

Title: EMPLOYEE DISCRIMINATION/HARASSMENT  
COMPLAINT PROCEDURE

Code: CC0200

Policy Reference: C0200, C0201, C0202, and C0203

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The Employee Relations Office of the Department of Human Resources has primary responsibility for implementing the institution's discrimination complaint procedure. The procedure is designed to comply with Titles VI and VII of the Civil Rights Act, Title IX of the 1972 Educational Amendments Act, Section 504 of the Rehabilitation Act, the Americans With Disabilities Act of 1990, the Carl D. Perkins Vocational Educational Act, Chapter 38.23, Wis. Stats., the Equal Pay Act of 1973, the Age Discrimination in Employment Act, the Civil Rights Restoration Act of 1987, the Wisconsin Fair Employment law, and other applicable federal regulations which require federal grantees to "adopt and publish grievance procedures providing for prompt and equitable resolution of complaints" alleging discrimination on the basis of sex (34 CFR, Part 100, Appendix B).

The Employee Relations Office serves as the central intake point for all complaints of discrimination including harassment. This procedure is available for employee complaints by applicants for employment, and employees concerning alleged discrimination. Complaints by represented MATC employees may be referred for processing through the nondiscrimination grievance procedure outlined in the applicable collective bargaining agreement. Complaints by students concerning student conduct issues are addressed by Student Life.

### **DEFINITIONS**

Below are definitions of key terms relevant to this procedure:

1. **Discrimination** - a difference in treatment of employees based on their race, sex, age, national origin, creed, color, ancestry, disability, marital status, political affiliation, religion, sexual orientation, arrest or conviction record, limited English speaking skills, veteran status, or any other legally protected class status.

Forms or manifestations of discrimination regarding employees include but are not limited to hiring, discharging, training, promoting, harassing, and any other condition of employment based on the employees' protected class status.

2. **Complainant** - individual who files a complaint alleging discrimination or harassment with the Employee Relations Office.

Approving Authority:

Associate Vice President, Human Resources and Labor Relations

Date: 2/29/00

Revised: 10/13/11

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3. **Respondent** - any person who is accused of violating MATC policies concerning discrimination and/or harassment.
4. **Harassment** - a form or manifestation of discrimination based upon any protected characteristic, and it shall mean the use of aspersions, insults or slurs, or other verbal or physical conduct, which:
  - a. Has the purpose or effect of creating an intimidating, hostile, or offensive academic or employment environment;
  - b. Has the purpose or effect of unreasonable interference with an individual's academic or employment performance;
  - c. Otherwise adversely affects an individual's academic or employment progress.
  - d. The term "harassment" will encompass "sexual harassment," which means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature, or other unwelcome verbal or physical conduct of a sexual nature.

"Sexual harassment" includes conduct directed by a person or 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 or educational purposes; or the deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an individual's academic or work progress, or to create an intimidating, hostile, or offensive academic or work environment. This definition also applies when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's status as an employee;
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting the individual.

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### **COMPLAINT PROCEDURE**

The complaint procedure consists of four distinct steps: (1) Complaint Intake, (2) Complaint Investigation, (3) Review and Findings, and (4) Appeal.

#### 1. Complaint Intake

Any applicant, employee, or citizen requesting services from MATC who has experienced or observed alleged discrimination or harassment at MATC may file a complaint with the following:

Associate Vice President, Human Resources and Labor Relations  
Milwaukee Area Technical College  
700 West State Street, Room M254  
Milwaukee, WI 53233-1443  
(414) 297-6867

The complaint should be in writing and detail the facts and circumstances for the basis for the complaint and identify the individual(s), policy, procedure, or practice at MATC responsible for the alleged discrimination or harassment. When the complaint is filed, a staff person assigned by the Employee Relations Office will provide the Complainant with a copy of this complaint procedure. The Employee Relations Office will acknowledge receipt of the complaint within ten (10) working days.

#### 2. Complaint Investigation

The Employee Relations Office will review the written complaint and request any additional information required from the complainant.

Typically, investigations may include interviewing the complainant, respondent, any witnesses with personal knowledge of alleged events or conduct, and review of other evidence, as appropriate. The Employee Relations Office may conduct the investigation directly or may work with other MATC offices to conduct the investigation.

The investigation will begin within thirty (30) working days of receipt of the complaint and should, if practical, be concluded within sixty (60) working days of receipt of the complaint.

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### 3. Review and Findings

Once the investigation is completed, a Final Determination summarizing the findings and recommendations for resolution of the complaint will be completed by the Associate Vice President of Human Resources and Labor Relations. The Final Determination will be issued within fifteen (15) working days after the conclusion of the investigation.

### 4. Appeal

If the complainant is not satisfied with the determination from the Employee Relations Office, he or she may submit a written appeal to the president indicating with particularity the nature of disagreement. Such appeal should include the reason(s) underlying such disagreement, and must be filed within ten (10) working days after receipt of the Employee Relations Office's determination.

The president may arrange a meeting with the complainant and other affected parties at a mutually agreeable time to discuss the appeal. The president shall give a written response to the complainant's appeal within fifteen (15) working days from the date of the appeal. The Associate Vice President of Human Relations and Labor Relations and president will monitor to ensure that there is no retaliation or continued discriminatory behavior taken against the complainant.

## **RETALIATION**

MATC recognizes retaliation against an employee for filing a discrimination/harassment complaint against this institution or for opposing discriminatory practices to be a prohibited form of discrimination.

Any employee who retaliates against another employee because the individual made a report of discrimination/harassment or participated in an investigation of a claim of discrimination, is subject to immediate discipline, up to and including discharge or expulsion as appropriate.

Alleged acts of discrimination shall be reported directly to the Employee Relations Office immediately.

Office of Responsibility: Human Resources

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