

WAUKESHA COUNTY TECHNICAL COLLEGE

ADMINISTRATIVE POLICY HUMAN RESOURCES EQUAL OPPORTUNITY - AFFIRMATIVE ACTION DISCRIMINATION/HARASSMENT/RETALIATION HUM-601

WCTC will comply with Titles VI and VII of the Civil Rights Act of 1964 as amended, the Civil Rights Restoration Act of 1987, and the Civil Rights Act of 1991; Title IX of the Educational Amendments Act of 1972; Section 504 of the Rehabilitation Act; The Americans With Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008 (ADAAA); the Carl D. Perkins Vocational Education Act; the Equal Pay Act of 1973; the Age Discrimination Acts of 1967 and 1975; Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA); the Wisconsin Fair Employment Law; 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 Vocational Programs (34CFR Part 100, Appendix B) and other fair employment/education laws, executive orders, administrative directives and codes.

EQUAL OPPORTUNITY

The College will provide equal opportunity, as required in Chapter 38, Wis. Stats, and the Wisconsin Fair Employment Law (Sec. 111.31-111.395, Wis. Stats.), in all of its employment practices to all persons regardless of their political affiliation, age, race, religion, color, disability, gender, marital status, national origin, ancestry, citizenship, sexual orientation, genetic information, family & medical leave status, parental status, pregnancy, arrest or conviction record, membership in any reserve component of the armed forces, genetic information, or use or non-use of lawful products off the College's premises during non-working hours, except when the characteristic or activity is a bona-fide job qualification.

The College will provide equal opportunity in all of its educational programs and services to all persons regardless of their race, color, religion, gender, national origin, disability, ancestry, lack of English skills, age, sexual orientation, pregnancy, marital status or parental status except when the characteristic is a bona-fide requirement for the educational program or service.

The College will provide reasonable accommodations for persons with disabilities to assure access to educational programs, employment, and facilities.

The College will provide reasonable accommodations for religious observances and practices.

AFFIRMATIVE ACTION

The College will have an affirmative action program for women, racial/ethnic groups and persons with disabilities in its educational programs and services and in all its employment practices including, but not limited to: recruitment, hiring, transfers, promotions, training, layoffs, terminations, retention, certification, testing, and committee appointments.

While the development and monitoring of the affirmative action program is primarily the responsibility of the Affirmative Action Officer (Manager, Talent Relations & Recruitment), the support of every employee, student and recipient of College services is required to assure an environment conducive to the success of the program.

DISCRIMINATION/HARASSMENT/RETALIATION

The College will maintain a learning and work environment free of illegal discrimination, including illegal harassment, for students and employees. Illegal discrimination/harassment is prohibited in all College employment practices, educational programs, services, activities, and events regardless of their location.

The College prohibits sexual harassment, which includes acts of sexual violence, as well as discrimination/harassment based on age, race, color, religion, disability, gender, marital status, sexual orientation, national origin, ancestry, pregnancy and other legally protected status. Harassment is defined as verbal and/or physical conduct that unreasonably interferes with an individual's work or academic performance, creates a hostile, intimidating or offensive environment or is the basis for an employment or educational decision. More specifically, sexual harassment is unwelcome sexual advances, requests for

sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or educational status.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or learning environment.

Examples of behaviors that may be considered sexual harassment include, but are not limited to:

1. Unnecessary and unwelcome touching, grabbing, caressing, pinching or brushing up against a person.
2. Sexual comments or innuendoes, jokes or stories of a sexual, demeaning, offensive or insulting nature.
3. Requests for sexual favors as a condition of a favorable employment or educational action.
4. Deliberate, repeated display of sexually explicit or otherwise offensive posters, calendars or materials.
5. Whistles, cat calls, and sexual references (hunk, doll, babe, honey, sweetheart, fox, stud, etc.).
6. Sexual gestures with hands or body movements.
7. Asking unwelcome personal questions about a person's social or sexual life.
8. Repeatedly asking out a person who has stated he/she is not interested, or other unwelcome sexual advances.
9. Staring at a person or looking them up and down ("elevator eyes").
10. Sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

We prohibit retaliation against individuals who bring forth any complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination.

An employee who engages in discriminatory/harassing behavior or who retaliates against a person who either alleged he/she was discriminated against/harassed or participated in a discrimination/harassment investigation will be subject to discipline, up to and including termination. A student who engages in discriminatory/harassing behavior or who retaliates against a person who either alleged he/she was discriminated against/harassed or participated in a discrimination/harassment investigation will be subject to discipline, as outlined in the WCTC Student Code of Conduct, up to and including expulsion.

Harassment of employees and students from any person doing business with the College or others encountered in the course of the College's functions is also prohibited. While the College's ability to control the conduct of others may be limited, it will take appropriate action to address the harassment.

The Vice-President, Student Services, is the coordinator to ensure compliance regarding Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act. Questions or complaints may be directed to:

Vice-President, Student Services
Waukesha County Technical College
800 Main Street
Pewaukee, WI 53072
Phone: 262.691.5240
Fax: 262.691-5087

Questions regarding affirmative action, equal opportunity or Title I of the Americans with Disabilities Act shall be directed to:

Manager, Talent Relations & Recruitment
Waukesha County Technical College
800 Main Street
Pewaukee, WI 53072
Phone: 262.691.5570
Fax: 262.691.5568

See Board Policy 3.3 Staff Treatment

See Wisconsin Statutes 38.23

See Wisconsin Administrative Code Chapter TCS 6

**See Administrative Procedure – Human Resources HUM-601-01 Discrimination/
Harassment/Retaliation Complaints**

See Administrative Policy – Student STU-400 Student Rights

See Administrative Policy – Student STU-500 Accommodation of Student Religious Beliefs

See Administrative Procedure – STU 500-01 Accommodation of Student Religious Beliefs

Policy owner: Vice President, Human Resource Services

REVISED: February 2014