

Policy Title: DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE FOR STUDENTS

Mid-State Technical College has set forth the following complaint procedure for students 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 under state or federal law (“protected status”) is prohibited by the College.

COMPLAINT

Complaint means an allegation of personal discrimination contrary to law or harassment on the basis of race, color, creed, religion, sex, national origin, disability, ancestry, age sexual orientation, and pregnancy, marital or parental status or other protected status for students under state or federal law (“protected status”) in regard to any service, program, course, activity, or facility at the College.

Discrimination means a difference in treatment contrary to law in any service, program, course or facility of Mid-State on the basis of protected status which adversely affects or unreasonably interferes with academic progress.

Harassment means the use of verbal or physical conduct based on protected status which (1) has the purpose or effect of creating an intimidating, hostile or offensive academic environment; (2) has the purpose or effect of unreasonable interference with an individual’ academic progress; (3) otherwise adversely affect academic progress.

The term “harassment” encompasses “sexual harassment” which means unwelcome sexual advances, unwelcome physical contact of a sexual nature, unwelcome requests for sexual favors and other verbal or physical conduct of a sexual nature (including 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) when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s status as a student; (2) submission to or rejection of such conduct by an individual is used as a basis for enrollment, rating, or grading of a student; or (3) such conduct has the purpose or effect of substantially interfering with an individual’s academic progress or creating an intimidating, hostile or offensive academic environment.

COMPLAINANT

A complainant is an individual who is currently enrolled, is currently seeking access to an educational service, program, course or facility at the college, or who has been enrolled or who has sought access to an education service, program, course or facility at the college who alleges discrimination based on a protected status or prohibited harassment as set forth above within the last 300 calendar days.

RESPONDENT

Respondent means a person and/or persons alleged to be responsible, or who may be responsible for the violation alleged in a complaint. The term may be used to designate persons with direct responsibility for a particular action or those areas covered in the complaint.

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY OFFICER

The Vice President, Human Resources has been designated by the College as having the responsibility of coordinating the internal complaint procedure. Questions regarding this procedure should be directed to: Vice President, 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.

ASSURANCE OF NON-RETALIATION

Retaliatory action against anyone filing a complaint of any type of discrimination or harassment or anyone who participates in the investigation of a complaint is strictly prohibited. The complainant, any person who participates in the investigation of a complaint, and the accused will be advised of the College’s policy in this regard 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 immediately to the Affirmative Action/Equal Opportunity Officer.

CONFIDENTIALITY

Confidentiality is critical to the complaint procedure. A complaint, in and of itself, is not evidence of inappropriate behavior. We respect the privacy of all persons involved in the complaint – the complainant, a person accused of engaging in the prohibited conduct, witnesses, and others as deemed necessary. These individuals shall maintain confidentiality and not discuss any part of the complaint investigation, findings, or any action taken, except with those persons who have a legitimate need to know. The College shall maintain confidentiality to the extent allowed by law and to the extent necessary to conduct a thorough and efficient investigation of the complaint.

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

The Discrimination/Harassment Complaint Procedure for Students 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 student complaints, alleging

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discrimination. It is also designed to comply with State of Wisconsin law prohibiting discrimination against students for the reasons set forth in Chapter 38.23 of the Wisconsin State Statutes.

1. Step 1 - Intake

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 at his/her discretion if such reassignment would further the purposes of this policy. The person (complainant) with a discrimination or harassment complaint shall attempt to resolve the issue by informal discussion with an Instructor, Dean, Director of Student Support, or Affirmative Action/Equal Opportunity Officer as soon as possible after the known occurrence of the act or event. The full cooperation of the complainant is essential throughout the complaint procedure.

If the matter is not resolved through informal discussion, the complaint shall be presented in writing to the Affirmative Action/Equal Opportunity Officer within 300 days after the known occurrence of the act or event. The complaint should include the name of the individual against whom the complaint is filed, and the specific nature of the alleged discrimination or harassment, the time, place, pertinent facts, and any other circumstances relating to the incident. The complainant must include his/her name, address, phone number, and signature. The complainant is requested to use the *Discrimination/Harassment Complaint Form* for the written complaint.

The complainant will be given a copy of the Mid-State Administrative Policy "*Discrimination/Harassment Complaint Procedure for Students*".

2. Step 2 - Investigation

The Affirmative Action/Equal Opportunity Officer shall thoroughly investigate the complaint. If the subject of the complaint is the Affirmative Action/ Equal Opportunity Officer, then the College President shall determine the manner of the investigation of the complaint. The general steps in the investigation process will include, but not be limited to:

- Interview complainant to clarify allegation and receive written statement.
- Ask complainant for additional evidence, facts, and names of potential witnesses.
- Interview the accused and receive written statement.
- Interview witnesses, if any, and receive written statements.
- Review relevant documents.
- Develop and maintain file on all statements, reports, and evidence.
- Develop letter of findings.

The Affirmative Action/ Equal Opportunity Officer may involve other college offices or staff as appropriate to complete a thorough investigation. Any individual (accused) specifically alleged to be responsible for the complaint of discrimination or harassment will be asked to respond in writing to the complaint. Any person with knowledge of the alleged action(s) is required to participate in any investigation as requested.

The investigation will begin within ten (10) days of receipt of the written complaint and should, if practical, be concluded within sixty (60) days of receipt of the complaint.

3. Step 3 – Review and Findings

Once the investigation is completed, all information and evidence will be reviewed to determine whether there is a reasonable belief to conclude that the complainant has been subjected to discrimination or harassment, or if college policies and procedures had been violated. When the review is completed, the findings resulting from the investigation will be communicated to the complainant and the accused within fifteen (15) days of conclusion of the investigation, unless after diligent attempts the parties are not available.

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.

4. Step 4 – Appeal to the President

If the complainant is dissatisfied with the written findings of the Affirmative Action/ Equal Opportunity Officer, he/she may appeal the findings by giving written notice to the College President within fifteen (15) days after receipt of the written findings. The College President shall, within fifteen (15) days, schedule a meeting with the complainant. The College President shall, within fifteen (15) days after the meeting, send a written response to the complainant.

5. Step 5 – Appeal to District Board

If the complainant is dissatisfied with the response of the College President, he/she may appeal the response by giving written notice to the Mid-State Technical College District Board within fifteen (15) days after receipt of the College President's decision.

Within sixty (60) days after receiving an appeal, the District Board will review the allegations, the written findings, and the response of the College President. The Board may review such other information, as the Board deems necessary.

The Board must take one of the following actions:

- Deny the appeal.

- Overturn the response of the College President.
- Remand the matter to the College President for complete or partial review, citing specific issues to be considered.

If the matter is remanded for review, the complainant may appeal any subsequent findings to the District Board within the time frame mentioned above at Step 5.

Once a final determination is made, the decision of the District Board is final and there shall be no further appeal of the matter internally.

Referral Services

While students are encouraged to resolve all complaints through the use of college policies outlined herein, at any point in the process, or in lieu of the college's appeals process nothing in this complaint procedure shall preclude the complainant from seeking a remedy under state or federal law.

- U.S. Department of Education – Office for Civil Rights
- U.S. Equal Employment Opportunity Commission
- U.S. Department of Labor

DISABILITY/RELIGIOUS ACCOMMODATION COMPLAINT PROCEDURE

The College has adopted and publishes a complaint procedure that provides a prompt and equitable resolution of complaints alleging any action that would violate Title II of the ADA, Section 504, or violation of reasonable religious accommodation. These procedures are applicable to any anticipated complaint, including appeal of a denied accommodation request.

1. Any student or employee has the right to file a complaint verbally or in writing due to an alleged failure by the College to provide requested reasonable accommodations. Students are encouraged to discuss their concerns regarding accommodations with their Instructor(s), Deans, or the Disability Services staff as far in advance as possible when the need for disability or religious accommodation is known.
2. If a student/prospective student with a disability disagrees with a decision regarding an accommodation request, a complaint can be filed. A complaint must be filed by completing the *Failure to Provide Requested Accommodation Complaint* form available from the Affirmative Action/Equal Opportunity Officer within thirty (30) days of the alleged discriminatory action, if at all possible, but not more than 300 days.
3. An investigation conducted by Mid-State's Affirmative Action/Equal Opportunity Officer, as may be appropriate, shall follow the filing of a complaint. All interested parties and their representatives, if any, will be afforded the opportunity to submit evidence relevant to the complaint.

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4. Pending the outcome of the complaint, disability and religious accommodations already established by the College shall continue.
5. The complainant shall be given opportunity to provide additional information or statements. It is the complainant's responsibility to provide all necessary documentation in support of the complainant at his/her expense.
7. The complainant will be notified of the final decision in writing within thirty (30) days after the complaint is filed.
8. The Mid-State Affirmative Action/Equal Opportunity Officer shall maintain the files and records relating to the complaints filed.
9. The complainant can request a reconsideration of the case by the Executive Team in instances of dissatisfaction with the resolution. The request for reconsideration must be made within ten (10) days after receipt of the written decision. The request must be submitted to the Mid-State Affirmative Action/Equal Opportunity Officer, who will be responsible for convening a meeting of the Executive Team to review the initial decision.
10. A written determination as to the validity of the complaint and a description of the resolution shall be issued by the College President or designee and forwarded to the complainant within ten (10) days after the request for reconsideration.
11. If the student/prospective student is dissatisfied with the response of the College President, he/she may appeal the response by giving written notice to the Mid-State Technical College District Board within fifteen (15) days after receipt of the College President's decision.

Within sixty (60) days after receiving an appeal, the District Board will review the allegations, the written findings, and the response of the College President. The Board may interview the complainant, the accused and others, as deemed necessary.

The Board must take one of the following actions:

- Deny the appeal.
- Overturn the response of the College President.
- Remand the matter to the College President for complete or partial review, citing specific issues to be considered.

If the matter is remanded for review, the student/prospective student may appeal any subsequent findings of the College President to the District Board within the time frames mentioned above.

12. While students are encouraged to resolve all complaints through the use of college policies outlined herein, at any point in the process, or in lieu of the college's appeals process, an individual may also file an ADA/Affirmative Action or discrimination complaint with the appropriate external government agency.

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The above stated procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that Mid-State Technical College complies with Wisconsin Statutes, the ADA and Section 504 of the Rehabilitation Act, other federal laws and regulations dealing with discrimination related to students.

Adopted: August 2011
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