September 2014

Dear Campus Community Member:

Please feel free to review the college’s annual campus safety report. This comprehensive report provides information on safety programs and services that are available at Fox Valley Technical College. This is also part of the college’s effort to provide information to our community on the overall safety of our campuses, including the crimes that are reported to our security department and what steps you can put in place to maintain a safe and secure campus. This document also serves as a compliance report for the Jeanne Clery Act that was passed in 1998.

Student Services and Security Services, along with our campus and community partners, take any crimes or threats against students, staff and visitors to the campus very seriously. A priority is put on aggressively investigating reported crimes and behavioral issues as well as avenues to support the victims of crime in our campus community. We ask you to help as well. Empower yourself by being actively involved in prevention and educational programs offered on campus. Secure your personal property. As a responsible, vigilant and caring college population, take the time to report suspicious and unlawful behavior to Security Services. You can text security@fvtc.edu or call 920-735-5691. In addition, you may file an incident report at www.fvtc.edu/MyFVTC and tab Campus Resources and Campus Safety for access to the on-line reporting form. Please do your part by getting involved.

Thank you for your assistance in keeping our campus community safe. We appreciate the important role everyone plays in keeping the college, regardless of the location of the campus, a safe place for anyone who attends or visits. You are an important part of the safe environment we have at Fox Valley Technical College. Should you have any questions regarding your safety, others’ safety or the Campus Safety Report, don’t hesitate to contact Jayme Bowman or Tony Duff.

Sincerely,

Tony Duff  
Manager of Student Conduct  
920-225-5913  
duff@fvtc.edu

Jayme Bowman  
Security Services Manager  
920-993-5138  
bowman@fvtc.edu
Fox Valley Technical College works hard to create a safe, welcoming campus community. In order to accomplish this, we encourage students, staff and visitors to become informed of our safety, security, crime and crime prevention information while on our campuses.

Information and reports on campus safety are compiled and reported by Security Services and Student Services. The offices of Security Services and Student Conduct, along with our campus and community partners take the commission of crimes against our students, staff and visitors very seriously. The college has a Behavioral Intervention Team (BIT). The purpose of this team is to provide a cross-functional, multidisciplinary point of contact for members of the college community who have encountered student behavior that they perceive as aberrant, threatening or dangerous. The team aims to track "red flags" in student behavior in order to identify individual or group behavior patterns or disturbances. Our commitment is to aggressively investigate any reported crime and have services in place to support the victims of crime in our campus community. With that said, prevention is the best approach. We all need to make it clear that our person and property are secure and protected by a vigilant and caring population of individuals who report any suspicious and unlawful behavior immediately. We all need to be involved in making our campus a safe environment.

Various federal and state laws require that certain information be provided to all students and staff on an annual basis to promote a safer environment. The purpose of this report is to provide our faculty, staff and students with accurate and timely campus safety information including crime statistics and procedures to follow to report a crime. These reports can be found on the college’s website under Campus Safety. Any student or employee may request a printed copy of this report by contacting the Student Conduct Manager or Security Services offices at Fox Valley Technical College.

This is also the college’s compliance document as called for under the Crime Awareness and Campus Security Act of 1990 and subsequent amendments that led to its being renamed the Jeanne Clery Act in 1998. This act requires colleges and universities across the United States to disclose information about crime on and around their campuses.

The "Clery Act" is named in memory of 19 year old Lehigh University freshman, Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986. Jeanne's parents, Connie and Howard, discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They
joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990." The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. The law was amended in 2000 to require schools beginning in 2003 to notify the campus community about where public "Megan's Law" information about registered sex offenders on campus could be obtained. Most recently, in 2008, the law was amended to include information on emergency evacuations and emergency notification. To learn more go to www.securityoncampus.org.

More recently, on March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013 (VAWA). This act directs colleges and universities to specify procedures as related to domestic violence, dating violence, sexual assault, or stalking incidents when reported. More information is available in this report.

**The Drug Free Schools and Communities Act and Wisconsin Act 121** requires that colleges and universities adopt and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Notification of policies, health risks and prevention programs on an annual basis to all students and employees is required. Wisconsin Act 121 requires that local WTCS District Boards adopt rules relating to possession of drug paraphernalia and subjecting WTCS students to disciplinary action for drug offenses. You will find information regarding this in the report.

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### Campus Safety

This is one of many mechanisms designed to provide information on crime prevention, procedures to report a crime, resources available to victims and crime statistics. This report is designed to enhance the safety and security of anyone who visits, studies or works at Fox Valley Technical College. Many campus departments actively work to support and enhance campus safety. The following departments have significant responsibility for collecting and reporting crime data: Security Services, Behavioral Intervention Team, Student Life, and the Counseling Center.

### Safety Tips

- **Call Security immediately if you see or hear something suspicious.** If it is an emergency, don’t hesitate to call 911. Be sure to tell them exactly where you are. Room numbers are located on the inside of each door.
- **Keep your possessions in your sight at all times.** Don’t leave your computers, cell phones or other electronic devices unattended.
- **If you leave your office area or room, even if it is a short time, close and lock the door.**
Trust your instincts and be alert to potential dangers.
Especially at night when it is dark, walk with another person whenever possible. Stay in a well-lit and high traffic area. Utilize security escorts whenever needed.
Shred any documents which you discard containing personal information.
If you see something unsafe on campus, say something. Safety is everyone’s responsibility.

Reporting Crimes or Emergencies

All members of the campus community are urged to report crimes, suspicious behaviors and actions or other emergencies occurring on the campus to Security Services as accurately and timely as possible. When a report is filed, your concerns will be handled by trained security personnel in a confidential and professional manner. Once an incident or crime has been reported to Campus Security, a diligent effort will be made to investigate, resolve the conflict and identify the offender or hazard. Should the Student Code of Conduct be violated, the college’s conduct officer will be involved. Violations to the Student Code of Conduct, regardless of the campus should be directed to 920-225-5913 or by filling out an incident report through our web page at www.fvtc.edu/MyFVTC, tab Campus Resources and Campus Safety.

FVTC recognizes the need to make the same efforts to track a crime which occurs at our satellite facilities and may impact faculty, staff, students and patrons. All incidents of a criminal nature occurring at satellite facilities shall be reported to that facility’s local law enforcement agency as well as the college’s Security Services. Security Services maintains partnerships with local law enforcement to ensure incidents and crimes are handled accurately and timely.

When a crime or incident occurs on a satellite campus, notification should be made to Security Services, consisting of written confirmation of the facility of occurrence, date and time of occurrence, type of incident and name of the local law enforcement agency which handled the incident. This can be done by utilizing the Maxient Software at www.fvtc.edu/MyFVTC, tab Campus Resources and Campus Safety. Campus Security will contact the involved local agency and request a copy of the official report for purposes of compliance reporting. Security Services can be contacted at (920) 735-5691 or in the case of an emergency, (920) 735-4777.

Timely Warnings

In the event of a major emergency, or an event which poses an ongoing or continuing threat to students, employees, or patrons, a warning is distributed by utilizing several resources. An all campus email will be sent to all students and staff as well as a notice that is posted on the college’s website. The college has a public address system which will distribute warnings. Students and staff may sign up text messaging for Emergency Alerts through Rave Mobile. This information is posted on the college’s website for notification under the Campus Safety tab or go directly to the link: www.getrave.com/login/fvtc
Security and Access to Campus Facilities

On the Appleton campus, Campus Security operates Monday through Friday from 7 a.m. to 10 p.m. During closed periods and campus recesses, the Campus Security Team continues to work with administration and facilities personnel to maintain a safe and secured environment. The Appleton campus is located in the Town of Grand Chute. Local law enforcement is contacted when needed.

At the Riverside Campus, S.J. Spanbauer Center, AMTC (Advanced Manufacturing Technology Center and FABTECH Education Center in Oshkosh, security officers are assigned to assist our students, staff and guests Monday through Friday. These campuses are located in Winnebago County and Oshkosh. Local law enforcement agencies are contacted when needed.

Satellite campuses are located in Chilton, Clintonville, Waupaca and Wautoma. Security Services and its team work directly with the local law enforcement agencies. These municipalities are located throughout the college’s five-county district.

Campus Security officers receive all reports brought forward by the college community. The college conduct officer works collaboratively with the Security Services Manager and also receives a copy of the reports. If police intervention is needed, the appropriate local police agency is contacted for immediate service.

The college currently does not have any on-site residential housing. A small percentage of students attending the college utilize housing provided by the University of Wisconsin-Oshkosh on their campus and are under individual contracts. During the 2014-2015 academic year, this housing option was available to approximately 85 students. Additionally, the college maintains a housing partnership with the University of Wisconsin-Fox Valley Menasha campus. During the 2014-2015 academic year, 6 students are utilizing housing there while attending classes at Fox Valley Technical College.

Should you have a safety or security concern, stop by Security Services at the Appleton campus, Room E162, text security@fvtc.edu or call (920) 735-5691. You may also submit an incident report by going to www.fvtc.edu/MyFVTC, tab Campus Resources and Campus Safety.

Campus Crime Statistics – The following crimes on Fox Valley Technical College campuses were reported to Security Services. These statistics are updated on or before October 1st of each year for the previous 3 calendar years. Statistics are divided between the Appleton and Oshkosh campuses and a compilation of the Regional Centers.
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<th>Appleton</th>
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### 2012 Crime Statistics for FVTC

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Registered Sex Offenders
If you seek information regarding the sex offender status of any individual employed or enrolled at Fox Valley Technical College, please contact Security Services at (920) 735-5691 and request this information. You may also visit the Wisconsin Sex Offender Registry website at http://doc.wi.gov/community-resources/wi-sex-offender-registry

Daily Log

Fox Valley Technical College’s Security Services department maintains a daily log of crimes and incidents that occur on campus that is accessible to the public upon request. Reports of incidents are maintained on the college’s Maxient software system. This system contains reports on behavioral alerts, issues and concerns, medical calls, security calls and academic alerts and concerns. Information on crime and incidents which occur on our satellite campuses will become available when reports are submitted from the local law enforcement agency.

Crime Reporting Options

Security Services along with the assistance of local law enforcement agencies will respond to and investigate all crimes which occur on any of the college campuses. It is the policy of Security Services to encourage accurate and prompt reporting of all crimes to the department or the appropriate local police authority. Students, staff or patrons involved in or witnessing a crime should contact Security Services immediately by texting security@fvtc.edu, calling 920-735-5691, or filling out an incident report at www.fvtc.edu/MyFVTC, tab Campus Resources and Campus Safety.

If it is an emergency, call 920-735-4777 or if Security Services is not available on the campus, call 911.

Please note that individuals who wish to report a crime on a voluntary and confidential basis should contact the following offices: Counseling Services in Appleton at (920) 735-5696. In Oshkosh, students should contact Lisa Steffens at (920) 236-6128.

Information regarding these crimes may be shared with Security Services for crime prevention and/or statistical purposes but no formal investigation will be initiated. Counseling staff who learn about the commission of a crime will notify those student(s) that information regarding these crimes may also be reported to the Manager of Student Conduct on a voluntary, confidential basis for inclusion in the college’s crime statistics only.
Safety Prevention Programs

Fox Valley Technical College provides information to students and employees on campus security procedures and practices, protecting themselves and encouraging them to be responsible for their own security and the security of others. The following programs and information are part of the college’s safety prevention.

- **Security Services** provides a safety escort service during hours the Appleton and Oshkosh Riverside campuses are open. Individuals may stop in Security Services, use the in-house phones or call (920) 735-5691.
- **Security cameras** are located in several locations indoor and outdoor at the Appleton, Public Safety Training Center, Oshkosh Riverside, SJ Spanbauer, Automated Manufacturing Technology Center, FabTECH, Chilton, Clintonville and Waupaca campuses.
- A text messaging system is in place for notification of emergencies. The text messaging system is used for situations which pose an on-going or immediate threat, as well as notification of campus closure. Students and staff may sign up for this on a volunteer basis. Information is posted on the Campus Safety website.
- An email is sent to all students and staff for notification of emergencies which pose an on-going or immediate threat.
- Emergency procedures literature is located in each classroom and various locations throughout the campus.
- The Student Handbook/Calendar is updated and distributed annually to students with college and safety policies and procedures.
- Welcome Days and the online new student registration provides information on campus safety.
- An Enhanced 911 room locator system is used for emergency personnel to immediately have a room number and location finder if an emergency phone call is placed from the room.
- A Campus Safety web site is accessible for all students, employees and visitors to review. This site includes information on preventative processes in place at the college, including the role and membership of the Behavioral Intervention Team.
- Sessions are offered by the college’s Training and Development department for staff which address campus safety, workplace violence, student conduct, sexual assault, classroom management and sexual harassment for professional development.
- The college’s Counseling Services provides personal counseling and support services to students as well as an AODA certified counselor to address alcohol and other drug abuse issues.
- A Behavioral Intervention Team is on call for emergency situations and meets on a weekly basis to discuss current issues.
• The college has an Emergency Response and Preparedness Plan. This includes a 911 Emergency Communication Plan. These are available to any interested individuals by contacting Security Services.
• The college schedules both fire and tornado drills several times a year.
• A required Work Place Violence Preparedness training session for all staff will continue to occur during the 2014-2015 academic year.

**Behavioral Intervention Team**

The Behavioral Intervention Team has been in existence at FVTC since 2009. Originally the team was comprised of staff from Security Services, Counseling and Student Life. In 2011, it was expanded to include representatives from Counseling, Educational Support Services, Faculty, Educational Support Personnel, Management, Minority Services and Student Life. This group meets on a bi-weekly basis and in case of an emergency.

The purpose of this team is to provide a cross-functional, multidisciplinary point of contact for members of the college community who have encountered student behavior that they perceive as aberrant, threatening or dangerous. The team aims to track "red flags" in student behavior in order to identify individual or group behavior patterns or disturbances. The cross-functional team will then use resources to conduct an investigation, perform a threat assessment and determine the best ways to support and/or intervene to promote the success of individual students and the safety of the overall campus community. The team will act promptly to follow-up with the individual initiating the report and determine a plan of action.

Actions taken by the team could include the following:

• Assisting faculty with appropriate intervention strategies
• Assist in writing a Behavioral Success Plan
• Provide resources for students and staff
• Impose educational sanctions
• When indicated, recommending suspension of a student until the student has been assessed, treated and doctors indicate the student is not a risk to themselves or others
FVTC is committed to protecting and insuring the rights and safety of its students.

Wisconsin statutes recognize that sexual assault, sexual exploitation by a therapist and harassment are serious criminal offenses. It is important for all members of the college to understand how these offenses are defined in law, and to be aware of the penalties. Excerpted below are the definitions and penalties of sexual assault. The law defines the words consent, sexual contact and sexual intercourse. Consent means words or overt actions by a person indicating a freely given agreement to have sexual intercourse or sexual contact. A person under 16 years of age is incapable of consent as a matter of law. Teens 16 and 17 years old can legally consent to sexual contact; however, they are deemed incapable of consenting to sexual intercourse as a matter of law. People who have a mental illness or deficiency, and people who are unconscious or physically unable to communicate are assumed to be incapable of consent, but that assumption can be challenged in court. Marriage is not a bar to prosecution for sexual assault. A person may be prosecuted for assaulting his or her spouse. Sexual contact is defined as any intentional touching of the intimate parts of a person, either directly or through clothing, by any body part or by an object, if that intentional touching is for the purpose of sexually degrading or humiliating the victim, or for the sexual arousal or gratification of the assailant, or if the intentional touching contains the elements of actual or attempted battery. Sexual intercourse includes any intrusion, however slight, into another person’s genital or anal openings by any object or part of another person’s body, or oral-genital contact. Under another statute, Wisconsin delineates guidelines for the use of evidence in court. Wisconsin State statute 972.11 prohibits the use in court of evidence of the victim’s past sexual conduct. There are three exceptions to this. The judge may allow evidence of the victim’s past conduct with the assailant; evidence that could show the source or origin of semen, pregnancy or disease; or evidence of prior untruthful allegations of sexual assault made by the victim. Recent revisions in the law have allowed for further exceptions to be made at the judge’s discretion.

Additionally, on March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013 (VAWA). This act directs colleges and universities to specify procedures as related to domestic violence, dating violence, sexual assault, or stalking incidents when reported.

Wis. Stat. 940.225: Sexual Assault
First Degree Sexual Assault

Whoever does any of the following is guilty of a Class B felony: A person who commits first degree sexual assault can be imprisoned for up to 40 years.

• Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
• Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon.
• Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

**Second Degree Sexual Assault**

Whoever does any of the following is guilty of a Class C felony: The penalty for second degree sexual assault is a fine of up to $10,000 and/or imprisonment for up to 20 years.

• Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
• Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
• Has sexual contact or sexual intercourse with another person who suffers from mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person’s conduct, and the defendant knows of such condition.
• Has sexual contact or sexual intercourse with another person who the defendant knows is unconscious.
• Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person.

**Third Degree Sexual Assault**

Whoever has sexual intercourse with a person without consent of that person is guilty of a Class D felony. A person who commits third degree sexual assault can be fined not more than $10,000 and/or imprisoned not more than 5 years.

**Fourth Degree Sexual Assault**

Whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor. A person who commits fourth degree sexual assault can be fined up to $10,000 and/or imprisoned for up to 9 months in the county jail.

**Domestic Violence – Wisconsin Statute 968.075**

Includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic of family violence law, or anyone else protected under domestic or family violence law.
**Dating Violence**

Means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

**Stalking – Wisc. Statute 940.32**

Means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others’ safety, or to suffer substantial emotional distress.

**Rights of Victims & Alleged Assailants of Sexual Assault**

36.11(22)(1)(c) Wis. Stats.

- The right of the victim/survivor and alleged assailant to have the same opportunity to have one representative accompany them in a disciplinary hearing.
- The right of the victim/survivor and alleged assailant to be informed of the outcome of any disciplinary hearing involving sexual assault.

**Rights of Victims/Survivors of Assault, Sexual Assault, Sexual Harassment, Domestic Violence, Stalking and Dating Violence**

- Victims/survivors shall be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the victim/survivor chooses.
- Victims/survivors shall be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community.
- Notification to victims/survivors of and options for, and available assistance in, changing academic and living situations after an alleged incident, if so requested by the victim/survivor and if such changes are reasonable available.

- In addition to the above, Chap.950Wis.Stats. provides a victim’s bill of rights, 950.01 Legislative intent. In recognition of the civic and moral duty of victims and witnesses of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and that the rights extended in this chapter to victims and witnesses of crime are honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants. For more details on Wis. Stats Chap.950 go to: [http://folio.legis.state.wi.us](http://folio.legis.state.wi.us)
Sexual assault remains an under-reported crime. Fox Valley Technical College encourages students to report assaults so that they may receive assistance in dealing with the aftermath of an assault and so that they may have accurate information about formal and informal complaint options.

**Procedure After An Assault, Sexual Assault, Sexual Harassment, Domestic Violence, Stalking and Dating Violence**

Being a victim is traumatic. It is not unusual for the victim to feel afraid to talk with anyone after the attack. However, it is very important to seek safety and qualified assistance. If an attack occurs, contact your local law enforcement authorities immediately.

**Assistance on campus is available from:**
- Campus Security, (920) 735-5691
- Counseling Services, (920) 735-5696
- Therese Nemec, Title IX/Gender Equity Coordinator, (920) 735-4765
- Patti Jorgensen, Affirmative Action/Equal Opportunity Officer, (920) 735-5649
- Lisa Steffens, Counselor, Oshkosh Campus, Main Office, (920) 236-6128

**Resources in the Fox Valley Technical College District include:**
- Reach Counseling Services (920) 426-1460
- Sexual Assault Crisis Center (920) 733-8119
- Christine Ann Domestic Abuse Services 1-800-261-5998
  - (920) 729-5727 Neenah
  - (920) 235-5998 Oshkosh
- Harbor House Domestic Abuse Program 1-800-970-1171 • (920) 832-1666
- Harbor House Calumet County Outreach (920) 849-7819
- Waupaca County 1-800-472-3377 • (715) 256-1136
- Winnebago County (920) 729-5727
- Waushara County 1-800-472-3377 • (920) 787-3949

Reporting to law enforcement will assure that you will receive medical attention, contact with appropriate community services, and will assist their department to obtain information which may lead to the arrest of the suspect. This may prevent future assaults by the perpetrator and aid in the investigation of similar assaults. If you contact law enforcement to report the assault, you are not obligated to press charges or prosecute if you do not wish to do so. This is a personal choice. It is suggested that you preserve any evidence. Preservation of evidence is vital as proof of criminal sexual assault.
FVTC’s Promise for Sexual Assault, Domestic Violence, Dating Violence and Stalking Victims

- You have the option to, or not to, notify and seek assistance from law enforcement and campus authorities.
- You have the rights and institutional responsibilities regarding judicial no-contact, restraining, and protective orders.
- We will meet with you privately, at a place of your choice in this area, to take a complaint report.
- If you feel more comfortable talking with a female or male officer or staff member, we will do our best to accommodate your request.
- We will assist you in filing complaints with the authorities, explain all options and help you achieve the best outcome. Options may involve the arrest and full prosecution of the suspect responsible. You will be kept up-to-date on the progress of the investigation and/or prosecution.
- Our staff will not prejudge you, and you will not be blamed for what occurred.
- We will continue to be available to answer your questions, explain the systems and processes involved, and be a willing listener.
- We will assist you in privately contacting counseling, safety, advising and other available resources. We will treat you and your particular case with courtesy, sensitivity, dignity, understanding and professionalism.
- We will consider your case seriously, regardless of your gender or the gender of the suspect.
- We will ask the press to respect your privacy. Local media have been very sensitive to the confidentiality of those reporting sexual assaults.

Procedures for Campus Disciplinary Action
Covered in the college’s Student Code of Conduct. A copy of the Student Code of Conduct can be found on the website at http://www.fvtc.edu/MyFVTC, and tab Student Forms and Policies.

Sexual Harassment and Harassment/Discrimination

Discrimination shall mean unequal treatment in any service, program, course activity or facility at Fox Valley Technical College based upon a student’s protected status as defined by law.

Harassment is a form of discrimination and includes verbal or physical conduct that creates an intimidating, hostile or offensive academic environment which substantially
interferes with an individual’s academic performance or substantially and adversely affects an individual’s academic progress. Harassment includes unwelcome verbal or physical conduct of a sexual nature that is severe enough to interfere substantially with an individual’s academic progress or creates an intimidating, hostile or offensive academic environment. Individuals who believe that harassment or discrimination has occurred should contact the Affirmative Action officer or the Gender Equity Coordinator to file a complaint. An investigation will be completed. FVTC will take appropriate corrective action when it has been determined that a discrimination or harassment situation has occurred.

**Definitions and Penalties for Sexual Harassment 36.11(22)(1)(a)Wis.Stats.**

Fox Valley Technical College policy as well as state and federal law prohibit sexual harassment. The college policy states that harassment by supervisors, co-workers or non-employees on the basis of race, sex, national origin, disability or other protected status is an illegal practice prohibited by the Fox Valley Technical College Board. Some acts may constitute both assault and sexual harassment. Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is a condition of employment, academic progress, or participation in a university program;
- Submission to or rejection of such conduct influences employment, academic or university program decisions; or
- The conduct interferes with an employee’s work or a student’s academic career, or creates an intimidating, hostile, or offensive work, learning or program environment.

**Tangible Action or Quid Pro Quo (This for That) Sexual Harassment:**

Occurs when employment or academic decisions resulting in a significant change in status are based on an employee or student’s submission to or rejection of unwelcome verbal or physical sexual conduct.

**Hostile Environment Sexual Harassment:**

Occurs when verbal, non-verbal and/or physical conduct is:

1. Sexual and/or based on gender
2. Unwelcome, and
3. Sufficiently severe and pervasive to interfere with a person’s work, learning, or program performance or to create a hostile, intimidating or offensive environment.
The determination of sexual harassment is made on a case-by-case basis looking at the whole record, including the circumstances (such as the nature of the sexual advances) and the context in which the alleged incidents occurred. Some behaviors, which may be acceptable in certain contexts, are inappropriate in the workplace or classroom, particularly if an objection is expressed. Key points about sexual harassment include:

- Differences in power or status can be a significant component in sexual harassment. A person who seems to acquiesce to sexual conduct may still experience tangible action harassment or hostile environment harassment if the conduct is unwelcome.
- Harassment can occur between men and women or between members of the same gender.
- Sexual harassment may or may not involve a tangible injury (e.g., economic loss, lowered grades). A sexually harassing environment, in and of itself, may constitute a harm.
- Sexual harassment must be addressed and corrected regardless of the position or status of the harasser or the person being harassed.
- Conduct is not always offensive or unwelcome to the same degree when perceived by different people. Courts use a “reasonable person” standard to determine whether the contested behavior constitutes sexual harassment.
- In an academic or program setting, offenders can be faculty, instructors, lecturers, teaching assistants, coaches, tutors, or even fellow students or program participants. In the workplace, offenders can be supervisors, co-workers, or non-employees such as vendors or customers.

Information on the sexual harassment policy and procedures on campus can be found on the college’s web site under college polices and is called Discrimination Grievance Procedure.

**What Should You Do If You Are Sexually Harassed?**

- Tell the harasser that you do not like his or her behavior, and you want it to stop. You can do this in person, by telephone or by letter.
- Keep a record of events. Write down what the harasser said or did, when and where he or she said or did it, and what your response was.
- Keep any copies of electronic/digital messages that the harasser has sent, including text messages and Facebook comments.
- Get the names of witnesses.
- Talk about it with others.
- Talking the situation over with someone can relieve a lot of unnecessary guilt and provide you with support. Other people may be witnesses; they may know of other victims; they may even have been victims themselves.
If You Are Accused of Sexual Harassment

- Early consultation with college authorities may help avoid claims of retaliation and facilitate resolution of the situation.
- You will be informed of any complaint filed against you and provided with an opportunity to respond to the specific allegations.
- You should contact the Student Life Director, Counselor or another campus resource (listed below).
- You have the same opportunities to have others present during a disciplinary proceeding.
- You may choose to seek private legal advice.
- Be honest when questioned about alleged conduct and explain its context.

If You Are Approached by a Colleague or Peer

- Listen to the allegation of harassment sympathetically but objectively.
- Encourage the individual to contact someone who can explain alternatives available to resolve the situation (a counselor, faculty member, or college administrator).
- If requested, and if you are comfortable doing so, assist the individual in reporting the behavior.
- Keep allegations confidential, except as necessary to cooperate with appropriate college officials.

Services on Campus to Assist Victims of Sexual Harassment or Harassment

Help is available! Your questions will be answered, you will be given information on informal and formal complaint procedures and, if appropriate, sexual harassment reports will be filed. You may request information and advice anonymously if you wish.

Therese Nemec, Title IX/Gender Equity Coordinator, Room G118 on the Appleton Campus, 920-735-4765.

Patti Jorgensen, Affirmative Action/Equal Opportunity Officer, Room A104 on the Appleton Campus, 920-735-5649

Services in the Community

Reach Counseling Services (920) 426-1460
Sexual Assault Crisis Center (920) 733-8119
Christine Ann Domestic Abuse Services 1-800-261-5998.
Sexual Harassment (In Employment) 111.32(13) Wis. Stats.

“Sexual harassment” means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. “Sexual harassment” includes conduct directed by a person at another person of the same or opposite gender. “Unwelcome verbal or physical conduct of a sexual nature” includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee’s work performance or to create an intimidating, hostile or offensive work environment.

Harassment Wisconsin State Statutes

940.32 – “Stalking
968.075 – “Domestic Violence”
947.013(1)(a)”Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.
947.013(1)(b)”Credible threat” means a threat made with the intent and apparent ability to carry out the threat.
947.013(1)(c)”Personally identifiable information” has the meaning given in s. 19.62 (5).
947.013(1)(d) “Record” has the meaning given in s. 19.32 (2).
947.013(1)(m) Whoever, with intent to harass or intimidate another person, does any of the following is subject to a Class B forfeiture:
  947.013(1)(m)(a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.
  947.013(1)(m)(b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
947.013(1r) Whoever violates sub. (m) under all of the following circumstances is guilty of a Class A misdemeanor:
  947.013(1r)(a) The act is accompanied by a credible threat that places the victim in reasonable fear of death or great bodily harm.
  947.013(1r)(b) The act occurs while the actor is subject to an order or injunction under s. 813.12, 813.122 or 813.125 that prohibits or limits his or her contact with the victim.
947.013(1t) Whoever violates sub. (1r) is guilty of a **Class E felony** if the person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s. 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation occurs within 7 years of the prior conviction.

947.013(1v) Whoever violates sub. (1r) is guilty of a **Class D felony** if he or she intentionally gains access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation under sub. (1r).

947.013(1x) Whoever violates sub. (1r) under all of the following circumstances is guilty of a **Class D felony**:

947.013(1x)(a) (a) The person has a prior conviction under sub. (1r), (1t) or (1v) or this subsection or s. 940.32 (2), (2m), (3) or (3m).

947.013(1x)(b) (b) The person intentionally gains access to a record in order to facilitate the current violation under sub. (1r).

947.013(2) (2) This section does not prohibit any person from participating in lawful conduct in labor disputes under s. 103.53.

**Links to Relevant Wisconsin State Statutes**

The following Wisconsin State Statutes are linked to the Revisor of Statutes Bureau [www.legis.state.wi.us/rsb/stats.html](http://www.legis.state.wi.us/rsb/stats.html); search under Folio Format by entering the statute number (i.e. 940.225 or 36.12).

36.12 Student discrimination prohibited

947.013 Harassment

940.225 Sexual assault

940.22 Sexual exploitation by therapist; duty to report

948.02 Sexual assault of a child

948.025 Engaging in repeated acts of sexual assault of the same child

939.50 Classification of felonies

939.51 Classification of misdemeanors

939.52 Classification of forfeitures

950.04 Basic bill of rights for victims and witnesses

950.055 Child victims and witnesses; rights and services
FVTC Alcohol/Drug Abuse Policy Philosophy Statement
Fox Valley Technical College recognizes that the misuse and abuse of alcohol and other
drugs is becoming increasingly commonplace and in certain instances leads to
dependency. It also recognizes that such chemical dependency is a serious illness.
Chemical dependency interferes with academic achievement and work performance for
both students and employees. FVTC is committed to a drug-free environment that
includes education, intervention, referral and treatment.

Policy Statement
Fox Valley Technical College is committed to upholding all local, state, and federal laws
concerning the use and abuse of alcohol and other drugs and will support all efforts of the
campus community to confront violations of these laws.

1989 Wisconsin Act 121 requires that local WTCS District Boards adopt rules relating to
possession of drug paraphernalia and subjecting WTCS students to disciplinary action for
drug offenses. In addition, the Drug-Free Schools and Community Acts Amendments of
1989 (Public Law 101-226) requires institutions to sign a certification of compliance with
the law in order to receive any federal funds. An institution must adopt and implement a
program to prevent the illicit use of drugs and the abuse of alcohol by students and
employees. Such policy must be distributed annually to each student and employee.

FVTC College Policies
Unlawful possession, use, sale, or distribution of controlled substances, illicit drugs, or
alcohol by any student, employee, or vendor on College property or at any College-
sponsored activity is strictly prohibited.

For off-campus college-sponsored activities, alcohol use is prohibited during the time in
route to and from the activity and during the time of the college-sponsored activity as
defined by the student organization advisor.

Drugs prescribed by a physician, dentist, or other person licensed to prescribe or dispense
controlled substances or drugs used in accordance with their instructions are not subject
to this policy. Students and staff using any substances, drugs, or medicines that cause
drowsiness or other side effects that may impair their ability to perform their task
properly and safely are obligated to inform his/her supervisor and/or his/her instructor of
such medications. Staff will not allow students to operate equipment or perform activities
that have the potential for injury to themselves or others if they suspect a student to be
impaired.
No student or employee shall be under the influence of alcohol and/or illegal substances or in possession of any drug paraphernalia on college premises or at any college-sponsored activity.

The use of any beverage containing alcohol, which includes beer or other malt beverages, wine, wine coolers, or distilled beverages, on FVTC premises is prohibited with the exception of preparation and cooking of foods in the culinary arts courses, providing of beverages by FVTC Food Service at functions authorized by the President of the College, and controlled use in law enforcement training. No alcohol will be provided by the College at any other College-sponsored activities.

Staff permission will not be given for any person to operate a motor vehicle while impaired. If transportation is needed, arrangements for alternative transportation will be made, i.e., a ride with a friend, family member, cab, etc. Failure to cooperate with such arrangements will be documented and will be submitted to the appropriate vice president or division dean (Appleton campus), campus director (Oshkosh), or regional center manager (hereafter referred to as Administrator).

Because of the potential dangers to a person presented by his/her acute intoxication with alcohol or other drugs, individuals exhibiting evidence of acute intoxication, incapacitation, or a drug overdose on campus or at any college-sponsored activity will be transported immediately to the local hospital or facility designated to provide detoxification services. Following his/her return, disciplinary procedures as outlined in the policy will be followed.

**Procedures for Disciplinary Action**

Violations of these policies will result in disciplinary action up to and including expulsion from school or termination of employment. Illegal violations will be reported to law enforcement.

**Students**

Any student violating these policies or showing behavioral evidence of alcohol or other drug abuse will be referred to the college conduct officer.

1. **First Offense**: Law enforcement may be contacted immediately upon verification of any illegal violation(s). The student violating this policy for the first offense may result in disciplinary action up to and including suspension and/or expulsion from school. The conduct officer may reduce or alter the disciplinary action if:

   a. The student agrees to see the Alcohol, Tobacco and Other Drug Abuse (ATODA) Prevention Facilitator and follows his/her recommendations satisfactorily; OR,
b. The student agrees to an alcohol/drug assessment provided at a State-approved alcohol/drug agency in the community and conducted by a certified Alcohol/Drug Abuse Counselor, and follows his/her recommendations (all non-school counseling and treatment costs related to this policy shall be the responsibility of the student);

2. **Second Offense:** Law enforcement will be contacted immediately upon verification of any illegal violation(s). The Administrator will recommend expulsion to the Building Expulsion Committee which will consist of the lead teacher from the Division in which the offense(s) occurred, the Conduct Officer, the Registrar, the ATODA Prevention Facilitator, a representative of Student Government, and the Administrator. Due process procedures will be followed. The Administrator or the Building Expulsion Committee may hold a recommendation for expulsion in abeyance if:

a. The student agrees to see the ATODA Prevention Facilitator and follows his/her recommendations satisfactorily; OR,

b. The student agrees to an alcohol/drug assessment provided at a state-approved alcohol/drug agency in the community and conducted by a certified Alcohol/Drug Abuse Counselor, and follows his/her recommendations (all non-school counseling and treatment costs related to this policy shall be the responsibility of the student); Should a student fail to demonstrate compliance with assessment recommendations and/or satisfactory progress in recommended services, the original consequence may be enforced.

3. All school staff members are expected to refer to the Administrator:

(a) Any student who they witness in violation of this policy.

(b) Any student exhibiting signs, symptoms, or indications of an alcohol or other drug related problem.

(c) Any student whose self-disclosed alcohol/drug related behavior places them or others at risk or in imminent danger.

4. Students may also be referred directly to the ATODA Prevention Facilitator/Student Assistance Program (SAP) through self-referral or referral by peers, parents, community representatives, or by staff who are concerned about a student who exhibits a definite and repeated pattern of unacceptable school performance and who has not responded positively to usual and customary attempts to correct it.
5. All contacts with the ATODA Prevention Facilitator and the Student Assistant Program will be handled sensitively and confidentially.

6. Except for witnessed violations, a student who is referred to the ATODA Prevention Facilitator and the SAP through other means will not be liable to suspension or any other disciplinary action for behavior which occurs prior to referral unless the student discloses conduct already reported as a witnessed violation.

7. Participation in the Student Assistance Program is voluntary. At all times, it is the prerogative of the student to accept or reject referral to the ATODA Prevention Facilitator/SAP or to community-based services.

(a) Regardless of whether a student accepts or rejects assistance, it remains his/her responsibility to bring school performance up to acceptable levels or face such corrective or disciplinary actions as may be warranted.

(b) If a student accepts treatment for chemical dependency, that fact will be regarded as it is for any other illness with respect to the student’s rights, benefits and privileges.

(c) Any student judged to present a risk of imminent danger to him/herself or others may be removed from the school pending the results of a professional evaluation.

8. Records of the student’s participation in the SAP will not become part of the student’s permanent record or cumulative file.

9. Protection from liability will be extended to all staff to the extent that they act in accordance with this policy and observe the procedures consistent with it established within their respective buildings.

10. The responsibility for operating the SAP will be in the hands of the ATODA Prevention Facilitator.

**Employees**

1. The College recognizes alcohol/drug dependency as a major health problem. Employees needing help with such problems are encouraged to use the Employee Assistance Program voluntarily. Conscientious efforts to seek such help will not jeopardize any employee’s job or appear on their personnel record.
2. Employees must, as a condition of employment, report any conviction under a criminal drug statute for a violation occurring on or off college premises while conducting college business. A report of the conviction must be made to the Vice President-Human Resource Development within five (5) days after the conviction. (This requirement is mandated by the Drug Free Workplace Act of 1988.) Failure to provide this notification in the required timelines will result in immediate termination.

3. Any employee violating these policies or showing behavioral evidence of alcohol or other drug abuse shall be referred to their immediate supervisor. In addition to following the progressive disciplinary steps outlined in the master agreement, the supervisor will refer the employee to the Employee Assistance Program.

4. FVTC will notify the federal granting agency within ten (10) days after receiving notice of the employee’s conviction.

5. As a condition of continued employment, any employee convicted under a criminal drug statute must participate in and complete a drug abuse assistance or rehabilitation program.

6. Drug testing shall not be required of employees, except as otherwise required by federal statutes, rules, or regulations such as the Department of Defense Contract Rules, Department of Transportation Rules, Federal Highway Administration, FAA, Federal Railroad Administration, Urban Mass Transportation Administration, Research and Special Projects Administration, NRC, or the like, or as required by contracting organizations operating under such rules.

**Written Documentation for Specific Programs**

Written documentation which specifically outlines the controlled use of alcohol in both Food Services and Law Enforcement courses shall be maintained on file in the office of the College President. In addition, written documentation which specifically outlines the display of illicit drugs and drug paraphernalia, as defined by Wisconsin Statutes, in Law Enforcement training programs shall be maintained on file in the office of the College President.

**Policy Addendum for Under Age 18 Students Under Contract**

Students under the age of 18 attending Fox Valley Technical College through a contracted service [(including but not limited to Wis. Statute 118.15 (Alternative High School), Wis. Statute 118.55 (Youth Options), and Wis. Statute 101.265 (Youth Education Training)]

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Apprenticeship), who are suspected of using a chemical, alcohol, or other drug on FVTC owned or leased properties, shall be subject to the following procedure.

**Procedure of Under Age 18 Students Under Contract**

Any suspicion of alcohol or drug use, being under the influence of alcohol or drugs, or in possession of alcohol or drugs on FVTC owned or leased premises (including parking lots) will result in the following procedure:

The instructor reporting the suspicion would refer to Security Services or the College Conduct Officer. Security Services and/or the College Conduct officer will work in collaboration with the manager of the contracted program to:

- Notify the student’s high school.
  - The student may be suspended or removed from the program until the home high school policies & procedures have been followed,
  - Schedule a conference before reentry is considered,
  - Establish a behavioral agreement which is signed by all appropriate parties.
- Expulsion from FVTC may occur if above steps are not taken.

Because of the potential dangers to a person presented by his/her acute intoxication with alcohol or other drugs, individuals exhibiting evidence of acute intoxication, incapacitation, or a drug overdose on campus or at any college-sponsored activity, Security Services will be notified immediately. The student may be transported immediately to the local hospital or facility designated to provide detoxification services. College disciplinary procedures will be followed for continued enrollment.

**Applicable Legal Sanctions Under State And Federal Law**

**Wisconsin Statutes and Legal Sanctions**

The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and outlines specific penalties for the violation of the regulations. A first-time conviction for possession of a controlled substance can result in a sentence of up to one year in prison and a fine of up to $5,000. Sec. 961.41(3g), Stats. A person convicted of manufacturing a controlled substance, delivering a controlled substance, or possessing a controlled substance with an intent to manufacture or deliver, can be imprisoned for up to 30 years and fined up to $1,000,000. Secs. 961.41(1) and (1m), Stats. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to the doubling of an authorized sentence term. Sec. 961.46, Stats. Wisconsin has formidable legal sanctions.
that restrict the use of alcohol in various situations. It is illegal to procure for, sell, dispense or give away alcohol to anyone who has not reached the legal drinking age of 21 years. Sec. 125.07(1)(a)(1), Stats. Every adult has a legal obligation to prevent the illegal consumption of alcohol on premises owned by the adult or under the adult’s control. Sec. 125.07(1)(a)(3), Stats. A first-time violator of either of the above subsections can be fined up to $500. It is against the law for an underage person to procure or attempt to procure an alcoholic beverage, to falsely represent his or her age for the purpose of obtaining alcohol, to enter premises licensed to sell alcohol, or to consume or possess alcohol on licensed premises. Sec. 125.07(4)(a), Stats. A first-time underage violator of Section 125.07(4)(bs), Stats., can be fined up to $500, ordered to participate in a supervised work program, and have their driver’s license suspended.

**Federal Laws and Federal Legal Sanctions**

Pursuant to federal law, the United States Sentencing Guidelines establish mandatory minimum penalties for categories of drug offenses and provide for penalty enhancements in specific cases. Under these federal guidelines, courts can sentence a person for up to 6 years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana; a sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury; and, possession of more than 5 grams of cocaine can trigger an intent to distribute penalty of 10–16 years in prison.

**Federal Penalties and Sanctions for Illegal Possession of Controlled Substances**

21 U.S.C. 844(a)
1st conviction: Up to 1 year imprisonment and fined at least $1,000 but not more than $100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least $2,500 but not more than $250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least $5,000 but not more than $250,000, or both.

21 U.S.C. 853(a)(2) and 881(a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack, above.)

21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a Civil fine of up to $10,000.

21 U.S.C. 862 Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.
18 U.S.C. 922(g) Ineligible to purchase, receive or transport a firearm. Miscellaneous Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

**Resources for Help Off Campus**

- AA/Narcotics Anonymous -- (920) 731-4331, 1-866-635-8854 or 1-800-711-6375
- Al-Anon/Alateen – 1-888-425-2666, or (414) 257-2415 Calumet County Crisis Line -- (920) 849-9317 or 832-4646 (Appleton)
- ThedaCare at Work Employee Assistance Program, (920) 749-2390 or 1-800-236-3666, (For employees and family members of FVTC)
- Outagamie County Crisis Line, (920) 832-4646
- Winnebago County Crisis Line, (920) 722-7707, (920) 233-7707
- Waupaca/Waushara County Crisis Line, 1-800-719-4418

In the Fox Valley area, there are a variety of alcohol and other drug information, prevention, intervention and treatment programs/services. Consult your local telephone directory yellow pages under alcoholism for professional services available in your area.

**Resources On Campus**

If you are concerned about your own use or a friend/family member’s use, confidential help is available through FVTC’s Counseling Services at no cost. Individuals can call (920) 735-5696 on stop in Counseling Services on the Appleton campus to make an appointment or contact Student Services to set up an appointment with a counselor in Oshkosh.

**Health Effects of Alcohol & Other Drugs Summary**

The abuse of alcohol and the use of other drugs is detrimental to the health of the user. Further, the use of drugs and alcohol is not conducive to an academic atmosphere. Drugs impede the learning process and can cause disruption for other students and disturb their academic interests. The use of alcohol or drugs in the workplace may also impede the employee’s ability to perform in a safe and effective manner, and may result in injuries to others. Early diagnosis and treatment of drug and alcohol abuse is in the best interests of the student, employee and the college. For additional information concerning the health risks associated with substances covered by the Controlled Substances Act, refer to the chart on pages 24–25 of the U.S. Department of Justice publication, Drugs of Abuse, 1996 edition.