

WAUKESHA COUNTY TECHNICAL COLLEGE

ADMINISTRATIVE PROCEDURE DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINTS HUM 601-01

An employee or student who believes he/she has been the subject of prohibited discrimination, harassment or retaliation has the option of pursuing his/her complaint on an informal or formal basis. In either case, the complaint should be made as soon as possible after the alleged discrimination/harassment/retaliation occurred.

Administrators and supervisors have a duty to report any allegations of conduct that they reasonably believe may constitute discrimination or harassment to the designated individual as identified in the procedure below.

Any faculty or other staff member who knows of or receives information about a complaint of discrimination/harassment is strongly encouraged to report the information to the designated individual as identified in the procedure below.

INFORMAL PROCEDURE

Whenever possible, the complainant should attempt to resolve the issue directly with the person believed to have engaged in the prohibited behavior. The offensive behavior may have been thoughtless or based on the mistaken belief it was welcome. If the complainant is not comfortable doing so, he/she may seek the assistance of a third party to intervene on their behalf. Employees may seek assistance from their supervisor or department head or from a professional staff member of Human Resource Services. Students may seek assistance from their instructors, counselor, associate dean, dean or the Director of Student Development.

Even though a complaint is made on an informal basis, it will be thoroughly reviewed, investigated and attempted to be resolved to the complainant's satisfaction.

FORMAL PROCEDURE

1. FILING COMPLAINT: If the complaint is not resolved to the complainant's satisfaction through the informal process or if the complainant chooses to initially pursue the complaint through a formal process, the formal complaint may be filed no later than 300 days following the alleged incident of discrimination/harassment/retaliation. Students should file their complaint with the Director of Student Development, or if the Director of Student Development is alleged to have engaged in the discrimination/harassment/retaliation, the complaint should be filed with the Vice-President, Student Services. Employees should file their complaint with the Manager, Human Resources, or if the Manager, Human Resources is alleged to have engaged in the discrimination/harassment/retaliation, the complaint should be filed with the Vice-President, Human Resources. If the President is alleged to have engaged in the discrimination/harassment/retaliation, the complaint must be filed directly with the Board Chair. The complaint must be in writing and identify:

- a) The date(s), time(s), place(s), circumstances and pertinent facts of the alleged discrimination/harassment/retaliation;
- b) Any witnesses;
- c) The individual(s), procedures or practices responsible for the alleged discrimination/harassment/retaliation.

2. INVESTIGATION: The Administrator receiving the complaint, or his/her designee, may initially attempt to resolve it to the satisfaction of the complainant by speaking to the complainant and/or alleged perpetrator(s). In all cases, if the complaint is not resolved to the satisfaction of the complainant, all reasonable efforts will be made to complete an investigation, determine findings, and recommend action(s) to be taken generally within thirty (30) College days of receipt of the written complaint, though additional time may be necessary to complete the investigation. The Administrator shall issue a written finding identifying the result of his/her review, including, but not limited to identifying any formal or informal resolution and any formal determination which the investigating Administrator has made.

3. REMEDIATION: If there is a finding of prohibited discrimination/harassment/retaliation by an employee, the Vice-President, Human Resource Services, and the employee's manager will determine appropriate disciplinary and/or other remedial action.

If there is a finding of prohibited discrimination/harassment/retaliation by a student the Director of Student Development will determine appropriate disciplinary and/or other remedial action pursuant to the Procedures Governing Student Conduct, Student Rights, and Student Complaints.

4. APPEAL

The complainant or alleged perpetrator may appeal it within ten (10) College days of receipt of the decision to the President, or Board Chair if the allegation is against the President. The basis for the appeal must be in writing and, except as required to explain the basis of new information, an appeal will be limited to a review of the record and supporting documents for one or more of the following purposes:

1. To determine whether the investigation was conducted fairly in light of the alleged violation(s) and information presented was in conformity with prescribed procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. To determine whether there was sufficient information provided through the investigation and to establish that it is more likely than not that a violation of the College's policy has occurred.
3. To determine whether the discipline or sanction(s) imposed were appropriate based on the violation. Simple disagreement with the discipline or sanction is not sufficient grounds to change it.
4. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original investigation, because such information and/or facts were not known or available. If additional information is offered or provided, the President may refer the matter back to the investigating Administrator to consider the new information, provide either party with an opportunity to respond to such new information, and to determine whether the findings should be changed.

The President or designee will review the record and determine whether to affirm or modify the decision. The decision on appeal will be made generally within thirty (30) College days and the complainant, alleged perpetrator, and the appropriate College executive will be notified in writing of the decision, consistent with applicable state and federal privacy laws.

See Wisconsin Statutes 38.23

See Wisconsin Administrative Code Chapter TCS-6

See Board Policy 3.3 Staff Treatment

**See Administrative Policy- Human Resources HUM 601- Equal Opportunity - Affirmative Action
Discrimination/Harassment/Retaliation**

See Administrative Policy – Student STU-400 Student Rights

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

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

Procedure owner: Vice-President, Human Resource Services

REVISED: March 2013