



NICOLET COLLEGE

Annual Security Report

2024

Content	Page
To: Nicolet Area Technical College Students and Employees	2
2021 - 2023 Clery Crime Statistics	3-10
AP 1.06 Student Code of Conduct and Grievance Procedures	11-30
AP 2.02 Privacy of Records (FERPA)	31-34
AP 3.01 Security	35-40
BP 4.02 Anti-Harassment and Nondiscrimination	41-42
AP 4.13 Discrimination Complaint Resolution	43-47
BP 4.03 Prohibition of Sex Discrimination under Title IX	48-50
AP 4.10 Prohibition of Sex Discrimination under Title IX	51-70
Drug Free Schools and Community Act	71
AP 4.05 Alcohol and Drug Use	72-74
Alcohol and Drug Use – Resources	75

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: 8/23/2024

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 services from the main campus located in Rhinelander, Wisconsin, and the Lakeland Outreach Center located in Minocqua, Wisconsin.

The College is required to publish an annual security report to meet the requirements of the Clery Act. 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.

Annual Clery 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		
	2021	2022	2023
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		
	2021	2022	2023
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		
	2021	2022	2023
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 <small>(Do not include theft from a motor vehicle)</small>	0	0	0
k. Arson	0	0	0

Hate Crimes – On Campus (2023)

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 2023								
	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 <small>(Do not include theft from a motor vehicle)</small>	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 (2022)

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 2022						
	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 (2021)

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 2021						
	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 2023											
Criminal Offense	Total by year			Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
	2021	2022	2023								
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 (2023)

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 2022									
Criminal Offense	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
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 (2022)

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 2022							
Criminal Offense	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 (2021)

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 2021							
Criminal Offense	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		
	2021	2022	2023
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		
	2021	2022	2023
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		
	2021	2022	2023
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		
	2021	2022	2023
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		
	2021	2022	2023
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		
	2021	2022	2023
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	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		
	2021	2022	2023
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		
	2021	2022	2023
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		
	2021	2022	2023
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		
	2021	2022	2023
a. Total unfounded crimes	0	0	0



Title: Student Code of Conduct and Grievance Procedures	Number:	AP 1.06
	Adopted:	August 2012
	Reviewed:	August 2020
	Revised:	August 2020

Jurisdiction Over Student Conduct

Students at Nicolet College are annually provided an electronic copy of, and access to 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 evidence standard (more likely than not; see the glossary for more information) 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 Federal or 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 themselves or others.
- C. Incidents that significantly infringe upon the rights, property of self or others, or significantly breaches 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 and 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, graduation of the offending student. Any such misconduct will not subject the violator to normal conduct proceedings but will subject them to special proceedings with the possible outcome of revocation of a degree.

Explanation of Policies and Definitions

This Student Code of Conduct (Code) and College policies are provided to give students general notice of conduct expectations. This Code and College policies are not intended to define misconduct comprehensively.

Inherent Authority

Students are expected to comply with requests from College officials. Communications from the College to the students will be delivered via the student's nicoletcollege.edu email address and students are expected to respond without delay to requests, directions, and directives from College officials acting in the performance of their duties.

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 cooperate with the investigating Conduct Officer.

- 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) **How to file the complaint**

Reports can be made in two different ways:

- a. **Confidential:** Reports submitted confidentially may not have enough information for the College to formally investigate an incident. In cases with sufficient information or multiple reports, the College may move forward as the "Complainant" with or without a cooperating witness. Reports submitted confidentially but without enough information will be used for statistics and tracking purposes only.
- b. **Non-Confidential:** Reports submitted non-confidentially will be reviewed by conduct personnel to determine if a violation of the Code of Conduct may have taken place. During this process, the investigating Conduct Officer may ask the individual who submitted the report to provide additional information or details.
- c. **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. College employees and students are encouraged to comply with requests to provide statements during an investigation. If a College employee or student chooses not to comply with these requests, the investigation and resulting decisions will still proceed without the benefit of their input.

Applicability of Code/Focus of Investigation

- A. This Code does not apply to any admission decision.

- 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.
- 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 offense 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. Double jeopardy does not exist for a student undergoing investigation in a conduct matter and criminal matter stemming from the same incident.

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, under Administrative Policy 1.06, 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. The College will notify the student of these situations and let them know when the conduct process will begin and all deadlines will be as of that date.

In cases that fall within the protections of Title IX as sex or gender discrimination, delays can be granted but for not longer than 10-14 days to allow for law enforcement evidence gathering. The College process cannot be delayed beyond the above time frame 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

Student members of the Nicolet College community are expected to uphold and abide by the following set of rules:

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 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 at College-controlled locations and at College-sponsored events and activities. Conduct Officers reserve the right to hold students who acted in the best interest of the health

and welfare of another student (i.e., getting medical attention for a student incapacitated by alcohol or other drugs) not responsible in alcohol use cases, even when there is evidence that they may have also been violating the policy.

Animals/Pets: Unauthorized possession of pets, creatures, or animals within College owned or operated buildings or at College sponsored activities. See Service Animal Policy for additional information.

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

Discrimination: Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental ability, veteran status, pregnancy status, religion, sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the Nicolet College's educational program or activities.

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.

Harassment: Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community

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 the 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: 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, smokeless tobacco, and vaping devices is prohibited on College-controlled locations with the exception of personal vehicles.

Trademark: Misuse or unauthorized use of College or College-affiliated organizational names, images, and logos.

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 that violate local, state, tribal, 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 re-application 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 for parking violations;
 - 5. Confiscation for a specified time of the 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.
 - b. Parent/Guardian notification
 - c. Educational program or project
 - d. Probation (as listed above)
 - e. Suspension (as listed above)
 - f. 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.

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:

- A. The reliability of the information concerning the student's conduct, including the matter of their identity.
- B. 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.
- C. 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 (Misconduct that may fall under Title IX)

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 administrator'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:

- i. **Sexual Harassment**
- ii. **Non-Consensual Sexual Contact (or attempts to commit same)**
- iii. **Non-Consensual Sexual Intercourse (or attempts to commit same)**
- iv. **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.

Sexual contact includes:

Intentional contact with the breasts, buttocks, 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.

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.

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.

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.

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.”).

C. Coercion: 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.

- a) In order to give effective consent, one must be of legal age.
- b) 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.
- c) 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).
- d) Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- e) The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

NOTE: 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, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of 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 Student Code of 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 Violence Against Women Act 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.

Student Conduct and Administrative Hearing Process

Complaints of a violation of College policy and the Student Code of Conduct may be referred to a Student Conduct or Administrative Hearing. 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. The Conduct Officers for an Administrative Hearing will be the Director of Business Intelligence, Director of Risk, Compliance, and Security, or an assigned appropriate designee. 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.

Notice of a student conduct or administrative hearing is emailed to the student with a scheduled hearing at least three business days after the notification is sent. Hearings will be closed to the public except for the respondent, witnesses, and the respondent's advisor of choice. A respondent's advisor of choice has the role of supporting the student, but is not an active member of the hearing. This means they are able to be present and talk to the respondent directly, but will not be offered the floor to speak to the hearing office or hearing body. 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. The student may at any time accept responsibility for the charges in question.

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 Process

A student wishing to appeal a decision made by a hearing officer, has five business 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. Students may also appeal the decision of a hearing if new evidence is available that was previously unavailable. 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 Business Intelligence. In the request, the party must identify the specific grounds upon which the appeal is based and must provide all of the details the appealing party wants considered in support of the appeal. The Director of Business Intelligence 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 three (3) 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 Business Intelligence 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. 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.

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.

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

When students disagree with how something was handled by an employee of the institution, they are encouraged to first speak with that employee to try to rectify the situation. There are times that the situation might not be resolved and in those circumstances, students have the right, using the Grievance Procedure for Nicolet College Students, to:

- A. Contest a policy or practice of the College or College employee that is considered improper or unfair, or;
- B. 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 the days when the College is closed are excluded.

The following link will open a window that leads to the Grievance Form:

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

Grievance Procedure

For all Grievance Procedures, Nicolet College, in accordance with Federal requirement 34 CFR Ch. VI 602.16 (a)(1)(ix), 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.

Students choosing to file a grievance will have a Nicolet College employee familiar with the

process assigned to them as a navigator to help them understand and work through the process.

1. If a student has not been able to informally resolve an issue with the appropriate College employee, the student must initiate this grievance procedure within ten (10) days of the action causing the complaint.
2. Upon receipt of the Grievance, the College employee's supervisor will respond to the student within three (3) days of the student initiating the complaint procedure notifying the student of next steps or any information they need to assist them in the decision making process.
3. Within 10 days of the notification of receipt, the supervisor will make a decision and send it to the student via their College email address.
4. The student has the right to file an appeal to the supervisor's decision and must do so within 10 days of the date the email was sent to the student.

Students have the right to appeal on the following grounds:

- They may appeal the sanction (if there was one)
 - They may appeal the decision of the supervisor.
 - They may appeal if there was an instance of a due process violation.
1. The institution will respond within three days to notify the student if the appeal will move forward for one of the above reasons.
 2. If the appeal is moving forward, the Executive Vice President or designee will respond with their decision within 10 days to the student's College email address.
 3. Students may appeal a second time within 10 days of the date the email from the first appeal was sent to the student. Students may appeal for the same reasons that are listed in step four (4).
 4. Within three days, a hearing committee will meet to hear the appeal of the student.
 5. Within ten days of the committee meeting, the committee will make a recommendation to the President on the grounds of the appeal.
 6. The President will make their decision and send notification of the decision to the student within three days of the committee making a recommendation.

Timeline Requirements

If the College fails to give a written answer within the designated time frame, 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 grievance. 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:

- 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:

<https://www.wtcsystem.edu/student-complaints/>

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.

Higher Learning Commission (HLC) Complaint Process

Students, faculty, staff and members of the public may submit a complaint about an HLC-accredited institution directly to the Higher Learning Commission (HLC). The complaint process is designed to identify substantive problems with an institution's ability to meet the Criteria for Accreditation. To file a complaint with HLC, or for questions concerning HLC's Complaint Process, interested parties are encouraged to visit <http://www.hlcommission.org/Student-Resources/complaints.html>.

HLC's process for reviewing and responding to a complaint is as follows:

1. HLC will acknowledge a complaint within 30 working days of receipt.
2. A complaint will be forwarded to an institution for a response only if HLC determines the complaint represents substantive problems with the institution's ability to meet the Criteria.
3. The institution has 30 days to respond to the complaint.
4. HLC may take up to another 30 days to review an institutional response to a complaint.
5. HLC will notify the complainant whether the matter has been closed or if additional actions will be required.

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
 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.

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”** means 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.
 2. Policies, rules, and values regulating student conduct published by Nicolet College.
- N. **“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. **“Vice President”** means the Vice President for Student Affairs or Vice President of Academic 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.

Title: Privacy of Records - Release of Information

Number: AP 2.02

Policy Owner: Student Services

Adopted: March 1995

Reviewed: June 2024

Revised: June 2024

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 their right to appeal the decision using the Complaint and Grievance Procedure for Nicolet College Students, in [AP 1.06 Student Code of Conduct and Grievance Procedure](#).

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 a legitimate educational interest. Students will not be notified of legally restricted disclosures or disclosures for a legitimate educational interest.
5. Currently active 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
Phone: (202) 260-3887
Email: FERPA.Customer@ED.Gov

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. Nicolet does not disclose any directory information for marketing or solicitation purposes, with the sole exception of the Nicolet College Foundation for foundation related activities.

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

- Name
- Address*
- Phone number*
- Enrollment status
- 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

*Indicates *Limited Directory Information*

Limited Directory Information

Nicolet designates address and phone numbers as limited directory information only. This information is only eligible for release to Nicolet Area Technical College Foundation for Foundation-related activities and to the National Student Clearinghouse for compliance and reporting purposes.

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 Personally Identifiable Information (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

PII can be released to other schools at which the student is dually enrolled, seeks enrollment, or intends to enroll.

Emergency Situations

PII 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, or counseling;
- conduct tasks related to a student's education, campus discipline, and/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 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.



Title: Campus Security	Number: AP 3.01 Policy Owner: Security Adopted: November 1997 Reviewed: August 2024 Revised: August 2024
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Emergency Contact Number:

Call 911 for police, fire, or medical.

Non-Emergency Contact Numbers:

Campus Security	715-365-4420
Emergency Response Team	<i>(Internal calls only)</i> Extension: 4999
Facilities	715-365-4419
Information Technologies Department	715-365-4478
Welcome Center	715-365-4493
Oneida County Sheriff’s Department	715-361-5100

Crime Prevention and Security Procedures

The College adheres to all federal, state, and local laws and ordinances which prohibits any criminal activities.

Security and Access to Campus Facilities

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 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 and periodically patrols the Rhinelander Campus.

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. Facilities and Security regularly check outdoor pathway lighting, egress lighting in hallways and stairwells, fire extinguishers, NARCAN, and AEDs.

The Rhinelander Campus is 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 public access buildings on the Rhinelander Campus use a card access system and digital video systems.

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

Crime Reporting Procedures

The College encourages prompt and accurate reporting of all crimes, assaults, or suspicious behavior to local law enforcement. Report any offense occurring on a College-controlled premise, during a College-sponsored event, at an off-campus event, and when safe to do so, also report the incident to *Campus Security 715-365-4420 or the Emergency Response Team (Internal Extension 4999)*, who will take action and issue a timely warning if the perpetrator remains at large while making every effort not to 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, Campus Security Authorities, and/or the Emergency Response Team is recorded in the Daily Crime Log. If the crime meets 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 Manager of Risk, Compliance, and Safety.

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. One such option is the contracted counseling group the College has made available to meet with students on our campus during the week.

Emergency Crime Reporting Procedures

Call *911* immediately in the event of an emergency, which is defined as any event that may pose a significant threat to the life, safety, or health of students and/or employees. After contacting authorities, if the situation allows, call *College Security at 715-365-4420*. If that's not possible, call or contact any College employee.

Crimes May Be Reported Anonymously

The College will honor an individual's request to remain anonymous. Contact *Campus Security at 715-365-4420* or the *Emergency Response Team (ERT) Internal Extension: 4999* and inform them of your wish to remain anonymous. This same process can also be followed when reporting 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 were to maintain student housing.

Timely Warning of Potential Threats

A timely warning will be issued in the event a significant emergency, an ongoing or continuing threat to personal safety, or a dangerous situation arises. 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 the professional judgment of outside emergency response agencies indicates immediate notification would compromise safety and security. Selected ERT members will determine the content of the notification and when to initiate the notification system.

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., learning management system, College website, emergency speaker systems, fire alarms, tornado sirens, and media releases). The Clery Act mandates that victims' names be withheld for crimes considered a threat to other students and employees.

The Emergency Response Team may also determine 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.

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 to disclose 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 due to the crime or offense, the next of kin of the alleged victim shall be treated as the alleged victim about disclosure. The College will provide the results of the disciplinary hearing to the alleged victim's next of kin, if requested.

Daily Crime Log

The purpose of the Daily Crime Log is to record criminal incidents and alleged criminal incidents reported to Campus Security and crimes that are initially reported to another campus security authority or a local enforcement agency and subsequently reports them to Campus Security. Crime Log entries include all Clery-related crimes reported to Campus Security for the required geographic locations and disclose 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. Daily Crime Log discloses specific information about criminal incidents, not crime statistics.

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 entry date. 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 the information would:

- Jeopardize an ongoing investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection;
- Destroy 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 Manager of Risk, Compliance, and Safety and is available upon request.

Annual Security Report (Clery Act Requirements)

The Campus SAVE Act applies to all institutions of higher education 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).

Nicolet College complies with the Jeanne Clery Disclosure Act and prepares an Annual Security Report of crimes that have occurred on the Rhinelander Campus and at Outreach Centers. The Clery Report is published every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims' assistance program, student discipline, campus resources and other matters.

Clery Act Crimes include:

1. Criminal Homicide
2. Sexual Assault (or sexual related offenses)
3. Robbery
4. Aggravated Assault (Battery)
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Hate Crimes
9. Violence Against Women Act (VAWA) Offenses
10. Domestic Violence
11. Stalking
12. Weapons Law Violations
13. Controlled Substance Violations
14. Liquor Law Violations

Under the Clery Act, the college does not document personal information; the College reports time, date, location, and type of conduct.

Nicolet College will make the report available to all current students and employees. Nicolet College will also provide perspective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the *Manager of Risk, Compliance, and Safety at 715-365-4637* or on the [Security Page](#).

The policy statements filed as part of the Annual Security Report must 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.

Campus Security Authorities

Training on appropriately handling reporting crimes, victim relations and support, and related school policies is required. A Campus Security Authority (CSA) is an individual, who by virtue of their college responsibilities and under the [Clery Act](#) is designated to receive and report criminal incidents to the Manager of Risk, Compliance, and Safety so he may update the Nicolet Colleges Annual Security Report. CSA Members include:

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

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 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:

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
- Aspirus Rhinelander Hospital 715-361-2100 (Local)
Sexual Assault Nurse Examiner (SANE) program
- Aspirus 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 715-369-6111 (Local)
STD screening, treatment, education, HIV counseling and testing, emergency contraception.

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

LANGLADE COUNTY

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

LINCOLN COUNTY

- The Haven – Lincoln County Domestic Violence Shelter
(24 Hour Crisis Line) 715-536-1300

VILAS 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/Sexual Assault Victim Advocacy)
- Aspirus Eagle River Hospital 715-479-7411(Local)
Sexual Assault Nurse Examiner (SANE) program
- Lac du Flambeau Domestic Violence Shelter/Sexual Assault Victim Advocacy
(24/7 Crisis Line) 800-236-7660

IRON COUNTY

- DOVE (Domestic Violence Escape)
Business Office 906-932-0310, Crisis Line 906-932-0310

NATION WIDE

- National Domestic Violence Hotline 1-800-799-7233 or TTY 1-800-787-3224
- Suicide Hotline 988



Title: Anti-Harassment and Nondiscrimination

Number: BP 4.02
Adopted: July 31, 2024
Reviewed:
Revised:

Nicolet Area Technical College maintains fair and impartial relations with employees, applicants for employment, and students without regard to race, color, creed, national origin, religion, sex, disability, age, arrest record, conviction record, political affiliation, marital status, sexual orientation, gender identity, ancestry, membership in the national guard, state defense force, or any reserve component of the military forces of the United States and of this state, or the use or non-use of lawful products off the employer's premises during non-working hours.

Nicolet Area Technical College seeks continuous compliance with the following laws: Title VI and VII of the 1964 Civil Rights Act as amended, Age Discrimination in Employment Act of 1975, the Americans with Disabilities Act of 1990, Equal Pay Act of 1963 as amended, Title IX of the 1972 Education Amendments, Section 504 of the 1973 Rehabilitation Act, Wisconsin Fair Employment Law, the 1976 Vocational Education Amendments, and the Office of Civil Rights Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Career and Technical Education Programs (34 CFR, Part 100, Appendix B).

All educational programs and related support services and benefits will be administered in a manner which does not unlawfully discriminate.

In compliance with Federal and State law, Nicolet Area Technical College will not tolerate harassment by its employees or non-employees. Pursuant to Title VII of the 1964 Civil Rights Act as amended, the following forms of harassment are prohibited. Nicolet Area Technical College prohibits harassment by supervisors, co-workers, and non-employees on the basis of sex, race, color, national origin, disability, sexual orientation, gender identity, military status or any other protected status.

Any employee who experiences any job-related harassment based on race, color, religion, sex, national origin, age, disability, or status in any group protected by state or local law, or believes that he or she has been treated in an unlawful, discriminatory manner should immediately report any such incident to the employee's supervisor or the Vice President of Finance and Administration. Employees filing discrimination or harassment complaints should follow the process in the Discrimination Complaint Resolution Policy.

The College treats all claims of harassment and discrimination seriously. All complaints will be investigated promptly and all actions taken to resolve such complaints shall be conducted as confidentially as possible. The College strictly prohibits any form of retaliation against any employee for filing a complaint or for assisting in a complaint investigation. Any employee who believes that he or she has been subjected to retaliation in violation of this policy should immediately report the retaliation to the Vice

President of Finance and Administration.

Any questions concerning Affirmative Action or Equal Opportunity should be directed to the EEO Officer,

Nicolet Area Technical College, PO Box 518, Rhinelander, WI 54501.

Email KAschenbrenner@nicoletcollege.edu

Telephone (715) 365-4550; direct

TTY/TDD calls to (715) 365-4448 through 711 relay or 1-800-947-3529

Any employee who is found, after appropriate investigation, to have violated this policy will be subject to appropriate action, up to and including termination.



Title: Discrimination Complaint Resolution Policy	Number: AP 4.13 Policy Owner: Human Resources Adopted: July 2024 Reviewed: Revised:
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Nicolet Technical College has set forth the following complaint procedure for students and faculty/staff who allege discrimination based on a protected status or prohibited harassment as set forth below.

Nicolet Technical College is committed to being in compliance with state and federal equal opportunity laws and regulations and does not discriminate in its services, employment programs, and/or its educational programs and activities. Discrimination contrary to law and harassment by faculty, administrators, other students or suppliers/vendors of the College, on the basis race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital or parental status, or other protected status for students/staff under state or federal law (“protected status”) is prohibited by the College. Acts of harassment, discrimination, and sexual misconduct are counter to Nicolet’s mission and values.

DEFINITIONS

Protected characteristics: Personal traits, characteristics and/or beliefs that are defined by law as protected from discrimination and/or harassment. These protected characteristics include race, creed, sex, gender identity or expression, age, national origin, religions, physical or mental disability, ancestry, veteran status, marital or domestic partnership status, pregnancy, and/or any other characteristics protected by applicable law.

Discrimination: Adverse treatment of an individual based on a protected characteristic rather than individual merit.

Harassment: Unwelcome verbal or physical behavior which is directed at a person based on a protected characteristic. When these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual’s educational experience, working conditions, living conditions, by creating an intimidating, hostile, or offensive environment. Harassment also encompasses sexual harassment which means unwelcome sexual advances, unwelcome physical conduct of a sexual nature. This behavior includes but not limited to the deliberate, repeated, making of unsolicited gestures or comments, or the deliberate or repeated display of sexually graphic materials which is not necessary for educational purposes. Sexual harassment is also defined as participation or denial of a College activity such as education and employment that are conditioned upon, either explicitly or implicitly, for the submission to or rejection of unwelcomed sexual advances or sexual favors.

Retaliation: The College expressly prohibits any form of retaliation against any member of the College community who in good faith files a report or grievance, participates in a College investigation, believes a policy is violating this policy and opposes said policy. The complainant, any person who participates in the investigation of a complaint, the respondent, will be advised

of the College's policy in this regarding when a complaint has been filed. Retaliation is itself a form of misconduct that may form the basis for disciplinary actions. Any complaints of retaliation, on any basis, should be referred to the Affirmative Action Officer.

Complaint: A complaint means an allegation of personal discrimination contrary to law or definition of harassment/discrimination.

Complainant: A complainant is an individual who alleges discrimination based on a protected status or prohibited harassment as set forth above within the last 300 calendar days.

Respondent: A respondent means a person/persons alleged to be responsible for a violation(s) alleged in a complaint.

Affirmative Action/Equal Opportunity Officer: The Vice President of Administration has been designated by the College as having the responsibility for coordinating the internal complaint procedure. Questions regarding this policy should be directed to:

Vice President of Administration

5364 College Dr

PO Box 518

Rhineland, WI 54501

715-365-4928

ADA-504-Employee@nicoletcollege.edu

Days All days listed in this policy are regular business days when the College is open for business. Weekends, holidays, and days when the College is closed for business are excluded.

Prohibited Conduct

1. Unlawful discrimination and harassment based on legally protected categories.
2. Sexual harassment; and
3. Retaliation

Scope of Policy

This policy applies to all employees, including faculty, staff, and administrators of the College as well as students, guests, and visitors of Nicolet Technical College.

Options of Addressing Discrimination or Harassment

The College encourages everyone to report all incidents of discrimination and/or harassment. When individuals have been subjected to discrimination and/or harassment or have observed discrimination and/or harassment they have options including informal resolution/mediation or filing a formal complaint. The College recognizes that these decisions are difficult and encourage individuals to seek assistance from a mental health professional. Students are able to utilize student mental health counseling services and employees are welcome to utilize the EAP resources.

Informal Resolution/Mediation

An individual alleging misconduct is encouraged to consider informal resolution. Informal resolution will take the path of ending the misconduct and does not require formal action.

Mediation will be the tool used by the Affirmative Action/Equal Opportunity Office to attempt to facilitate understanding of the nature of the complaint with the respondent, clear up misunderstandings, and establish appropriate expectations moving forward.

Formal Complaint

An individual may submit a formal complaint. A formal complaint is a written account of the event(s) that have taken place with the wish for formal College action to be taken in the steps outlined below.

Complaint Reporting

The Discrimination/Harassment Complaint Policy is designed to comply with any applicable federal regulations which require federal grantees to adopt and publish complaint procedures providing for prompt and equitable resolution of complaints alleging discrimination and/or harassment. It is designed to comply with the State of Wisconsin law prohibiting discrimination for the reasons set forth in Chapter 38.23 of the Wisconsin State Statutes. When an individual seeks the College to take disciplinary action against a faculty/staff/student for violating the College's harassment and/or discrimination policies, the individual may make a complaint to the Affirmative Action /Equal Opportunity Officer.

The written complaint should identify the parties involved, describe the harassing and/or discriminatory behavior, when and where the event(s) occurred, and name any witnesses. Written complaints should be treated as confidential and should be provided to the appropriate designated individual(s) listed above. It is the primary responsibility of the Affirmative Action/Equal Opportunity Officer to ensure the effective implementation, processing, timelines, recordkeeping, and notification required by the complaint procedure. The Affirmative Action/Equal Opportunity Officer may assign the investigation to another individual or outside agency at their discretion if such reassignment would prevent bias or further the purposes of this policy.

Interim Steps

When appropriate, the College may take reasonable and appropriate interim steps to protect the safety and well-being of members of the College community, maintain the integrity of the investigation, and deter retaliation.

Investigation Process

The purpose of the investigation is to gather facts relating to the incident(s) outlined in the written complaint to make a reasonable determination based upon preponderance of evidence standards, where it is more likely than not that alleged behavior(s) occurred and if the behavior meets the definition of discrimination and/or harassment as indicated above. The investigation may include Equal Opportunity and Affirmative Action written statements, interviews, and evidence gathered by investigator(s). During the investigation the investigator(s) may receive counsel from the College's legal counsel or other parties as needed. The Affirmative Action/Equal Opportunity Officer shall thoroughly investigate the complaint. If the subject of the complaint involved the Affirmative Action/Equal Opportunity Officer, then another member of Nicolet's Strategic Leadership Team will reach out to an independent third party to conduct the investigation to control for bias.

Affirmative Action/Equal Opportunity Officer may involve other College offices or staff as

appropriate to complete a thorough investigation. The length of the investigation will depend upon the scope of the allegations, the number of parties and witnesses involved, availability of those involved, and the time of the year the complaint was brought forward. The investigator will attempt to conclude the investigation within sixty days of receipt of the complaint.

It is the expectation of Nicolet Technical College that faculty, staff, and other members of the community cooperate fully in the investigation process. Refusing to cooperate in an investigation could result in disciplinary action, up to and including termination of the employee.

Review of Findings

Once the investigation is completed; all information and evidence will be reviewed to determine if harassment and/or discrimination occurred and if any other College policy was violated. When the review is completed, the finding resulting from the investigation will be communicated to the complainant and respondent within fifteen (15) days of the conclusion of the investigation unless after diligent attempts the parties are not available.

Complaint Resolution

The College will take appropriate corrective action when it has been determined that discrimination or harassment has occurred. Employees who have been found to be in violation will be subject to disciplinary action, up to and including termination of employment, pursuant to relevant policies. Students who have been found in violation will be subject to disciplinary action, up to and including expulsion from the College, pursuant to the Student Code of Conduct and other applicable policies.

There may be a determination that behavior was inappropriate and unprofessional but did not violate this specific policy. Such behavior may result in disciplinary action, ongoing monitoring, coaching/counseling, or other appropriate action. If retaliatory behavior occurs after a determination has been made, either party may bring a complaint under this policy.

Confidentiality

The College shall maintain confidentiality to the greatest extent allowed by the law and to the extent necessary to conduct a thorough and efficient investigation of the complaint. The investigation of complaints may also require disclosure to the accused individual and to other witnesses for the purpose of gathering essential information. Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information to safeguard the integrity of the process and to avoid any appearance of retaliation. While discretion is important, complainant and respondents are not restricted from discussing and sharing information with others who may support them or assist them in presenting their case.

Appeals

If the complainant or respondent are dissatisfied with the written findings of the Affirmative Action/Equal Opportunity Officer on the grounds that there exists substantial relevant information that was not presented and reasonably could not have been presented during the investigation or a procedural irregularity occurred regarding the investigation and review of findings process regarding the incident in question, they may appeal by giving written notice to the Affirmative Action/Equal Opportunity Officer within fifteen (15) days. The Affirmative Action/Equal Opportunity Officer will request a hearing with an Impartial Hearing Officer (IHO)

designated by the College along with the statement of the reasons for appeal. The appeal will be held with the IHO as soon as practical with the goal of fifteen (15) days from receipt of the appeal request. The IHO shall provide a written decision to the parties within fifteen days of the hearing. The IHO may accept, modify, or reject the original decision. In all cases, the decision of the IHO is final.

Filing a Discrimination and/or Harassment Complaint Externally

The complainant may elect to file a discrimination or harassment complaint with an external body such as a federal or state agency authorized to investigate such claims. The Wisconsin Technical System is one body that is authorized to review such claims for students and reports can be filed here: <https://www.wtcsystem.edu/student-complaints/>



Title: Prohibition of Sex Discrimination under Title IX	Number: BP 4.03 Adopted: July 31, 2024 Reviewed: Revised:
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This policy is only applicable to alleged incidents of sex discrimination occurring on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident will apply. Applicable versions of those policies and procedures can be obtained from the Title IX Coordinator.

Nicolet Area Technical College (Nicolet College) does not discriminate on the basis of sex and prohibits sex discrimination in any and all education program or activity that it operates, as required by Title IX, including in admission and employment. Any inquiries about the application of Title IX or its regulations may be referred to Nicolet College’s Title IX Coordinator, the Office of Civil Rights, or both. The Title IX Coordinator is:

Human Resource Director/Title IX Coordinator
5364 College Dr
PO Box 518
Rhineland, WI 54501
715-365-4928
ADA-504-Employee@nicoletcollege.edu

For purposes of this policy, “sex discrimination” means different treatment with respect to a person’s employment or participation in Nicolet College’s education program or activity based on the person’s sex, which includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. In addition, sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy, or related conditions, sexual orientation, and gender identity, that is:

- (1) Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
- (2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant’s ability to access the recipient’s education program or activity;

- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the recipient's education program or activity;

or

(3) A specific offense.

- (i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- (ii) Dating violence meaning violence committed by a person:
 - (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;
- (iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (C) Shares a child in common with the victim; or
 - (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (A) Fear for the person's safety or the safety of others; or
 - (B) Suffer substantial emotional distress.
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All forms of sex-based discrimination and sex-based harassment are contrary to basic standards of conduct between individuals. State and federal law, and this policy prohibit sex-based discrimination and sex-based harassment and Nicolet College will not tolerate discrimination or harassment.

Any student, employee, and other individuals participating or attempting to participate in Nicolet College's education program or activity who believes that he/she/they has been subject to sex discrimination in violation of this policy should immediately report such incidents to the Nicolet College Title IX Coordinator. Please refer to AP 4.10 Prohibition of Sex Discrimination under Title IX. Nicolet College requires employees to report all incidents of harassment, discrimination, and retaliation that come to their attention. Nicolet College seeks to foster an environment in which employees, students, and all other individuals participating or attempting to participate in Nicolet College's education program or activity feel free to report incidents of sex discrimination without fear of retaliation or reprisal. Therefore, Nicolet College also strictly prohibits retaliation against any individual for filing a complaint of discrimination or harassment or for participating in

a related investigation. Such conduct is illegal and constitutes a violation of this policy. Nicolet College will investigate all allegations of retaliation swiftly and thoroughly. If Nicolet College determines that someone has retaliated against another in violation of this policy, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, evaluation, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end, Nicolet College will ensure appropriate education and training activities are conducted to counter sex discrimination and to prevent, minimize, or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

Nicolet College has established grievance procedures for employees and students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sex discrimination. Those procedures are AP 4.10 Prohibition of Sex Discrimination under Title IX.

Application

This Policy supersedes Nicolet College's previous Title IX policies, though previous policies and procedures remain in force for conduct occurring before August 1, 2024. This policy will take effect August 1, 2024 and remain in effect unless the 2024 Title IX/Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance regulations are enjoined or otherwise determined to be unlawful by a court of competent jurisdiction. Should the underlying law or regulations on which this policy is built cease to remain enforceable, the appropriate sex-based discrimination/harassment college policies and procedures will apply.

References

Title IX of the Education Amendments Act of 1972; 20 U.S. Code Sections 1681 et seq.; 34 Code of Federal Regulations Part 106



Title: Prohibition of Sex Discrimination under Title IX	Number: AP 4.10 Policy Owner: Human Resources Adopted: July 2024 Reviewed: Revised:
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These procedures are only applicable to alleged incidents of sex discrimination (including sex-based harassment) occurring on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident will apply. Applicable versions of those policies and procedures can be obtained from the Title IX Coordinator.

Nicolet College is committed to providing an academic and work environment free of unlawful sex discrimination, including sex-based harassment, under Title IX. This procedure defines sex discrimination and sex-based harassment.

This procedure and the related policy protect students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in Nicolet College’s education program or activity.

Definitions

Sex Discrimination: Any discrimination based on sex, including, but not limited to, sex-based harassment. Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-Based Harassment under Title IX: A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity. Sex-based harassment includes the following:

- **Quid pro quo harassment:** A Nicolet College employee, agent, or other person authorized by Nicolet College to provide an aid, benefit, or service under Nicolet College’s education program or activity explicitly or impliedly condition the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
- **Hostile environment harassment:** Unwelcome sex-based conduct that, based on a totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from Nicolet College’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the Complainant’s ability to access Nicolet College’s education program or activity;
 - The type, frequency, and duration of the conduct;

- The parties' ages, roles within the Nicolet College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the Nicolet College's education program or activity;
- **Specific Offenses.**
 - **Sexual Assault:** An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - **Dating violence:** Violence committed by a person
 - who is or has been in a social relationship of a romantic or intimate nature with the victim, and
 - where the existence of such a relationship will be determined based on a consideration of the following factors:
 - the length of the relationship,
 - the type of relationship, and
 - the frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence:** Felony or misdemeanor crimes committed by a person who:
 - Is a current or former spouse or intimate partner of the victim;
 - Is a person with whom the victim shares a child in common;
 - Is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - Is a person similarly situated to a spouse of the victim under the domestic or family violence laws of WI; or
 - Is any other person who commits acts against an adult or youth victim protected from that person's acts under the domestic or family violence laws of WI.
 - **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - fear for his/her/their safety or the safety of others; or
 - suffer substantial emotional distress.

Responding to Sex Discrimination under Title IX

Nicolet College encourages members of the Nicolet College community to report sex discrimination including sex-based harassment. This procedure only applies to conduct defined as sex discrimination under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. Nicolet College will respond to sex discrimination including sex-based harassment that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using State law and applicable Nicolet College policies and procedures. In implementing these procedures discussed below, Nicolet College will also provide supportive measures, training, and resources in compliance with applicable law.

Title IX Coordinator

Questions concerning Title IX may be referred to Nicolet College's Title IX Coordinator, whose contact information is below:

Human Resources Director/Title IX Coordinator
5364 College Dr
PO Box 518
Rhineland, WI 54501
715-365-4928
ADA-504-Employee@nicoletcollege.edu

As appropriate, the Title IX Coordinator may delegate specific duties to one or more designees.

The Title IX Coordinator is required to respond to reports of sex discrimination including sex-based harassment. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with State and federal legal requirements, or share information to implement supportive measures.

A report of sex discrimination including sex-based harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will evaluate a Complaint to determine whether to investigate a Complaint pursuant to these procedures.

Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following jurisdictional requirements:

- The conduct took place in the United States;
- The conduct meets the definition of Title IX sex discrimination (including sex-based harassment); and
- The conduct took place in a Nicolet College “education program or activity.” This includes (but is not limited to) conduct that occurs in locations, events, or circumstances over which Nicolet College exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings Nicolet College owns or controls or student organizations officially recognized by Nicolet College. It also includes conduct that is subject to Nicolet College’s disciplinary authority; or
- The conduct contributes to a hostile environment in Nicolet College’s education program or activity in the United States.

Definitions

Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. Nicolet College may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties and are consistent with Title IX.

Parties have the right to consult with an attorney, at his/her/their own expense, at any stage of the grievance process if he/she/they wishes to do so. An attorney may serve as an advisor.

Complainant: A Complainant is (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was

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

Complaint: An oral or written request to the recipient that objectively can be understood as a request for Nicolet College to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Consent: Words or overt actions by a person who is competent to give informed consent indicating a freely given agreement.

Decision-Maker: The person(s) who will question the parties and witnesses and make a determination of whether sex discrimination occurred. Nicolet College may have one Decision-Maker determine whether the Respondent is responsible for sex discrimination and another Decision-Maker determine the appropriate level of disciplinary sanctions for the conduct.

Disciplinary Sanctions: Consequences imposed on a Respondent following a determination under Title IX or its regulations that the Respondent violated Nicolet College's prohibition on sex discrimination.

Parties: As used in this procedure, this means the Complainant and Respondent.

Relevant: Means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when the question seeks evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decision-Maker in determining whether the alleged sex discrimination occurred.

Remedies: Measures provided, as appropriate, to a complainant or any other person Nicolet College identifies as having had their equal access to Nicolet College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Nicolet College's education program or activity after Nicolet College determines that sex discrimination occurred.

Respondent: A Respondent is a person who is alleged to have violated Nicolet College's prohibition on sex discrimination.

Retaliation: Intimidation, threats, coercion, or discrimination against any person by Nicolet College, a student, or an employee or other person authorized by Nicolet College to provide aid, benefit, or service under Nicolet College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, informal resolution, or hearing under the Title IX regulations.

Sex-based harassment under Title IX: A form of sex discrimination. Sex-based harassment includes sexual harassment and other harassment on the basis of sex, including on the basis of

sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that satisfies one or more of the following:

- **Quid pro quo harassment.** An employee, agent, or other person authorized by Nicolet College to provide an aid, benefit, or service under Nicolet College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Nicolet College's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the Complainant's ability to access Nicolet College's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within Nicolet College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in Nicolet College's education program or activity;
- **Specific offenses.**
 - **Sexual Assault.** An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation
 - **Dating violence.** Violence committed by a person
 - who is or has been in a social relationship of a romantic or intimate nature with the victim, and
 - where the existence of a relationship will be determined based on a consideration of the following factors:
 - the length of the relationship,
 - the type of relationship, and
 - the frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence.** Felony or misdemeanor crimes committed by a person who:
 - is a current or former spouse or intimate partner of the victim;
 - is a person with whom the victim shares a child in common;
 - is a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - is a person similarly situated to a spouse of the victim under the domestic or family violence laws of WI; or
 - is any other person who commits acts against an adult or youth victim protected from that person's acts under the domestic or family violence laws of the State of WI.

- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - fear for his/her/their safety or the safety of others or
 - suffer substantial emotional distress.

Supportive measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that party’s access to Nicolet College’s education program or activity, including measures that are designed to protect the safety of the parties or Nicolet College’s educational environment; or
- Provide support during Nicolet College’s grievance procedures or during an informal resolution process.

Employee Response Obligations

All employees who have information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations must:

- Notify the Title IX Coordinator
- Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that may reasonably constitute sex discrimination under Title IX or its regulations.

Grievance Procedures for Complaints of Sex Discrimination and Sex-Based Harassment under Title IX

Reporting Sex Discrimination and/or Sex Harassment Under Title IX

Complaints may be reported to the Title IX Coordinator at 715-365-4928 or by email at ADA-504-Employee@nicoletcollege.edu

Who May File a Complaint

The following people have a right to make a Complaint of sex discrimination, including Complaints of sex-based harassment, requesting that Nicolet College investigate and make a determination about alleged discrimination under Title IX:

- A Complainant;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

With respect to Complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of Nicolet College; or
- Any person other than a student or employee who was participating or attempting to participate in Nicolet College’s education program or activity at the time of the alleged sex discrimination.

Consolidation of Complaints

Nicolet College may consolidate Complaints of sex discrimination or sex-based harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination or sex-based harassment arise out of the same facts or circumstances. If one of the Complaints that will be consolidated is a Complaint of sex-based harassment involving a student party, the grievance procedures for sex-based harassment involving a student party will apply. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Dismissal of a Complaint

Nicolet College may dismiss a Complaint of sex discrimination or sex-based harassment involving student parties for any of the following reasons:

- Nicolet College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Nicolet College's education program or activity and is not employed by Nicolet College;
- The Complainant voluntarily withdraws in writing any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and the Title IX Coordinator determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX or its regulations even if proven; or
- Nicolet College determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX or its regulations. Before dismissing the Complaint, Nicolet College will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, Nicolet College will promptly notify the Complainant in writing of the basis for the dismissal and that the dismissal may be appealed. If the dismissal occurs after the Respondent has been notified of the allegations, then Nicolet College will notify the Parties of the dismissal, the basis for the dismissal, and that the dismissal may be appealed simultaneously in writing.

The procedures governing appeals of dismissed Complaints are addressed below under **"Appeal of Determinations and Dismissals."**

If a Complaint is dismissed, Nicolet College will offer Supportive Measures to the Complainant and/or Respondent as appropriate.

Nicolet College may commence proceedings under other policies and procedures after dismissing a Complaint. Moreover, the Title IX Coordinator will take other prompt and effective steps to ensure sex discrimination does not continue to recur.

Emergency Removal

Nicolet College may remove a non-employee Respondent from Nicolet College's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other individual arising from the allegations of sex discrimination justifies removal.

Nicolet College's Manager of Risk, Compliance, and Safety designee will conduct the individualized safety and risk analysis.

If the Manager of Risk, Compliance, and Safety determines emergency removal is appropriate, he/she/they or designee will provide the person Nicolet College is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The Manager of Risk, Compliance, and Safety or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave or Suspension

Nicolet College may place an employee Respondent on leave during the pendency of a grievance process described below. Nicolet College will follow any relevant policies, procedures, collective bargaining agreements, or State law in placing an employee on administrative leave or suspension.

Key Requirements of Title IX Grievance Procedures for Complaints of Sex Discrimination

(For Complaints of sex-based harassment involving students, see the section entitled, "Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties," which incorporates these procedures in addition to other procedures)

Nicolet College will treat complainants and respondents equitably. Further, Nicolet College requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a decision-maker may be the same person as the Title IX Coordinator or investigator.

Nicolet College presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Timeframes and Extensions

Nicolet College has established the following reasonably prompt timeframes for the major stages of the grievance procedures:

- **Complaint evaluation:** Nicolet College will determine whether to dismiss or investigate a Complaint within 10 business days.
- **Complaint investigation:** The Nicolet College will complete an adequate, reliable, and impartial investigation of Complaints within 90 calendar days.
- **Questioning the Parties and Witnesses:** Nicolet College will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.
- **Determination Whether Sex Discrimination Occurred:** Nicolet College will issue a written determination whether sex discrimination occurred no later than 30 calendar days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.
- **Appeal (if any):** A Complainant or Respondent may submit a written appeal no later than 10 business days from the date of the notice of determination whether sex discrimination occurred or from the date of Nicolet College's notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to Nicolet College, Nicolet College will notify the other Party in writing within 5 business days of receiving a

Party's appeal and allow the non-appealing Parties at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified directly above to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for Nicolet College breaks or vacations, or due to the complexity of the investigation. Nicolet College will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Privacy

Nicolet College will take reasonable steps to protect the privacy of the Parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in retaliation, including against Witnesses.

Evidence

Nicolet College will objectively evaluate all evidence that is relevant and otherwise permissible evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Nicolet College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether the evidence or question is relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness, unless Nicolet College obtains that Party's or Witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of these grievance procedures, Nicolet College will notify the Parties whose identities are known of the following with sufficient time for the Parties to prepare a response before any initial interview:

- Nicolet College's Title IX grievance procedures and any informal resolution process.
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX or its regulations, and the date(s) and location(s) of the alleged incident(s) to the extent the information is available to Nicolet College;
- That retaliation is prohibited; and
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an accurate description of this evidence. The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any party.

If, in the course of an investigation, Nicolet College decides to investigate allegations of sex discrimination by the Respondent toward the Complainant that are not included in the written notice provided or that are included in a consolidated Complaint, Nicolet College will provide notice of the additional allegations to the Parties.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the grievance process.

The Advisor may not obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

Confidentiality Agreements

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in Nicolet College's grievance process. The confidentiality agreement restricts unauthorized disclosure of information and evidence obtained solely through the grievance procedure. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Investigation

Nicolet College will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

The burden is on Nicolet College—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Equal Opportunity to Present Witnesses and Evidence

Nicolet College will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

Review of and Access to Evidence

Nicolet College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Nicolet College will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and otherwise permissible, in the following manner:

- Nicolet College will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or an accurate description of this evidence. Nicolet College will provide the Parties with an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any Party;
- Nicolet College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Nicolet College will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through these grievance procedures. However, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

Nicolet College will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

Nicolet College will use the following steps to complete this process: The Decision-Maker will request each Party's participation in individual meetings to question the Party and invite both Parties to submit questions for the Decision-Maker's consideration when meeting with the other Party. The Decision-Maker will schedule and conduct separate meetings with the Parties. The meetings will be in-person or with technology enabling the Party and Decision-Maker to see and hear each other in real time. During each meeting, the Decision-Maker will ask questions of the Party and allow the Party to comment on the evidence collected during the investigation. The Decision-Maker may meet with a Party more than once, based on the Decision-Maker's judgment. The Decision-maker will meet with other witnesses, if needed based on the Decision-Maker's judgment.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, Nicolet College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex discrimination occurred.
- Notify the Parties simultaneously in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal.
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.

- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to the Complainant and other people Nicolet College identifies as having had equal access to Nicolet College’s education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Nicolet College education program or activity.
 - Nicolet College complies with all procedures outlined in this policy and the Title IX regulations before imposing any disciplinary sanctions against the Respondent; and
 - Nicolet College will not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Supportive Measures

Nicolet College will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person’s access to Nicolet College ’s education program or activity or provide support during Nicolet College’s Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment.

Nicolet College provides each Party 3 (three) days to seek modification or reversal of Nicolet College’s decision to provide, deny, modify, or terminate supportive measures applicable to that party. An impartial employee who did not make the supportive measure decision will evaluate the challenged supportive measure and determine whether the decision was inconsistent with the definition of “Supportive Measures.” If the decision is consistent with the definition of “Supportive Measures,” the impartial employee has the authority to modify or reverse the decision.

Nicolet College will provide each Party with the opportunity to seek additional modification or termination of a supportive measure applicable to that party if circumstances materially change.

Procedures governing appeals of determinations of sex-based discrimination are below under “Appeal of Determinations and Dismissals.”

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties

(For complaints of sex discrimination not including sex-based harassment involving students or complaints of sex-based harassment not involving students, see the preceding section entitled, “Grievance Procedures for Complaints of Sex Discrimination under Title IX.”) Nicolet College has adopted the following Title IX grievance procedures that provide for the prompt and equitable resolution of complaints of sex-based harassment involving a student complainant(s) or a student respondent(s).

Who May File a Complaint

The following people have a right to make a Complaint of sex-based harassment, requesting that Nicolet College investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
 - A student or employee of Nicolet College who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX; or
 - A person other than a student or employee of Nicolet College who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX at a time when that individual was participating or attempting to participate in Nicolet College’s education program or activity;
 - A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
 - The Title IX Coordinator.

Note that a person is entitled to make a Complaint of sex-based harassment only if he/she/they is alleged to have been subjected to the sex-based harassment, if he/she/they has a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint consistent with Title IX regulations.

Key Requirements of Title IX Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Parties

The Title IX Grievance Procedures for Complaints of Sex-Based Harassment involving student parties incorporate the above-outlined procedures for Complaints of Sex-Based Discrimination. As such, Nicolet College treats complainants and respondents equitably; requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias; and presumes that the Respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its grievance procedures.

The following additional procedures are in addition to the Grievance Procedures for sex discrimination and apply for Complaints of Sex-Based Harassment involving Student Parties.

Timeframes and Extensions

Nicolet College has established the following reasonably prompt timeframes for the major stages of the grievance procedures for sex-based harassment involving a student party:

- Complaint evaluation: Nicolet College will determine whether to dismiss or investigate a Complaint within 10 business days.
- Complaint investigation: Nicolet College will complete an adequate, reliable, and impartial investigation of Complaints within 90 calendar days.
- Questioning the Parties and Witnesses: Nicolet College will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.
- Determination Whether Sex-Based Harassment Occurred: Nicolet College will issue a written determination whether sex-based harassment occurred no later than 20 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.
- Appeal (if any): A Complainant or Respondent may submit a written appeal no later than 10 business days from the date of the notice of determination whether sex-based harassment occurred or from the date of Nicolet College’s notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to

Nicolet College, Nicolet College will notify the other Party in writing within 5 business days of receiving a Party's appeal and allow the non-appealing Parties at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for Nicolet College breaks or vacations, or due to the complexity of the investigation. Nicolet College will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Written Notice of Allegations

Upon initiation of these Title IX grievance procedures, Nicolet College will notify the Parties, whose identities are known, in writing of the information required above for sex discrimination complaints and the following with sufficient time for the parties to prepare a response before any initial interview:

- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and otherwise permissible evidence to a trained, impartial decision-maker;
- The Parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an investigative report that accurately summarizes this evidence. The Parties are entitled to an equal opportunity to access the relevant and permissible evidence upon the request of any Party; and
- Nicolet College's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, Nicolet College decides to investigate additional allegations of sex-based harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, Nicolet College will provide written notice of the additional allegations to the Parties whose identities are known.

If Nicolet College has reasonable concerns for the safety of any person as the result of it providing the required written notice, it may reasonably delay providing notice of the allegations in order to first address its safety concern(s) appropriately.

As described in the section addressing the sex discrimination grievance procedures, Nicolet College may dismiss a Complaint of sex-based harassment involving student parties for the reasons identified above.

Investigation

Like its procedures for sex discrimination Complaints, Nicolet College will provide for adequate, reliable, and impartial investigation of sex-based harassment Complaints.

Burden of Gathering Evidence

The burden is on Nicolet College - not on the Parties - to conduct an investigation that gathers sufficient evidence to determine whether sex-based harassment occurred.

Participation

Nicolet College will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate. Nicolet College will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

Nicolet College will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding. However, Nicolet College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties.

Nicolet College will provide the Parties with the same opportunities, if any, to have people other than the advisor of the Party's choice present during any meeting or proceeding involving the Party.

Opportunity to Present Witnesses and Evidence

Nicolet College will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible. Nicolet College has discretion to determine whether the Parties may present expert witnesses and its determination will apply equally to the Parties.

Evidence

Nicolet College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is permissible regardless of relevance.

Nicolet College will provide each Party and the Party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and otherwise permissible, in the following manner:

- Nicolet College will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or the same written investigative report that accurately summarizes this evidence. Nicolet College will further provide the Parties with an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any Party.
- Nicolet College will provide the Parties with a reasonable opportunity to review and respond to the evidence or the investigative report.
- Nicolet College will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures. However, disclosures for purposes of any administrative proceedings or litigation related to the Complaint are permissible.

Questioning the Parties and Witnesses

Nicolet College will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

Nicolet College's process for proposing and asking relevant and otherwise permissible questions and follow-up questions of the Parties and Witnesses, including questions challenging credibility, will comply with the following requirements:

- Allow the Investigator or Decision-Maker to ask such questions during individual meetings with a Party or Witness;
- Allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Investigator or Decision-Maker during one or more individual meetings, including follow-up meetings, with a Party or Witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each Party with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

Nicolet College's process for proposing and asking relevant and otherwise permissible questions and follow-up questions of Parties and Witnesses, including questions challenging credibility, will allow the Decision-Maker to ask such questions, and either:

- Allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Decision-Maker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each Party's advisor to ask any Party or Witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a Party personally. If Nicolet College permits advisor-conducted questioning and a Party does not have an advisor to ask questions on their behalf, Nicolet College will provide the Party with an advisor of Nicolet College's choice, without charge to the Party, for the purpose of advisor-conducted questioning.

Procedures for the Decision-Maker to evaluate the questions and limitations on questions

The Decision-Maker will determine whether a proposed question is relevant and otherwise permissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Decision-Maker will give a Party an opportunity to clarify or revise a question that the Decision-Maker determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

Procedures for a Party's refusal to respond to questions and inferences based on refusal to respond to questions

The Decision-Maker may choose to place less or no weight upon statements by a Party or Witness who refuses to respond to questions deemed relevant and permissible. The Decision-Maker will not draw an inference about whether sex-based harassment occurred based solely on a Party's or Witness's refusal to respond to such questions.

Determination Whether Sex-Based Harassment Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, Nicolet College will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex-based harassment occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex-based harassment occurred.
- Notify the Parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
- Information about the policies and procedures that Nicolet College used to evaluate the allegations;
- The Decision-Maker's evaluation of the relevant and otherwise permissible evidence and determination whether sex-based harassment occurred;
- When the Decision-Maker finds that sex-based harassment occurred, any disciplinary sanctions Nicolet College will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Nicolet College to the Complainant, and, to the extent appropriate, other students identified by Nicolet College to be experiencing the effects of the sex-based harassment; and
- Nicolet College's procedures and permissible bases for the Complainant and Respondent to appeal.
 - Nicolet College will not impose discipline on the Respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex-based harassment.
 - If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will:
- Coordinate the provision and implementation of remedies to the Complainant and other people Nicolet College identifies as having had equal access to Nicolet College's education program or activity limited or denied by sex-based harassment;
- Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within Nicolet College's education program or activity.
 - Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex-based harassment occurred.

The determination regarding responsibility becomes final either on the date that Nicolet College provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

The procedures governing appeals are below under "Appeal of Determinations and Dismissals."

Informal Resolution

In lieu of resolving a Complaint through Nicolet College's Title IX grievance procedures, the Parties may instead elect to participate in an informal resolution process. Nicolet College will not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law.

Nicolet College will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. The College must obtain the Parties' voluntary, written consent to the informal resolution process. Before the initiation of an informal resolution process, Nicolet College will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Nicolet College will maintain and whether and how Nicolet College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Disciplinary Sanctions and Remedies:

Following a determination that sex discrimination or sex-based harassment occurred, Nicolet College may impose disciplinary sanctions or any other actions that are not supportive measures against the Respondent. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

Nicolet College may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Appeal of Determinations and Dismissals

Nicolet College offers the following process for appeals from a determination whether sex discrimination or sex-based harassment occurred and from the dismissal of a complaint or any allegations therein. A Party must submit their appeal no later than 10 days from the date of Nicolet College's notice of the determination or notice of dismissal and the appeal must be based on one or more of the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals the determination or dismissal, Nicolet College will:

- Notify the Parties of any appeal within 5 days of receiving the Party's appeal;
- If notice was not previously provided to the Respondent in the case of a dismissed Complaint, the notice of appeal will include notice of the allegations
- Allow the non-appealing Party at least 10 days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the determination;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations; and
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome;
- Notify the Parties of the result of the appeal and the rationale for the result within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

Dissemination of Policy and Procedures

Nicolet College will provide its policy and procedures related to Title IX on its website and in each handbook, catalog, and application form that it makes available to applicants for admission and employment, students, employees.

Training

Nicolet College will provide training to all employees on Nicolet College's obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination including sex-based harassment under Title IX, and all applicable notification and information requirements under Title IX regulations. Nicolet College will ensure that its Title IX Coordinator(s), investigators, Decision-Makers, facilitators of an information resolution process, and other persons who are responsible for implementing Nicolet College's grievance procedures or have the authority to modify or terminate supportive measures, have training on topics requires by Title IX regulations.

In years in which a substantive policy or procedural change has occurred, all Nicolet College employees will attend a training update or receive a copy of the revised policies and procedures.

File Retention

Nicolet College will retain on file for a period of seven (7) years after closing the case copies of:

- For each complaint of sex discrimination: records documenting the informal resolution process (if any) or the grievance procedures, and the resulting outcome.

- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this part, including notifications under 106.44(c)(1) or (2), records documenting the actions Nicolet College took to meet its obligations under Title IX regulations.
- All materials used to provide training pursuant to Title IX regulations.

These procedures supersedes Nicolet College's previous Title IX procedures, though previous procedures remain in force for conduct occurring before August 1, 2024. These procedures will take effect August 1, 2024 and remain in effect unless the 2024 Title IX/Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance regulations are enjoined or otherwise determined to be unlawful by a court of competent jurisdiction. Should the underlying law or regulations on which these procedures are built cease to remain enforceable, the appropriate sex-based discrimination/harassment college policies and procedures will apply.

References:

- Title IX Education Amendments of 1972; 20 U.S. Code Sections 1681 et seq.;

Drug Free Schools and Community Act

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

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.



Title: Alcohol and Drug Use	Number: AP 4.05 Policy Owner: Human Resources Adopted: March 1995 Reviewed: July 2024 Revised: July 2024
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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 Human Resources. 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 possession, manufacturing, sale, distribution, and unauthorized 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 Benefits Administrator.

Referral of Suspected Violations

In an emergency, call 9-1-1. Employees must immediately refer anyone (student or employee)

showing behavioral evidence of alcohol or illegal drug use to the Manager of Risk, Compliance, and Safety, a Campus Security Officer, Human Resources, a supervisor, the Emergency Response Team, or a Strategic Leadership Team member.

Employees must refer anyone 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 that 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 Manager of Risk, Compliance, and Safety within 72 hours or as soon as practicable thereafter. Failure to do so will result in a referral to the Director of Strategic Enrollment and appropriate disciplinary action may be taken up to 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 72 hours or as soon as practicable thereafter. Failure to do so will result in appropriate disciplinary action up to 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 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, up to termination.

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.

Transportation to a Medical Facility

Nicolet College reserve the right to contact emergency services (9-1-1) to respond to anyone whom – based on a reasonable suspicion – appears to be under the influence of drugs and/or alcohol while on the Nicolet College campus or any of its off-campus outreach locations.

Employees that have consented to drug and alcohol testing will be transported to the nearest available medical facility by Emergency Medical Services.

DRUG OR ALCOHOL COUNCILING, TREATMENT, OR REHABILITATION PROGRAMS AVAILABLE TO STUDENTS AND EMPLOYEES

Wisconsin Department of Health Services

1 West Wilson Street
Madison, WI 53703
Phone: 608-266-1865
TTY: 711 or 800-947-3529
<https://www.dhs.wisconsin.gov/>

Oneida County Health Department

100 West Keenan St.
Rhinelander, WI 54501
Phone: (715) 369-6111
FAX: (715) 369-6112
<https://publichealth.oneidacountywi.gov/about-us/contact-info/>

Koinonia Residential Treatment Center

1991 E Winnebago St
Rhinelander, WI 54501
(715) 362-5745
<https://koinoniaocs.net/>

Aspirus Behavioral Health Services

Aspirus Rhinelander Clinic - N Chippewa Drive
1630 N Chippewa Drive
Rhinelander, WI 54501
(715) 361-5480
<https://www.aspirus.org/find-a-location/aspirus-rhinelander-clinic-n-chippewa-drive-1>

Aspirus Rhinelander Hospital/Clinic
2251 N Shore Drive
Rhinelander, WI 54501
715-361-4700
<https://www.aspirus.org/find-a-location/aspirus-rhinelander-hospital-535>

Aspirus Howard Young Medical Center
240 Maple Street
Woodruff, WI 54568
715-356-8000 (Local)
<https://www.aspirus.org/find-a-location/howard-young-medical-center-538>