
Policy Title: DISCRIMINATION/HARASSMENT POLICY AND COMPLAINT PROCEDURES FOR STUDENTS AND EMPLOYEES

Mid-State Technical College has set forth the following complaint procedure for students and faculty/staff who allege discrimination based on a protected status or prohibited harassment as set forth below. Copies of this procedure can be obtained from the Affirmative Action/Equal Opportunity Officer.

Mid-State Technical College is committed to being in compliance with state and federal equal opportunity laws and regulations and does not discriminate in its services, employment programs, and/or its educational programs and activities. Discrimination contrary to law and harassment by faculty, administrators, other students or suppliers/vendors of the College, on the basis race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital or parental status, or other protected status for students/staff under state or federal law (“protected status”) is prohibited by the College. Acts of harassment, discrimination, and sexual misconduct are counter to Mid-State's mission and values.

DEFINITIONS**Protected characteristics**

Personal traits, characteristics and/or beliefs that are defined by law as protected from discrimination and/or harassment. These protected characteristics include race, creed, sex, gender identity or expression, age, national origin, religions, physical or mental disability, ancestry, veteran status, marital or domestic partnership status, pregnancy, and/or any other characteristics protected by applicable law.

Discrimination

Adverse treatment of an individual based on a protected characteristic rather than individual merit.

Harassment

Unwelcome verbal or physical behavior which is directed at a person based on a protected characteristic. When these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, living conditions, by creating an intimidating, hostile, or offensive environment. Harassment also encompasses sexual harassment which means unwelcome sexual advances, unwelcome physical conduct of a sexual nature. This behavior includes but not limited to the deliberate, repeated, making of unsolicited gestures or comments, or the deliberate or repeated display of sexually graphic materials which is not necessary for educational purposes. Sexual harassment is also defined as participation or denial of a College activity such as education and employment that are conditioned upon, either explicitly or implicitly, for the submission to or rejection of unwelcomed sexual advances or sexual favors.

Retaliation

The College expressly prohibits any form of retaliation against any member of the College community who in good faith files a report or grievance, participates in a College investigation, believes a policy is violating this policy and opposes said policy. The complainant, any person who participates in the

investigation of a complaint, the respondent, will be advised of the College's policy in this regarding when a complaint has been filed. Retaliation is itself a form of misconduct that may form the basis for disciplinary actions. Any complaints of retaliation, on any basis, should be referred to the Affirmative Action Officer.

Complaint

A complaint means an allegation of personal discrimination contrary to law or definition of harassment/discrimination.

Complainant

A complainant is an individual who alleges discrimination based on a protected status or prohibited harassment as set forth above within the last 300 calendar days.

Respondent

A respondent means a person/persons alleged to be responsible for a violation(s) alleged in a complaint.

Affirmative Action/Equal Opportunity Officer

The Vice President of Human Resources has been designated by the College as having the responsibility for coordinating the internal complaint procedure. Questions regarding this policy should be directed to: Vice President of Human Resources, Affirmative Action/Equal Opportunity Officer, 500 32nd street N, Wisconsin Rapids, WI 54494. Telephone (715) 422-5325.

Days

All days listed in this policy are regular business days when the College is open for business. Weekends, holidays, and days when the College is closed for business are excluded.

FREEDOM OF SPEECH/EXPRESSION AND ANTI-HARASSMENT POLICIES

The College's policies and process for relating to harassment are not intended to inhibit or restrict free speech or the expression of ideas. The College's Core Value of Respect state, "We appreciate individual difference and diverse opinions and work together to create a mutually supportive environment. We treat each person with dignity and appreciate the individual contributions of all." As an educational community we attach great value to freedom of expression but also attach great importance to mutual respect and denounces any expressions of hatred directed towards any individual or group.

PROHIBITED CONDUCT

1. Unlawful discrimination and harassment based on legally protected categories.
2. Sexual harassment; and
3. Retaliation

SCOPE OF POLICY

This policy applies to all employees, including faculty, staff, and administrators of the College as well as students, guests, and visitors of Mid-State Technical College.

OPTIONS OF ADDRESSING DISCRIMINATION AND/OR HARASSMENT

The College encourages everyone to report all incidents of discrimination and/or harassment. When individuals have been subjected to discrimination and/or harassment or have observed discrimination and/or harassment they have options including informal resolution/mediation or filing a formal complaint. The College recognizes that these decisions are difficult and encourage individuals to seek

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assistance from a mental health professional. Students are able to utilize Student Success Counselors and staff are welcomed to utilize the EAP resources.

INFORMAL RESOLUTION/MEDIATION

An individual alleging misconduct is encouraged to consider informal resolution. Informal resolution will take the path of to end the misconduct and does not require formal action. Mediation will be the tool used by the Affirmation Action/Equal Opportunity Office to attempt to facilitate understanding of the nature of the complaint with the respondent, clear up misunderstandings, and establish appropriate expectations moving forward.

FORMAL COMPLAINT

An individual may submit a formal complaint. A formal complaint is a written account of the event(s) that have taken place with the wish for formal College action to be taken in the steps outlined below.

COMPLAINT REPORTING, INVESTIGATION AND RESOLUTION

Complaint Reporting

The Discrimination/Harassment Complaint Policy is designed to comply with any applicable federal regulations which require federal grantees to adopt and publish complaint procedures providing for prompt and equitable resolution of complaints alleging discrimination and/or harassment. It is designed to comply with the State of Wisconsin law prohibiting discrimination for the reasons set forth in Chapter 38.23 of the Wisconsin State Statutes.

When an individual seeks the College to take disciplinary action against a faculty/staff/student for violating the College's harassment and/or discrimination policies, the individual may make a complaint to the Affirmative Action /Equal Opportunity Office or use an online complaint form <https://www.mstc.edu/form/student-complaint-form>.

The written complaint should identify the parties involved, describe the harassing and/or discriminatory behavior, when and where the event(s) occurred, and name any witnesses. Written complaints should be treated as confidential and should be provided to the appropriate designated individual(s) listed above.

It is the primary responsibility of the Affirmative Action/Equal Opportunity Officer to ensure the effective implementation, processing, timelines, recordkeeping, and notification required by the complaint procedure. The Affirmative Action/Equal Opportunity Officer may assign the investigation to another individual or outside agency at their discretion if such reassignment would prevent bias or further the purposes of this policy.

Interim Steps

When appropriate, the College may take reasonable and appropriate interim steps to protect the safety and well-being of members of the College community, maintain the integrity of the investigation, and deter retaliation.

Investigation Process

The purpose of the investigation is to gather facts relating to the incident(s) outlined in the written complaint to make a reasonable determination based upon preponderance of evidence standards, where it is more likely than not that alleged behavior(s) occurred and if the behavior meets the definition of discrimination and/or harassment as indicated above. The investigation may include

written statements, interviews, and evidence gathered by investigator(s). During the investigation the investigator(s) may receive counsel from the College's legal counsel or other parties as needed. The Affirmative Action/Equal Opportunity Officer shall thoroughly investigate the complaint. If the subject of the complaint involved the Affirmative Action/Equal Opportunity Officer, then another member of Mid-State's Executive Leadership Team will reach out to an independent third party to conduct the investigation to control for bias.

Affirmative Action/Equal Opportunity Officer may involve other College offices or staff as appropriate to complete a thorough investigation.

The length of the investigation will depend upon the scope of the allegations, the number of parties and witnesses involved, availability of those involved, and the time of the year the complaint was brought forward. The investigator will attempt to conclude the investigation within sixty days of receipt of the complaint.

It is the expectation of Mid-State Technical College that faculty, staff, and other members of the community cooperate fully in the investigation process. Refusing to cooperate in an investigation could result in disciplinary action, up to and including termination of the employee.

Review of Findings

Once the investigation is completed; all information and evidence will be reviewed to determine if harassment and/or discrimination occurred and if any other College policy was violated. When the review is completed, the finding resulting from the investigation will be communicated to the complainant and respondent within fifteen (15) days of the conclusion of the investigation unless after diligent attempts the parties are not available.

Complaint Resolution

The College will take appropriate corrective action when it has been determined that discrimination or harassment has occurred. Employees who have been found to be in violation will be subject to disciplinary action, up to and including termination of employment, pursuant to relevant policies. Students who have been found in violation will be subject to disciplinary action, up to and including expulsion from the College, pursuant to the Student Code of Conduct and other applicable policies.

There may be a determination that behavior was inappropriate and unprofessional but did not violate this specific policy. Such behavior may result in disciplinary action, ongoing monitoring, coaching/counseling, or other appropriate action. If retaliatory behavior occurs after a determination has been made, either party may bring a complaint under this policy.

CONFIDENTIALITY

The College shall maintain confidentiality to the greatest extent allowed by the law and to the extent necessary to conduct a thorough and efficient investigation of the complaint. The investigation of complaints may also require disclosure to the accused individual and to other witnesses for the purpose of gathering essential information. Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information to safeguard the integrity of the process and to avoid any appearance of retaliation. While discretion is important, complainant and respondents are not restricted from discussing and sharing information with others who may support them or assist them in presenting their case.

APPEALS

If the complainant or respondent are dissatisfied with the written findings of the Affirmative Action/Equal Opportunity Office on the grounds that there exists substantial relevant information that

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was not presented and reasonably could not have been presented during the investigation or a procedural irregularity occurred regarding the investigation and review of findings process regarding the incident in question, they may appeal by giving written notice to the Affirmative Action/Equal Opportunity Officer within fifteen (15) days. The Affirmative Action/Equal Opportunity Officer will request a hearing with an Impartial Hearing Officer (IHO) designated by the College along with the statement of the reasons for appeal. The appeal will be held with the IHO as soon as practical with the goal of fifteen (15) days from receipt of the appeal request. The IHO shall provide a written decision to the parties within fifteen days of the hearing. The IHO may accept, modify, or reject the original decision. In all cases, the decision of the IHO is final.

FILING A DISCRIMINATION AND/OR HARASSMENT COMPLAINT EXTERNALLY

The complainant may elect to file a discrimination or harassment complaint with an external body such as a federal or state agency authorized to investigate such claims. The Wisconsin Technical System is one body that is authorized to review such claims for students and reports can be filed here:

<https://www.wtcsystem.edu/wtcsexternal/cmsspages/getdocumentfile.aspx?nodeguid=58628a9f-1b88-419c-9b4f-7277417ccb76>

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