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Background Information
The College is bound by and supports all applicable laws. This policy addresses Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. This policy also addresses the requirements of the Campus Sexual Violence Elimination Act (“Campus SaVE Act” or “SaVE Act”), and the 2013 Violence Against Women Act (VAWA) Amendments to the Jeanne Clery Act. Pursuant to Title IX, the College does not discriminate on the basis of sex (which includes for purposes of this policy gender, gender identity, and sexual orientation) in the administration of its educational programs or activities.

In addition to discrimination on the basis of sex, Title IX’s requirements also cover sexual misconduct, including sexual harassment, sexual assault, and sexual violence. Sexual misconduct infringes on the rights of others, and violates the standards of acceptable behavior at the College. Through this policy, the College prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, and sexual violence, and takes immediate and appropriate steps to prevent, investigate, and end the same.

Individuals are encouraged to direct questions, concerns, and complaints regarding Title IX and/or the application of this policy to the College’s Title IX Coordinator and/or Title IX Deputy Coordinators, identified in this policy. If a Title IX Coordinator and/or Title IX Deputy Coordinator is alleged to have engaged in discrimination or sexual misconduct in violation of this policy, individuals are encouraged to direct questions, concerns, and complaints to an appropriate College official, including to another of the named Title IX Deputy Coordinators or with a Vice President of the College. Complaints can also be filed with the Office of Civil Rights. The Office of the Civil Rights encourages complainants to follow the College’s process, outlined in this policy, prior to filing a complaint with the Office of Civil Rights; however, it is not required. Generally, complaints must be filed within 180 days of the alleged event. Complaints can be filed with the Office of Civil Rights via email at ocr@ed.gov, or by completing an electronic complaint form at: http://ww2.ed.gov/about/offices/list/ocr/complaintintro.html.

Covered Relationships
Laws and the requirements of this policy cover all relationships within the College community, including, but not limited to relationships between:

- students;
- instructors and students;
- staff and students;
- campus visitors and students or employees;
- conduct between members of different sexes; and
- conduct between members of the same sex.
Off-Campus Conduct
On-campus violations include any violation which occurs: within the geographic confines of the College, including its land, institutional roads and buildings, its leased premises, common areas at leased premises, the property, facilities, and leased premises of organizations affiliated with the College.

Conduct directed toward persons outside the College community, or conduct that occurs off-campus, may be considered a violation of this policy if the College concludes that the conduct occurred in the context of an education program or activity, or had a continued negative effect on campus or in an off-campus education program or activity.

Students should be aware that off-campus violations that have a downstream effect on the College or its students are subject to disciplinary sanctions. As examples, sexual misconduct, including sexual harassment, sexual assault, and sexual violence relationship violence, stalking, and harassment are within the College’s interest when the behavior:

- involves conduct directed at or by a College student or other member of the College community (e.g. outside employment);
- occurs during College-sponsored events (e.g. field trips, social or educational functions, College-related travel, student recruitment activities, internships and service learning experiences);
- occurs during the events of organizations affiliated with the College, including the events of student organizations;
- occurs during a Study Abroad Program or other international travel; or
- poses a disruption of threat to the College community.

Overview of Policy Expectations with Respect to Consensual Relationships
There are inherent risks in any romantic or sexual relationship between individuals with unequal authority (such as an instructor and student or supervisor and employee). These relationships may be less consensual than perceived by the individual in a position of authority. The relationship also may be viewed in different ways by each of the individuals, particularly in retrospect. Furthermore, circumstances may change, and conduct previously welcomed may become unwelcome and a consensual romantic or sexual relationship may no longer be consensual for both individuals. For the personal protection of all individuals associated with the College, relationships in which there may be real or perceived authority imbalances (e.g., instructor and student, staff and student, administrator and student, supervisor and employee) are prohibited.

A consensual romantic or sexual relationship in which there is a direct supervisory or evaluative role over another individual is in violation of the Employee Code of Conduct AP 4.01. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the immediate attention of their supervisor so arrangements to remedy the supervisory or evaluative conflict can be implemented.
Definitions and Processes

Days
Days is defined as Monday through Friday when the College is open for business. Weekends, holidays, and days when the College is closed are excluded.

Coercion
Coercion is defined as compelling someone to act based on:

- an unreasonable amount of pressure;
- harassment;
- threats; or
- intimidation.

When someone makes clear that he or she does not want to engage in sexual conduct, wants it to stop, or does not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

Consent
Consent is informed, freely given, and mutually understood affirmative agreement. The College’s policy requires that all participants to sexual activity consent to the activity. Consent to sexual activity can be given by words or overt actions, as long as those words and/or actions create a clear and mutually understandable affirmative agreement to engage in the sexual activity.

The person giving the consent must act freely, voluntarily, and with an understanding of his or her actions when giving the consent. Lack of protest or resistance does not constitute consent, and silence alone cannot be interpreted as consent. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to present and/or future sexual acts. Persons who want to engage in sexual activity are responsible for obtaining consent—it should never be assumed. Relying solely on non-verbal communication can lead to misunderstanding.

Under Wisconsin law (Ch. 940.225(4), Wis. Stats.), consent is defined as “words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact”. Minors (under the age of 18), persons suffering from mental illness or defect, and sleeping or unconscious persons are presumed unable to give consent, both under Wisconsin law and this policy. A person who is incapacitated cannot give consent to engage in sexual activity. Incapacitation can result from alcohol or other drug use, unconsciousness, blackout, mental disability, sleep, involuntary physical restraint, or from being drugged. Incapacitation occurs when an individual cannot understand the fact, nature, or extent of the sexual activity. A respondent cannot defend a violation of this policy by claiming that he or she was also impaired from alcohol or drug use and unable to tell whether the complainant was incapacitated.
Consent must be present throughout the sexual activity—at any time a participant can communicate through words or actions that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to the sexual activity, the participants must stop the sexual activity until the confusion can be clearly resolved and all parties have consented to continue the sexual activity.

The College may conclude that an instance of sexual contact was prohibited sexual misconduct for purposes of this policy, because it was without another person’s consent, even if that conduct would not meet the standard of a criminal sexual assault under Wisconsin law. For example, it is possible the College would conclude under some circumstances that a person who was intoxicated on alcohol could not consent, and therefore, did not give consent to sexual contact, even though the criminal courts might not reach the same conclusion.

**Harassment (Including Sexual Harassment)**
Harassment and sexual harassment are defined in the College’s [Anti-Harassment Nondiscrimination Policy BP 4.02](#). Sexual harassment includes, but is not limited to:

- unwelcome sexual advances or requests for sexual favors;
- unwelcome verbal or physical conduct of a sexual nature;
- making submission to, or rejection of, such conduct a factor in academic or employment decisions affecting the student or employee; or
- permitting such conduct to unreasonably interfere with a student’s academic performance or an employee’s work performance.

Individuals who have been a victim of harassment, sexual harassment, and/or have a restraining order against another individual should inform Campus Security. This is especially important if the person who is the object of the restraining order is a student or employee at the College. The College will take all steps necessary to comply with the restraining or protection order.

**Hostile Environment**
Hostile environment includes any situation in which the conduct in question is sufficiently severe, persistent or pervasive such that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities, from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct in question is physical. For example, single or isolated incident of sexual violence may create a hostile environment.

The determination of whether an environment is “hostile” is based on the totality of the circumstances, including, but not limited to:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
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- whether the conduct was humiliating;
- the effect of the conduct on the alleged victim’s mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct; and/or
- whether the conduct unreasonably interfered with the alleged victim’s educational or work performance.

**Relationship Violence**

Relationship violence is conduct in which the parties involved are in a social, romantic, or intimate relationship or had a prior social, romantic, or intimate relationship. Relationship violence may include, but is not limited to, acquaintance rape, dating violence, and/or domestic violence.

**Relationship 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 victim. The existence of a social, romantic, or intimate relationship shall be determined based on a consideration of the following factors:

- length of the relationship;
- type of relationship; and
- frequency of interaction between the persons involved in the relationship.

**Relationship Domestic Violence**

According to Ch. 968.075, Wis. Stats., “domestic abuse” (domestic violence) means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has a child in common:

- intentional infliction of physical pain, physical injury, or illness;
- intentional impairment of physical condition;
- violation of Wisconsin sexual assault laws; or
- physical act that may cause the other person reasonably to fear imminent engagement in the conduct described in above listed bullet points.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

- **Physical Abuse:** Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.
- **Sexual Abuse:** Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape,
attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

- **Emotional Abuse:** Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.

- **Economic Abuse:** Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

- **Psychological Abuse:** Elements of psychological abuse include, but are not limited to, causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

**Retaliation**
Retaliating directly or indirectly against a person who has, in good faith, filed, supported, or participated in an investigation of a complaint made pursuant to this policy is prohibited. Retaliation constitutes a violation of this policy, even if the underlying complaint is ultimately found to have no merit. Retaliation includes, but is not limited to following:

- ostracizing the person;
- pressuring the person to drop or not support the complaint;
- providing false or misleading information;
- engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment; or
- similar conduct engaged in by a third party at another party's request.

**Sexual Assault**
Sexual assault is any type of actual, attempted, or threatened sexual contact (forcible or non-forcible) with another person without that person's explicit consent. A sexual assault includes, but is not limited to, forced sexual intercourse, forcible sodomy (oral or anal intercourse), fondling, and attempted rape.

Sexual assault is defined very broadly by criminal law [Ch. 940.225, Ch. 948.02, of Wis. Stats], as well as under the College policy. Sexual assault can be as limited as a single instance of touching, however slight, with any object or body part, of the breasts, buttocks, groin, or genitals without consent, even if the person touched is fully clothed. Other examples of sexual assault include, but are not limited to:

- Non-consensual sexual intercourse (rape), which includes vaginal penetration, however slight, by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation, without consent. This definition includes acts commonly referred to as “date rape” and/or “acquaintance rape”; and
- Non-consensual sexual contact, which includes any touching, however slight, with any object or body part, of the breasts, buttocks, groin, whether by coercion, force, or otherwise, without consent.
Sexual Exploitation
Sexual exploitation involves taking non-consensual sexual advantage of another person, even though the behavior might not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to the following behaviors:

- distribution or publication of sexual or intimate information about another person without consent, including by means of social media;
- electronic recording, photographing, or transmitting sexual or intimate utterances, sounds, or images without knowledge and consent of all parties;
- engaging in indecent exposure;
- voyeurism - voyeurism involves both secretive observation of another’s sexual activity and secretive observation of another for personal sexual pleasure; or
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex).

Sexual Misconduct
Sexual misconduct is a broad term encompassing a broad range of non-consensual, unjust, or abusive behavior or attempted behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome, but which does not otherwise constitute sexual harassment, sexual assault, or sexual violence. Sexual misconduct includes, but is not limited to:

- sexual exploitation
- stalking
- relationship violence

No matter what the circumstances, sexual misconduct violates the College’s standards of acceptable behavior and is prohibited by this policy.

Sexual Violence
Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking
Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include, but is not limited to:

- repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email;
- repeatedly leaving or sending victim unwanted items, presents, or flowers;
• following or lying in wait for the victim at places such as home, school, work, or recreation place;
• making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets;
• damaging or threatening to damage the victim's property;
• harassing victim through the internet;
• posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; or
• obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family, work, or neighbors, etc.

Source: Stalking Resource Center, National Center for Victims of Crime
Stalking is defined in Ch. 940.32, Wis. Stats.

Student
Any person who is currently enrolled and actively engaged in a post-secondary credit course, adult apprenticeship, and/or adult basic education.

Actively engaged includes:

Individuals who have met the criteria of academic attendance/participation in an academically-related activity for the course they are enrolled in.

Academically-related activities include, but are not limited to:

• physically attending a class where there is an opportunity for direct interaction between the instructor and students;
• submitting an academic assignment;
• taking an exam, completing an interactive tutorial, or participating in computer-assisted instruction approved by the instructor and/or College;
• attending a study group that is assigned by the school;
• participating in an online discussion about academic matters.

Academically-related activities do not include activities where a student may be present but not academically engaged, such as:

• logging into an online course without active participation (i.e. responding to a discussion board assignment) as outlined above under Academically-related activities; or
• participating in academic advisement during the time period the student is not actively engaged in a course as outlined above.

A student is no longer considered to be actively engaged when the student has:

• received a final grade for the course;
- officially withdrawn from the course;
- unofficially withdrawn from the course, which would be determined by the last date the student was actively engaged in the course.

**Title IX Coordinator**
Pursuant to Title IX, the College has established the Title IX Coordinator position. The College’s Title IX Coordinator has primary responsibility for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX, as well as this policy. The Title IX Coordinator oversees the College’s response to reports and complaints that involve possible sex discrimination and/or sexual misconduct, monitors outcomes, conducts an annual report to assess the campus climate, identifies and addresses any patterns or systemic problems within the College community, and provides and facilitates ongoing training, consultation, and assistance on Title IX matters for students, faculty, and staff. **The College’s Title IX Coordinator is:**

Matthew R. Schur, M.P. Admn.
Red Oak Center, Room 207C
(715) 365-4615 or mschur@nicoletcollege.edu

**Title IX Deputy Coordinators**
The College has designated Title IX Deputy Coordinators to assist the Title IX Coordinator. A Title IX Deputy Coordinator is responsible for assisting the Title IX Coordinator to conduct training, climate assessments, and facilitate communications on behalf of the College with the student or employee who reports a violation, the respondent, and with any administrators responsible for administering this policy. The College has five (5) Title IX Deputy Coordinators.

**Title IX Deputy Coordinator for Employees**
Teresa Ellis
Northwoods Center, Room 118
(715) 365-4435 or tdellis@nicoletcollege.edu

**Title IX Deputy Coordinator for Students**
Tim Gerdmann
Birchwoods Center, Room 101-4
(715) 365-4535 or tgerdmann@nicoletcollege.edu

Deputy Coordinators
Christin Van Kauwenberg  Sara Tienhaara  Dwight Webb
Red Oak Center  Lakeside Center  Red Oak Center
Room 232  Room 223  Room 227
(715) 365-4907  (715) 365-4566  (715) 365-4543
Confidential Resources
The College does not have employees who are designated confidential resources, who are prohibited from sharing student and employee conversations (i.e., Licensed Professional Counselors or Clergy).

Community resources are listed on the College’s website, under Safety and Equal Opportunity Resources.

Non-Confidential Reporters
All College employees are “responsible employees” for purposes of this policy, and therefore must report to the Title IX Coordinator, a Title IX Deputy Coordinator, or other appropriate College official, all relevant information regarding allegations of sexual misconduct made known to them, or which they have reasonable cause to suspect might have occurred. Responsible employees are required to advise students that they are required to report potential or alleged violations of this policy to the Title IX Coordinator, a Title IX Deputy Coordinator, or other appropriate College official. Responsible employees are also required to inform students that even if they choose not to file a formal complaint with the College or Law Enforcement or participate in an investigation pursuant to this policy, the College may need to further investigate reports of sexual misconduct, and the College cannot guarantee confidentiality of information shared by the students, although, to the extent possible, privacy will be maintained and information will only be shared with individuals on a “need to know” basis. Finally, responsible employees must advise students of their ability to share information with confidential resources, who are not obligated to report information under this policy.

If you are unsure of an employee’s responsibilities and duties for maintaining your privacy and/or reporting information you share, ask BEFORE you share information with student, so that you can make informed reporting decisions.

Training
Sexual harassment, sexual violence, and sexual misconduct awareness and prevention training is made available to new students and staff in an online format. Resources and training materials can be found online on the Security section of the College web site. In accordance with the College’s mission and vision, as well as Federal guidelines, training about the policy and procedures regarding sexual assault and relationship violence is required for all students and employees. Best practices identified through the United States Department of Education and VAWA will be used to develop awareness programs. Bystander Intervention training will provide guidance and resources to assist students when faced with a situation and to safely intervene if someone is at risk of being assaulted. In addition, the College will periodically conduct a campus climate survey to gain a stronger understanding of social issues impacting students, and the effectiveness of College prevention efforts, policies, and resources that address them.

The College Sexual Misconduct Policy
The College has a zero tolerance policy for any and all forms of sexual misconduct, including sexual harassment, sexual assault, and sexual violence. This policy is designed to:
• establish and reaffirm the College's zero tolerance policy for any and all forms of sexual misconduct;
• provide resources for members of the College community who believe their rights have been violated;
• consider the rights of the complainant, the rights of the respondent, the safety of the College community, and compliance with applicable laws and College policies;
• conduct a timely, fair, impartial, and equitable investigation and adjudication process for all claimed violations of this policy with thoroughness and respect for all involved parties;
• protect the privacy of all parties to the extent practical, while balancing the need to perform an investigation, follow the procedures outlined below, comply with applicable law, and maintain campus safety;
• provide appropriate remedies and sanctions to address the discriminatory effects of sexual misconduct, including sexual harassment, sexual assault, and sexual violence; and
• support the needs of the complainant and respondent in the areas of emotional and mental health, physical well-being, and safety from future incidents of sexual misconduct and/or retaliation.

The College will take appropriate measures to address violations of this policy in a manner that is reasonable to prevent such conduct from recurring and to minimize the effects on victims and the College community. Retaliation for filing a report or complaint or for participating in a related investigation or disciplinary proceeding is also a violation of this policy.

**Reporting Policy Violations**

The College urges victims to report instances of sexual misconduct, including sexual harassment, sexual assault, and/or sexual violence. Complainants may report incidents at any time, but are strongly encouraged to make reports promptly, and to preserve any relevant evidence.

Victims are strongly encouraged to immediately report any instances of sexual misconduct to law enforcement for the location where the incident occurred. Contact information for the Rhinelander Campus and the Lakeland Outreach Center is listed in the College’s [Emergency Response Guide](#). The College Title IX Coordinator, Title IX Deputy Coordinators, or the College’s Campus Security Department may provide assistance if an individual elects to contact law enforcement. Declining to report an incident to law enforcement or cooperate with law enforcement's investigation of an incident does not prevent an individual from filing a complaint with the College under this policy. The College may seek the assistance of local law enforcement agencies in its investigation, where deemed appropriate. Individuals may simultaneously file complaints with law enforcement and the College. Filing a complaint with law enforcement does not preclude an individual from seeking redress under the College’s policy.

Victims are also encouraged to report crimes to the College’s Campus Security at
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(715) 365-4420 or Emergency Response Team (ERT) at (715) 365-4999 as soon as possible. The ERT will take action to protect the College community and issue a timely warning if the perpetrator remains at large. Individuals who are being stalked or are victims of dating violence on College-controlled premises or at College-sponsored events should notify Campus Security or ERT. If this action is taking place at an off-site location, it is strongly suggested the individual involve law enforcement immediately. Individuals who have a restraining or other protection orders against another individual should inform Campus Security or ERT. This is especially important if the person who is the object of the restraining or protection order is a student or employee at the College. Reports of violent incidents related to stalking and dating violence will be included in the annual security report as required under the Clery Act and VAWA.

Students and non-employees may file complaints under this policy with any College employee, who will then notify the Title IX Coordinator and/or Title IX Deputy Coordinator for Students. If the Title IX Coordinator or a Title IX Deputy Title Coordinator for Students is alleged to be the person who engaged in the alleged misconduct, the incident will be investigated by another Title IX Deputy Coordinator or trained designee. Complainants are encouraged to identify the alleged victim(s) and the alleged perpetrator(s), and describe the conduct, incident(s), or occurrence(s) that form the basis of the complaint.

College employees may file complaints under this policy with the Title IX Coordinator and/or Title IX Deputy Coordinator for Employees. If the Title IX Coordinator or Title IX Deputy Coordinator for Employees is alleged to be the person who engaged in the alleged misconduct, the incident will be investigated by another Title IX Deputy Coordinator or trained designee.

Any College employee can help with filling out the incident report. It is preferred that the complaint be submitted via the College’s electronic Conduct Violation Report. If, due to a disability, accommodations are needed to assist the student with filing a complaint, please contact the Accommodations Specialist at (715) 365-4560. Employees can receive assistance with filing a complaint by contacting Human Resources at (715) 365-4449 or (715) 365-4435.

Once a College employee either knows or should have known about an alleged incident of sexual misconduct, the College will:
1. take immediate and appropriate steps to investigate what occurred; and
2. take prompt and effective action to:
   a) stop the behavior;
   b) remedy the effects of the behavior; and
   c) prevent the recurrence of said behavior.

The College takes allegations of sexual misconduct very seriously and recognizes the consequences such allegations may have on a complainant as well as a respondent. The College will not condone false reporting under this policy. Any person who makes a report that is later found to have been intentionally given falsely or made maliciously without respect for the truth may be subject to sanctions. The College recognizes the right of all
parties involved in a complaint to a fair and equitable resolution of complaints. Any individual who knowingly provides false information regarding a complaint made under this policy during the investigation of such a complaint may also be subject to sanctions.

**Requests for Confidentiality**

If the complainant requests confidentiality or requests that the complaint not be investigated or pursued, the Title IX Coordinator and/or appropriate Title IX Deputy Coordinator will take all reasonable steps to investigate and respond to the complaint while honoring the complainant’s request. At all times and to the extent permissible by law and the needs of the investigation process, the College will endeavor to keep complainant information private. Information will only be shared on a “need to know” basis with individuals responsible for addressing incidents of sexual misconduct under this policy. Prior to disclosing information, the College will make every effort to notify the complainant of the following:

- what information will be disclosed;
- whom the information will be disclosed to; and
- why the information needs to be disclosed.

However, once a report is made to the College of alleged sexual misconduct, or once the College becomes aware of any possible violation of this policy, confidentiality cannot be guaranteed. Honoring a request for confidentiality may limit the ability of the College to respond to the allegation or possible violation, including pursuing sanctions and remedies against the respondent(s). The College will determine if a confidentiality request can be honored while providing a safe and non-discriminatory environment for all members of the College community. Requests for confidentiality will be evaluated in the context of the College’s responsibility to provide a safe and nondiscriminatory environment for all members of its community. Factors that may impact whether the College can honor a request for confidentiality include the seriousness of the alleged conduct and whether there have been other complaints about the same individual. In instances where a complainant insists on confidentiality, it may limit the ability of the College to respond.

**Complainant and Respondent Rights**

1. Following the receipt of complaint under this policy, the College will respond promptly, equitably, and thoroughly, barring any unusual circumstances.
2. Complaints will be investigated by the Title IX Coordinator, Title IX Deputy Coordinator, trained Title IX Investigator, and/or other appropriate designee.
3. The respondent is entitled to receive notification of the behavior which has allegedly violated the College’s policy, as well as an opportunity to respond to allegations.
4. The complainant and respondent have a right to supply the investigative team with information and/or witnesses.
5. The complainant and the respondent are entitled to the same opportunities to have a support member/advisor present during a campus disciplinary proceeding, but the support member/advisor may not participate directly in the proceedings or otherwise interfere. Notice of representation must be made in advance to the Title IX Coordinator and/or Title IX Deputy Coordinator.
6. Both the complainant and the respondent will be simultaneously informed of the outcome of any campus disciplinary proceeding alleging sexual misconduct, relationship violence, and/or stalking.

7. A neutral hearing officer, and impartial decision about the alleged policy violation. Both the complainant and the respondent are entitled to appeal a disciplinary decision, as outlined in the appeals section of this policy.

8. Throughout the investigation and resolution process, the College will provide appropriate support for the complainant and respondent, including information about College, community, and/or law enforcement resources, including counseling and other health services.

**Interim Measures**

Prior to initiating an investigation of a complaint made under this policy, the Title IX Coordinator and/or a Title IX Deputy Coordinator will meet with the complainant to explain the investigation and resolution process, as well as available College and law enforcement resources.

If appropriate, the College will take reasonably available and appropriate interim measures during the investigation and resolution process including, but not limited to the following:

- no contact directive between complainant and respondent;
- change in academic and/or office assignment situations;
- change in workplace assignment and reporting structure;
- waiver of absence and assignment requirements;
- temporary leave of absence;
- temporary ban from College controlled locations and/or events;
- withdrawal from courses; and/or
- plan to address safety concerns.

**Preliminary Investigation**

A preliminary investigation will be conducted to determine if there is probable cause to believe this policy was violated. If the investigation does not find probable cause for the complaint, the College will dismiss the case. The complainant will be informed why the alleged act does not violate the College’s policy. If it is determined by the Title IX Coordinator, Title IX Deputy Coordinator, trained Title IX Investigator, and/or other appropriate designee that there is probable cause of misconduct, a formal investigation will begin immediately.

**Formal Investigation Process**

The following process will be used to further investigate allegations made under this policy, after a preliminary investigation has resulted in a finding of probable cause to believe that this policy was violated:

1. Upon receiving a complaint, the appropriate Title IX Deputy Coordinator will facilitate a fact-finding investigation which will include assigning a Title IX Deputy Coordinator, trained Title IX Investigator, and/or other appropriate designee to review the complaint.
A Title IX Deputy Coordinator, trained Title IX Investigator, and/or other appropriate designee will conduct interviews with the complainant, respondent, and other appropriate individuals (i.e., witnesses). The investigation will be prompt, thorough, and impartial.

2. The intent of the interview with the complainant, respondent and witnesses is to determine a true and complete account of the complaint. The following information will normally be sought during the interview process:

- the severity of the conduct;
- the number and frequency of acts of the alleged offense;
- the apparent intent of the person alleged to have engaged in sexual misconduct;
- the relationship of the parties;
- the response of the complainant at the time of the incident(s); and
- the relevant educational/work environment.

3. Periodic updates to the complainant and the respondent will simultaneously be provided during the investigation process.

4. All persons involved in the investigation will be reminded that the incident should not be discussed, in order to preserve the integrity of the investigation process. Retaliatory action against the complainant, respondent or witnesses will not be tolerated.

5. The Title IX Deputy Coordinator, trained Title IX Investigator, and/or other appropriate designee will submit a report to the College Title IX Coordinator detailing the allegations, evidence collected, and statements from the complainant, respondent and any relevant witnesses to the conduct. The report will include the appropriate Title IX Deputy Coordinator's, trained Title IX Investigators, and/or other appropriate designee's findings, as well as any recommendations for sanctions, if warranted.

6. The College Title IX Coordinator will review the investigative report, evidence and all known circumstances from the Deputy Title IX Coordinator, trained Title IX Investigator, and/or other appropriate designee and will make a final determination.

7. Communication from the Title IX Coordinator regarding the outcome is communicated to the complainant and the respondent simultaneously.

8. The College aims to complete the formal investigation process within 60 days of receiving the complaint. However, given the facts and circumstances of the case, the investigation and resolution process may take more than 60 days. The College will simultaneously communicate to both the complainant and respondent in the event the formal investigation will not be completed within 60 days.

**Preponderance of the Evidence Standard**

Evidence and information collected during an investigation of a complaint made under this policy will be evaluated using a preponderance of the evidence standard. Under this standard, if the evidence and information collected during the investigation suggest it was “more likely than not” that a policy violation occurred, the College will conclude that the policy was violated and find the accused responsible.
Student Sanction Statement
The College reserves the right to take whatever measures it deems necessary in response to an allegation of misconduct under this policy to protect students’ rights and personal safety, as well as the safety of the College community.

Potential sanctions for students who are found responsible for acts of misconduct under this policy could be, but are not limited to the following:

- disciplinary action, up to and including, expulsion;
- referral to law enforcement when there is danger or threat to community and/or when requested by the victim; and/or
- referral to appropriate community resources.

Not all forms of misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. Previous substantiated student conduct violations will be considered in determining the appropriate sanction. The College will consider the concerns and rights of the complainant, the respondent, and the College community.

The Title IX Coordinator has the right to broaden or lessen any range of recommended sanctions. The initial investigative team, appeals body, or designee may not deviate from the range of recommended sanctions unless there is compelling justification to support a deviation.

Employee Sanction Statement
The College reserves the right to take whatever measures it deems necessary in response to an allegation of misconduct by an employee under this policy to protect employees’ and students’ rights and personal safety, as well as the safety of the College community.

Potential sanctions for employees who are found responsible for acts of misconduct could be, but are not limited to, the following:

- disciplinary action, up to and including, termination of an employee found responsible for violating these policies;
- referral to law enforcement when there is danger or threat to community and/or when requested by victim; and/or
- referral to appropriate community resource(s).

Not all forms of misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions, ranging from verbal warning to termination, depending on the severity of the offense. Previous substantiated employee conduct violations will be considered in determining the appropriate sanction. The College will consider the concerns and rights of both the complainant and the respondent.
The Title IX Coordinator has the right to broaden or lessen any range of recommended sanctions. The initial investigative team, appeals body, or designee may not deviate from the range of recommended sanctions unless there is compelling justification to support a deviation.

**Non-student and Non-employee Sanction Statement**

The College reserves the right to take whatever measures it deems necessary in response to an allegation of misconduct by non-students and/or non-employees to protect the safety of the College community.

Not all forms of misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions, up to and including being banned from all College-controlled premises and activities, depending on the severity of the offense. Previous substantiated conduct violations will be considered in determining the appropriate sanction.

The Title IX Coordinator has the right to broaden or lessen any range of recommended sanctions. The initial investigative team, appeals body, or designee may not deviate from the range of recommended sanctions unless there is compelling justification to support a deviation.

**Student Appeal Process**

All students have the right to appeal investigatory and/or disciplinary decisions made under this policy. Appeal requests must be made in writing to the Title IX Coordinator within five (5) days after verbal or written notification of the investigation findings and/or disciplinary sanction. It is preferred that the complaint be submitted via the College’s electronic Appeal of Student Conduct or Misconduct Findings Form. If, due to a disability, accommodations are needed to assist the student with filing an appeal, please contact the Accommodations Specialist at (715) 365-4560.

A student may file a written appeal under this policy for three reasons, which include:

1. procedural error/ failure to uphold the student’s rights that may substantially alter the outcome of the decision;
2. new evidence that was unknown or unknowable at the time of the investigation and decision; and/or
3. bias by the Title IX Coordinator, Title IX Deputy Coordinator, trained Title IX Investigator, and/or other designee involved in the investigation and sanctioning process.

A student’s written appeal must include the following information:

1. the name, address, and telephone number of the party; and
2. a clear statement explaining the nature and circumstances of the appeal, citing the reason for the appeal, including a description of the alleged procedural error, new evidence and/or bias.
The Vice President of Academic Affairs or other appropriate designee who has not otherwise been previously involved in the complaint will serve as the final arbiter of all appeals made under the policy. Neither the complainant nor the respondent will be entitled to further hearing in connection with an appeal. The Vice President of Academic Affairs or other appropriate designee will review the student’s written appeal and the investigative report, and may, at his or her discretion, request written submissions from either or both the complainant and respondent.

The Vice President of Academic Affairs or other appropriate designee will simultaneously inform both the complainant and the respondent in writing of the outcome of the appeal within fourteen (14) days after receipt of the appeal, unless the College determines that additional time is required. The appeal decision shall be considered final.

**Employee Appeal Process**
All employees have the right to appeal disciplinary decisions. Consistent with Step 2 of the Employee Complaint and Appeal Procedure BP 4.04, the employee must follow the steps and processes outlined in the Board policy. An employee may only appeal a decision made pursuant to this policy for three reasons, which include:

1. procedural error/ failure to uphold the employee’s rights that may substantially alter the outcome of the decision;
2. new evidence that was unknown or unknowable at the time of the investigation and decision; and/or
3. bias by the Title IX Coordinator, Title IX Deputy Coordinator, trained Title IX Investigator, and/or other designee involved in the investigation and sanctioning process.

**Disclosures – FERPA Exemptions**
The following information will be disclosed to the alleged victim: The findings of the investigation and the sanction(s) imposed on the respondent that are related to the victim. However, the College may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This disclosure is not subject to the re-disclosure limitation and notice requirements otherwise identified in FERPA. Finally, as required by the Clery Act, and permitted by FERPA, the College will inform the complainant in a case involving alleged sexual violence of the final determination and any disciplinary sanctions imposed on the respondent.

**Community and College Resources**
Victims are encouraged to seek help from the agencies listed in the College Safety and Security Resource Guide for follow-up counseling and support. Further, victims do have the option to, or not to, notify and seek assistance from law enforcement and campus authorities. Victims can also call the 24-hour Crisis Hotline at 800-236-1222 or 715-362-6800.
CURRENT RESOURCES BY COUNTY:

FOREST COUNTY

TRI-County Council on Domestic Violence and Sexual Assault
800-236-1222 (Toll Free) or 715-478-3780 (Local)
- 24-hour Crisis Hotline (Domestic Violence/Sexual Assault Victim Advocacy)

Forest County Potawatomi Health and Wellness Center / Domestic Violence Program
715-478-7201 (Local)
- Forest County Potawatomi Domestic Violence program
- Sexual Assault Victim Advocacy

IRON COUNTY

DOVE (Domestic Violence Escape)
800-711-6744 (Toll Free) or 715-561-5671 - Victim/Witness Assistance program

LANGLADE COUNTY

Advocates for Victims of Domestic and Sexual Abuse (AVAIL)
715-623-5767 (24-Hour Crisis Hotline) or 715-536-5177 (Local)
- Emergency shelter, 24-hour crisis hotline, counseling and support groups, information and referral

LINCOLN COUNTY

The Haven – Lincoln County Domestic Violence Shelter
715-536-1300 (Local)
- Sexual assault victim advocacy, 24-hour crisis hotline, legal advocacy

ONEIDA COUNTY

TRI-County Council on Domestic Violence and Sexual Assault
800-236-1222 (Toll Free) or 715-362-6841 (Local)
- 24-hour crisis hotline, domestic violence and sexual assault victim advocacy

Sacred Heart / St. Mary’s Hospital Emergency Department
715-361-2100 (Local)
- Sexual Assault Nurse Examiner (SANE) program

Howard Young Medical Center
715-356-8000 (Local)
- Sexual Assault Nurse Examiner (SANE) program
• Oneida County Health Department Reproduction Health Clinic: STD screening, treatment, education, HIV counseling and testing, emergency contraception

Oneida County Health Department
715-369-6116 (Local)
• STD screening, treatment, education, HIV counseling and testing, emergency contraception

VILAS COUNTY

TRI-County Council on Domestic Violence and Sexual Assault
800-236-1222 (Toll Free) or 715-479-2912 (Local)
• 24-hour Crisis Hotline (Domestic Violence/Sexual Assault Victim Advocacy
• Eagle River Memorial Hospital Emergency Department
  715-479-0255 (Local)
• Sexual Assault Nurse Examiner (SANE) program

Lac du Flambeau Domestic Violence Shelter/Sexual Assault Victim Advocacy
800-236-7660 (Toll Free)

CLERY ACT ADDENDUM REQUIREMENTS

I. The Campus SaVE Act (the “SaVE Act” or “Act”) applies to almost all institutions of higher education since it is directed toward those that participate in financial aid programs under Title IV of the Higher Education Act of 1965. It became effective on March 7, 2013 as part of the Violence Against Women Reauthorization Act (VAWA) and amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the Clery Act).

II. The Act requires higher education institutions to report crime statistics and disclose security-related information in several ways:

   a. It adds offenses involving domestic violence, dating violence, and stalking to the crimes that institutions must report and include in their annual security reports (ASR).

   b. It expands the categories of reportable “hate crimes” to include those based on bias against gender identity or national origin.

   c. The policy statements filed as part of the ASR must now include detailed descriptions of the institution’s internal procedures in cases of domestic violence, dating violence, or stalking, as well as descriptions of its education and prevention programs.