



# **NONDISCRIMINATION & ANTI-HARASSMENT POLICY**



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# Nondiscrimination & Anti-Harassment Policy

NWTC is committed to taking all appropriate measures to maintain an environment free from discrimination and harassment. For that reason, the College will not tolerate unlawful discrimination, harassment of any kind, or retaliation against a person who files a complaint relating to discrimination or harassment by an employee, student, customer, or vendor or participates in the investigation of a complaint. Discriminating, harassing and retaliatory behavior may be grounds for corrective and disciplinary action, up to and including termination or expulsion from the College.

Any online postings or other electronic communication occurring outside of NWTC's control will only be subjected to this policy when those online behaviors can be shown to cause a substantial on-campus disruption, which includes the substantial effects on-campus or off-campus harassment.

## College Policy on Nondiscrimination

NWTC adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. NWTC does not discriminate on the basis of political affiliation, age, race, creed, marital status, color, sex, including sexual orientation and gender identity, national origin, disability, veteran status, genetic testing or other applicable legislated categories, in its services, employment programs, and/or its educational programs and activities, including but not limited to admissions, treatment and access. Moreover, NWTC provides assurances that lack of English reading/speaking skills will not be a barrier to admittance and participation in the College.

## Key Definitions

**Discrimination** is a difference in treatment in any service, program, activity or employment at NWTC on the basis of the protected classes referenced above or any others protected under state and federal laws.

Examples of discrimination include unreasonably interfering with an individual's employment or admission, benefits or promotions opportunity, subjecting an individual to different academic or employment standards or denial of use of facilities or equipment based on an individual's protected status.

**Harassment** is unwelcomed or unsolicited behavior directed at an individual or group of people because of a protected class where the behavior adversely affects the person's employment, academic or working environment.

Harassment is not:

- Feedback regarding unsatisfactory work/grades or a poor performance conversation that is reasonable and constructive
- Discussions on controversial topics

- Polite requests for a date from a peer, comments on clothing or compliments about appearance

While the above behavior is not harassing behavior in and of itself, similar behavior done to retaliate against someone or that creates a hostile environment may be considered harassing.

**Hostile Environment** includes any situation in which there is harassing conduct based on a protected class that is sufficiently severe, persistent or pervasive such that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances may include, but are not limited to:

- The frequency of the conduct
- The nature and severity of the conduct
- Whether the conduct was physically threatening
- Whether the conduct was humiliating
- The effect of the conduct on the alleged victim's mental or emotional state
- Whether the conduct was directed at more than one person
- Whether the conduct arose in the context of other discriminatory conduct
- Whether the conduct unreasonably interfered with the alleged victim's educational or work performance

**Sexual Harassment** is defined as unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that is used as the basis for unlawful discriminatory practice or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment for employees and students. Sexual harassment includes:

- Unwelcome sexual advances or requests for sexual favors
- Unwelcome verbal or physical conduct of a sexual nature
- Making submission to, or rejection of, such conduct a factor in academic or employment decisions affecting the student or employee
- Permitting such conduct to unreasonably interfere with a student's academic performance or an employee's work performance
- Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature or submission to or rejection of such conduct results in adverse educational or employment action (Quid pro quo)
- Adverse educational or employment action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct (retaliatory harassment)

**Sexual Misconduct** is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome. It may vary in its severity and consist of a range of behaviors or attempted behaviors. To read more on the College's zero tolerance stance on sexual misconduct, click here: [NWTC Gender Discrimination and Sexual Misconduct Policy](#).

## Retaliation

Retaliating directly or indirectly against a person who has, in good faith, filed, supported, or participated in an investigation of a complaint, as defined above, is prohibited. Retaliation includes, but is not limited to, ostracizing the person, pressuring the person to drop or not support the complaint, or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Retaliation also includes similar conduct engaged in by a third party at the complainant's or respondent's request. Depending on the circumstances, retaliation may be unlawful and may constitute a violation of this policy, whether or not the complaint is ultimately found to have merit.

## Grievance Procedure

In accordance with the Nondiscrimination and Anti-Harassment Policy, the College will investigate and respond to any formal or informal complaint or notice of potential violation of the policy that is received by the Director of Diversity & Inclusion/Title IX Coordinator; Dean, Student Development/Title Student Deputy Coordinator; Human Resources staff or other managers or supervisors representing the College. Any employee or student who believes they have been the subject of prohibited discrimination, harassment or retaliation have the option of pursuing the complaint on an informal or formal basis. In either case, the complaint should be made as soon after the alleged act as possible so as to assist with a prompt and equitable investigation.

### Step 1 – Informal Discussion

Employees and students who feel they are being discriminated against or harassed are encouraged to ask the individual to cease the behavior and to be specific regarding the behavior or incident that is objectionable, how you feel about the issue, and what changes you would like to see. Employees may seek assistance from their supervisor; department head; their HR Partner; Director of Compensation & Benefits/Title IX Employee Deputy Coordinator or Director of Diversity & Inclusion/Title IX Coordinator. Students may seek assistance from their instructors; counselor; associate dean; dean; Director of Diversity & Inclusion/Title IX Coordinator or the Dean of Student Development/Title IX Student Deputy Coordinator.

When informally addressing an act of unwanted behavior, you should document the behaviors, when the individual was asked to cease the behavior, and any witnesses that were present when the behavior took place and when the individual was asked to cease the behavior.

Throughout the preliminary investigation the complainant will be provided appropriate support and consultation for the complainant. Complainants will be informed about campus and community resources, state and federal laws and will be notified of their right to file a formal discrimination complaint with Northeast Wisconsin Technical College.

If this action does not resolve the problem, you may wish to continue with a formal or complaint, which may be made with the individuals named at the conclusion of this policy in care of the following offices:

Green Bay Campus	HR Partners/Employee Discrimination and Harassment (920) 498-6286 or 800-422-6982, ext. 6286
Green Bay Campus	Director, Diversity & Inclusion/Title IX Coordinator (920) 498-6826
Green Bay Campus	Dean, Student Development/Title IX Student Deputy Coordinator (920) 498-6984
Green Bay Campus	Director, Talent Strategy/Employee Discrimination and Harassment (920) 498-6828
Green Bay Campus	Director, Benefits & Compensation/Title IX Employee Deputy Coordinator (920) 498-6935
Green Bay Campus	Manager, Accommodation Services/Title IX Student Deputy Coordinator (920) 498-6390
Marinette Campus	Main office (715) 735-9361
Sturgeon Bay Campus	Main office (920) 746-4900
Campus Safety and Security (920) 498-5454	
Regional Learning Centers and Ancillary locations should contact the Green Bay campus	

## Step 2 – Formal Procedure

Employees and students are encouraged to submit a complaint to the Director of Diversity and Inclusion or at [https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout\\_id=10](https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=10) as soon as possible to assist in the investigation. Complaints may be initiated in writing or made verbal, but should include:

- The date(s) time(s), place(s), pertinent facts and circumstances of the alleged discrimination/harassment/retaliation
- Any witnesses

For students, any NWTC staff member can assist you with filling out the incident report or direct you to trained resources to assist you. It is preferred that the complaint be submitted via an electronic incident report. Incident reports can be found at: [https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout\\_id=10](https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=10). If, due to a disability, accommodations are needed to assist the student with filing a complaint, please

contact: Accommodation Services at (920) 498-6904. The complainant is encouraged to file the complaint as soon as possible after the incident to ensure a prompt and effective due process for all the parties involved in the situation.

The Director of Diversity & Inclusion/Title IX Coordinator or Dean of Student Development/Title IX Student Deputy Coordinator may assign a trained Investigator to promptly and equitably investigate the allegation(s).

The assigned Investigator will conduct an interview with the employee or student registering the complaint and upon receiving consent from the complainant to begin an investigation. The intent of the interview is to determine a true and complete account of the complaint. The following information will be sought during the interview process:

- The facts and circumstances of the alleged misconduct and proposed resolution
- The severity of the conduct
- The number and frequency of acts of alleged discrimination or harassment
- The apparent intent of the person alleged to have engaged in the conduct
- The relationship of the parties
- The response of the complainant at the time of the incident(s)
- The relevant work environment

To the extent practicable, the investigator will interview all other individuals who witnessed or may have witnessed the incident or who may have knowledge of the incident. Periodic updates to the complainant and the alleged offender will be provided.

The investigator will interview the person alleged to have engaged in discrimination or harassment and inform the individual that a complaint has been made against him or her, and allow the person to respond to the complaint. The person alleged to have engaged in the act will be informed that the incident is not to be discussed with coworkers or students and that retaliatory action against the complainant will not be tolerated.

To the extent practicable, the investigator will review any other relevant information or evidence and/or interview any other relevant witnesses. The preponderance of the evidence standard (i.e., it is more likely than not that discrimination occurred) will be applied when investigating allegations of discrimination, harassment or retaliation.

A written record of the investigation will be made, inclusive of all notes made of interviews, conversations, or verbal responses to questions posed by the investigator to the complainant, witnesses or respondent, and any other aspects of the investigation. The entire written record and report, including a written summary of the findings of the investigation, will be provided to the Director of Diversity & Inclusion/Title IX Coordinator; Dean of Student Development/Title IX Student Deputy Coordinator or designee. Where appropriate, the written report will include any recommendations for discipline.

The Director of Diversity & Inclusion/Title IX Coordinator; Dean, Student Development/Title IX Student Deputy Coordinator or designee will review the investigative report, evidence and all known circumstances from the investigator and make a final determination. This outcome may include a verbal reprimand up to and including termination of employment, expulsion from school, or any other appropriate remedial action for a person found to have violated these policies.

The complaint process, from the filing of a complaint through a final determination, will be completed within sixty (60) days, unless the timeline is extended for good cause (such as unavailable witnesses or academic breaks).

### **Appeal Process**

The complainant may choose to file an appeal of the outcome of the incident. An appeal from an employee must be delivered to the Director of Diversity & Inclusion/Title IX Coordinator and Vice President of Human Resources for employees. An appeal from a student must be delivered to the Dean of Student Development/Title IX Student Deputy Coordinator and Vice President of Student Services. Appeals must be received within five business days after receipt of written notification of the decision or sanction.

The Vice President of Human Resources or Vice President of Student Services shall review all materials pertaining to the investigation and materials that the complainant may feel relevant to the appeal. The bases of appeals include: (1) denial of a fair hearing, (2) insufficient evidence to establish responsibility, and (3) new information available that was not available at the time of the hearing which affects the disciplinary decision. The appeal must specify any alleged factual or procedural errors, new information or any alleged issues concerning interpretation of the College's policy. The Vice President of Human Resources or Vice President of Student Services will issue a final written decision for the College within seven business days of receiving the notice of an appeal.

### **Agency Reporting**

At any time or if there is disagreement with the final written decision, the complainant may file directly with the Wisconsin Department of Workforce Development, Equal Employment Opportunities Commission, Office for Civil Rights or pursue avenues of resolution for complaints filed on the basis of a protected status.

### **State of Wisconsin Department of Workforce Development - Equal Rights Division Contact Information**

Madison Office  
201 E. Washington Avenue  
Room A100  
PO Box 8928  
Madison, WI 53708  
(608) 266-6860

erinfo@dwd.wisconsin.gov  
Milwaukee Office  
819 N. 6<sup>th</sup> Street  
Room 723  
Milwaukee, WI 53203  
(414) 227-4384

erinfo@dwd.wisconsin.gov

**U.S. Equal Employment Opportunity Commission Contact Information**

Milwaukee Area Office

Reuss Federal Plaza  
310 W. Wisconsin Avenue  
Suite 500  
Milwaukee, WI 53203  
(800) 669-4000

**U.S. Department of Education - Office of Civil Rights Contact Information**

Chicago Office

Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661  
(312) 730-1560  
OCR.Chicago@ed.gov

**Any questions or concerns regarding Nondiscrimination or Anti-Harassment Policy should be directed to:**

Mohammed Bey  
Director, Diversity & Inclusion  
Title IX Coordinator  
Human Resources  
Northeast Wisconsin Technical College  
2740 Mason Street  
Green Bay, WI 54307-9042  
(920) 498-6826  
mohammed.bey@nwtc.edu

John Grant  
Dean, Student Development  
Title IX Student Deputy Coordinator  
Student Services  
Northeast Wisconsin Technical College  
2740 Mason Street  
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(920) 498-6984  
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