



NICOLET COLLEGE

Annual Security Report 2019-2020

Student Code of Conduct

Alcohol and Drug Use – Resources

Grievance Procedures

ADMINISTRATIVE POLICIES

AP 2.02 Privacy of Records (FERPA)

AP 3.01 Campus Security

AP 3.07 Title IX and Violence Against Women Act (VAWA) / Clery Compliance

AP 4.05 Alcohol and Drug Use

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This document is compiled on an annual basis and contains all of the 20 USC Sec. 1092(F) Clery Act reporting requirements and Family Education Rights and Privacy Act (FERPA) 20 USC Sec. 1232(g) notification.

Revised: 9-25-2019

To: Nicolet Area Technical College Students and Employees

This information is being brought to you as part of Nicolet College's commitment to safety and security.

Nicolet College is a two-year district and state-supported institution of higher education. The College provides educational opportunities to residents of our district from our campus located in Rhinelander, Wisconsin.

The Clery Act has recently been amended by the Violence Against Women Act (VAWA), and the College is required to publish an annual security report. This report contains valuable information for all students and staff. Please take a few moments of your time to review the contents of this report and use it as a resource for your various safety and security needs.

Under the Drug-Free Schools and Communities Act of 1989, we are required to publish and distribute information that the College has adopted and implemented a drug-prevention program for all students and employees, which includes:

1. Standards of conduct that clearly prohibit, at a minimum, unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
2. A description of the applicable legal sanctions under local, state or federal law for the unlawful possession or distribution of illicit drugs and alcohol.
3. A description of health risks associated with the use of alcohol and other drugs.
4. A description of any drug or alcohol counseling, treatment or rehabilitation programs that is available to students or employees.
5. A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, state, and federal law) and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Nicolet College is engaged in a continuing educational effort to raise awareness of students, staff, and the community to the problems associated with alcohol and other drug abuse/dependency. We all have a shared responsibility to comply with the Drug-Free Schools and Communities Act. Your cooperation will be greatly appreciated.

Have a safe and successful year at Nicolet

College. Sincerely,



Matthew R. S. Schur,
Director of Risk, Compliance, and Security

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STUDENT CODE OF CONDUCT

JURISDICTION OVER STUDENT CONDUCT

Students at Nicolet College are annually provided access to and, upon request, given a copy of the Student Code of Conduct. Students are responsible for reading and agreeing to abide by the provisions of the Student Code of Conduct and the authority of the student conduct process. The Student Code of Conduct and the student conduct process apply to the conduct of individual students and College-affiliated student organizations. Said conduct will be measured against the preponderance of the evidence standard to determine if a violation of the Student Code of Conduct has occurred.

Because the Student Code of Conduct is based on shared values, it establishes a set of expectations for the Nicolet College student, no matter where or when their conduct may take place (e.g. Study Abroad). Therefore, the Student Code of Conduct will apply to behaviors that take place on campus, at College-sponsored events, and may also apply off-campus, when the College determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- A. Incidents that constitute a criminal offense as defined by Wisconsin State law. This includes first time and repeat violations of any local, state, or federal law.
- B. Incidents where it appears the student may present a danger or threat to the health or safety of his/her self or others.
- C. Incidents that significantly infringe upon the rights, property of self or others or significantly breach the peace and/or causes social disruption.
- D. Any situation that is harmful to the educational interests of the College.

The Student Code of Conduct may be applied to conduct that takes place during the time a person is enrolled as a student, including all College breaks and between semesters. Further, the Student Code of Conduct applies to guests of community members; hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Nicolet College are also protected by the Student Code of Conduct and may initiate grievances for violations of the Student Code of Conduct committed by members of the Nicolet College community against them.

Nicolet College may also extend its jurisdiction to misconduct that occurs prior to, but is not reported until after, the graduation of the offending student. Any such misconduct will not subject the violator to normal conduct proceedings but will subject him or her to special proceedings for the revocation of a degree.

EXPLANATION OF POLICIES AND DEFINITIONS

This code and College policies are provided to give students general notice of conduct expectations. This code and College policies should be read broadly and are not intended to define misconduct in comprehensive terms.

INHERENT AUTHORITY

Communications from the College to the students, and students are expected to respond without delay to requests, directions, and directives from College officials acting in the performance of their duties. Sanctions for failure to comply may be implemented where necessary to secure cooperation.

COMPLAINTS / REPORTING / CONFIDENTIALITY

Any person may file a conduct complaint/report with Nicolet College, orally or in writing about a student, student group, and/or organization suspected of violating this code or College policy. Person making such complaints will normally be expected to appear for a hearing as the Complainant. The College may stand in lieu of the reporting party as the Complainant at the election of the reporting party, who may still need to share information as a witness.

A. Filing of Complaints

Any member of the College community, including guests and visitors, may file a complaint against a student alleging a violation of the Student Code of Conduct. At the request of any guest, visitor, student, faculty, or staff member, or acting independently, the College may file a complaint against any student according to the standards established by the Student Code of Conduct alleging a violation of the Code.

B. Reports can be made in two different ways (confidential or non-confidential)

1. Confidential:

This report is used solely for tracking statistics and information about the incident. No formal action will be taken against the suspect, and the complainants name will remain anonymous. Cases in which multiple reports are filed regarding a certain individual, the College may move forward as the "Complainant" with or without a cooperating witness.

2. Non-Confidential:

This is a full report that will be used by the College to investigate the complaint that has been filed and, if appropriate, pursue charges.

C. Consolidation

Where more than one student is accused of violations arising out of a single occurrence or out of connected multiple occurrences, a single hearing may be held for all the students accused. Students may request that their complaint be consolidated with others or separated from others. The College will make determinations regarding consolidation; however, the separation of one or more complaints from a group of complaints will not be considered to affect the remaining complaints in the group.

D. Confidentiality

Cases involving discrimination and especially sexual harassment are particularly sensitive and demand special attention to issues of confidentiality. Dissemination of information relating to the case should be limited to individuals who have a legitimate need to know or who have information relevant to the investigation in order that the privacy of all individuals involved is safeguarded to the extent practicable under the circumstances.

Every effort should be made to protect members of the College community so that they may report incidents, especially incidents involving acts of discrimination and sexual harassment, without fear of reprisal or retaliatory action. Confidentiality will be respected insofar as it does not interfere with the College's obligation to investigate allegations of misconduct and to take corrective action where appropriate. The College will honor the right to report instances where a student has been harmed or is incapacitated. College employees and students are obligated to comply with requests to provide statements during an investigation.

APPLICABILITY OF CODE/FOCUS OF INVESTIGATION

- A. This code does not apply to any admission decision or any decisions made by the College for academic reasons. The College prohibits all forms of academic dishonesty, but such violations are under the jurisdiction of the Executive Vice President.
- B. The focus of the investigation in student conduct proceedings is to determine whether students accused of violating this code or College policy are "responsible" or "not responsible" as alleged and to assign any applicable sanctions. Deviations from prescribed procedures (including time deadlines) will not invalidate a decision or proceeding unless significant prejudice to a student or the College would result.
- C. Should a student withdraw from the College with a pending conduct complaint, it is the typical practice of the College to pursue investigation and resolution of the campus complaint, regardless of the fact that the student has withdrawn. If the student is found responsible for violation of the Student Code of Conduct, a hold will be placed on the student, restricting the ability of the student to re-enroll until all sanctions have been satisfied.

VIOLATIONS OF LAW

Allegations of violations of federal, state, and local laws are incorporated as offenses under the Student Code of Conduct. Any offence for which the College has jurisdiction, the College conduct process will usually go forward notwithstanding any criminal charges that may arise from the same incident. College proceedings will not be subject to challenge because criminal charges involving the same incident have been dismissed or reduced.

Student Code of Conduct

When a student is accused, arrested, charged, or indicted for a crime committed off-campus, the College may elect to take action for violations of the Student Code of Conduct, which incorporates violation of local, state, or federal laws as code infractions.

When criminal charges are pending for any felony and/or misdemeanor, the College may be delayed or prevented from conducting its own investigation and from moving forward with a conduct hearing. In such cases, the College may choose to delay its hearing until it can conduct an internal investigation or obtain from law enforcement sufficient information upon which to proceed. In cases that fall within the protections of Title IX as sex or gender discrimination, delays can be granted but for no longer than 10-14 days to allow for law enforcement evidence gathering. The College process cannot be delayed beyond the above timeframe unless all parties agree because the evidence gathering phase by law enforcement extends beyond the timeframe identified above.

Nicolet College may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect and may use information from law enforcement agencies, news agencies, and the court to assist in determining whether College rules have been violated.

CONDUCT EXPECTATIONS

The Nicolet College community is committed to fostering a campus environment that is conducive to academic success, a meaningful campus life, and thoughtful study and dialogue. A community exists based on shared philosophies and respectful interaction. Student members of the community are expected to uphold and abide by certain policies, rules, and standards of conduct that form the basis of the Student Code of Conduct. When students of the community fail to demonstrate these standards, campus conduct proceedings are used to assert and uphold the Student Code of Conduct.

Abuse of College Technology

Misuse of College computing facilities, equipment, network, passwords, accounts, or information. Students who connect their personal computers (or other technologies) to the campus network will be held responsible for any violation of this policy that originates from that device. Examples of misuse include:

- A. Access, use, inspection, or modification of data or functions that are neither allotted nor authorized as a part of the user's account nor specified as public domain information;
- B. Access, use, inspection, or modification of data that refer to computer utilization, computer access authorization, or security;
- C. Abuse or improper use of hardware;
- D. Installing or executing unauthorized or unlicensed software on any College owned or

- operated computer resource;
- E. Causing disrupting noise, displaying abusive behavior toward other users, or creating other disturbances in any campus computing area;
- F. Sending, displaying, printing, or storing obscene, pornographic, fraudulent, harassing, threatening, racist, or discriminatory images, files, or messages through the College's network;
- G. Access and/or use of another user's account and the data contained in that account;
- H. Theft, destruction, or removal of data or College-owned computer resources;
- I. Unauthorized copying, installation, and/or distributing electronic media by any means;
- J. Physical or electronic interference with other computer systems users;
- K. Dissemination or distribution of a user account password to any other person;
- L. Use of computing facilities to interfere with the work of another student, faculty member, College official, or the normal operations of the College computing system;
- M. Any other practice or user activity that constitutes irresponsible behavior, promotes illegal activities, results in the misuse of computer resources, or jeopardized the operation of computer or network systems.

Academic Misconduct

Academic misconduct includes, but is not limited to, an act in which a student seeks to claim credit for the work or efforts of another without authorization or citation. Uses unauthorized materials or fabricated data in any academic exercise. Forges or falsifies academic documents or records. Intentionally impedes or damages the academic work of others. Cheats on examinations, including the unauthorized use of materials or aids, or use of unauthorized additional time. Violates course rules as contained in the course syllabus or other information provided to the student. Violates program policies and/or regulations established by a program and made available to students.

Aiding and Abetting

Action or inaction by someone in complicity with an offender, which encourages or fails to discourage a known and obvious violation of College policy or local, state, or federal law.

Alcohol Use/Abuse

Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and

the College's Alcohol Policy. This includes the consumption by those under the age of 21, providing alcohol to those under the age of 21, possession of a common source container (empty or full) and/or participating in "drinking games" that aid in the mass consumption of alcohol, driving under the influence, and public intoxication by persons of any age.

Animals/Pets

Unauthorized possession of unapproved pets, creatures, or animals within College owned or operated buildings or at College sponsored activities.

Destruction of Property

Intentional reckless, negligent, and/or unauthorized destruction or damage to College property or to the property of another.

Disorderly Conduct

Conduct which motivates and/or is intended to provoke lawless action while on campus or at functions sponsored by or participated in by the College. Conduct which is disorderly, indecent, or lewd while on campus or at functions sponsored by or participated in by the College. Failure to comply with the directions of a College official, law enforcement officers, and emergency personnel during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

Disruption of College Operations

Obstruction of teaching, research, administration, safety and security, College activities, or other authorized activities which occur on campus (e.g. conferences, guest speakers, and meetings). Failure to comply with the directions of a College official.

Drug Use/Abuse

Under the influence and/or use, possession, in the presence of, or distribution of narcotic, other controlled substances, or the use of general products as intoxicants, as well as drug paraphernalia. Abuse and/or misuse of prescription or over-the-counter medication; allowing someone else to abuse and/or misuse your prescriptions, including "distribution" by allowing someone else access to your prescription, whether or not they have a prescription for the medication themselves.

Fire Safety

Violation of state, local, or campus fire policies; failure to evacuate a College-owned or managed building during a fire alarm; tampering, improper use, misuse, or abuse of College fire safety equipment; unwarranted dispatch of "first responder" and/or fire emergency services; tampering with or improperly engaging a fire alarm in a College building; intentionally, recklessly and/or negligently causing a fire which damages College or personal property or which causes injury to any member of the community; intentionally causing or ignoring any condition which creates a substantial fire and/or safety risk upon college properties.

Furnishing False Information

Knowingly furnishing or possessing false, falsified, or forged information such as falsification or misuse of documents, accounts, records, identification, verbal, written, or otherwise communicated statements or financial implements. Misuse or unauthorized use of College or College-affiliated organizational names, images, and logos.

Incident of Bias

Discriminatory harassment, intimidation, and bias-related incidents.

Obstruction of Freedom of Movement

Obstruction of freedom of movement by community members of visitors.

Published Policies

Violations of other published College rules or policies not represented in this Code.

Sexual Misconduct

Including sexual harassment, sexual assault, non-consensual sexual contact, sexual exploitation, and rape.

Stalking

Defined as intentionally or knowingly engaging in a course of conduct directed at or concerning a specific person that would cause a reasonable person to suffer serious inconvenience or emotional distress, to fear bodily injury or to fear bodily injury to a close relation, to fear death or to fear death of a close relation, to fear damage or destruction to or tampering with property, or to fear injury to or the death of an animal owned by or in the possession and control of that specific person.

Student Conduct Process Violation

Failure to attend meetings scheduled for student conduct administration purposes. Falsification, distortion, or misrepresentation of information. Failure to provide, destroying, or hiding information during an investigation. Discouraging an individual's proper participation in or use of the student conduct system. Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding. Failure to comply with the sanction(s) imposed by the student conduct system. Influencing or attempting to influence another person to commit an abuse of the student conduct system. Knowingly or negligently violating the terms of any student conduct sanction imposed in accordance with this code. Retaliation against any witness or reporting individuals. Failing to respect the rights of privacy of any member of the College community (e.g. student conduct hearings and records, and other protected student records).

Theft

Knowingly taking possession of stolen property. Intentional theft or unauthorized taking of College property or the property of another.

Tobacco Use

The use of tobacco and/or the use of products designed to simulate the use of tobacco, excluding those products that have not been designated as an approved tobacco cessation product by a recognized governing body or organization possessing the authority to approve said products for cessation purposes.

Unauthorized Access

Unauthorized possession, duplication, or use of means of access (keys, I.D. cards, permits, etc.) to any College building or service. Misuse of access privileges to College premises or unauthorized entry to or use of buildings or grounds.

Violation of Law

Actions which violate local, state, or federal laws.

Violence

Threatening or causing physical harm, actions determined to be of a retaliatory nature, extreme verbal abuse, hazing, or other conduct which threatens or endangers the health or safety of any person.

Weapons Violation

Unlawful possession of firearms, explosives, other weapons, or dangerous chemicals on campus.

POSSIBLE SANCTIONS

One or more of the following sanctions may be imposed for violations of this code or College policy:

A. DEGREE REVOCATION

Students who are expelled post-graduation are subject to having their degree revoked. They lose the right to claim graduation from Nicolet College or to hold themselves out as graduates. Notations will be indicated on their transcript accordingly. Students who are suspended post-graduation are subject to having their diploma and/or degree withheld until the suspension is complete. These proceedings will only be convened if the offense alleged would have subjected the violator to suspension or expulsion if reported prior to graduation.

B. EXPULSION

Permanent separation of the student from the College. A notation will appear on the student's transcript. Expelled students may also be barred from the College premises and College sponsored events.

C. SUSPENSION

Separation of the student from the College for a specific time. A notation of suspension will appear on the student's transcript. Formal reapplication to the College also may be required

following completion of the suspension period. The meeting of certain requirements may also accompany the suspension, and any readmission can be conditioned on the satisfactory completion and proof of completion of those requirements.

D. CONDUCT PROBATION

Conduct probation is a final and formal warning status issued by the College to the student. Further violations of the Code resulting in a finding of “responsible” will result in suspension or expulsion unless mitigating circumstances or information is identified. Additional restrictions or conditions also may be imposed.

E. CONDUCT REPRIMAND

The student is warned that further misconduct may result in more severe sanctions. The reprimand will indicate that continuation or repetition of specific conduct may be grounds for other sanctions.

F. FINANCIAL RESTITUTION

The student is required to make payment to the College and/or to other persons, groups, or organizations for damage incurred as a result of a violation of this Code or College policies. Damages will include not only direct costs of items involved but also indirect costs of College personnel involved.

G. OTHER SANCTIONS

Other sanctions may be imposed instead of or in addition to those specified in this Code. Additional or other sanctions include, but are not limited to:

1. Loss of privileges, consistent with the offense committed such as:
 - a. On-campus dining privileges;
 - b. Restrictions from representing the College or participating in any extracurricular activity;
 - c. On-campus site restriction (e.g. class only).
2. The assignment of projects;
3. Orders of limited or no contact;
4. Imposition of fines, which will not exceed \$500 for each violation;
5. Confiscation: confiscation for a specified time, of property or materials used in a violation, or are in violation of College policy;
6. Recommended sanctions for alcohol, drugs, and/or substance violations may include but

are not limited to:

- a. Warning, Reprimand, etc.
 - b. Substance Counseling, Referral, etc.
 - c. Parent/Guardian Notification
 - d. \$100 Fine
 - e. Educational Program or Project
 - f. Probation (as listed above)
 - g. Suspension (as listed above)
 - h. Expulsion (as listed above)
7. Statements of understanding: are signed (or mediated) statements that students will abide by all College rules, and policies or specific practices, with the understanding that violation of any rule, regulation, or agreement will result in further sanctions;
 8. Referral to Transitions Counseling, or other outside agency for assessment.

Certain violations of this Code or College policies may result in suspension or expulsion unless specific and significant mitigating factors are present. This can include first time and/or repeated violations. The presence or involvement of alcohol or drugs will not constitute a mitigating factor. The following list of examples is not meant to be comprehensive.

1. Incidents of violence, sexual misconduct, and sexual harassment.
2. Incidents involving drug possession, under the influence and/or use, distribution or sale; including misuse of legal prescription drugs.
3. Incidents of reckless endangerment, misuse of emergency equipment, or any type of smoking or fire resulting from abuse or negligence.
4. Incidents of harm brought to oneself or others (including instances when a student knew or should have known such harm might exist or result). This includes instances of hazing, drug involvement, alcohol abuse, driving under the influence, and reckless driving even when the student thought it was a prank.
5. Incidents involving theft, stealing, or false statements or reports.
6. Repeat offenses.
7. Failing to comply with officials in the performance of their official duties.

8. Acts that constitute a violation of local, state, or federal laws.

I. INTERIM SUSPENSION

The College may suspend a student for an interim period pending conduct proceedings or medical, psychiatric, or psychological evaluation. Such interim suspension becomes effective immediately whenever there is information that the continued presence of a student on College premises or at College sponsored activities poses a substantial threat to self or others, or to the stability and continuity of normal College operations. There may also be circumstances in which it is necessary to invoke an interim suspension in furtherance of an ongoing investigation into a conduct code violation and/or a violation of state law.

A student suspended on an interim basis will be given the opportunity to appear before the administrator within three business days from the effective date of the interim suspension. An informal conference will be held on the following issues only:

1. The reliability of the information concerning the student's conduct, including the matter of their identity.
2. The question as to whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on College premises or at College sponsored activities poses a substantial threat to himself, herself, others, or to the stability and continuance of College functions. In any complaints covered by Title IX (sexual misconduct, sexual harassment, stalking, etc.), the complainant will be given the opportunity to address the appropriateness of interim suspension as well.
3. Respondent(s) who fail to appear at this informal conference are in violation of the Student Code of Conduct for failure to comply with the instructions of a College official and will be subject to disciplinary sanctions.

GENDER AND SEX-BASED MISCONDUCT

INTRODUCTION

Members of the College community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Nicolet College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

OVERVIEW OF EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "No."

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

- A. Sexual Harassment
- B. Non-Consensual Sexual Contact (or attempts to commit same)
- C. Non-Consensual Sexual Intercourse (or attempts to commit same)
- D. Sexual Exploitation

A. SEXUAL HARASSMENT

Sexual Harassment is:

1. unwelcome, gender-based verbal or physical conduct that is;
2. sufficiently severe, persistent or pervasive that it;
3. unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program and/or activities; and is
4. based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

B. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

1. any intentional sexual touching;
2. however slight;
3. with any object;
4. by a man or a woman upon a man or a woman;
5. that is without consent and/or by force.

a. Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

C. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

1. any sexual intercourse;
2. however slight;
3. with any object;
4. by a man or woman upon a man or a woman;
5. that is without consent and/or by force.

a. Intercourse includes:

vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

D. SEXUAL EXPLOITATION

Occurs when a student takes non-consensual or abusive sexual advantage of another

for their advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

1. Invasion of sexual privacy;
2. Prostituting another student;
3. Non-consensual video or audio-taping of sexual activity;
4. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
5. Engaging in voyeurism;
6. Knowingly transmitting an STI or HIV to another student;
7. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
8. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

ADDITIONAL APPLICABLE DEFINITIONS:

A. Consent

Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

1. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
2. Previous relationships or prior consent cannot imply consent to future sexual acts.

B. Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

1. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

2. In order to give effective consent, one must be of legal age.
3. Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
 - a. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
 - (1) This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.
 - b. Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
 - c. The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

SANCTION STATEMENT

- A. Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*
- B. Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*
- C. Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

***The Conduct Body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.**

OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN SEX OR GENDER-BASED)

- A. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- B. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
- C. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- D. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- E. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
- F. Violence between those in an intimate relationship to each other;
- G. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

VICTIM'S BILL OF RIGHTS

In accordance with VAWA Pub. Law 113-4 and the Higher Education Act of 1965 as amended 20 USC 1092 (The Jeanne Clery Act) Nicolet College has adopted the following Victim's Bill of Rights.

All Nicolet College community members have the right to:

- A. Make a report to local law enforcement and/or state police; have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.

- B. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
- C. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- D. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
- E. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
- F. Describe the incident to as few institution representatives as practicable and not be required description of the incident.
- G. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution.
- H. Have access to at least one level of appeal of a determination/
- I. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.
- J. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

CONDUCT HEARING PROCESS

- A. Complaints of a violation of College policy and the Student Code of Conduct may be referred to an Administrative Hearing.
- B. Conduct Officers will hear each case and measure an individual's level of responsibility via the preponderance of the evidence. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not the amount of evidence.
- C. A Respondent may bring written statements and information, as well as material witnesses. Failure to appear at the assigned time without reasonable notice will result in the matter being heard without the benefit of the Respondent's testimony.
- D. Students subject to an Administrative Hearing are afforded the following procedural

protection:

Notice of hearing is emailed to the student with a scheduled hearing at least three business days after the notification is sent. The notice of hearing will include the reason for the meeting, including the date and location of the incident, if applicable, as well as potential charges the student may be facing. The list of potential charges may be expanded during the meeting, if deemed appropriate by the hearing officer.

At the initial hearing the student will be provided a copy of the incident report and have the opportunity to review the report prior to answering questions related to the matter.

After the hearing concludes, the hearing officer will determine if the student is being held responsible for any policy violations within 5 business days and send an outcome letter to the student via the student's Nicolet College email address. In cases involving sexual misconduct, the outcome letter will be sent to both the complainant and the respondent.

If the student is found responsible for a policy violation, the outcome letter will state any associated sanctions and applicable due dates. These dates must be abided by to avoid further policy violations, such as failure to comply with or complete sanctions.

Students have the right to appeal decisions made by the hearing officer, as outlined in the Appeal Process section below.

APPEAL PROCEDURES

A student wishing to appeal a decision made by a hearing officer, has five days from the date of the outcome letter to do so. To file an appeal, a student needs to complete the Student Conduct Appeal form found through MyNicolet.

Students have the right to appeal the decision of the hearing officer (being found responsible for a policy violation), the sanction associated with the decision, and/or a due process violation. In cases of sexual misconduct, the complainant will be notified of the filing of an appeal.

After filing the appeal form, the student will receive a response within three business days as to whether or not the appeal will be heard or if the decision of the hearing officer will stand. If a hearing is granted, the student will receive an Appeal Hearing Notification via their Nicolet College email. The Appeal Hearing will occur at least three business days after the notification is sent. In cases of sexual misconduct, the complainant will be notified of the date of the Appeal Hearing.

After the hearing concludes, the appeal officer will determine if the decision and/or sanction from the initial conduct hearing stands within 5 business days and send an outcome letter to the student via the student's Nicolet College email address. In cases involving sexual misconduct, the outcome letter will be sent to both the complainant and the respondent.

A student who is still dissatisfied with the outcome or believes that there is a due process violation will be directed to follow the student grievance process.

APPEALS CONCERNING MATTERS OF SEXUAL MISCONDUCT

Either party may submit a written request for an appeal to the Director of Student Success. In the request, the party must identify the specific grounds upon which the appeal is based and must provide all of the detail the appealing party wants considered in support of the appeal. The Director of Student Success will convene an appeal within five (5) business days of receiving the appeal request.

Where an appeal is requested by the Respondent, the Complainant will be provided with a copy of the Respondent's appeal and invited to respond. Where an appeal is requested by the Complainant, the Respondent will be provided with a copy of the Complainant's appeal and invited to respond. However, in either case, the Appeals Officer will review the appeal statement to determine whether the information contained therein is relevant and material to the determination of the appeal and, in general, the Appeals Officer may redact information that is irrelevant, more prejudicial to a party or witness than probative, an unwarranted invasion of an individual's privacy, or immaterial. The Appeals Officer may also redact statements of personal opinions rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Within seven (7) days of an appeal being filed, the Appeals Officer will schedule a meeting for consideration and disposition of the appeal. The Appeals Officer will be given access to the investigation materials that were made available to the initial Conduct Officer. In considering the appeal, the Appeals Officer may request additional information. Normally, the parties will not appear before the Appeals Officer, though they may be summoned at the discretion of the Appeals Officer.

The Appeals Officer may:

- A. Uphold the original decision;
- B. Remand the matter back to the original hearing body. The Appeals Officer may (but is not required to) take this action when there is a procedural irregularity that could be corrected in a review of the presentation of previously unavailable relevant information that could significantly impact the result of the original hearing body's determination;
- C. Remand the matter to the original Conduct Officer with a recommendation that the penalty be modified, together with an explanation of why the original penalty is deemed inappropriate; or
- D. Remand the matter to an ad hoc review panel composed of authorized individuals not previously involved in the matter. This will be done only in extraordinary cases when, in

the consideration opinion of the Appeals Officer, the matter would be best addressed by a newly-constituted body.

Any determination made following a remand of a matter is subject to the Appeals Officer utilizing this same process. In that case, the Appeals Officer may then issue a final determination on the matter.

If there is a conflict of interest, a new Conduct Officer will be appointed as the Appeals Officer. The assigned Appeals Officer concerned of a conflict of interest will provide the Director of Student Success with written notice of their decision, including grounds for the decision, within no fewer than 48 hours of the schedule appeal.

A record of the appeal will consist of the letter of appeal; any written statements from the parties, and the written decision that acceptable grounds for any appeal were not asserted (if that is the case), and the outcome of the appeal. This record will be appended to the written record of the original decision and will be kept with it as part of the case file maintained by the Director of Risk, Compliance, and Security.

Decisions of the Appeals Officers are final.

ACCESS TO INFORMATION AND RECORDS

- A. All information pertaining to investigations and hearing proceedings may be shared only with College employees who have a legitimate educational interest in the information.
- B. Students who wish to review and examine their files in the Student Conduct Office may do so in accordance with the Family Educational Rights and Privacy Act of 1974, as amended. Students must submit a request at least 24 hours in advance.
- C. Any student who harms him/herself or others, resulting in a medical or emergency, should expect that their parents or whoever is listed on the College's emergency notification form may be contacted without permission from the students.
- D. Complainants(s) of any crime of violence will be given written simultaneous notice of the outcome and any sanctions resulting from the complaint they filed.
- E. Parental Notification: The College believes that parental involvement can be vital to student success. Therefore, Nicolet College may speak to parents or guardians to discuss impending or completed conduct actions, to the extent permitted by law:
 - 1. Notification may be made to parents of any student who is a dependent, regardless of age.
 - 2. Notification may be made to the parents/guardians of students who have violated policies that are "crimes of violence."
 - 3. Notification may be made to parents/guardians of students who are under age 21 when those students have committed violations of the College's alcohol and drug policies.
 - 4. Notification may be made to parents/guardians whenever their student faces an emergency health and/or safety risk.

DEFINITIONS

- A. **“Conduct Hearing”** means a procedure for resolving complaints conducted by an appointed Nicolet College Conduct Officer.
- B. **“Code”** means the Nicolet College Student Code of Conduct.
- C. **“Distribution”** means sharing, the sale, exchanging, gifting, or giving.
- D. **“Organization”** means a number of persons who are associated with each other and have complied with College requirements for registration as an organization.
- E. **“Group”** means a number of persons who are associated with each other and who have not complied with College requirements for registration as an organization.
- F. **“College”** means Nicolet College.
- G. **“Recklessness and/or negligence”** means conduct which one should reasonably be expected to know could create a substantial risk or harm to persons or property or would be likely to interfere with normal College operations.
- H. **“Preponderance of the Evidence”** The federally mandated standard of evidence used to determine whether a violation of the Code has been committed. Under the preponderance of the evidence standard, a violation will be determined to have occurred if, based upon the evidence presented, College authorities conclude that it is more likely than not that the violation was committed. The “Preponderance of the Evidence” standard may also be noted or referred to as “More Likely than Not”.
- I. **“Hearsay information”** is information of a statement other than information stated by a material witness while testifying at the hearing and that is offered to support either the complainant or respondent’s case.
- J. **“Student”** Any person who is currently enrolled and actively engaged in a post-secondary credit course, adult apprenticeship, and/or adult basic education with Nicolet College.
- K. **“Accused Student”** means any student formally accused of violating any policy of the College.
- L. **“College premises”** means buildings or grounds owned, leased, operated, controlled, or directly supervised by the College.
- M. **“College policies”** means:
 - 1. Any and all rules and policies set forth by Nicolet College, or any publication regularly distributed to students.

N. Policies, rules, and values regulating student conduct published by Nicolet College.

“Sexual Activity” means:

1. Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts or object; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
 2. Intercourse, meaning vaginal or anal penetration, however slight, by a penis, object, tongue or finger, or oral copulation (mouth to genital contact or genital to mouth contact).
- O. **“Hazing”** means any method of initiation into a student organization/group or any pastime or amusement which threatens, intimidates, causes, or is likely to cause bodily, physical, or emotional harm or injury to any student, employee, or guest of the College as part of a new member process, initiation affiliation or similar activities with respect to the group/organization, regardless of the physical cooperation with or submission to the activities by the victim. Hazing does not refer to customary athletic events or similar contests of competitions.
- P. **“Weapon”** means any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including but not limited to firearms and ammunition, bows and arrows, BB/pellet/air soft guns, paint guns, or any device capable of projecting an object that is capable of causing serious physical injury or death, knives with blades exceeding 2.5 inches in length.
- Q. **“College Official”** means any employee of the College to whom authority has been delegated by an authorized individual.
- R. **“Executive Vice President”** means the Executive Vice President of Academic and Student Affairs.
- S. **“Administrator”** means the Administrator responsible for Student Conduct (also referred to as the Conduct Officer).
- T. **“President”** means the President of Nicolet College.
- U. **“Designee”** means an administrator assigned by authorized personnel with the granting authority who is responsible for a student conduct matter.
- V. **“Presiding Officer”** means the Presiding Officer of Conduct Hearing.

- W. **“College Student Conduct System”** refers to the system outlined in this Student Code of Conduct.
- X. **“Advisor”** means an individual who offers moral support to the student. Within the Conduct Hearing process, both the Complainant and the Respondent are entitled at any meeting or other proceeding which is a part of the investigation and at which the Complainant or the Respondent are present to be accompanied by an Advisor of their choice – including an attorney at law. Such Advisor may be present but may not participate in the meeting or proceeding in any other manner and may not serve as an advocate or spokesperson.
- Y. **“Procedural Opportunity”** means the accused student(s) will have notice of an alleged violation at or before an informal, non-adversarial meeting with the Administrator or designee to respond to any matters pertaining to the complaint filed against them.

IN THE ENFORCEMENT OF THIS CODE, THE COLLEGE’S STUDENT CONDUCT SYSTEM FUNCTIONS IN AN ADMINISTRATIVE MANNER. THE COLLEGE'S ADMINISTRATIVE PROCESS PROMOTES FUNDAMENTAL FAIRNESS BUT DOES NOT FOLLOW THE TRADITIONAL COMMON LAW ADVERSARIAL METHOD OF A COURT OF LAW, NOR SHOULD THE COLLEGE’S STUDENT JUDICIAL PROCESS BE CONSIDERED AN EXTENSION OF A COURT OF LAW.

Grievance Procedure for Nicolet College Students

Under Board of Trustees policy BP 4.03, students have the right, using the Complaint and Grievance Procedure for Nicolet College Students, to:

- A. Appeal sanctions imposed for behavioral or academic misconduct;
- B. Contest a policy or practice of the College or College staff that is considered improper or unfair, or;
- C. Contest situations where there has been deviation from or misapplication of a policy or practice unrelated to discrimination.

For the purposes of this procedure, *days* are defined as Monday through Friday when the College is open for business. Weekends, holidays and days when the College is closed are excluded.

Step 1- Grievance Procedure

A student must take the following steps to try to resolve the issues or concerns prior to filing a formal grievance:

https://publicdocs.maxient.com/reportingform.php?NicoletCollege&layout_id=2

1. If a student has not been able to informally resolve an issue with the appropriate College employee, the student must initiate this action within ten (10) days of the date of occurrence. The College employee will also inform the student of the appeal process.
2. If resolution is not achieved at the College employee level, the student should appeal to the employee's immediate supervisor or designee to resolve the complaint. The appeal must be initiated within ten (10) days of the employee's decision and the supervisor must respond within three (3) days of the student initiating the appeal.
3. If resolution is not achieved at the supervisory level, the next level of appeal is with the supervisor's Vice President or designee. The appeal must be initiated within ten (10) days of the supervisor's decision. The Vice President or designee must respond with a written determination to the student within three (3) days of the student initiating the Vice President or designee appeal. The Vice President or designee will also inform the student of the steps in the grievance process.
4. If the student disagrees with the decision, the student may file an appeal to a Hearing Committee in Maxient. The Hearing Committee has three (3) days to respond to the appeal request. The Hearing Committee will have ten (10) days to make a decision and send recommendations to the College President. Upon receiving the recommendations, the College President will have three (3) days to render a final decision.

Wisconsin Technical College System (WTCS) Complaint Process

If a student believes there has been misinterpretation or misapplication of Nicolet policy or procedure, and that such misinterpretation or misapplication falls into one of the three categories listed below, they may file a complaint with the Wisconsin Technical College System office.

Students who attend a college that is part of the WTCS can file complaints at the state level in three categories defined by the United States Department of Education:

- A. Complaints that allege violations of Wisconsin consumer protection laws, including but not limited to false advertising;
- B. Complaints that allege violations of Wisconsin laws related to the licensure of postsecondary institutions; or
- C. Complaints relating to the quality of education or other State or accreditation requirements.

A student who reasonably believes that a violation has occurred in one or more of these categories may file a written complaint. Complaints must be signed by the student and submitted on the official Student Complaint Form, available at:

http://www.wtcsystem.edu/student_complaints.htm.

Complaints must be filed within one year from the date of the alleged violation or the last recorded date of attendance, whichever is later. The WTCS will review complaints only after students attempt to resolve the matter through applicable College appeals or complaint processes.

By signing and submitting a complaint form, the student consents to disclosure by Nicolet College or the WTCS of any protected or confidential information that may be needed to review, investigate, and/or resolve the complaint; this includes referring complaints to another organization with jurisdiction and authority over the issue. The student also agrees to provide requested information and/or respond to questions about the complaint; failure to provide requested information or respond to questions about the complaint may result in the WTCS dismissing the complaint.

Notice: Under the Wisconsin Public Records Law, Ch. 19, Wis. Stats., any record or document that is part of the complaint review may be subject to disclosure upon request by a member of the public upon conclusion of WTCS action on the complaint, unless specifically exempt under law.

STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA) GRIEVANCES

The State Authorization Reciprocity Agreement (SARA) allows institutions to provide online distance learning to students who reside in other states without having to obtain the state's authorization. Institutions must abide by the SARA Terms and Conditions and obtain approval each year to remain a part of SARA. Part of SARA's requirements include the creation of a complaint process in accordance with Wis. Stats. Ch. 39.85, et al. This state law provides that any current or former student who is enrolled in an online distance education program with an institution that has been approved to offer distance education programs pursuant to the State

Authorization Reciprocity Agreement (SARA) may file a complaint against the institution. This complaint process shall only apply to the distance education activity of the institution which is conducted across state lines. No other complaints shall be considered by the Distance Learning Authorization Board (DLAB). However, other resolution options may be available to the complainant as noted below.

For purposes of this process, a complaint shall be defined as a formal assertion in writing that the terms of this agreement, or of laws, standards or regulations incorporated by the State Authorization Reciprocity Agreements Policies and Standards (SARA Policies and Standards) are being violated by a person, institution, state, agency or other organization or entity operating under the terms of SARA. If you believe you have a complaint or dispute that fits under the terms of SARA, please complete the online form and submit it within the time frames provided. There are also FAQs to assist you in answering any questions you may have about the [DLAB Complaint Process](#).

The DLAB has jurisdiction to consider only complaints or disputes that include the following criteria and factors:

- A. The institution participates in the State Authorization Reciprocity Agreement through the approval of the State of Wisconsin Distance Learning Authorization Board (DLAB) to offer distance education programs out of state; and
- B. The complainant has exhausted all internal complaint or grievance options available at the institution and no acceptable outcome was reached; and
- C. The complaint relates to an issue, dispute or incident involving the distance education program being offered by the institution which occurred within two (2) calendar years from the date of the alleged violation(s); and
- D. One or more of the allegations relate to the complaint:
 1. The institution's distance education program does not meet the state authorization requirements in Section 3 (Institutions and Participation) of the *SARA Policy and Standards*; or

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2. The institution violated Section 4 (Consumer Protection) of the SARA Policy and Standards; or
3. The institution's distance education program does not meet any other standards established by the institution's accrediting agency or SARA.

The DLAB has no statutory or lawful authority or responsibility to respond to complaints related to course grades, academic sanctions or discipline/conduct matters in regard to any institution within the State of Wisconsin.

DRUG FREE SCHOOLS AND COMMUNITY ACT

HEALTH RISKS OF ALCOHOL AND OTHER DRUG USE

Alcohol

Psychologically and physically addictive; respiratory depression; depression of the immune system; increased risk of heart disease, cancer, accidents, hypertension; brain damage to unborn fetus; impotence at high dosage levels. Specific effects include:

- **Brain** – The most dramatic and noticed effect alcohol has is on the brain. It produces lack of coordination, confusion, disorientation, stupor, anesthesia, coma, and finally death.
- **Liver** – alcohol inflames and destroys the cells of the liver. This condition prevents bile from being properly filtered through the liver. Jaundice develops, turning the whites of the eyes and the skin yellow.
- **Heart** – Alcohol causes inflammation of the heart muscle.
- **Pancreas** – Alcohol irritates the cells of the pancreas and can lead to acute hemorrhagic pancreatitis. Pancreatitis can destroy the pancreas and create a lack of insulin.
- **Stomach and Intestines** – Alcohol also irritates the stomach's protective lining and can result in gastric or duodenal ulcers. In the small intestine, alcohol blocks absorption of substances such as thiamine, folic acid, vitamin B1, vitamin B12, and amino acids.

Cannabis (Marijuana, Hashish)

Psychologically addictive; increased risk of lung cancer, bronchitis, and emphysema; contributes to heart disease, fatigue, paranoia, possible psychosis; withdrawal symptoms including insomnia, hyperactivity and decreased appetite; depression of the immune system; decreased sperm count in men and irregular ovulation in women.

Stimulants (Cocaine, Crack, Amphetamines, Methamphetamine)

Psychologically and physically addictive; withdrawal symptoms, convulsions, respiratory failure, frequent accidents; increased blood pressure which can lead to irregular heartbeat and death; possible damage to unborn fetus.

Depressants (Barbiturates, Tranquilizers)

Psychologically and physically addictive; drowsiness, withdrawal symptoms, tremors, abdominal and muscle cramps, insomnia, anxiety, convulsions, possible death; possible damage to unborn fetus; potentially fatal when combined with alcohol.

Hallucinogens (LSD, PCP, Ecstasy, Psilocybin)

Psychologically addictive, unpredictable behavior, depression, withdrawal symptoms, convulsions, death, possible damage to unborn fetus.

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Inhalants (Glue, Gasoline, Paint, Aerosols)

Psychologically and physically addictive; blurred vision; damage to lungs, liver, kidneys and bone marrow; anemia, choking, suffocation, death.

Narcotics (Heroin, Codeine, Darvon, Morphine, Vicodin, OxyContin, Synthetic Opiates)

Psychologically and physically addictive; depression, withdrawal symptoms, convulsions, coma and death; possible damage to unborn fetus.

Tobacco (All Forms)

- **Mouth, Larynx and Esophagus**—Smokers have three times as many cavities as non-smokers. Tobacco, both smoked and smokeless, is the leading cause of cancers of the cheeks, gums, palate, tongue and lips. Smokers lose their teeth at a rate three times greater than nonsmokers do. A one pack-a-day smoker increases their chances of cancer of the esophagus by as much as 500%.
- **Stomach and Heart**—Peptic ulcers are twice as high in smokers as nonsmokers. Nicotine from any source causes secretion of excessive amounts of gastric acids, and delays healing of ulcers. Nicotine is a powerful constrictor of the small arteries. Insufficient oxygen supply to the heart is a cause of heart attacks.
- **Pancreas, Bladder, and Kidneys**—Smokers have a 100% increased risk of developing cancer of the pancreas, three times the risk of bladder cancer, and a 50% greater risk of kidney cancer. Carcinogens absorbed from cigarette smoke and smokeless tobacco can concentrate and be excreted in the urine. The bladder and the kidneys are in constant contact with these cancer-causing chemicals.
- **Bronchial Tubes and Lungs**—Smoking causes the lungs and bronchial tubes to be inflamed and congested. Chronic bronchitis predisposes smokers to emphysema, an incurable lung disease. Emphysema is characterized by stretching and breaking of the tiny air sacs of the lungs, making them useless for breathing. Cigarette smokers are ten times more likely to die of lung cancer than nonsmokers.
- **Reproduction**—Smoking more than a half pack daily is associated with higher incidence of infertility in women. Babies born to women who smoke can cause a baby to be born too early and have a low birth weight than those born to nonsmokers. This is important because birth weight is a predictor of infant health. Women who take birth control pills and who smoke are at greater risk of cancer.
- **Brain**—A combination of high blood pressure and smoking is associated with stroke, the third leading cause of death in the U.S. Nicotine from any source constricts blood vessels and restricts oxygen supply.

For more drug and alcohol information visit: [Wisconsin Epidemiological Profile on Alcohol and Other Drug Use, 2012](#) or [Alcohol and Other Drug Use Statistics](#).

DRUG FREE SCHOOLS AND COMMUNITY ACT

FEDERAL AND STATE OF WISCONSIN LEGAL SANCTIONS

Federal

The federal government has revised the penalties against drug possession and trafficking through its Federal Sentencing Guidelines that reduce the discretion that federal judges may use in sentencing offenders of federal drug statutes. Under these guidelines, courts can sentence a person for up to six years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana. A sentence of life imprisonment can result from a conviction of possessions of a controlled substance that results in death or bodily injury. Possession of more than 5 grams of cocaine can trigger intent to distribute penalty of 10-16 years in prison, U.S.S.G.s. 2D2.1(b)(1). Additional federal sanctions are located at the following link: [Title 21 United States Code \(USC\) Controlled Substances Act](#)

Wisconsin

The laws of Wisconsin prohibit drug possession and delivery through the Uniform Controlled Substances Act, Wis. Statute 961, and mandate stiff penalties that include up to 40 years of prison and fines up to \$100,000. A person with a first-time conviction of possession of a controlled substance can be sentenced up to 6 years in prison and fined up to \$10,000, [Wis. Statute 961.41](#).

The penalties vary according to amount and type of drug confiscated, previous offenses, and intent to manufacture, sell, or use the drug. See Wis. Statute 961.41. Sentences can be enhanced when exacerbating factors are present, such as when a person distributes a controlled substance to a minor, Wis. Statute 961.46.

Substantial restrictions against alcohol abuse also exist. It is against the law to sell alcohol to anyone who has not reached the legal drinking age of 21 and there is a concurrent duty on the part of an adult to prevent the illegal consumption of alcohol on their premises, [Wis. Statute 125.07](#). Violation of the statute can result in a \$500 fine for a first violation and up to \$10,000 for additional violations.

It is against the law for underage persons to attempt to buy an alcoholic beverage, falsely represent their age, or enter licensed premises and they can be fined \$500, ordered to participate in a supervised work program, and have their driver's license suspended, Wis. Statute 125.07. Harsher penalties exist for the retailers of alcoholic beverages, including up to 90 days in jail and revocation of their liquor permit.

For specific information regarding **underage drinking laws** and [drinking/driving laws](#), contact the Director of Security at 715-365-4420.

Resources

On-Campus

Students who are concerned about their own use of alcohol and/or other drugs or about the use of someone close to them are encouraged to contact Transitions Counseling for more information and/or assessment and referral as appropriate. Contact Transitions Counseling at 715-365-4448 to schedule an appointment.

Off-Campus

The Wisconsin Department of Health Services, through its Division of Care and Treatment Services, publishes a comprehensive pamphlet listing facilities around the state that provide treatment for drug and alcohol addiction. The link: [Wisconsin Alcohol and Drug Abuse Services Directory](#) is a list of frequently requested substance use services resources for partners and providers from the Division of Care and Treatment Services.

Additional Drug and Alcohol Abuse Information

- The Substance Abuse and Mental Health Services Administration: www.samhsa.gov
- National Clearinghouse for Alcohol and Drug Information: 800-622-2255 (to identify a NCADD affiliate nearby)
- Alcoholics Anonymous (AA) National Office: 212-870-3400
- Wisconsin Alcoholics Anonymous (AA) Crisis Hotline: 800-729-6686
- Northern Wisconsin Alcoholics Anonymous (Area 74, District 10) 715-367-7920
- Al-Anon Family Group Headquarters, Inc.: 715-563-1600
- Wisconsin Narcotics Anonymous- Woods & Waters Area Service Committee (WWASC; serving the Rhinelander/Minocqua area): 866-310-9077

Outpatient Services

Ministry Behavioral Health
622 Mason St.
Rhinelander, WI 54501
715-361-2210 (Local)
888-299-1188 (Toll Free)

Kohler Behavioral Health
150 Hospital Rd.
Eagle River, WI 54521
715-479-4585 (Local)
888-299-1188 (Toll Free)

Kohler Behavioral Health
Facilities 311 St. / P.O. Box 470
Woodruff WI, 54568
715-356-8540 (Local)
888-299-1188 (Toll Free)

North Central Health Care
213 Wisconsin Avenue
Tomahawk, WI 54487
715-453-5381 (Local)

Ascension Koller Behavioral Health
1020 Kabel Avenue
Rhinelander, WI 54501

(Outpatient Services)
715-361-2020 (Inpatient Services)

Ministry Behavioral
Eagle River Area
930 E. Wall Street
Eagle River, WI 54521 715-361-2805
715-479-4585 (Local)

Alcohol and Drug Use - Resources

North Central Health Care Facilities Oneida Human Service Center
Langlade Health Care Center 705 E. Timber Drive
1225 Langlade Rd Rhinelander, WI 54501
Antigo, WI 54409 715-369-2215 (Local)
715-627-6694 (Local)
800-799-0122 (Toll Free)

Options Treatment Programs, Inc.
722 E. Wall Street, Eagle River, WI 715-477-2875 – (Local)
9433 Co Road J., Minocqua, WI 715-356-5377 (Local)
705 E. Timber Drive, Rhinelander WI 715-369-7300 (Local) or (888-222-1188 (Toll Free))

Transitions Center, LLC
22 N. Pelham Street
Rhinelander, WI 54501
715-365-6696 (Local)

Crisis Intervention

Brown County Crisis Line (covers Forest, Iron, Oneida, Vilas County)
Confidential - 24 hour crisis line 888-299-1188 (Toll Free)

TRI-County Crisis Line; a confidential, 24-hour, 7-days-per-week crisis line 800-236-1222 (Toll Free)

Tribal Resources

Family Resource Center	Sokoagon Chippewa Health Clinic
Chippewa Health Center	3144 Van Zile Street
533 Peace Pipe Road	Argonne, WI 54511
Lac du Flambeau, WI 54538	715-478-5180
715-588-1511 (Local)	

Forest County Potawatomi Tribal Health and Wellness (AODA Services)
8201 Mish Ko Swen Drive., Crandon, WI 54520 Telephone: 715-478-4300

Inpatient Services/AODA

Behavioral Health Services / Memorial Medical Center
1635 Maple Lane
Ashland, WI 54806
715-685-5400 (Local) (outpatient)
800-472-2800 (Toll Free)
715-682-8217 (24-Hour Crisis Hotline)

Inpatient Services (Mental Health)

Ministry Saint Mary's Hospital/Ascension
2251 N. Shore Drive
Rhinelander, WI 54501
715-361-2020 (Local)
800-578-0840 (Toll Free)

Residential Treatment Facilities (Koinonia)

(Adult only Treatment Facility)
1991 E. Winnebago St.
Rhinelander, WI 54501
715-362-5745 (Local)
800-864-3009 (Toll Free)
888-299-1188 (Toll Free) Mental Health Crisis Hotline

How to Help

Warning Signs

If you know someone who has problems related to drinking alcohol or other drug use, you're not alone. If your friend exhibits any of the following warning signs encourage them to speak to someone.

- Try to hide their drinking or other drug use.
- Not remember what happened while they were using drugs or drinking.
- Have problems in job or school performance.
- Take physical risks while intoxicated, such as driving, biking or swimming.
- Avoid talking about drinking or drug use, except to brag about how much was drunk or how high they got.
- Think about getting high a lot.
- Limit friends to those who drink or use drugs.
- Seem unable to have a good time or to party unless alcohol or drugs are available.
- Say they sometimes need a drink or drugs.
- Get angry when you mention your concerns about their drinking/drugs and deny that there's anything wrong.
- Have a history of alcohol or other drug problems in the family.

How You Can Help

First, learn more about alcohol and other drug abuse. Libraries, alcohol and other drug information agencies and treatment centers are good resources for more information.

Next, find out where your friend can get help on campus or in your community. See the Resources available section in this document. Having resource information available if and when your friend wants it will pay off. Most people who seek help for alcohol or drug problems get better.

Let your friend know how much you care. Explain how their drinking and/or drug use affects you and your friendship. Use your own words and say what is right for you. Be honest and specific. Say exactly what makes you unhappy and how those problems relate to drinking and/or drugs.

Don't get discouraged if your friend gets angry, refuses to listen, or denies they have a problem. These reactions are common in someone who has alcohol or other drug problems. All you can do is say how you feel, show that you care, and suggest them. Only your friend can make the final decision to get help.

AP 2.02 PRIVACY OF RECORDS – RELEASE OF INFORMATION POLICY (SEPT. 2018)



POLICY

<p>Title: Privacy of Records – Release of Information</p>	<p>Number: AP 2.02</p> <p>Adopted: March 1995</p> <p>Reviewed: September 2018</p> <p>Revised: September 2018</p>
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The Nicolet College policy on record privacy and releasing information follows the directives outlined in the Family Education Rights and Privacy Act (FERPA), the federal law governing the protection of educational records. FERPA rights begin after the student is accepted at Nicolet College and starts classes.

Only the student may authorize the release of their personally identifiable information (PII) in an education record. All such authorizations must be in writing. A fee will be assessed for copying all or a portion of a student record, except those students governed by the provisions of the European Union General Data Protection Regulation (EU GDPR) in which no fee will be assessed.

Notification

Students and stakeholders can find this policy on the website, or may obtain a copy of the policy from the Welcome Center in the Red Oak Center. Additionally, registered students will be notified of this policy annually via all-student email.

Student Rights Under FERPA

1. Students have a right to inspect and review their own educational records. The student must submit a signed, written request to the Registrar that identifies the record(s) they wish to inspect. The Registrar will make arrangements for access within 45 days and notify the student when and where the records may be inspected, except those students governed by the provisions of the EU GDPR in which students will be given electronic access, if requested, within 30 days. Before being allowed to view the record, the student must present official photo identification.
2. Students have a right to request the amendment of educational records that they believe are inaccurate or misleading. The student must present a written request to the Registrar, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading.

If the Registrar denies the request to amend the record, the Registrar will notify the student and advise them of the right to appeal the decision using the Complaint and Grievance Procedure for Nicolet College Students, in AP 1.06 Student Standards of Conduct.

3. Students have a right to grant [written consent](#) to disclosures of personally identifiable information contained in their own education record; FERPA authorizes some disclosures without consent.
4. A record of disclosures will be maintained within a student’s file indicating when information has been released from that file and to whom, except for disclosures for legitimate educational

interest. Students will not be notified of legally restricted disclosures or disclosures for legitimate educational interest.

5. Students have the right to restrict the disclosure of *Directory Information*. To restrict the disclosure of *Directory Information*, a student must file a [written request](#) with the Registrar. This request to restrict disclosure of *Directory Information* will be honored until the student notifies the Registrar, in writing, to the contrary (see section on Directory Information below).
6. Students who suspect a FERPA violation has occurred should contact the Registrar. Students also have a right to file a complaint with the U.S. Department of Education concerning alleged failures of the College to comply with requirements of FERPA.

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

EXCEPTIONS UNDER FERPA

Under certain conditions, personally identifiable information can be released without student consent. These exceptions include:

Directory Information

The use of the term *Directory Information* does not mean that the College actually has a document containing Student Directory Information, or that the College has any obligation to produce such a document. The term *Directory Information* is a legal term applying to information that the College can release, without student consent, to any third party.

The College has defined *Directory Information* as the following:

- Student name
- Enrollment status and credit load
- Date of Birth
- Major field of study
- Classification and year
- Dates of enrollment
- Expected graduation date
- Types of degrees/diplomas/certificates and date granted
- Academic honors/awards received and date granted
- Photos/videos of students for use in College press releases, publications, and web sites
- Nicolet College assigned student email addresses

U.S. Military

According to the Solomon Amendment, the College must release the student's name, address, phone number, date of birth, class level, degrees received, major, and the most previous educational institution in which the student was enrolled to the U.S. Armed Forces.

Authorized Federal, State, and Local Authorities

Student authorization is not required to disclose PII to an authorized representative of the following individuals or entities:

- The Comptroller General of the United States
- The Secretary of the U.S. Department of Education
- State educational authorities
- Accrediting organizations
- Agencies involving an audit or evaluation of compliance with education programs

Financial Aid

The College may disclose PII from a student's education record without the student's consent if the information disclosed is necessary to determine the eligibility for financial aid; determine the amount of the aid; determine the conditions for the aid; and/or enforce the terms and conditions of the aid. The disclosure of PII to Employers, Native American Tribal Education Departments, Division of Vocational Rehabilitation, and the Veterans Administration is permissible as long as the disclosure of PII is in connection with the payment of financial aid funds for which the student has applied or has already received.

Studies

The College may disclose PII from a student's education record without the student's consent to organizations conducting studies for, or on behalf of, Nicolet College.

Other Educational Institutions

Personally identifiable information can be released to other schools where the student is dually enrolled, seeks, or intends to enroll.

Emergency Situations

Personally identifiable information can be released to law enforcement personnel, emergency personnel, and College officials in an emergency to protect the health or safety of students or other persons.

Legitimate Educational Interest

Officials of the College who have a legitimate educational interest may have access to student records without obtaining consent from the student.

Officials of the College are defined as

- persons employed by the College in an administrative, supervisory, academic, research, or support staff position,
- persons serving on College governing bodies, and
- persons employed by or under contract to the College to perform a specific task, such as an attorney, auditor, or collection agent.

An official has a legitimate educational interest if they need to

- perform duties specified in their job description or under terms of contractual agreement;
- provide campus services related to a student, such as advising, financial aid, and counseling;
- conduct tasks related to a student's education, campus discipline or security.

Judicial Order

Personally identifiable information must be released to comply with a judicial order or lawfully issued subpoena. Unless the court (or other issuing agency) has ordered that the existence or the contents of the subpoena or judicial order not be disclosed, the College will make a reasonable effort to notify the student before complying so that the student may seek protective action.

Grievance Hearing

Information about a student or students involved in a grievance investigation may be released to members of the grievance committee, including any students assigned to that committee, if such information applies to the investigation.

Disciplinary Hearing

The results of a disciplinary hearing may be released to an alleged victim of a crime of violence or a non-forcible sex offense without the permission of the accused.

U.S. Patriot Act

The College must release, without consent or knowledge of the student, personally identifiable information from the student's education record to the Attorney General of the United States or designee in connection with the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of Title 18, U.S. Code.

AP 3.01 CAMPUS SECURITY POLICY

**POLICY**

Title: Campus Security	Number: AP 3.01
	Adopted: November 1997
	Reviewed: March 2017
	Revised: March 2017

Campus Reference Materials

Complete information related to the above-listed areas is contained in the following media:

1. College Safety and Security Resource Guide

This document is compiled annually and contains all of the 20 USC Sec. 1092(F) Clery Act reporting requirements, Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), and Family Education Rights and Privacy Act (FERPA) 20 USC Sec.1232(g) notification. The guide is emailed annually to all employees and to students enrolled in credit courses prior to October 1st.

2. Annual Cleary Crime Statistics

3. Emergency Response Guide

This is a quick reference guide for various emergency situations. The guide is provided to all new employees and can be found in all classrooms.

4. Emergency Response Plan

This is a complete detailed document for all emergency responses and business continuity planning. The document is only intended for use by the Emergency Response Team and emergency responding agencies.

Campus Security Authorities

- Members of the Emergency Response Team
- Campus Security Staff
- Student Conduct Committee
- Human Resources Staff
- College Administration

Emergency Contact Number: Police, Fire, and Medical call 911

Non-Emergency Contact Numbers

- Campus Security 715-365-4420
- Emergency Response Team 715-365-4999
- Facilities 715-365-4419
- Information Technologies Department 715-365-4478
- Welcome Center 715-365-4493
- Minocqua Police Department 715-356-3234
- Oneida County Sheriff's Department 715-361-5100

Security and Access to Campus Facilities

The College has Campus Security; however, they do not have arrest powers. The security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the College. College security officers have the authority to issue parking tickets, College tobacco violation tickets, and to enforce College policy.

The College uses local law enforcement agencies that have jurisdiction over the Rhinelander Campus and Outreach Centers to investigate and enforce ordinances and criminal laws. The Oneida County Sheriff's Department has jurisdiction over the Rhinelander Campus. The Minocqua Police Department has primary jurisdiction over the Lakeland Outreach Center. These departments periodically patrol both locations.

The College is a non-residential college and therefore does not provide 24-hour security coverage. Facilities and security personnel patrol the grounds of the Rhinelander Campus while the campus is open. College staff regularly check outdoor pathway lighting and egress lighting in hallways and stairwells. Facilities personnel also maintain the Lakeland Outreach Center.

The Rhinelander Campus and the Lakeland Outreach Center are accessible to students, staff, and the general public during normal business hours. However, the campus grounds at both locations are open to vehicular and pedestrian access 24 hours a day, seven days a week. The College-controlled buildings are locked when not in use. All buildings on the Rhinelander Campus and the Lakeland Outreach Center use a card access system and digital video systems.

The College does not have any officially-recognized student organizations with off-campus locations.

Possession, Use, and Sale of Alcohol and Illegal Drugs

As outlined in Alcohol and Drug Use AP 4.05, the College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, including but not limited to alcohol, prescription, and illicit drugs on any College-controlled premise or College-sponsored event. Information on alcohol and drug addiction treatment centers and clinics is available in the College Safety and Security Resource Guide. Sanctions for individuals who violate College policies may include expulsion and/or termination from the College, with referral to local law enforcement for violations of local ordinances and criminal laws.

Emergency Response Guide and Evacuation Procedures

Each classroom has a hardcopy or electronic access to an Emergency Response Guide and maps indicating what to do in the event of most emergency situations. This includes shelter locations for severe weather and evacuation routes and staging areas for fire emergencies.

The Emergency Response Guide can also be viewed on the College website. The College holds evacuation and/or shelter in place drills at least once each academic year. The College also conducts safety and security related tabletop exercises in new employee orientations. Please review the Emergency Response Guide regularly to be prepared in the event of an emergency.

Crime Prevention and Security Procedures

The College prohibits domestic violence, dating violence, sexual assault, stalking, and any other criminal activities. Crime prevention, security procedures, and practice information is presented during new student and employee online orientations, and periodically during in-service training. The online new student and employee orientation, the crime prevention and security procedures covered include primary prevention and awareness programs that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The orientation includes the following information:

- A statement that the College prohibits these and other criminal offenses;
- the definition of the specific offenses listed above;
- the definition of consent, with reference to sexual offenses;
- “safe and positive” options for bystander intervention an individual may take to “prevent harm or intervene” in risky situations;
- recognition of signs of abusive behavior and how to avoid potential attacks; and
- ongoing prevention and awareness campaigns for students and staff on all of the above.

In addition, facilities and security personnel conduct routine inspections and patrol buildings and grounds to identify and correct deficiencies. Being proactive is preferable to being reactive. Crime prevention is based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging students and staff to be responsible for their own security and the security of others. The following is a list of campus crime prevention tactics that may reduce the risk of becoming a victim:

- Walk on established walkways. At night walk on lighted walkways.
- Always lock your vehicle.
- If on campus in the evening, park close to the building in lighted areas and walk with others.
- Items of value left in vehicles should be placed out of sight.
- Never leave items of value unattended.
- Promptly report any suspicious behavior to Campus Security or the Emergency Response Team.

- Do not leave keys, access cards, or valuables unattended.
- Always lock doors in unattended office areas.
- Never give out computer passwords.
- When working during non-business hours, inform family and colleagues of your location and schedule.

Recommended security procedures are located in the College Emergency Response Guide.

Sexual Assault

Sexual assault is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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. Failure to resist does not indicate consent. Ch. 940.225(4), Wis. Stats.

Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, sexual assault of a child, incest, fondling, and attempted rape.

Information and resources related to sexual assault can also be found in the College Safety and Security Resource Guide.

Sexual Assault Prevention

The College offers the following guidelines to aid in preventing sexual assault. Additional guidance and specific training information can be obtained from the agencies listed in the College Safety and Security Resource Guide.

The following information can also be referenced at The Wisconsin Coalition Against Sexual Assault at <http://www.wcasa.org>

Rohypnol and GHB are the most commonly referred to as “club drugs” and are the most frequently used in drug-facilitated rapes. The chemicals are often colorless, odorless, and tasteless, and as a result, the victim often unknowingly ingests the chemical after a perpetrator has mixed it into an unattended drink. Therefore, it is strongly suggested that you do not accept beverages that have already been opened. Accept drinks only from service workers such as bartenders, and do not leave your drink unattended.

Please keep in mind that nearly 7 in 10 (70%) of sexual assault victims knew their attacker. It is reported that drugs and alcohol are an important influencing factor in non-stranger (date/acquaintance) rape.

You may be able to reduce your risk by following these recommendations:

- Park and walk in well-lighted areas and follow the other pertinent crime prevention strategies listed under Crime Prevention and Security Procedures outlined above.
- Trust your instincts. If the situation feels uncomfortable, leave immediately.
- Be assertive and expect respect.
- Stay sober. Be aware of date-rape drugs. Do not leave your drink unattended.
- Do not accept food or drinks that are opened or not directly from the server.
- Be cautious when inviting someone into your home or going to someone else's home.
- Use a buddy system. Always make sure that someone else knows who you are with, where you will be, and when you are expected to return.
- Carry a cell phone and/or have money available for a phone call or transportation to get away if necessary.

Sex Offender Information

In 1997, the State of Wisconsin enacted the Sex Offender Registration and Community Notification Law. The law was created to monitor and track people convicted of sex crimes and to provide access to this information for police, victims, and the general public. Information on registered sex offenders since 1995 in this state can be obtained on the web at <http://offender.doc.state.wi.us/public/> or you may call 608-240-5830 between 7:45 a.m. and 4:30 p.m., Monday through Friday.

Wisconsin Victim Rights

- To be treated with fairness, dignity and respect for your privacy.
- To not have personal identifiers including email disclosed or used for a purpose unrelated to the official duties of an agency, employee, or official.
- To be informed of your rights and how to exercise those rights.
- To information regarding the offender's release from custody.
- To be notified of a decision not to prosecute if an arrest has been made.
- To speak with (confer) the prosecutor representative upon your request, about the possible outcome of the case, potential plea agreements and sentencing options.
- To attend court proceedings in the case.

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- To be notified of the time, date and place of upcoming court proceedings, if you so request.
 - To be provided with a waiting area separate from defense witnesses.
 - To a speedy disposition of the criminal case.
 - To have your interests considered when the court is deciding to grant a request for a delay (continuance).
 - To be notified if charges are dismissed.
 - To be accompanied to court by a service representative. This right is limited to specific types of crimes.
 - To ask for assistance with your employer if necessary, resulting from court appearances.
 - To request an order for, and to be given the results of, testing the offender for sexually transmitted diseases or HIV. This right is limited to specific types of crimes.
 - To provide a written or oral victim impact statement concerning the economic, physical and psychological effect of the crime upon you to be considered by the court at sentencing.
 - To have the impact of the crime on you included in a presentence investigation.
 - To be provided sentencing or dispositional information upon request.
 - To restitution as allowed by law.
 - To a civil judgment for unpaid restitution.
 - To compensation for certain expenses as allowed by law.
 - To have your property expeditiously returned when it is no longer needed as evidence.
 - To be notified of the offender's eligibility for parole and to have input into the parole making decision.
 - To be notified by the Department of Corrections of specific types of releases, escapes or confinements as provided by law.
 - To be notified of a pardon application to the governor and to make a written statement regarding the pardon application.
 - To contact the Department of Justice about any concerns you may have about your victim rights.

- To apply for a judicial restraining and/or other no-contact orders. The College can assist with the enforcement of these orders.

Sexual Assault Bill of Rights

- Survivors shall be notified of their options to notify law enforcement.
- Alleged victim and alleged offender must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic situations

Crime Reporting Procedures

The College encourages prompt and accurate reporting of all crimes, assaults, or suspicious behavior. If any offense occurs on a College-controlled premise, during a College-sponsored event, at an off-campus event, or even off-campus, the College recommends that victims immediately report any offense to local law enforcement. Key contact numbers are found in the Emergency Response Guide located in Nicolet College buildings, classrooms, and on the College website. When safe to do so, report the incident to Campus Security or the Emergency Response Team who will take action and issue a timely warning if the perpetrator remains at large while making every effort to not identify the victim.

The College crime reporting policy requires all staff to report crimes and/or suspicious behavior to Campus Security, the Emergency Response Team, or law enforcement. When deemed appropriate, college officials will involve local law enforcement agencies. All crime information (including anonymous reports) reported to Campus Security and/or the Emergency Response Team is recorded in the Daily Crime Log. If the crime is deemed to meet a Clery Act Reportable category, it is included in the annual Clery report. All crimes and behavioral violations (student and staff) are recorded and maintained by the Director of Risk, Compliance, and Security.

While the College does not have pastoral or professional counselors on staff to work with victims, it can assist students by providing information on various private and public options for such services.

Emergency Crime Reporting Procedures

In the event of an emergency call **911** immediately. An emergency situation can be defined as any event that may pose a significant threat to the life, safety, or health of students and/or employees. After contacting authorities, call or contact any College employee. Then, if the situation allows, call the Emergency Response Team. Students should follow the directions of College staff and emergency services personnel during an emergency.

Crimes May Be Reported Anonymously

To report a crime and/or dangerous situation anonymously, contact Campus Security or the Emergency Response Team (ERT) and inform them of your wish to remain anonymous.

The College will honor an individual's request to remain anonymous. This same process can also be followed when making reports to local law enforcement.

Fire Safety Report and Missing Student Notification Procedures

The College is a commuter (non-residential) college. Therefore, these statistics and procedures are not collected or in existence. They only apply if a College maintains student housing.

Reporting Domestic Violence, Dating Violence, Sexual Assault, Sexual Violence, and Stalking

See AP 3.07 Title IX and Violence Against Women Act/Clery Compliance

Timely Warning of Potential Threats

In the event a significant emergency, an ongoing or continuing threat to personal safety, or dangerous situation arises, a timely warning will be issued. The decision to issue a timely warning will be based on information and facts received by the College and if possible verified by outside agencies (law enforcement, Emergency Management, Health Department, National Weather System, etc.). The ERT will determine the content of the notification and when to initiate the notification system. Notification may be delayed when professional judgment of outside emergency response agencies indicates immediate notification would compromise safety and security.

In situations that may pose an immediate physical threat to members of the campus community (e.g., murder, severe weather, fire, gas leak). The Emergency Response Team may issue warnings through the College Informacast System RAVE and/or email system to students and employees. Depending on the situation, other notification processes may be used (i.e. Blackboard posting, fire alarms, tornado sirens, and media releases). The Clery Act mandates that, for crimes considered a threat to other students and employees, victims' names be withheld.

The Emergency Response Team may also determine there is a specific segment of students and staff who need notification. This decision will be made in conjunction with the appropriate outside agency. If that is the case, the Emergency Response Team will make a determination of how to best convey that information to the specific segment.

Anyone with information warranting a timely warning should report the circumstances to the Emergency Response Team immediately.

College Student and Employee Conduct Investigations Related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking (AP 3.07 Title IX and Violence Against Women Act/Clery Compliance)

Disclosure of Student Disciplinary Proceedings for Violent Crimes or Non-forcible Sex Offenses

The alleged victim of a crime of violence or a non-forcible sex offense may make a written request for disclosure of the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense.

If the alleged victim is deceased as a result of the crime or offense, the next of kin of the alleged victim shall be treated as the alleged victim in relation to disclosure. The College will provide the results of the disciplinary hearing to the alleged victim's next of kin, if so requested.

Daily Crime Log

The purpose of the Daily Crime Log is to record criminal incidents and alleged criminal incidents reported to Campus Security. Crime Log entries include all crimes reported to Campus Security for the required geographic locations, not just Clery Act crimes. The Daily Crime Log discloses specific information about criminal incidents, not crime statistics. The Daily Crime Log is designed to disclose crime information on a timelier basis than the annual statistical disclosures. The victims' confidentiality will be protected, including record-keeping that excludes personally identifiable information on victims. This includes crimes that are reported directly to Campus Security, as well as crimes that are initially reported to another campus security authority (Emergency Response Team, Security Staff) or to a local law enforcement agency who subsequently reports them to Campus Security.

An entry, an addition to an entry, or a change in the disposition of a complaint is recorded within two business days of the receipt of the information by Campus Security. Updates to the disposition of a crime log entry will not be made if 60 business days have passed from the date of the entry. A business day is Monday through Friday, except for days when the College is closed. The only exceptions to this rule are:

- if the disclosure is prohibited by law; or
- if the disclosure would jeopardize the confidentiality of the victim.

Campus Security may temporarily withhold information if there is clear and convincing evidence that the release of information would:

- jeopardize an ongoing investigation;
- jeopardize the safety of an individual;
- cause a suspect to flee or evade detection;
- result in the destruction of evidence.

However, the information will be added to the Daily Crime Log once the adverse effect is no longer likely to occur.

The Daily Crime Log is located on the College website on the security page. A hard copy is maintained by the Director of Risk, Compliance and Security located in the Red Oak Center, Room 207C.

Annual Clery Crime Statistics

Nicolet College complies with the Jeanne Clery Disclosure Act and prepares an annual report of crimes that have occurred on the Rhinelander Campus and at Outreach Centers. The report can be found on the College website on the security page, or may be obtained from Campus Security. As required by law, the report is also distributed annually to students and staff by October 1st. Campus crime, arrests, and referral statistics include those reported to local law enforcement and to College officials, including anonymous reports. In an effort to obtain the statistics from local law enforcement, Campus Security makes a written request to each local law enforcement agency to obtain a listing of any crimes they had reported to them and/or they had investigated. The reported crimes are also maintained in a Daily Crime Log, which is also located on the College website on the security page.

**AP 3.07 TITLE IX AND VIOLENCE AGAINST WOMEN ACT
CLERY COMPLIANCE POLICY**

**POLICY**

Title: Title IX and Violence Against Women Act/Clery Compliance	Number: AP 3.07 Adopted: March 1995 Reviewed: September 2018 Revised: September 2018
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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 the Executive 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 with the Office of Civil Rights 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 or 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;
- 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 (3) Title IX Deputy Coordinators.

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
Red Oak Center	Lakeside Center
Room 232	Room 223
(715) 365-4907	(715) 365-4566

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 (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 Executive Vice President of Academic and Student 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 Executive Vice President of Academic and Student 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 Executive Vice President of Academic and Student 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.

AP 4.05 ALCOHOL AND DRUG USE POLICY (August 2017)

**POLICY**

Title: Alcohol and Drug Use	Number: AP 4.05
	Adopted: March 1995
	Reviewed: August 2017
	Revised: August 2017

The College will adhere to all federal, state, tribal, and local laws concerning the use of alcohol and other drugs and will support efforts to address violations of these laws.

The College recognizes that the use of alcohol and other drugs may impair performance or safety, may interfere with proper functioning or behavior, and in certain instances leads to dependency. The College also recognizes that such chemical dependency is a serious illness. An employee or student needing help with dependency is encouraged to seek the appropriate medical and other community resources.

Possession, manufacturing, sale, distribution, unauthorized use, or being under the influence of controlled substances, illicit drugs, or alcohol by anyone while on College-controlled property, at any College-sponsored or -related activity, or while operating a College-owned/leased vehicle is strictly prohibited. Violations of this policy will result in disciplinary action.

Exceptions

Drugs prescribed by a person licensed to prescribe or dispense controlled substances, or drugs used in accordance with their instructions, are not subject to this policy. Students or employees using any substances or drugs that cause drowsiness or other side effects that may impair their ability to perform their tasks properly and safely are obligated to inform the supervisor and/or instructor of such medications. Individuals will not be allowed to operate equipment or perform activities that have the potential for injury to themselves or others if impairment is suspected.

The use of alcohol on College premises is prohibited with the exception of preparation and cooking of foods in the culinary arts courses, providing of beverages at functions authorized by the College President or designee, or controlled use in law enforcement training.

A written request must be submitted to the President for authorization to use or serve alcohol at the College. A licensed bartender and valid liquor license or licensed catering service is required when providing alcohol at College functions.

Documenting Authorized Use

Documentation of Authorized Use shall be maintained in the office of the Director of Risk, Compliance, and Security.

Referral of Suspected Violations

In an emergency, call 911. Employees must refer anyone showing behavioral evidence of alcohol or illegal drug use to Campus Security or the Emergency Response Team.

Employees must refer to the Care Team, as outlined in the Emergency Response Guide, any individual under the following circumstances:

- Believed to be in violation of this policy.
- Exhibiting signs, symptoms, or indications of an alcohol or other drug-related problem.
- Self-disclosing of alcohol/drug-related use which places them or others at risk or in imminent danger.
- Judged to present a risk of imminent danger to self or others.

Self-Reporting for Student Citation, Arrest, or Conviction

In the event that a student is cited or arrested for an alcohol or drug-related offense while involved in a College-related activity (on- or off-campus) the student must notify the Director of Risk, Compliance, and Security within 48 hours or as soon as practicable thereafter. Failure to do so will result in a referral to the Student Conduct Committee and appropriate disciplinary action may be taken up to and including expulsion.

Self-Reporting for Employee Citation, Arrest, or Conviction

In the event that employees are cited or arrested for an alcohol or drug-related offense while involved in a College-related activity (on- or off-campus), the employees must notify their immediate supervisor and the Director of Human Resources within 48 hours or as soon as practicable thereafter. Failure to do so will result in appropriate disciplinary action up to and including termination.

As mandated by the Drug Free Workplace Act of 1988, employees must, as a condition of employment, report any criminal drug statute conviction for a violation occurring on or off College premises while conducting College business. A report of the conviction must be made to the Director of Human Resources within five (5) days after the conviction. Failure to provide this notification in the required timeframe will result in appropriate disciplinary action up to and including termination.

Employees may be required to participate in an appropriate rehabilitation program. Successful completion of an appropriate program, including an after-care plan, may be a requirement for continued employment. Any employee testing positive following completion of a rehabilitation program will be subject to discipline action up to and including termination.

Reasonable Suspicion

The College may require an employee to consent to testing for use of alcohol, illegal drugs, or unauthorized use of prescription drugs for any of the following reasons:

- Reasonable suspicion.
- Employee involvement in a work-related accident involving bodily injury or damage to property.

- As required or authorized by state or federal law.
- After the employee returns to work following completion of a rehabilitation program and periodically thereafter.

Employees withholding consent for required testing may be subject to disciplinary action.

The College will take all reasonable precautions and comply with applicable state and federal laws and regulations pertaining to employee privacy and confidentiality of test results. Violations of this policy, confirmed positive test results, or refusal to consent to testing, may result in disciplinary action pending a thorough investigation by the College.

Annual Cleary Crime Statistics

Nicolet College complies with the Jeanne Clery Disclosure Act and prepares an annual report of crimes that have occurred on campus and at outreach centers. The report can be found on the College website on the security page, or may be obtained from Campus Security. As required by law, the report is also distributed to students and staff each year by October 1. Campus crime, arrest, and referral statistics include those reported to local law enforcement and to College officials, including anonymous reports. In an effort to obtain the statistics from local law enforcement, Campus Security makes a written request to each local law enforcement agency to obtain a listing of any crimes they had reported to them and/or they had investigated. The reported crimes are also maintained in a daily crime log, which is located on the College website on the security page.

Criminal Offenses – On Campus

For each of the following criminal offenses, enter the number reported to have occurred on Campus.				
Criminal Offense	Total Occurrences on Campus			
	2016	2017	2018	
a. Murder/Non-negligent manslaughter	0	0	0	
b. Negligent Manslaughter	0	0	0	
c. Rape	0	0	0	
d. Fondling	0	0	0	
e. Incest	0	0	0	
f. Statutory rape	0	0	0	
g. Robbery	0	0	0	
h. Aggravated assault	0	0	0	
i. Burglary	0	0	0	
j. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	
k. Arson	0	0	0	

Criminal Offenses – Noncampus*

For each of the following criminal offenses, enter the number reported to have in or on occurred on Noncampus buildings or property.				
Criminal Offense	Total Occurrences in or on Noncampus buildings or property			
	2016	2017	2018	
a. Murder/Non-negligent manslaughter	0	0	0	
b. Negligent Manslaughter	0	0	0	
c. Rape	0	0	0	
d. Fondling	0	0	0	
e. Incest	0	0	0	
f. Statutory rape	0	0	0	
g. Robbery	0	0	0	
h. Aggravated assault	0	0	0	
i. Burglary	0	0	0	
j. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	
k. Arson	0	0	0	

Criminal Offenses – Public Property

For each of the following criminal offenses, enter the number reported to have occurred on Public Property.

Criminal Offense	Total Occurrences on Public Property		
	2016	2017	2018
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0
k. Arson	0	0	0

Hate Crimes – On Campus (2018)

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on campus. Then break down each total by category of bias (e.g., race, religion, etc.)

Criminal Offense	Occurrence of Hate crimes Category of Bias for crimes reported in 2018								
	2018 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b. Rape	0	0	0	0	0	0	0	0	0
c. Fondling	0	0	0	0	0	0	0	0	0
d. Incest	0	0	0	0	0	0	0	0	0
e. Statutory rape	0	0	0	0	0	0	0	0	0
f. Robbery	0	0	0	0	0	0	0	0	0
g. Aggravated assault	0	0	0	0	0	0	0	0	0
h. Burglary	0	0	0	0	0	0	0	0	0
i. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0
j. Arson	0	0	0	0	0	0	0	0	0
k. Simple assault	0	0	0	0	0	0	0	0	0
l. Larceny-theft	0	0	0	0	0	0	0	0	0
m. Intimidation	0	0	0	0	0	0	0	0	0
n. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

Hate Crimes – On Campus (2017)

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on campus. Then break down each total by category of bias (e.g., race, religion, etc.)

Occurrence of Hate crimes
Category for Bias for crimes reported in 2017

	2017 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
b. Rape	0	0	0	0	0	0	0
c. Fondling	0	0	0	0	0	0	0
d. Incest	0	0	0	0	0	0	0
e. Statutory rape	0	0	0	0	0	0	0
f. Robbery	0	0	0	0	0	0	0
g. Aggravated assault	0	0	0	0	0	0	0
h. Burglary	0	0	0	0	0	0	0
i. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0
j. Arson	0	0	0	0	0	0	0
k. Simple assault	0	0	0	0	0	0	0
l. Larceny-theft	0	0	0	0	0	0	0
m. Intimidation	0	0	0	0	0	0	0
n. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

Hate Crimes – On Campus (2016)

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on campus. Then break down each total by category of bias (e.g., race, religion, etc.)

Occurrence of Hate crimes
Category for Bias for crimes reported in 2016

	2016 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
b. Rape	0	0	0	0	0	0	0
c. Fondling	0	0	0	0	0	0	0
d. Incest	0	0	0	0	0	0	0
e. Statutory rape	0	0	0	0	0	0	0
f. Robbery	0	0	0	0	0	0	0
g. Aggravated assault	0	0	0	0	0	0	0
h. Burglary	0	0	0	0	0	0	0
i. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0
j. Arson	0	0	0	0	0	0	0
k. Simple assault	0	0	0	0	0	0	0
l. Larceny-theft	0	0	0	0	0	0	0
m. Intimidation	0	0	0	0	0	0	0
n. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

Hate Crimes – Noncampus*

For the criminal offenses listed below, first enter the total number of **Hate Crimes** that were reported to have occurred in or on Noncampus buildings or property. Then break down each total by category of bias (e.g., race, religion, etc.)

Occurrence of Hate crimes Category of Bias for crimes reported in 2018												
Criminal Offense	Total by year			Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	
	2016	2017	2018									
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	
b. Rape	0	0	0	0	0	0	0	0	0	0	0	
c. Fondling	0	0	0	0	0	0	0	0	0	0	0	
d. Incest	0	0	0	0	0	0	0	0	0	0	0	
e. Statutory rape	0	0	0	0	0	0	0	0	0	0	0	
f. Robbery	0	0	0	0	0	0	0	0	0	0	0	
g. Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	
h. Burglary	0	0	0	0	0	0	0	0	0	0	0	
i. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0	0	0	
j. Arson	0	0	0	0	0	0	0	0	0	0	0	
k. Simple assault	0	0	0	0	0	0	0	0	0	0	0	
l. Larceny-theft	0	0	0	0	0	0	0	0	0	0	0	
m. Intimidation	0	0	0	0	0	0	0	0	0	0	0	
n. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	

Hate Crimes – Public Property (2018)

For the criminal offenses listed below, first enter the total number of **Hate Crimes** that were reported to have occurred on Public Property. Then break down each total by category of bias (e.g., race, religion, etc.)

Occurrence of Hate crimes Category of Bias for crimes reported in 2018										
Criminal Offense	2018 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	
b. Rape	0	0	0	0	0	0	0	0	0	
c. Fondling	0	0	0	0	0	0	0	0	0	
d. Incest	0	0	0	0	0	0	0	0	0	
e. Statutory rape	0	0	0	0	0	0	0	0	0	
f. Robbery	0	0	0	0	0	0	0	0	0	
g. Aggravated assault	0	0	0	0	0	0	0	0	0	
h. Burglary	0	0	0	0	0	0	0	0	0	
i. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0	
j. Arson	0	0	0	0	0	0	0	0	0	
k. Simple assault	0	0	0	0	0	0	0	0	0	
l. Larceny-theft	0	0	0	0	0	0	0	0	0	
m. Intimidation	0	0	0	0	0	0	0	0	0	
n. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	

Hate Crimes – Public Property (2017)

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on Public Property. Then break down each total by category of bias (e.g., race, religion, etc.)

Occurrence of Hate crimes Category for Bias for crimes reported in 2017							
Criminal Offense	2017 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0
c. Sex offenses – Non-forcible	0	0	0	0	0	0	0
d. Incest	0	0	0	0	0	0	0
e. Statutory rape	0	0	0	0	0	0	0
f. Robbery	0	0	0	0	0	0	0
g. Aggravated assault	0	0	0	0	0	0	0
h. Burglary	0	0	0	0	0	0	0
i. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0
j. Arson	0	0	0	0	0	0	0
k. Simple assault	0	0	0	0	0	0	0
l. Larceny-theft	0	0	0	0	0	0	0
m. Intimidation	0	0	0	0	0	0	0
n. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

Hate Crimes – Public Property (2016)

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on Public Property. Then break down each total by category of bias (e.g., race, religion, etc.)

Occurrence of Hate crimes Category for Bias for crimes reported in 2016							
Criminal Offense	2016 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
b. Sex offenses - Forcible	0	0	0	0	0	0	0
c. Sex offenses – Non-forcible	0	0	0	0	0	0	0
d. Incest	0	0	0	0	0	0	0
e. Statutory rape	0	0	0	0	0	0	0
f. Robbery	0	0	0	0	0	0	0
g. Aggravated assault	0	0	0	0	0	0	0
h. Burglary	0	0	0	0	0	0	0
i. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0
j. Arson	0	0	0	0	0	0	0
k. Simple assault	0	0	0	0	0	0	0
l. Larceny-theft	0	0	0	0	0	0	0
m. Intimidation	0	0	0	0	0	0	0
n. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

VAWA Offenses* – On Campus

For each of the following crimes, enter the number reported to have occurred on Campus.

Crime	Total occurrences on Campus		
	2016	2017	2018
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

VAWA Offenses* – Noncampus*

For each of the following crimes, enter the number reported to have occurred in or on Noncampus buildings for property.

Crime	Total occurrences in or on Noncampus buildings or property		
	2016	2017	2018
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

VAWA Offenses* – Public Property

For each of the following crimes, enter the number reported to have occurred on Public Property.

Crime	Total occurrences on Public Property		
	2016	2017	2018
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

Arrests – On Campus

Enter the number of Arrests for each of the following crimes that occurred on Campus.

Do NOT include drunkenness or driving under the influence in Liquor Law Violations.

Crime	Number of Arrests		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Arrests – Noncampus*

Enter the number of Arrests for each of the following crimes that occurred in or on Noncampus buildings for property.

Do NOT include drunkenness or driving under the influence in Liquor Law Violations.

Crime	Number of Arrests		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Arrests – Public Property

Enter the number of Arrests for each of the following crimes that occurred on Public Property.

Do NOT include drunkenness or driving under the influence in Liquor Law Violations.

Crime	Number of Arrests		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	1	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions – On Campus

Enter the number of persons referred for disciplinary action for crimes that occurred On Campus for each of the following categories.

Do not include disciplinary actions that were strictly for school policy violations.

If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.

Crime	Number of Persons referred for Disciplinary Action		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions – Noncampus*

Enter the number of persons referred for disciplinary action for crimes that occurred in or on Noncampus buildings or property for each of the following categories.

Do not include disciplinary actions that were strictly for school policy violations.

If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.

Do NOT include drunkenness or driving under the influence in Liquor Law Violations.

Crime	Number of Persons referred for Disciplinary Action		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions – Public Property

Enter the number of persons referred for disciplinary action for crimes that occurred on Public Property for each of the following categories.

Do not include disciplinary actions that were strictly for school policy violations.

If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.

Do NOT include drunkenness or driving under the influence in Liquor Law Violations.

Crime	Number of Persons referred for Disciplinary Action		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Unfounded Crimes*

Of those crimes that occurred On Campus, in On-campus Student Housing Facilities, on or in Noncampus property or buildings, and on Public Property, enter the number of crimes that were unfounded.

The total number of unfounded crimes should include all criminal offenses, hate crimes, arrests or disciplinary action referrals for weapons, drug or liquor law violations, and domestic violence, dating violence, or stalking incidents that have been unfounded.

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded”. Only sworn or commissioned law enforcement personnel may unfound a crime.

Count unfounded crimes in the year in which they were originally reported.

Crime	Number of Persons referred for Disciplinary Action		
	2016	2017	2018
a. Total unfounded crimes	0	0	0