

TYPE: DIVERSITY, EQUITY, AND INCLUSION

POLICY TITLE: NONDISCRIMINATION & ANTI-HARRASSMENT POLICY

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 based on any protected class, 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 (each a "protected class"), 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 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

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. “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](#).

Retaliation

Retaliating directly or indirectly against a person who has, in good faith, filed, supported, or participated in an investigation of a complaint of discrimination or harassment made pursuant to this policy, 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 a person’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 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: Chief Officer for Diversity, Equity, and Inclusion; Director, Talent Strategy/Title IX Coordinator; Dean, Student Development; Disability Services and CARE Case Manager/Title IX Coordinator; Talent & Culture staff; or other managers or supervisors representing the College. Any employee or student who believes he or she has 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.

In accordance with this policy, NWTC will impartially address, investigate and resolve any formal or informal complaint or notice of potential violation of the policy that it receives. NWTC’s procedure for addressing, investigating and resolving potential violations of this policy is set forth in [NWTC’s Nondiscrimination & Anti-Harassment Grievance Procedures](#).

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. 6th 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 this policy is the responsibility of NWTC's Chief Officer for Diversity, Equity, and Inclusion ("CO"). The Title IX Coordinators are primarily responsible for coordinating NWTC's efforts related to the intake, investigation, resolution and implementation of supportive measures regarding discrimination, harassment or retaliation prohibited under this Policy. Any questions or concerns should be directed to:

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