

TITLE IX DEFINITIONS

Last Updated: July 20, 2022

Advisor means a person, who may be, but is not required to be an attorney, chosen by a party or appointed by the institution to accompany the party to meetings related to the Grievance Process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Appeal Decision-maker refers to those who have decision-making authority within Appeals as part of the Grievance Process.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A Complainant must be participating in or attempting to participate in a Lake Area Technical College (LATC) education program or activity at the time of filing the Formal Complaint.

Day means Monday through Friday, except for holidays and other times when LATC's administrative offices are closed.

Decision-maker(s) means the Hearing Decision-maker, the Appeal Decision-maker, the Disciplinary Sanctions Decision-maker, or any combination thereof.

Disciplinary Sanction means a consequence imposed by LATC on a Respondent who is found to have violated this guidance. Disciplinary sanctions are not supportive measures, and may be punitive and may burden the Respondent.

Disciplinary Sanction Decision-maker refers to those who have decision-making authority in determining disciplinary sanctions as part of the Grievance Process.

Education program or activity means locations, events, or circumstances within the United States where LATC exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

Final Determination means a conclusion by the preponderance of the evidence standard that the alleged conduct did or did not violate policy or guidance.

Finding means a conclusion by the preponderance of the evidence standard that the conduct did or did not occur as alleged (as in a "finding of fact").

Formal Complaint means a document submitted and signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that LATC investigate the allegation. At the time of filing the Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of LATC.

Grievance Process means the resolution process designated by LATC to address conduct that falls within this guidance, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

Title IX Grievance Process Pool includes any Investigators, Informal Resolution Facilitators, Hearing Decision-makers, Appeal Decision-makers, and Sanctioning Decision-makers who may perform any or all of these roles (though not at the same time or with respect to the same case).

Hearing Decision-maker refers to those who have decision-making authority within Hearings as part of the Grievance Process.

Investigator means the person or persons charged by LATC with gathering facts about an alleged violation of this guidance, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence as part of the Grievance Process.

Obligated Reporter means an employee of LATC who is obligated by policy to share knowledge, Notice, and/or reports of harassment with the Title IX Coordinator. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as an Official with Authority.

Notice (actual knowledge) means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of sexual harassment or allegations of sexual harassment. Assertion of knowledge based solely on secondhand liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of LATC with actual knowledge is the Respondent.

Official with Authority (OWA) means an employee of LATC explicitly vested with the authority to implement corrective measures for sexual harassment on behalf of LATC.

Parties include the Complainant(s) and Respondent(s), collectively.

Preponderance of the Evidence means more likely to have occurred than not. Under the preponderance standard, the burden of proof is met when there is a greater than a 50% chance that something occurred.

Remedies are post-finding actions, where a determination of responsibility of sexual harassment has been made against the Respondent in accordance with the Grievance Process, directed to the Complainant to restore or preserve equal access to LATC's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Respondent means an employee, student, or organization that has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Resolution means the result of the Grievance Process.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of LATC conditioning the provision of an aid, benefit, or service of LATC on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to LATC’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Supportive measures includes non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to LATC’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or LATC’s educational environment or deter sexual harassment.

Title IX Coordinator is at least one official designated by LATC to ensure compliance with Title IX and LATC’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Title IX Team refers to the Title IX Coordinator and any member of the Grievance Process Pool.