

Title: Student Standards of Conduct and Complaint and Grievance Procedure	Number:	AP 1.06
	Adopted:	August 2012
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Nicolet College believes in an academic and behavioral code of conduct which creates and maintains a learning environment that values academic excellence, institutional integrity, justice, equity, civility, and diversity. Individuals must conduct themselves in a manner that is compatible with the mission and values of the College and does not interfere with educational processes or endanger the safety or welfare of other persons.

All students are expected to comply with all College policies and procedures, as well as local, state, federal, tribal, and international laws. These standards of conduct apply to all College-controlled locations and College-sponsored activities or events. Students violating the Standards of Conduct may be subject to disciplinary action. For safety and security reasons, the Director of Risk, Compliance, and Security or designee may also temporarily remove students from College-controlled locations or activities. Violation of local ordinances, state or federal law on College premises, or at College-sponsored or supervised activities will be forwarded to local law enforcement authorities. Sanctions may be imposed for violations of these rules whether or not criminal or civil sanctions are pursued. Students have the right to appeal sanctions imposed for behavioral or academic misconduct.

Procedures are established for addressing student behavioral and academic misconduct issues.

The **Emergency Response Team (ERT)** is appointed to assist in the safety and security functioning of the College. The ERT has the following responsibilities:

- Provide leadership and direction in an emergency situation;
- In the event of a College emergency, available ERT members will assemble quickly to assess the situation and decide on appropriate action;
- In a situation prohibiting team assembly, individual ERT members may take appropriate steps to ensure safety;
- Any member of the ERT may call for evacuation of a building, send students and staff to emergency shelters, take other appropriate actions outlined in the College's Emergency Response Plan, or initiate contact with law enforcement or emergency personnel.

The **Student Conduct Committee** is a standing committee appointed annually by the Director of Risk, Compliance, and Security. The committee membership includes one dean, one instructor, one advisor, and the Dean of Risk, Compliance, and Security, who chairs the committee. Alternates may be appointed to ensure the committee members

have no direct relationship to the issue, course, or program of study. The dean of the student's program will serve as an ad hoc member of the committee.

The **Grievance Committee** is appointed by Human Resources when needed. The committee membership includes one administrator, two instructors, and two support employees. If the grievant requests student representation, Human Resources will select one student to serve on the Committee.

Behavioral Misconduct

Behavioral misconduct includes, but is not limited to, the following:

1. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other authorized College operations or activities.
2. Verbal abuse, physical abuse, sexual assault, or sexual harassment.
3. Taking or threatening to take action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action, whether intentionally or as a result of recklessness or gross negligence; failure to inform College authorities of such action(s) when observed.
4. Theft or damage to property.
5. Failure to comply with directions of College officials acting in the performance of their duties.
6. Unauthorized entry into or use of College-owned or -controlled locations.
7. Violation of any federal, state, or local laws, regulations or policies while in attendance at College-sponsored or supervised events or committing off-campus violations that adversely affect the College and/or the pursuit of its objectives.

Sanctions for behavioral misconduct may include:

- The Student Conduct Committee, through the chair, may:
 - Provide a documented oral reprimand;
 - Provide a written reprimand;
 - Remove students from College-controlled locations or activities;
 - Dismiss a student from a continuing/community educational course;
 - Dismiss a student from a credit course (Vice President or designee approval needed);
 - Dismiss a student from the program (Vice President or designee approval needed);
 - Dismiss a student from the College (Vice President or designee approval needed).

Academic Misconduct

Academic misconduct, includes, but is not limited to, an act in which a student:

1. Seeks to claim credit for the work or efforts of another without authorization or citation.
2. Uses unauthorized materials or fabricated data in any academic exercise.

3. Forges or falsifies academic documents or records or otherwise purposely furnishes false information to the College.
4. Intentionally impedes or damages the academic work of others.
5. Engages in conduct aimed at making false representation of a student's academic performance.
6. Cheats on an examination, including the unauthorized use of materials or aids, or use of unauthorized additional time (special needs accommodations require approval of instructor and disability support services staff).
7. Submits, without the explicit approval of the course instructor, work previously presented in another course.
8. Violates course rules as contained in the course syllabus or other information provided to the student.
9. Violates program policies and/or regulations as established by a program and made available to students.
10. Assists other students in any of these acts.

If an instructor suspects academic misconduct, the first step is to address the issue with the student. If academic misconduct has occurred, the instructor must report it to the supervisor and work with their supervisor regarding sanctions. If sanctions are to be imposed for academic misconduct, they may include:

- A documented oral reprimand;
- A written reprimand;
- Lowered grade for the assignment or assessment;
- Failure of the course;
- Dismissal from the program (Vice President or designee approval needed);
- Dismissal from the College (Vice President or designee approval needed).

All academic misconduct sanctions are kept on file in the office of the Vice President of Academic Affairs.

Complaint and 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:

- Appeal sanctions imposed for behavioral or academic misconduct;
- Contest a policy or practice of the College or College staff that is considered improper or unfair, or;
- 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- Complaint Procedure

A student must take the following steps to try to resolve the complaint 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 complaint procedure within ten (10) days of the action causing the complaint. The College employee will make a decision and respond to the student within two (2) days of the student initiating the complaint procedure. 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 five (5) days of the employee's decision and the supervisor must respond within two (2) 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 five (5) days of the supervisor's decision. The Vice President or designee must respond with a written determination to the student within two (2) 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 a written grievance.

Step 2- Grievance Procedure

1. If the student is unable to resolve a complaint using the complaint procedure described above, the grievance must be filed in writing with the Director of Human Resources or designee within ten (10) days from the date of the Vice President's or designee's written determination. Written grievances may be filed in person, by U.S. mail, or through email. The student may withdraw the grievance at any point during the grievance procedure.
2. In accordance with Federal requirements, 34 CFR Ch. VI 602.16 (a)(1)(ix), Human Resources will create a record of the student's grievance and add it to a log of student grievances. The log will be maintained and updated through the remainder of the process.
3. Human Resources will send acknowledgement confirming the receipt of the grievance form to the student. Human Resources will notify the person(s) against whom the grievance has been filed (hereafter referred to as the employee). The employee will also receive a copy of the grievance.
4. A Grievance Committee will be appointed by Human Resources at the time of the grievance filing.
5. A Vice President or designee not involved previously in the process, or their designee, will serve as the investigating officer in the grievance.

6. The investigating officer will:
 - a. Meet with the student and the employee separately.
 - b. Examine documentation and interview witnesses.
 - c. Consult with the employee's supervisor.
 - d. Prepare a written investigative report within five (5) days of the grievance filing.
 - e. Copies of the investigative report will be forwarded to the Grievance Committee, the student, the employee, and the appropriate administrator(s).
7. The Grievance Committee will review the grievance and the findings of the investigating officer and determine whether or not the facts warrant a hearing.

The Committee's decision will be limited to one of the following statements:

- a. Based on the evidence presented, we determine a hearing is warranted; or
- b. Based on the evidence presented, we determine a hearing is not warranted.

Within two (2) days of receiving the investigative report, the Committee's written decision will be sent to Human Resources who will notify the grievant and the involved individuals of the decision.

8. If the Grievance Committee's decision is that no hearing is to be held, the student may submit a written appeal to the President within two (2) days from the date of the Committee's decision. The appeal must specify why the student feels a hearing is warranted. The President will respond in writing within five (5) days. The President may uphold the decision of the Committee, and at that point no further appeals within the College will be considered. Or, the President may instruct the Committee to go forward with the grievance hearing process.
9. If a hearing is held (in person or by distance technology), the hearing will be held within five (5) days of the decision by the Grievance Committee or the President.

The hearing will be conducted following these guidelines:

- a. The Committee will select a chair. The chair of the Committee will establish a date for the hearing. A notice establishing the date, time, and place of the hearing will be provided to all involved parties.
- b. The student and the employee and any others the Committee deems necessary must appear for the proceedings unless they can verify to the Committee that their absence is unavoidable.
- c. The student and the employee will be permitted to have a third party of their choosing to act as advisor and counsel.
- d. The hearing will be closed to all except those persons directly involved in the case as determined by the Grievance Committee. Statements, testimony, and all other evidence given at the hearing will be confidential and will not be released to anyone and may be used by the Committee only for the purpose of making decision(s) related to the grievance.

- e. The Grievance Committee will file the final determination with the President, the Vice President, the student, and the employee after the conclusion of the hearing. The determination of the Grievance Committee is final.
10. If a student believes there has been misinterpretation or misapplication of the policy or procedure, an appeal may be made to the Nicolet College Board of Trustees Chair for procedural review. The appeal must be in writing, specify in detail what aspect of the grievance procedure or process is being appealed, and be submitted to the Office of the President within ten (10) days of receipt of the determination by the Grievance Committee. The written appeal will be forwarded to the Board Chair who will determine if review by the Board of Trustees is warranted. If warranted, the Board of Trustees review will be limited to determining whether the appeal process was properly followed by College staff.

All required meetings may take place in-person or via distance technology. Written materials may be submitted and shared as paper copies or electronically. Students must work through the Step 1 - Complaint procedure before moving to the Step 2 - Grievance procedure.

Timeline Requirements

If the College fails to give a written answer at Steps 1 or 2 within the designated timeframe, the student may immediately proceed to the next step. Failure by the student to meet applicable deadlines may be the basis for dismissal of any complaint. If it is impossible to comply with the time limits specified because of extenuating circumstances, these time limits may be extended by mutual consent in writing.

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:

- Complaints that allege violations of Wisconsin consumer protection laws, including but not limited to false advertising;
- Complaints that allege violations of Wisconsin laws related to the licensure of postsecondary institutions; or
- 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.