



## **ADMINISTRATIVE POLICY**

### **Policy Section: Administration**

## **EQUAL OPPORTUNITY, HARASSMENT, AND AFFIRMATIVE ACTION**

Mid-State Technical College is committed to complying 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 and harassment by supervisors, co-workers, students, non-employees on the basis of race, sex, national origin, sexual orientation, age, religion, disability, or other protected class is prohibited by the College.

The following policy is intended to comply with all applicable state and federal laws, as well as express the College's commitment to the principles of equal opportunity for all.

### **LEGAL BASIS**

The College will seek continuous compliance with the following laws: Titles VI and VII of the Civil Rights Act of 1964 as amended; Equal Pay Act of 1963 as amended; Age Discrimination in Employment Act of 1967 and 1975; Title IX of Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Vocational Education Amendments of 1976; Civil Rights Restoration Act of 1987; Civil Rights Act of 1991; Carl D. Perkins Vocational Career and Technical Education Act; Americans With Disabilities Act of 1990 as amended; Wisconsin Fair Employment Law; Chapter 38.23 of the Wisconsin State Statutes; and the Office for Civil Rights Guidelines for the Elimination of Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and handicap in Vocational Programs (34 CFR, Part 100, Appendix B).

### **SCOPE**

Equal opportunity within the scope of these guidelines is for employees, applicants for employment, students, and the general public without regard to age, race, creed, color, disability, marital or parental status, sex, pregnancy, national origin, ancestry, religion, sexual orientation, arrest or conviction record, service in the armed forces, genetic testing, and the use or non-use of lawful products off the

College's premises during non-working hours. Retaliation is a form of discrimination, and as such is prohibited. The College recognizes that equal employment opportunity is a legal, social, and economic necessity to the District.

The College commits itself to a continuing program to assure that unlawful discrimination does not occur in the services it renders to the public.

## **AFFIRMATIVE ACTION**

Affirmative action will be taken to achieve a workforce which includes an appropriate balance of racial/ethnic groups, women and the disabled for all full-time positions. In developing and implementing its Affirmative Action Plan (Plan), the College has been guided by its policy of providing equal employment opportunities. As a part of this Plan, the College has established goals. These goals are not intended to be rigid, inflexible quotas, but instead are intended to be targets reasonably attainable by applying good faith efforts. The use of goals and timetables in this Plan is not intended to discriminate against any individual or group of individuals with respect to any employment opportunity for which they may be qualified. Instead, these goals are a mechanism to effectuate the principles of equal employment opportunity and affirmative action.

## **DISCRIMINATION**

Discrimination shall mean a difference in treatment in any service, program, course, or facility of the College on the basis of race, color, creed, national origin or ancestry, religion, sex, age, disability, arrest or conviction record, marital or parental status, sexual orientation, membership in any reserve component of the military forces of the United States or this state, or pregnancy unless such status relates to a bona fide academic or occupational qualification.

It is the policy of the College not to discriminate against qualified applicants for employment, employees, students, or student applicants. The College will comply fully with applicable Federal Equal Opportunity and Affirmative Action Laws; Executive Orders and Regulations and Wisconsin laws including but not limited to Chapter 111.31-111.372 of the Wisconsin State Statutes. The policy of non-discrimination includes appropriate affirmative action to implement the goals of the policy.

The principles and concepts of Equal Opportunity and Affirmative Action will be integrated into all employment practices including, but not limited to, recruiting, hiring, transfers, promotions, training, compensation, benefits, layoff, termination, retention, certification, testing, and to all student admissions, practices, and

procedures. These principles will be applied to encourage a diverse workforce and student body.

## **RESPONSIBILITY**

Ultimate responsibility for affirmative action rests with the President. Responsibility for implementing the Equal Opportunity and Affirmative Action Program rests with the District Affirmative Action/Equal Opportunity Officer. However, managers and staff share responsibility for the success of the program.

## **HARASSMENT**

Harassment is a form of discrimination and includes verbal or physical conduct that creates an intimidating, hostile or offensive work and/or academic environment, which substantially interferes with or substantially and adversely affects a student's academic or employee's work performance. Harassment includes unwelcome verbal or physical conduct of a sexual nature that is severe enough to interfere substantially with a student's academic progress or employee's work or creates an intimidating, hostile, or offense academic or work environment. This definition also applies when Harassment includes any of the verbal/physical conduct listed below which is based on the protected status of the individual:

- Derogatory comments, jokes or slurs, physical harassment including unwanted contact, assault, impeding or blocking movement, or any interference with activity appropriate in the work/academic work environment that have the purpose or effect of creating an intimidating, hostile, or offensive work/academic environment or which substantially interferes with the employee's work or student's academic performance.
- Visual harassment including derogatory, offensive, or graphic posters, cartoons, pictures, drawings, or films, including computer-based images that have the purpose or effect of creating an intimidating, hostile, or offensive work/academic environment or which substantially interferes with the employee's work or student's academic performance.
- Sexual harassment also includes unwelcome sexual advancements, unwelcome physical contact of a sexual nature or unwelcome physical or verbal conduct of a sexual nature, the submission to which is either explicitly or implicitly a term or condition of the individual's employment or individual's status as a student or whenever submission to or rejection of such conduct is used as the basis for employment or academic decisions. Sexual/gender harassment may also be found where the conduct creates an intimidating, hostile or offensive work/academic environment or which

substantially interferes with an employee's work or student's academic progress.

No employee or student shall be punished or penalized for rejecting or objecting to behavior that might be considered as sexual harassment including, but not limited to, the following examples:

- Sexual gestures with hands or body movement.
- Unnecessary and unwanted touching, grabbing, caressing, pinching or brushing up against a person.
- Staring at a person or looking at a person up and down.
- Whistles, catcalls, and sexual references.
- Repeated pressure on an employee to socialize with or date another individual.
- Asking personal questions about a person's social or sexual life.
- Making sexual comments or innuendoes, telling jokes or stories of a sexual demeaning offensive or insulting nature.
- Display of offensive, sexually graphic material which is not necessary for business purposes.
- Posters, cartoons, photographs, pictures, films, or artwork of a sexual, offensive, hostile, or degrading nature.
- Granting or withholding pay increases, promotions, job offers, or other employment benefits based on sex.

Harassment may also include:

- Engaging in criminal conduct or acts of violence, making threats of violence toward anyone on college premises or at any time for any purpose; fighting, horseplay, or provoking a fight on college property, or negligent damage of property.
- Threatening, intimidating, or coercing fellow employees or students on or off the premises - at any time, for any purpose.
- Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; willfully restricting work output or encouraging others to do the same.

Appropriate corrective measures will be used to eliminate harassment pursuant to this policy.

## DISABILITY ACCOMMODATIONS

It is the intent of the College to comply with all applicable provisions of the Carl D. Perkins Vocational and Applied Technology Education Act, Wisconsin Fair Employment Act, Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 (including all future amendments that are incorporated by date) to insure that qualified individuals with disabilities who are covered by such laws, are provided with reasonable and effective accommodations, when requested, to afford equal employment and educational opportunity at the College unless to do so would cause undue hardship.

### *Definitions*

**Person with a Disability:** Any person who has a mental or physical impairment that substantially limits one or more major life activities (such as walking, seeing, hearing, speaking, breathing, learning, concentrating and thinking, etc.), or who has a record of such impairment(s), or who is regarded as having such an impairment. The College will not discriminate against any qualified individual with a disability.

**Qualified Individual with a Disability:** An individual who, with or without reasonable accommodations meets or exceeds the essential eligibility requirements (academic or other technical standards) for the receipt of services and/or participation in the academic program or school activity or whose experience, education, and/or training enable the person to perform the essential functions of a job.

**Reasonable Accommodation:** To the extent provided in the above referenced laws and corresponding regulations, and subject to any limitations provided in those laws and regulations, the College will not discriminate against qualified individuals with disabilities. Without limiting the generality of the foregoing:

- The College shall provide reasonable accommodations to the known physical or mental limitations of qualified individuals with disabilities who hold or apply for jobs at the College in accordance with applicable laws and regulations unless to do so would impose undue hardship on the College's operations; and
- Under applicable laws and regulations, the College shall not exclude qualified individuals with disabilities from the services, programs, or activities made available by the College, or deny the benefits of such services, programs, or to such individuals, whether such exclusion or denial results from communication barriers, physical inaccessibility of College facilities, College policies, practices, procedures, or otherwise. Reasonable accommodations to be evaluated may include but is not limited to any of the following: equal access to college services, curricula, entrance requirements, programs or courses; removal of

architectural barriers, provision of academic modifications; opportunity to obtain access technology, and auxiliary services.

### ***Confidentiality***

Admission of a disability is voluntary and will be handled in a confidential manner as required by law.

### ***Accessing Accommodations for Individuals with Disabilities***

Individuals with disabilities have a right to request accommodation. Individuals will receive reasonable accommodations appropriate to their needs in order to fully participate in or benefit from Mid-State's programs, services and activities in a non-discriminatory, integrated manner. The College has developed procedures which recognize that responsibility for the implementation of reasonable accommodation is shared by the College, the employees, and the student. Coordination of services involves collaboration between the student, staff, and other pertinent individuals in a coordinated system. Coordination is expected in the event an employee is asked to assist in the accommodation afforded by another employee under this policy.

- Notification of the College's services and procedures for individuals seeking disability related information is published and distributed through College resources.
- The Accessibility Services Staff at the College will assist students who seek disability-related information, services, and/or accommodation. The Human Resources Department will assist employees who seek disability-related information, services, and/or accommodation.
- Requests for accommodations should be submitted to the College in a timely manner. Anyone requesting accommodation may be required to provide current and specific documentation of his/her disability. The individual has the responsibility for disclosing and providing current and appropriate documentation.
- Determining eligibility for services/or reasonable accommodations will be established by the College. Decisions will be made on a case-by-case basis through an interactive process with the applicant/student and the Mid-State Accessibility Services Staff or a college employee/employment applicant and Vice President, Human Resources and District Equal Opportunity/Affirmative Action Officer through the completion of the *Mid-State Disability Accommodation Form*. In general, guests and visitors are accommodated by the program or activity in which they are participating.
- Individuals seeking accommodation must self-identify and request services. Self-referral can occur before, during, or after enrollment, but the College

reserves the right to deny services or accommodations pending the receipt of appropriate documentation.

## **RELIGIOUS ACCOMMODATIONS**

Mid-State is committed to providing reasonable accommodation for any students and employees sincerely held religious beliefs with regard to examinations, academic requirements, and employment. In response to an employee's or student's request, reasonable accommodation will be provided for religious observances and practices.

- Notification of the College's religious accommodation for individuals is published and distributed through college resources.
- Students/employees must provide, in writing, a notice to their instructor/supervisor at least five business days in advance of the anticipated absence or other requested accommodation.
- Students are responsible for making up missed examinations or materials in a timely manner prior to the end of the academic semester, where the date of absence permits sufficient time to do so.
- Faculty must provide an opportunity for students to make up missed examinations and materials in a timely manner without any prejudicial effect.
- Supervisors will work with the District Equal Opportunity/Affirmative Action Officer relative to an employee's request for reasonable religious accommodation.

## **COMPLAINT PROCEDURE**

The College has set forth a complaint procedure for an individual who alleges discrimination based on a protected status or prohibited harassment under this policy. Copies of this procedure can be obtained from the District Affirmative Action/Equal Opportunity Officer.

## **VENDORS**

The College will seek assurance from all contractors and suppliers of products and services that they do not discriminate. The College also encourages the purchase of products and services from women, minority, and disabled business owners.

## **ROLE OF AFFIRMATION ACTION/EQUAL OPPORTUNITY**

The Affirmative Action/Equal Opportunity Officer is responsible for developing and implementing the Affirmative Action Plan and monitoring compliance. Responsibilities of the Officer include: developing a written Affirmative Action Plan, monitoring internal and external communication procedures, collecting and

analyzing employment and student data, identifying problem areas, setting goals and timetables, developing and implementing programs to eliminate discriminatory practices, designing and implementing an internal monitoring system, and submitting compliance plans and reports to the Wisconsin Technical College System Board Affirmative Action/Equal Opportunity Officer.

Violation of this policy or the Affirmative Action Plan will result in appropriate corrective action.

## **CONTACT PERSON**

The Affirmative Action/Equal Opportunity Officer reports to the President to assure implementation of the Affirmative Action Plan. Questions regarding affirmative action or equal opportunity shall be directed to: Vice President, Human Resources, Affirmative Action/Equal Opportunity Officer, 500 32nd Street N, Wisconsin Rapids, WI 54494. Telephone (715) 422-5325.

If the complaint alleges discrimination by the Affirmative Action/Equal Opportunity Officer, the complaint should be directed to the President/Designee of the College.

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