

Title: STUDENT DISCRIMINATION/HARASSMENT
COMPLAINT PROCEDURE

Code: FF1001

Policy Reference: C0200, C0201, C0202, and C0203

The Employee Relations of the Department of Human Resources of Milwaukee Area Technical College (MATC) 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).

This procedure is available for complaints by applicants for admission and students concerning alleged discrimination. Complaints may also be referred for processing pursuant to the procedures governing the Student Code of Conduct.

All charges of discrimination including harassment may be investigated by the Employee Relations of the Department of Human Resources; however, the Director of Student Life has been assigned to accept student complaints. This employee works with the Employee Relations of the Department of Human Resources to assure timely disposition and resolution of these matters.

DEFINITIONS

Below are definitions of terms found in Affirmative Action policies and plans:

1. **Discrimination** - a difference in treatment of students 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 students include but are not limited to admissions, access to programs, courses, counseling, extracurricular activities, grades, and harassment based upon the students' protected class status.

Approving Authority:

Vice President, Student Services

Date: 4/10/00

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2. **Complainant** - individual who files a complaint alleging discrimination with the Affirmative Action Office.
3. **Respondent** - named party in a complaint who is accused of engaging in discriminatory activity.
4. **Harassment** - a form or manifestation of discrimination, and it shall mean the use of aspersions, insults or slurs, or other verbal or physical conducts 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 are 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 a student or 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 five distinct steps: (1) Complaint Intake, (2) Informal Resolution of Complaints, (3) Complaint Investigation, (4) Review and Findings, and (5) Appeal.

1. Complaint Intake

Any applicant, student, employee, or citizen requesting services from MATC who has experienced or observed alleged discrimination 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

Director, Student Life
Milwaukee Area Technical College
700 West State St., Room S301
Milwaukee, WI 53233
(414) 297-6870

The complaint should be in writing and detail the facts and circumstances for the basis of 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 Affirmative Action Office will interview the person filing the complaint and provide them with a copy of this complaint procedure. Employee Relations will acknowledge receipt of the complaint within ten (10) working days.

2. Informal Resolution of Complaints

Employee Relations may attempt to mediate between the complainant and the respondent prior to the beginning of the investigation of the complaint. If the two parties reach no consensus or agreement through the negotiations, the investigation of the complaint will proceed immediately.

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3. Complaint Investigation

Employee Relations will review the written complaint and request any additional information required from the complainant. Individuals named in the complaint will be notified within ten (10) working days that the complaint has been filed.

In addition, any persons identified as witnesses who are teachers, students, staff, supervisors, administrators, or others employed by MATC will be contacted, as appropriate. The Affirmative Action Office may conduct the investigation directly or may work with other MATC offices to conduct the investigation.

Any individual specifically alleged to be responsible for the complaint of discrimination or harassment will be offered an opportunity to respond to the complaint verbally or in writing. 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.

4. 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 Employee Relations. The Final Determination will be issued within fifteen (15) working days after the conclusion of the investigation.

5. Appeal

If the complainant is not satisfied with the determination from the Employee Relations, 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 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 decision in regard to the complainant's appeal within fifteen (15) working days from the date of the appeal.

In accordance with state law, a student may appeal the president's decision to the District Board by filing a written request for appeal within seven (7) working days of the decision.

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The request for appeal must be in writing and contain a statement explaining in detail why the student contests the resolution reached by the president, and include copies of any documents that will substantiate or clarify the appeal request.

The District Board will, if practical, consider the request for appeal at its next regularly scheduled meeting (but no sooner than 30 working days or later than 60 working days from receipt of the request for appeal, with the exception of the month of August when the board is in recess). The board may deny the appeal, overturn the original decision, or remand the matter for partial or complete review, citing specific matters to be considered. The disposition of the District Board is final, and there shall be no further appeal of the matter. Employee 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 a student for filing a discrimination/harassment complaint against this institution or for opposing discriminatory practices to be a prohibited form of discrimination.

Any employee or student who retaliates against another employee or student 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 Employee Relations or the Student Life Director.