

**PROCEDURE TITLE:** Nondiscrimination & Anti-Harassment Policy Grievance

Procedure Document

**DIVISION:** Talent & Culture / Student Services**POLICY OWNER/POSITION TITLE:** Vice President of Talent & Culture and Dean of Student Development

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**I. Scope:**

This is a description of the procedures Northeast Wisconsin Technical College (“NWTC” or “College”) will follow when responding to allegations of discrimination and harassment in violation of NWTC’s Nondiscrimination & Anti-Harassment Policy (the “Policy”).

Allegations of sexual harassment in violation of the NWTC’s Sexual Harassment/Title IX Policy will be responded to pursuant to the following: [Northeast Wisconsin Technical College Sexual Harassment/Title IX Policy Grievance Procedure](#).

**II. Definitions:**

For purposes of this Grievance Procedure, the following terms have the following meanings:

**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.
- 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 the protected classes referenced above where the behavior adversely affects the person’s employment, academic or working environment.

Harassment is not, for example:

- 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, unless previously requested to refrain from such requests or comments.

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

**Investigator** refers to the person or persons charged by NWTC with gathering facts about an alleged violation of the Policy, assessing relevance and credibility, synthesizing the evidence, and compiling the evidence into an investigation report and a file of Directly Related Evidence.

**Protected classes** refer to groups of people who are legally protected from being harmed or harassed by practice or policy that discriminate against them due to a shared characteristic such as race, gender, age, disability, or sexual orientation.

**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. “Sexual Harassment,” as defined herein, constitutes Sexual Misconduct. To read more on the College’s zero tolerance stance on sexual misconduct, click here: [NWTC Sexual Harassment/Title IX Policy](#). Complaints of Sexual Misconduct or Sexual Harassment will be addressed pursuant to the NWTC Sexual Harassment/Title IX Policy and will be investigated and adjudicated under the procedures applicable to that policy, which can be found here: [Sexual Harassment/Title IX Policy Grievance Procedures](#).

Other terms are assigned specific definitions throughout the Policy or this Grievance Procedure.

### **III. Grievance Procedure**

In accordance with this 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, Talent Strategy; Dean, Student Development; CARE and Conduct Case Manager; Title IX Coordinator/Deputy Coordinator(s), Talent & Culture staff; or other managers or supervisors representing the College. The College will investigate and respond to any complaint or notice of potential violation of this policy. Every employee has the responsibility to submit an incident report of any allegation they are made aware of. 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 to assist with a prompt and equitable investigation.

NWTC understands that these conversations may be difficult in nature and the employees listed above may not always be the first point of contact for someone that believes a violation has occurred. If you are an employee other than those listed above and are made aware of a concern, please remind the employee that you have a responsibility to submit an incident report. Submission of an incident report ensures compliance with many state and federal laws, but more importantly is the vehicle to for an equitable and unbiased process.

After an incident report is submitted, a representative of the College will communicate with the complainant. The complainant will be provided with supportive resources and informed options for appropriate and reasonable measures that the College can take to support them. Complainants have the right to decide among those options without impairing the College’s ability to provide the measures.

The complainant will be asked by the investigator if they would like to name an internal support person to accompany them in the 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 they feel about the issue, and what changes they would like to see. Employees may seek assistance on how to address the unwanted behavior from their supervisor; leadership chain within department; Talent and Culture Strategic Partner; or the Director, Talent Strategy, or Vice President of Talent and Culture. Students may seek assistance from their instructors; counselor; associate dean; dean; or the CARE and Conduct Case Manager, Dean Student Development; or Vice President of Talent and Culture.

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.

Following the receipt of a notice of a complaint of an alleged instance of discrimination/harassment/retaliation, the Director of Talent Strategy or Dean of Student Development or designee will assign a trained investigator to engage in an initial assessment.

Throughout the preliminary investigation/assessment the complainant will be provided appropriate support and consultation. 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 complaint, which may be made with the individuals named below in care of the following offices (all office locations are Green Bay Campus):

Sara Lam Interim Vice President of Talent & Culture Official with Authority – Student and Employee Incidents (920) 498-6826	John Grant Dean, Student Development Title IX Coordinator (920) 498-6984
Tim Derozier Director, Talent Strategy (920) 498-6830	Kelly Schumacher Care and Conduct Case Manager Deputy Title IX Coordinator (920) 498-6390
Dawn Rentmeester Compliance & Project Partner Deputy Title IX Coordinator (920) 498-6932	

## **Step 2 – Formal Procedure**

Employees and students are encouraged to submit a formal complaint to one of the aforementioned individuals or at: [https://cm.maxient.com/reportingform.php?NortheastWisconsinTC&layout\\_id=18](https://cm.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=18) 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://cm.maxient.com/reportingform.php?NortheastWisconsinTC&layout\\_id=18](https://cm.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=18). If, due to a disability, accommodations are needed to assist the student with filing a complaint, please contact Disability 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 Talent Strategy or Dean of Student Development will assign trained investigators to investigate the allegation(s) promptly and equitably.

The assigned Investigator will conduct an interview with the employee or student registering the complaint and request 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

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 them and allow the person to respond to the complaint. The person alleged to have engaged in the act will be reminded of the confidentiality of the investigation and that retaliatory action against the complainant will not be tolerated.

To the extent practicable and, in the investigator's discretion, necessary, 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.

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 Talent Strategy/ or Dean of Student Development or designee. Where appropriate, the written report will include any recommendations for discipline.

Director of Talent Strategy or Dean of Student Development 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 Vice President of Talent & Culture. An appeal from a student must be delivered to the Vice President of Talent & Culture. Appeals must be received within five business days after receipt of written notification of the decision or sanction.

The Vice President of Talent & Culture shall review all materials pertaining to the investigation and materials that the complainant may feel relevant to the appeal. The basis of appeals include: (1) denial of a fair investigation, (2) insufficient evidence to establish responsibility, and (3) new information available that was not available at the time of the investigation 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 Talent & Culture will issue a final written decision for the College within seven business days of receiving the notice of an appeal. That written decision shall be final.

### **Privacy and Rights**

NWTC will make every effort to preserve the privacy of reports of alleged discrimination and/or harassment in violation of the Policy. NWTC will not disclose or share the identity of any individual who has made a report or complaint of discrimination and/or harassment, any Complainant, any individual who has been alleged to be the perpetrator of harassment and/or

discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, or its implementing regulations, 34 C.F.R. part 99, as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conducting of any investigation, hearing or grievance proceeding arising under the Policy or this Grievance Procedure.

NWTC reserves the right to determine which NWTC officials have a legitimate educational interest in being informed about incidents covered by the Policy, pursuant to FERPA. Only a small group of NWTC officials, all who have a need to know, will typically be told about a complaint.

The College recognizes the right of all parties involved in a complaint to a fair and equitable resolution of complaints. Falsification, distortion or misrepresentation of information during the course of a complaint resolution process may be grounds for disciplinary action.

#### Rights of Reporting Party:

- You have the right to expect that NWTC will respond promptly, equitably, and thoroughly to all incident reports once we are made aware of the incident, barring any unusual circumstances.
- You have the right to expect that you will be informed of NWTC's conduct process and outcomes.
- You have the right to be free from retaliation for exercising your rights to file a complaint.
- You have the right to interim support and reasonable protective measures to help you to continue to learn at NWTC (e.g., change in class schedule, if appropriate).
- You have the right to be treated with respect by NWTC staff throughout the entire process.
- You have the right to privacy and the assurance that information regarding the complaint will be shared only with those necessary.
- You have the right to be notified of supportive measures available.
- You have these rights regardless of your race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, or any other protected class.

#### Rights of Responding Party:

- You have the right to expect that NWTC will respond promptly, equitably, and thoroughly to all incident reports once we are made aware of the incident, barring any unusual circumstances.
- You have the right to expect that you will be informed of NWTC's conduct process and outcomes.
- You have the right to be free from retaliation.
- You have the right to be treated with respect by NWTC staff throughout the entire process.
- You have the right to privacy and the assurance that information regarding the complaint will be shared only with those necessary.

- You have the right to be notified of possible sanctions that may result if found responsible of violating the Nondiscrimination and Anti-Harassment policy and the Student Code of Conduct.
- You have the right to be notified of available supportive measures.
- You have these rights regardless of your race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, or any other protected class.

**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 or Office for Civil Rights, as applicable, 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

**Sanctions**



Any student or employee found to have violated this policy will be sanctioned, with sanctions for students ranging from warnings through expulsion and sanctions for employees ranging from warnings through termination of employment.

### **Enforcement**

The overall administration and enforcement of the Policy and this Grievance Procedure is the responsibility of the Director of Talent Strategy in collaboration with the Dean of Student Development. The Title IX Coordinator/Deputy Coordinator(s) are primarily responsible for coordinating NWTC's efforts related to the intake, investigation, resolution and implementation of supportive measures regarding any forms of harassment, discrimination and retaliation prohibited under this Policy. Any questions or concerns should be directed to:

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

Tim Derozier  
 Director, Talent Strategy  
 Northeast Wisconsin Technical College  
 2740 West Mason Street  
 Green Bay, WI 54307-9042  
 (920) 498-6830 | [tim.derozier@nwtc.edu](mailto:tim.derozier@nwtc.edu)

John Grant  
 Dean, Student Development Student Services  
 Northeast Wisconsin Technical College  
 2740 Mason Street  
 Green Bay, WI 54307-9402  
 (920) 498-6984 | [John.grant@nwtc.edu](mailto:John.grant@nwtc.edu)

## **PROCEDURE**

### **Revision History**

Revision Number	Effective Date	Description
1	10/10/2016	Initial Version
2	11/2/2021	Revised
3	3/28/2024	Revised <ul style="list-style-type: none"> <li>• Updated divisional ownership and associated position titles.</li> <li>• Removed legalese context of some language.</li> <li>• Changed all he/she pronouns to they/theirs</li> <li>• Grievance Procedure:               <ul style="list-style-type: none"> <li>○ Included language that employees have the responsibility to submit an incident report.</li> <li>○ Included language addressing the sensitive nature of the conversation and added that an</li> </ul> </li> </ul>

		<p>internal support person may accompany reporting party during the investigation/assessment.</p> <ul style="list-style-type: none"><li>• Formal Procedure: Changed “may assign” to “will assign” a trained investigator.</li><li>• Added Privacy and Rights of Reporting/Responding Section</li></ul>
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