
WAUKESHA COUNTY TECHNICAL COLLEGE
ADMINISTRATIVE POLICY - STUDENTS
EQUAL OPPORTUNITY, HARASSMENT, AND DISCRIMINATION
STU 601

The Compliance Coordinator serves as the Title IX Coordinator and oversees implementation of WCTC's policy prohibiting sexual harassment and sex discrimination and its related investigation and resolution procedure. The Title IX Coordinator chairs the Title IX Committee, and acts with independence and authority free of conflicts of interest or bias. To raise a concern involving the Title IX Coordinator, contact the Chief Diversity & Compliance Officer. To raise a concern involving the Vice President of Human Resource Services or the Vice President for Student Services, contact the WCTC President. To raise concerns with other administrators, contact the Title IX Coordinator.

Inquiries about, and reports regarding, this policy and procedure may be made internally to:

Compliance Coordinator

C-217D

262-695-3481

compliance@wctc.edu

Manager, Student Development (Students)

C-121

262-691-5295

Director, Talent Operations (Employees)

C-217G

262-691-5570

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline: 1-800-421-3481

Fax: 202-453-6012

TDD: 877-521-2172

E-mail: OCR@ed.gov

Website: <http://www.ed.gov/ocr>

Local inquiries can be made to:

Equal Employment Opportunity Commission (EEOC) Contact:

<http://www.eeoc.gov>

Reuss Federal Plaza

310 West Wisconsin Avenue, Suite 500

Milwaukee, WI 53203-2292

Phone: 1-800-669-4000

Fax: 414-297-4133

TTY: 1-800-669-6820

ASL Video Phone: 844-234-5122

Wisconsin Department of Workforce Development

Division of Equal Rights

Contact: erinfo@dwd.wisconsin.gov

819 N 6th Street Room 723

Milwaukee, WI 53203

Phone: 414-227-4384

Fax: 414-227-4084

TTY: 414-227-4081

Jurisdiction:

This policy applies to behaviors that take place on any WCTC campus, at WCTC sponsored events, and at WCTC supervised programs or functions. WCTC may also take appropriate actions against individuals for conduct occurring in other settings, including off-campus, if the Director determines that the conduct affects a substantial WCTC interest. A substantial WCTC interest is defined to include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- Any situation where it appears that the responding party may present a danger, or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder;
- Any situation that is detrimental to the educational or workplace interests of WCTC.

Any online postings, or other electronic communication by students or employees, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of WCTC's control (e.g. not on WCTC's networks, websites, or between e-mail accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption.

Off-campus discriminatory or harassing speech by employees may be regulated by WCTC only when such speech is made in an employee's official or work-related capacity.

1. Statement on Equal Employment Opportunity

The College will provide equal opportunity in all of its employment practices to all persons without unlawful discrimination on the basis of political affiliation, age, race, color, national origin, ancestry, citizenship, genetic information, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, parental status, pregnancy, arrest or conviction record, membership in any reserve component of the armed forces, or use or non-use of lawful products off College premises during nonworking hours, or any other status protected by applicable state or federal law.

Statement on Equal Educational Opportunity

The College will provide equal educational opportunities to all students and applicants for admission without unlawful discrimination on the basis of political affiliation, age, race, color, national origin, ancestry, citizenship, genetic information, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, parental status, pregnancy, membership in any reserve component of the armed forces, or any other status protected by applicable state or federal law. This concept of equal educational opportunity serves as a guide for the District Board and the staff in making decisions relating to selection of educational equipment, materials and regulations affecting students and College facilities. The lack of English-speaking skills is not a barrier for admission to the College or its programs.

2. Statement Prohibiting Discrimination and Harassment

It is the policy of the College to maintain an academic and work environment free of illegal discrimination or harassment for students, faculty and staff. Discrimination and harassment are contrary to the standards of the College's community; they diminish individual dignity and impede equal employment and educational opportunities. Thus, the College prohibits discrimination or harassment based on any status protected by applicable state or federal law. This policy is intended to cover discrimination and harassment based on any protected characteristic other than sex, sexual orientation, gender identity and gender expression.

No employee or student of the College should have to tolerate discrimination or harassment from any vendor or other person doing business with the College or others with whom they come in contact during

the course of the College's functions. The College is committed to taking appropriate action, to the extent practical, to protect and assist each person from discrimination or harassment by vendors or third parties.

The College's Sexual Harassment and Sex Discrimination Policy (HUM 602) and accompanying Procedure (HUM 602-01) cover discrimination and harassment based on sex, sexual orientation, gender identity and gender expression.

Discrimination and harassment are defined to include verbal and/or physical conduct that is based upon a protected status that:

- a. Adversely affects a term or condition of an individual's employment, education, or participation in a College activity;
- b. Is used as the basis for a factor in decisions affecting that individual's employment, education, or participation in a College activity; or
- c. Has the purpose or effect of unreasonably interfering with an individual's employment or education performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, or participation in a College activity.

Discrimination and harassment can arise from a broad range of physical or verbal behavior (by employees, students, outside contractors or other individuals), which can include, but is not limited to, the following:

- Physical or mental abuse;
- Racial, ethnic or religious insults, slurs, jokes, or stories;
- Displays or distribution of offensive posters, calendars, or materials;
- Communicating via e-mail any discriminatory messages, videos, photos, or other materials

This is a serious issue not just for the College, but also for each individual. An employee or supervisor may be held individually liable as a harasser, subject to the same penalties which may be imposed upon employers under state and federal law, and will be subject to discipline, up to and including termination. Students may be subject to claims by fellow students or staff for their conduct, as well as subject to College discipline, including expulsion or suspension. It is the responsibility of administration, supervisors, employees and all students to ensure that these prohibited activities do not occur. Further, any individual who retaliates against another individual because he or she made a report of discrimination or harassment or participated in an investigation of a claim of discrimination or harassment, is subject to immediate discipline, up to and including suspension or expulsion.

It is suggested that, if the individual is comfortable doing so, he or she first speak to the person who has engaged in the inappropriate behavior. Explain that the conduct is unwelcome. If the result is not satisfactory or if the individual is not comfortable speaking to the person who has engaged in the inappropriate conduct directly, he or she should notify one of the appropriate people listed above as soon as possible. It is important to inform College officials about the inappropriate conduct as soon as possible to expedite a remedy to the problem. Please retain any notes, letters or other written material that relate to the complaint.

3. Other Offenses

In addition to the forms of discrimination and harassment described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class.

- a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

- b. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- c. 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; and
- d. Bullying, defined as repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, and that is not speech or conduct otherwise protected by the 1st Amendment.

4. Statement on Accommodation of Disabilities (Students)

The College strives to assure that no qualified person with a disability shall, solely by reason of that disability, be denied access to, participation in, or the benefits of any program or activity operated by WCTC. Each such qualified person shall receive reasonable accommodations to provide equally effective access to education opportunities, programs, and activities unless provision of such an accommodation would constitute an undue hardship on the College, would substantially alter the essential elements of the academic program or course of study, or would otherwise compromise academic standards.

Students seeking disability-related accommodations should contact the Coordinator of Student Accessibility and/or Disability/Transition Specialists. Students requesting disability-related accommodations may be required to provide current and adequate documentation of their disability. The Coordinator of Student Accessibility or Disability/Transition Specialist will review the disability documentation and need for requested accommodation(s) and determine what, if any, reasonable accommodations the College can provide. Please be aware that some auxiliary aids may take up to a semester to plan for.

Transition Services are provided by WCTC's Coordinator of Student Accessibility and Disability/Transition Specialists. The purpose is to assist high school students with disabilities that are considering or have decided to come to WCTC. Services provided include vocational counseling, campus orientation, assistance with the application process, registration, and assistance with campus support services.

Statement on Accommodation of Disabilities (Employees)

The College is committed to complying fully with applicable federal, state, and local laws by ensuring equal opportunity in employment for qualified persons with disabilities. The College prohibits discrimination against any qualified employees or applicants because they are related to or associated with a person with a disability.

In accordance with these laws, the College will provide reasonable accommodations to qualified individuals with disabilities so that they may perform the essential functions of their jobs, unless doing so would impose an undue hardship on the College. Any qualified individual with a disability may make a request for reasonable accommodation to the HR Department. Employees requesting disability-related accommodations may be required to provide current and adequate documentation of their disability. The HR Department will review the disability documentation and need for requested accommodation(s) and determine what, if any, reasonable accommodations the College can provide. Cooperation is expected in the event any employee is asked to assist in the accommodation afforded another employee under this policy.

5. Statement on Affirmative Action

WCTC will take affirmative action to ensure that all individuals have equal employment and educational opportunities.

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

6. Statement on Reporting Relationships-Employment of Relatives

The College may employ qualified relatives of other employees, but will not do so if a supervisory and employee reporting relationship is required.

7. Statement on Retaliation

Retaliation is defined as any adverse action taken against a person because he or she engaged in protected activity. Retaliation against an individual for alleging discrimination or harassment, or for filing, testifying, assisting, or participating in any investigation or proceeding involving such allegations is a serious violation of WCTC policy. Acts of alleged retaliation should be reported immediately to the Director and will be promptly investigated. WCTC is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Examples of Retaliation:

- a. A faculty member complains of gender inequity in pay within her department; the Department Chair then revokes his prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- b. A student from Organization A participates in a sexual harassment hearing against the responding individual – also a member of Organization A; the student is subsequently removed as a member of Organization A because he participated in the hearing.

8. Statement on Confidentiality and Reporting of Offenses

Except as noted herein, all WCTC employees are expected to promptly report actual or suspected discrimination, harassment, and retaliation to appropriate officials. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination, harassment, or retaliation to appropriate College officials – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. The following describes the reporting options at WCTC:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- a. On-campus licensed professional counselors and staff
- b. Off-campus (non-employees):
 - i. Licensed professional counselors
 - ii. Local rape crisis counselors
 - iii. Domestic violence resources
 - iv. Local or state assistance agencies
 - v. Clergy/Chaplains
 - vi. Employee Assistance Program (employees and work study students only)

Campus counselors and the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during normal business hours. WCTC employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

Formal Reporting Options

All WCTC employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Employees must promptly share all details of the reports they receive with the Director. Generally, climate surveys, classroom writing assignments or discussions, human subject’s research, or events such as *Denim Day & Awareness Walk* do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want to pursue a formal resolution, the reporting party may make such a request to the Director, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. WCTC retains the right to conduct an investigation regarding allegations of discrimination, harassment, or retaliation even if the reporting party indicates they do not wish for an investigation to take place. Note that WCTC’s ability to remedy and respond to a reported incident may be limited if the reporting party does not wish for their name to be shared or does not want to pursue a formal resolution.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: the Director, Manager, Student Development (Students), Director, Talent Operations (Employees), Vice President for Student Services, Vice President for Human Resource Services, Behavioral Intervention Team, and Campus Security. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at [Discrimination, Harassment, Retaliation, & Sexual Misconduct Complaint Form](#). Note that these anonymous reports may prompt a need for the institution to investigate.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of discrimination, harassment, or retaliation of which they become aware is a violation of WCTC policy which may result in disciplinary action, up to and including discharge.

9. False Allegations

Deliberately false and/or malicious allegations or reports under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action, up to and including expulsion or discharge.

10. Amnesty for Victims:

The Student Development and Human Resource Services Offices may provide amnesty to victims who may be hesitant to report to WCTC officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, that occurred at the time of the incident. In this situation, an alternative outcome may be that educational options will be explored.

For Those Who Offer Assistance:

To encourage students to offer help and assistance to others, the Manager, Student Development, may provide amnesty to students who offer help to others in need for minor violations, such as underage

drinking, that occurred at the time of the incident. In this situation, an alternative outcome may be that educational options will be explored.

For Those Who Report Serious Violations:

The Student Development and Human Resource Services Offices may also offer amnesty to students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of WCTC. In this situation, an alternative outcome may be that educational options will be explored.

Abuse of amnesty requests by any person may result in a decision by the Manager, Student Development not to extend amnesty to that person repeatedly.

Safe Harbor:

WCTC has a Safe Harbor rule for students. WCTC believes that students who have a drug and/or addiction problem deserve help. If any WCTC student brings their own use, addiction, or dependency to the attention of WCTC officials, outside the threat of drug tests or conduct sanctions, and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct proceedings will be initiated. This Safe Harbor rule shall not prevent WCTC from investigating complaints of discrimination or harassment brought against a student and issuing disciplinary action based on the results of that investigation.

11. Parental Notification

WCTC reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. WCTC may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by Federal Education Rights and Privacy Act (FERPA) or consent of the student.

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 Equal Opportunity, Harassment, and Discrimination

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 Belief

See Administrative Policy – Student STU-601 Equal Opportunity, Harassment, and Discrimination

See Administrative Procedure – STU-601-01 Equal Opportunity, Harassment, and Discrimination

Policy owner: Vice President, Human Resource Services

REVISED: April 2014

April 2017

July 2020