeal submitted under this policy including appeals of dismissals and determinations of responsibility. The appeal officer may be an employee or a contracted service provider.

Confidential Employee. "Confidential Employee" means (1) an employee of Western Technical College whose communications are privileged or confidential under Federal or State law and the employee is functioning within the scope of their duties to which the privilege or confidentiality applies; (2) an employee designated as confidential under this policy for the purpose of providing services to persons related to sex discrimination; or (3) an employee who is conducting an Institutional Review Board-approved study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

Decisionmaker. "Decisionmaker" means the person or persons that will make the determination of responsibility at the conclusion of the applicable grievance procedures under this policy. The decisionmaker may be an employee or a contracted service provider and may be the same person as the Title IX Coordinator or investigator.

Informal Resolution Facilitator. "Informal Resolution Facilitator" means an individual designated by Western Technical College to resolve reports and complaints utilizing an informal resolution process. The assigned facilitator for an informal resolution process will not be the same person as the assigned investigator or the decisionmaker in sex discrimination complaints.

Investigator. The "investigator" is the person or persons assigned to conduct an investigation of a complaint. The investigator may be an employee or a contracted service provider.

Title IX Coordinator. The "Title IX Coordinator" is responsible for overseeing the College's response to reports of sex discrimination and to ensure compliance with Title IX, including oversight of all recordkeeping and training. The Title IX Coordinator may liaison with other officials at the College for the purposes of responding to non-sex harassment or

discrimination claims and for referring complaints to the Administrator for resolution. The Title IX Coordinator is also responsible for coordinating the effective implementation of supportive measures and remedies. The Title IX Coordinator may delegate responsibilities under this policy to a Deputy Title IX Coordinator or other designee, who will be appropriately trained per the requirements of Title IX. For purposes of this policy, any reference to the Title IX Coordinator should be read as the “Title IX Coordinator, Deputy Title IX Coordinator, or other designee.”

Title IX Personnel. “Title IX personnel” means all individuals who are responsible for responding to reports of sex discrimination, implementing the grievance procedures in this policy, hearing challenges to removals, or having the authority to modify or terminate supportive measures. All Title IX personnel shall receive annual training as required by Title IX, Clery, and applicable state law. Persons falling under this description include, without limitation, Title IX Coordinator(s), investigators, decisionmakers, appeal officers, and informal resolution facilitators, with any of the responsibilities outlined herein. Title IX Personnel will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Other relevant definitions in this policy include:

Party. “Party” means the complainant(s) or respondent(s). A respondent becomes a “party” to the action upon receipt of notice of the complaint.

Pregnancy or Related Conditions. “Pregnancy or Related Conditions” means the following: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Respondent. “Respondent” means a person who is alleged to have violated the College’s prohibition on harassment and/or discrimination. A respondent is presumed not responsible for alleged conduct until a determination whether harassment or discrimination occurred is made at the conclusion of a resolution process outlined in this policy. When a sex discrimination complaint alleges that a Western Technical College policy or practice discriminates on the basis of sex, Western Technical College is not considered a respondent as it relates to the respondent’s rights in this policy.

Student. For the purposes of this policy, a “Student” is a person who has gained admission to the institution.

Complainant. “Complainant” means (1) A student or employee who is alleged to have been subjected to conduct that could constitute harassment or discrimination as defined by this policy; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy and who was

participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Witness. "Witness" means any individual who has direct knowledge of an incident or other information relevant to the allegation. Character witnesses are not considered relevant, and expert witnesses are considered only at the discretion of the investigator or decisionmaker.

Prohibited Harassment and Discrimination Conduct

Western Technical College is committed to building and preserving a community where people can work and learn together free from exploitation, abusive conduct, intimidation, discrimination, and harassment.

Unlawful or discriminatory harassment is unwelcome physical, written, verbal or other forms of conduct based on an actual or perceived legally protected characteristic (listed below) where submission to or rejection of the unwelcome conduct is made either explicitly or implicitly a condition of a person's education or employment, where submission to or rejection of the unwelcome conduct is the basis for decisions that affect the terms and conditions of academics or employment or where the unwelcome conduct is sufficiently severe or pervasive so as to interfere with a person's learning or work environment or create an environment that a reasonable person would consider intimidating, hostile, or offensive.

Prohibited acts include but are not limited to: physical contact or aggression; assault or intimidation; deliberate or repeated unsolicited comments, slurs, epithets, jokes, innuendo or derogatory comments; threatening or intimidating language (in any medium); bully ; or other adverse treatment.

Protected Characteristics include:

- Race
- Color
- Religion
- Sex
- National Origin
- Disability
- Gender Identity or Expression
- Ancestry
- Age
- Sexual Orientation
- Pregnancy or Related Condition
- Genetic Information
- Marital Status or Parental Status
- Veteran or Military Status

Or any other characteristic protected by federal, state, or local law.

Harassment

“Harassment” means unwelcome conduct, on the basis of a Protected Characteristic, where enduring the offensive conduct becomes a condition of continued employment or education or where the conduct is so severe or pervasive that it denies a person’s ability to participate in or benefit from the education program or activity.

Discrimination

“Discrimination” means conduct, on the basis of a Protected Characteristic, which excludes from participation, denies benefits to, or otherwise differently treats persons in a way that limits or denies their ability to participate in the educational program or associated activity, including employment, except as permitted by federal or state law.

Upon notice of an allegation of harassment or discrimination, any such harassment or discrimination will be promptly and fairly addressed and remedied by Western according to Track One of the Anti-Harassment and Nondiscrimination Procedure.

Western reserves the right to address harassment that does create a hostile environment but is not based on a Protected Characteristic.

Definitions Related Specifically to Sex Discrimination

For purposes of this policy, the following definitions constitute conduct to be “on the basis of sex” which includes conduct on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity and expression, marital and parenting status. Attempts to commit any Prohibited Conduct are prohibited and will be considered the same as completed acts.

Hostile Environment Harassment

“Hostile Environment Harassment” means unwelcome sex-based and gender-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

1. The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;
2. The type, frequency, and duration of the conduct;
3. The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
4. The location of the conduct and the context in which the conduct occurred; and

5. Other sex-based and gender-based harassment in the College's education program or activity;

Quid Pro Quo Harassment

"Quid Pro Quo Harassment" means when an employee, agent, or other person authorized by Western Technical College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

Sexual Assault—Non-Consensual Sexual Penetration

"Nonconsensual sexual penetration" means 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.

Sexual Assault—Non-Consensual Sexual Contact

"Nonconsensual Sexual Contact" means the touching of the breasts, buttocks, or groin of another person for the purpose of sexual gratification without the consent of the victim.

Sexual Assault—Incest

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

Sexual Assault—Statutory Rape

"Statutory Rape" is sexual intercourse with a person who is under the statutory age of consent as defined by Wisconsin law, which is 18 years of age.

Dating Violence

"Dating Violence" is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

Domestic Violence

"Domestic Violence" means felony or misdemeanor crimes committed by a person who

- a. is a current or former spouse or intimate partner of the victim under Wisconsin law or a person similarly situated to a spouse of the victim;
- b. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- c. shares a child in common with the victim or
- d. commits acts against a youth or adult victim who is protected from those acts under state family or domestic violence laws.

Stalking

“Stalking” means 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—

- a. **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.
- b. **A reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- c. **Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Retaliation

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee, or College-authorized person for the purpose of interfering with any right or privilege under this policy or because the person has reported information made a complaint, testified, assisted, or participated or refused to participate in any manner in an informal resolution process or grievance procedures under this policy. Nothing in this definition precludes Western Technical College from requiring an employee or other College-authorized person to participate as a witness in, or otherwise assist with an investigation, proceeding, or hearing under this policy.

Definition of Consent

For the purpose of the definitions of sex-based and gender-based Prohibited Conduct, “Consent” is defined as a freely given agreement to engage in sexual activity by a person who is at least the statutory age of consent as defined by state law and is a person without a temporary or permanent mental disability that would render them unable to consent. A person can withdraw consent at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation any of the following:

- The person is incapacitated due to the use or influence of alcohol or drugs.
- The person is asleep or unconscious.
- The person is underage.
- The person is incapacitated due to a temporary or permanent mental disability.

Regarding Pregnancy or Related Conditions

Western Technical College is committed to creating and maintaining a community free from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on a student's current, potential, or past pregnancy or related conditions, is prohibited and illegal. The College is providing this information to ensure the protection and equal treatment of pregnant or related conditions students. *Employees are also protected from pregnancy or related conditions in their employment. Specific protections for employees may be found in the Employee Handbook.*

The College will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity.

The following are a summary of rights and options available to students who are pregnant or who have a condition that has arisen from pregnancy. Complaints regarding discrimination on the basis of pregnancy or related conditions for both students and employees will be resolved using Track Two of the grievance procedures. Complaints regarding sex-based harassment of an employee will also use Track Two; however, student complaints will be resolved using Track Three.

Self-Identification and Employee Reporting

Students, or a person who has a legal right to act on behalf of the student, may self-identify their pregnancy⁷ or pregnancy-related condition to the Manager of Access Services or Title IX Coordinator (for students) using the contact information listed in this policy to receive modifications. Students are strongly encouraged to self-report so that the student and the Manager of Access Services and Title IX Coordinator can work together throughout the student's pregnancy to ensure that reasonable modifications are made and evolved as necessary based on the needs of the student.

All employees must report to the Title IX Coordinator the name and specific information reported to them by a student who has informed them of their pregnancy. The employee shall inform that pregnant student that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

Reasonable modifications

Pregnant students have the right to access the educational program and associated activities regardless of their status as pregnant and as such, will be provided with

⁷ Employees should self-report to the Title IX Coordinator for Employees.

reasonable modifications if requested. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the Manager of Access Services and/or Title IX Coordinator must consult with the student. A modification that the College can demonstrate would fundamentally alter the nature of our education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the Manager of Access Services / Title IX Coordinator. If a student accepts an offered reasonable modification, the Manager of Access Services / Title IX Coordinator will implement it.

Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Comparable treatment to other temporary medical conditions

The College shall treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity.

Voluntary access to separate and comparable portion of program or activity

The College will allow the student to voluntarily access any separate and comparable portion of the College's education program or activity if such a comparable portion of the program or activity is available.

Voluntary leaves of absence

Western Technical College will allow the student to voluntarily take a leave of absence from the College's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. When the student returns to the education program or activity, the student will be reinstated to the academic status and as practicable, to the extracurricular status that the student held when the voluntary leave began.

Certification to participate

The College will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the College's class, program, or extracurricular activity unless:

- i. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- ii. The College requires such certification of all students participating in the class, program, or extracurricular activity; and
- iii. The information obtained is not used as a basis for discrimination prohibited by law.

Lactation space

The College has a lactation space, which is a space other than a bathroom, which is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. Information regarding the lactation space may be found on the Title IX website. Students may also contact the Title IX Coordinator for more information on lactation.

Limitation on supporting documentation

The College will not require supporting documentation unless the documentation is necessary and reasonable for the College to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the College with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

Prohibition on Retaliation

Faculty, staff, and other College employees are prohibited from interfering with a student taking leave, seeking reasonable modifications, or otherwise exercising their rights under this Policy. Faculty, staff, and other College employees are prohibited from retaliating against a student for exercising the rights articulated by this document, including imposing or threatening to impose negative educational or other outcomes because student requests leave or modifications, files a complaint, or otherwise exercises their rights under Title IX.

Regarding Disability Discrimination and Accommodations

Western Technical College is in compliance with [Section 504 of the 1973 Rehabilitation Act](#), with the [Americans with Disabilities Act of 1990](#), including changes made by the [ADA Amendments Act of 2008](#), and with state disability law. It is the policy of Western Technical College to provide reasonable accommodations (when requested) for qualified individuals with disabilities who are students, potential students, employees or applicants for employment, provided such reasonable accommodations do not place undue hardship on the operations of the College.

The College will adhere to all applicable federal, state, and local laws, regulations, and guidelines with respect to prohibiting discrimination and providing reasonable accommodations as required to afford equal employment and educational opportunity to qualified individuals with disabilities. Reasonable accommodations will be provided in a timely and cost-effective manner upon self-identification, verification and an analysis of solutions.

An individual with a disability is defined by the ADA as a person that has a physical or mental impairment that substantially limits one or more major life activities, a person who has history or record of such an impairment, or a person who is regarded by the college as having an impairment.

The Manager of Access Services has been designated as Western's ADA/504 Coordinator responsible for overseeing efforts to comply with the laws and regulations related to disabilities. The ADA/504 Coordinator in conjunction with the Title IX Coordinators coordinate the response to grievances and addressing allegations of noncompliance or discrimination based on disability.

Students with Disabilities

Western is committed to creating an environment that empowers and supports students to reach their academic goals by providing qualified students with disabilities with the appropriate accommodations to reduce barriers to learning. All accommodations are made on an individualized basis. To request disability support services, students are encouraged to contact the Manager of Access Services who coordinates services for students with disabilities.

Employees with Disabilities

Western will provide reasonable accommodation(s) in a timely manner to all qualified employees with known disabilities when the disability impacts the performance of their essential job functions unless such accommodation(s) would result in undue hardship to the College. Employees are encouraged to contact the Associate Director of Human Resources, Compensation, Benefits, and Compliance to request an accommodation.

Disability Accommodations and Interpretive Services

A “student with a disability” means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B). Western Technical College’s Access Services office determines reasonable and appropriate accommodations and auxiliary aides for access and participation in Western Technical College sponsored classes, services, and programs. Students with a documented disability who desire an accommodation regarding this policy must request an accommodation with Access Services and inform the Title IX Coordinator that such a request has been made. Access Services will make a determination after consultation with the Title IX Coordinator. The appropriate parties will be notified in accordance with the Access Service’s procedures.

Kris Follansbee, Manager of Access Services
400 North 7th Street, Building S, Room 202E
La Crosse, WI 54601
608-785-9875

follansbeek@westerntc.edu

<https://www.westerntc.edu/access-services>

Employees with a disability who desire an accommodation regarding this policy must request an accommodation with Human Resources.

Students or employees who require interpretive services should make the request for translation services to the Title IX Coordinator.

Regarding Equal Employment and Educational Opportunity

The College will not discriminate against any employee or applicant for employment, student or prospective student based on race, color, sex, sexual orientation, gender identity or expression, religion, creed, national origin, ethnicity, ancestry, age, disability, marital or parental status, veteran status or military service, genetic information, pregnancy, off-campus use/nonuse of lawful products, arrest or conviction record, or any other characteristic protected by federal, state, or local law ("Protected Characteristic(s)"). This prohibition applies to recruitment, hiring, transfers, promotions, training, layoff or recall from layoff, terminations, retention, certification, testing and committee appointments, education and assistance therefor, and social or recreation programs. The College is strongly committed to this policy and believes in and practices equal opportunity and affirmative action.

Principal publications available to students, employees, applicants for admissions or employment, and sources of referral for both, will include a statement of nondiscrimination which specifically includes reference to [Title IX of Education Amendments of 1972](#) and to [Section 504 of the Rehabilitation Act of 1973](#). Delivery of student services will be performed in harmony with statutory requirements.

It is the policy of the College to assure equal opportunity for qualified applicants for employment, for qualified employees in matters of employment, and for students in District educational programs in all educational and employment related activities. This policy applies to all students, employees, applicants, and prospective students irrespective of any Protected Characteristic(s). Responsibility for the Equal Employment Opportunity is assigned to the Manager of Employment, Compensation and Compliance.

The College is committed to compliance with all applicable local, state, and federal equal opportunity and affirmative action laws and regulations, including but not limited to:

1. [Title VI](#) and [Title VII](#) of the 1964 Civil Rights Act
2. [Title IX of the 1972 Educational Amendments Act](#)
3. [Section 504 of the Rehabilitation Act of 1973](#)
4. [The American With Disabilities Act of 1990](#)
5. [The Civil Rights Act of 1991](#)
6. [The Carl D. Perkins Vocational and Technical Education Act](#)
7. [The Equal Pay Act of 1963](#)
8. [The Pregnancy Discrimination Act](#)
9. [The Age Discrimination Act of 1967](#)
10. [The Age Discrimination Act of 1975](#)
11. The Civil Rights Restoration Act of 1987
12. [The Genetic Information Nondiscrimination Act of 2008](#)
13. [The Wisconsin Fair Employment Law](#)
14. Other appropriate laws and executive orders and/or administrative directives and codes including the Office of Civil Rights Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Programs (34 CFR, Part 100 Appendix B)

The College will provide equal educational opportunity in an educational climate that is conducive to and supportive of cultural and ethnic diversity. This commitment includes, but is not limited to, physical access to courses and programs; physical education and athletics, extra-curricular activities; admissions; student policies and their application; counseling, guidance and placement services; financial assistance; work-study; housing and all other District facilities. The College will make reasonable accommodations for persons with disabilities to assure access to programs and employment.

The College will provide reasonable accommodation to employees and students for religious observances and practices.

Reporting

A “report” is an oral or written disclosure to a Title IX Coordinator of Prohibited Conduct. Any person may report an allegation of Prohibited Conduct defined by this policy. Reports may be made by the person who experienced the behavior or by a third-party, including a friend, family member, attorney, staff member, or professor.

A “complaint” means an oral or written request to the institution that objectively can be understood as a request for the institution to investigate and make a determination about alleged discrimination under this policy. For complaints of sex-based and gender-based harassment, only the complainant or a person with the legal right to act on the complainant’s behalf may make a complaint.

A person has the right to report or not report the alleged incident to the College, law enforcement, or both and may pursue some or all these reporting options at the same time. When initiating a report, a person does not need to know whether they wish to request any particular course of action, nor how to label what happened.

Contact information for on and off-campus resources may be found in Appendix B.

- **Anonymous Reporting.** Anonymous reports are accepted but may require additional investigation. Western tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Western respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.
- **Amnesty.** Western encourages the reporting of discrimination and harassment incidents or concerns, and maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident, such as underage drinking or use of illicit drugs.
- **False Allegations.** Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to the appropriate disciplinary action. This does not include allegations that are made in good faith but are found to be erroneous or do not result in a policy violation determination. In addition, witnesses and parties that knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation can be subject to appropriate disciplinary action.
- **Federal Timely Warning Obligations.** The College is required to issue timely warnings to the campus community for reported incidents that pose a serious or continuing threat of bodily harm or danger to the community including reports of sexual assault, dating violence, domestic violence and/or stalking that meets this threshold. In such cases, Western will ensure that a Complainant’s name

and other identifying information is not disclosed while providing enough information for campus community members to make safety decisions in light of the potential danger.

- **Promptness.** Western will act upon all allegations received through notice or formal complaint in a prompt manner. The timeline for complaint resolution is generally 60-90 calendar days. Western will make every attempt to avoid all undue delays within its control. Any time the general timeframes for resolution outline in the appropriate grievance procedure will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and estimated extension of timeframe.

Reporting to a Title IX Coordinator

The Manager of Student Life and Integrity and the Associate Director of HR – Compensation, Benefits, & Compliance serve as Title IX Coordinators and oversee implementation of Western’s Anti-Harassment and Nondiscrimination policy and compliance. The Title IX Coordinators are responsible for coordinating the intake, investigation, resolution and implementation of measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. The Manager of Student Life and Integrity Title IX Coordinator is the College’s designated authority with ultimate Title IX oversight.

Any individual who may have been subjected to Prohibited Conduct as defined in this policy should contact a Title IX Coordinator. Additionally, the Title IX Coordinators will be informed of all reports of potential violations of this policy received by employees who are mandated to report under this policy or by federal or state law. ***The Title IX Coordinators reserve the right to liaison with other offices for non-sex-based Prohibited Conduct to best resolve the allegation.***

The Title IX Coordinator may be contacted by telephone, email, or in person using the below contact information.

<p>Title IX Coordinator⁸ (Students, Guests, Visitors, Others)</p> <p>Ge Vang, Title IX Coordinator (Designated)</p> <p>400 North 7th St, Building “K”, Room 100 (located in Student Life Office)</p> <p>La Crosse, WI 54601</p> <p>608-785-9444 or Vangg@westernnc.edu</p>
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⁸ Western Technical College has two Title IX Coordinators, one for employees and one for students and all other persons who may want to report or file a complaint of harassment or discrimination. Both Coordinators have overarching responsibility for institutional compliance with this policy and will work in concert to ensure consistency in the application of the respective procedures.

Title IX Co Coordinator (Employees)

Megan Hoffman, Title IX Coordinator
400 North 7th St, Building “A”, Room 109 (located in Human Resource Office)
La Crosse, WI 54601
608-789-6233 or hoffmanm@westernnc.edu

Deputy Title IX Coordinators

Margy Krogman, Deputy Title IX Coordinator

400 North 7th St, Building “K”, Room 100 (located in Student Life Office)
La Crosse, WI 54601
608-785-9880 or krogmanm@westernnc.edu

This Deputy Coordinator supports the student Title IX Coordinator in reviewing and revising Title IX and other discrimination, and harassment policies and procedures. This Deputy Coordinator may fill in for the student Title IX Coordinator as needed.

Jacqueline Kettner-Sieber, Deputy Title IX Coordinator

400 North 7th St, Building “A”, Room 109 (located in Human Resource Office)
La Crosse, WI 54601
608-789-6233 or kettnerj@westernnc.edu

This Deputy Coordinator supports the employee Title IX Coordinator in reviewing and revising Title IX and other discrimination, and harassment policies and procedures. This Deputy Coordinator may fill in for the employee Title IX Coordinator as needed.

Reporting to Campus Safety and Law Enforcement

Any student or employee who has experienced domestic violence, dating violence, sexual assault, or stalking may report the incident to the Campus Community Safety Office and/or local law enforcement. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. Individuals also have the right to decline to notify law enforcement authorities. A report to law enforcement is not a complaint for purposes of College’s grievance procedures.

At an individual’s request, the Title IX Coordinator will assist a person who has been impacted by domestic violence, dating violence, sexual assault, or stalking in contacting local law enforcement, including facilitating law enforcement to come to campus to take the report.

Immediate Help

Call 911 then follow up with Campus Community Safety using the contact information below.

Campus Safety

Campus Community Safety Office
Coleman Center Room 131
617 Vine Street
La Crosse, WI 54601
Call/Text: 608-785-9191
Email: security@westernnc.edu

Local Law Enforcement

La Crosse Police Department
9-1-1
Nonemergency: 608-782-7575
400 La Crosse Street
La Crosse, WI 54601
608-789-CITY

File a police report online by visiting www.cityoflacrosse.org/file-police-report
You may also access victim/witness rights and advocacy assistance by calling
1-800-446-6564 or access a directory online at www.doj.state.wi.us/ocvs

If you are the victim of domestic abuse, you may contact a domestic abuse victim services provider to help plan for your safety and take steps to protect yourself, including filing a petition under WI State Statute 813.12 for a Domestic Abuse Injunction or under WI State Statute 813.125 for a Harassment Injunction.

Western Technical College may issue a directive called a “No Contact Order” that limits contact between the parties within the educational program or activities. A complainant interested in a no-contact order at Western Technical College may contact the Title IX Coordinator for Students or Employees depending on the status of the complainant.

An injunction may be sought through the court system and a campus representative may provide assistance upon request in assisting a complainant in seeking an order. Students and employees with an Order of Protection/Injunction issued through the courts may provide that to Western Technical College’s Title IX Coordinator so assistance can be provided to aid in safety while on campus.

Prohibited Conduct under this policy may also constitute violations of state and local law. Western Technical College officials are required to document certain reports for Clery Act reporting purposes. There is no personally identifiable information (PII) about the complainant in any publicly available recordkeeping.

Reporting to a Confidential Employee

An individual who is not prepared to make a complaint or who may be unsure how to label what happened but still seeks information and support may contact a confidential employee. An individual may contact a confidential employee before and during any Western Technical College grievance procedure or an external criminal process. Contacting a confidential employee and disclosing an offense that is prohibited by this policy does not constitute filing a complaint with the Title IX Coordinators. Unless specifically identified as confidential, staff and faculty are not considered confidential.

Information shared with confidential employees (including information about whether an individual has received services) will only be disclosed with the individual's express written permission unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). Confidential employees may be required to submit non-identifying information about suspected violations of this policy to the Campus Community Safety Office for purposes of anonymous statistical reporting if the confidential employee is also a Campus Security Authority under the Clery Act.

Upon receipt of a disclosure in their capacity as a confidential employee, the confidential employee will provide information on the following:

- Their status as a confidential and what that means at the College;
- How to contact the Title IX Coordinator(s);
- How to make a complaint of sex discrimination; and
- That Title IX Coordinators may be able to offer and coordinate supportive measures, as well as to initiate an informal resolution process or an investigation under the applicable grievance procedures.

Confidential Employees

The following Counseling and Case Management Service Staff
are Confidential Employees for Western:

Ann Brandau – Director of Counseling and Case Management
brandauhyneka@westerntc.edu or 608-785-9899

Brent Brigson – Counselor
brigsonb@westerntc.edu or 608-785-9583

Lauren Jankowski – Non-Clinical Case Manager
jankowskil@westerntc.edu or 608-785-9917

Alicia Hengel - Non-Clinical Case Manager
hengela@westerntc.edu or 608-785-9536

Katrina Rotar - Non-Clinical Case Manager

rotark@westernnc.edu or 608-785-9841

Counseling and Case Management Service

Student Success Center, Room 221

400 7th Street North

La Crosse, WI 54601

Phone:

[608-785-9553](tel:608-785-9553)

<https://www.westernnc.edu/counseling-and-case-management-services>

Western Counseling and Case Management Professionals provide supportive counseling services to students who are struggling with personal issues. Our strengths-based, holistic, wrap-around service model is designed to promote resilience, well-being and student retention at the College. As a department, we believe that students possess the ability and courage to move themselves forward when provided with the environment and support necessary to do so.

Reporting to the U.S. Department of Education

All members of the Western Technical College community may also contact the Office for Civil Rights (a division of the United States Department of Education) to file a complaint pertaining to Title IX.

U.S. Department of Education: Office for Civil Rights

Headquarters

400 Maryland Avenue, SW, Washington, DC 20202-1100

Customer Service Hotline #: 800-421-3481 | Facsimile: 202-453-6012

TTY#: 800-877-8339 | Email: OCR@ed.gov | Web: <http://www.ed.gov/ocr>

Office for Civil Rights, **Chicago Office**

U.S. Department of Education

John C. Kluczynski Federal Building

230 S. Dearborn Street, 37th Floor, Chicago, IL 60604

Telephone: (312) 730-1560 and Facsimile: (312) 730-1576

Email: OCR.Chicago@ed.gov

Reporting Anonymously and Online

An individual may report an incident without disclosing the individual's name or requesting any action. Please note that choosing to make an anonymous report can significantly limit the ability of Western Technical College to respond. Anonymous reports may be used for statistical purposes and/or for enhancing the understanding of the campus climate so that the College may strengthen sex discrimination response and prevention efforts. A report

may be made by visiting the following website. The user can decide if they would like to include their name with their report or report anonymously.

https://cm.maxient.com/reportingform.php?WesternTC&layout_id=7

The online form is a report only; it does not constitute a complaint that would trigger an investigation. An online report will result in electronic communication of resources or outreach from the Title IX Coordinator if contact information is provided.

Reporting to Other Western Technical College Employees

Considering the College's obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, Western Technical College employees who are not designated confidential employees are required to notify the Title IX Coordinator of suspected Prohibited Conduct. Employees may report the information to the Title IX Coordinator directly or by using the online reporting here:

https://cm.maxient.com/reportingform.php?WesternTC&layout_id=7

A report to a faculty or staff member does not automatically result in a complaint to initiate the applicable grievance procedures.

Additionally, all employees of the College are mandatory reporters of Child Abuse. This means all employees have a duty to immediately report whenever they have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected regardless of the reporter's wishes. Immediate reports should be made to the below as well as to the Title IX Coordinator.

LA CROSSE COUNTY HUMAN SERVICES DEPARTMENT

300 N. 4th Street

La Crosse, WI 54602

[Get Directions](#)

Office Hours: 608-784-4357

After Hours/Weekends/Holidays: 608-784-4357 or 911

FAX: 608-785-6122

OR CALL 9-1-1

Consistent with the Clery Act, certain Western Technical College administrators, faculty, and staff are designated as Campus Security Authorities and required to report information on sexual assault, dating violence, domestic violence, and stalking to the College's Clery Act compliance officer.

Privacy and Confidentiality

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. Privacy and confidentiality are related but distinct terms.

“Confidentiality” refers to the circumstances under which information will or will not be disclosed to others. “Privacy” refers to the discretion that will be exercised by the College during a complaint to only share information with those persons who have a need-to-know related information, for example, to carry out a supportive measure.

In some circumstances, the reporting responsibilities of Western Technical College employees, or the College’s responsibility to investigate, may conflict with the complainant’s and/or respondent’s preferences regarding privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities. In all such proceedings, Western Technical College will consider the privacy of the parties to the extent possible.

Independence and Conflict-of-Interest

Designated college officials (e.g., Title IX Coordinators, ADA/504 Coordinator, etc.) act with independence and authority, free from substantial bias and conflicts of interest. The designated college official oversees all resolutions under this policy and acts to ensure that all Western representatives act with objectivity and impartiality. Any party who believes one or more of these individuals has a substantial conflict of interest or bias must raise the concern promptly so Western may evaluate the concern and find a substitute if appropriate.

Any concerns involving bias, conflicts of interest, or complaints of misconduct or discrimination by either the Title IX Coordinators should be communicated to Western Technical College’s President:

Dr. Roger Stanford
stanfordr@westernnc.edu
400 7th Street North
La Crosse, WI 54601

Concerns of bias or potential conflict of interest, discrimination or misconduct by any other Title IX Personnel team member, including investigators and decision makers, should be communicated to the Title IX Coordinators.

Retaliation

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee, or College-authorized person for the purpose of interfering with any right or privilege under this policy or because the person has reported

information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an informal resolution process or grievance procedures under this policy. Nothing in this definition precludes Western Technical College from requiring an employee or other College-authorized person to participate as a witness in, or otherwise assist with an investigation, proceedings, or hearing under this policy.

Revisions and Interpretation

The policy is maintained by the Title IX Coordinators and was most recently approved by President Stanford on August 1, 2024 and covers conduct alleged to have occurred on August 1, 2024 or after. Conduct that reasonably could constitute sex discrimination that occurred prior to this date will be addressed using the policy definitions and grievance procedures in place at the time of the incident or using this policy if no applicable policy was in place.

Western Technical College reserves the right to review and update the policy in accordance with changing legal requirements and specific needs of the College.

Any questions of interpretation regarding the Policy shall be referred to the Title IX Coordinator. The Title IX Coordinator's determination is final.

Appendix A: Definition of Relevant Terms

A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Business days. This includes Monday through Friday, in which Western Technical College is open and conducting regular business. Business days do not include Saturdays, Sundays, federal holidays, or time periods where the college is closed for extended periods such as winter break.

Consent. For the purpose of the definitions of sex-based and gender-based Prohibited Conduct, “Consent” is defined as a freely given agreement to engage in sexual activity by a person who is at least the statutory age of consent as defined by state law and is a person without a temporary or permanent mental disability that would render them unable to consent. A person can withdraw consent at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation any of the following:

- The person is incapacitated due to the use or influence of alcohol or drugs.
- The person is asleep or unconscious.
- The person is underage.
- The person is incapacitated due to a temporary or permanent mental disability.

Complainant. “Complainant” means (1) A student or employee who is alleged to have been subjected to conduct that could constitute harassment or discrimination as defined by this policy; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy and who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.

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.

Dating Violence. “Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

Discrimination. “Discrimination” means conduct, on the basis of a Protected Characteristic, which excludes from participation, denies benefits to, or otherwise differently treats persons in a way that limits or denies their ability to participate in the educational program or associated activity, including employment, except as permitted by federal or state law.

Domestic Violence. “Domestic Violence” means felony or misdemeanor crimes committed by a person who (A) is a current or former spouse or intimate partner of the victim under Wisconsin law or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim or (D) commits acts against a youth or adult victim who is protected from those acts under state family or domestic violence laws.

Harassment. “Harassment” means unwelcome conduct, on the basis of a Protected Characteristic, where enduring the offensive conduct becomes a condition of continued employment or education or where the conduct is so severe or pervasive that it denies a person’s ability to participate in or benefit from the education program or activity.

Hostile Environment Harassment. “Hostile Environment Harassment” means unwelcome sex-based and gender-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

1. The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;
2. The type, frequency, and duration of the conduct;
3. The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
4. The location of the conduct and the context in which the conduct occurred; and
5. Other sex-based and gender-based harassment in the College’s education program or activity;

Investigation. Systematic and formal inquiry into allegations of prohibited discrimination or protected characteristic harassment (including sex-based and gender-based harassment) brought by complainants through the procedures described.

“On the basis of sex” which includes conduct on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, marital and parenting status.

Protected Characteristics include on the basis of race, color, religion, sex, national origin, disability, gender identity or expression, ancestry, age, sexual orientation, pregnancy or related condition, genetic information, marital status or parental status, veteran or military status, or any other characteristic protected by federal, state, or local law.

Quid Pro Quo Harassment. “Quid Pro Quo Harassment” means when an employee, agent, or other person authorized by Western Technical College to provide an aid, benefit, or service under the College’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

Retaliation. “Retaliation” means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee, or College-authorized person for the purpose of interfering with any right or privilege under this policy or because the person has reported information made a complaint, testified, assisted, or participated or refused to participate in any manner in an informal resolution process or grievance procedures under this policy. Nothing in this definition precludes Western Technical College from requiring an employee or other College-authorized person to participate as a witness in, or otherwise assist with an investigation, proceeding, or hearing under this policy.

Sexual Assault—Non-Consensual Sexual Penetration. “Nonconsensual sexual penetration” means 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.

Sexual Assault—Non-Consensual Sexual Contact. “Nonconsensual Sexual Contact” means the touching of the breasts, buttocks, or groin of another person for the purpose of sexual gratification without the consent of the victim.

Sexual Assault—Incest. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sexual Assault—Statutory Rape. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Wisconsin law, which is 18 years of age.

Stalking. “Stalking” means 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.

Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.