UW-Platteville Faculty Handbook: Chapter Five

Title*:* 5.2 Discrimination and Harassment Policies and Procedures

Keywords: discrimination, harassment, sexual harassment

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Policy Source and Authority for Approval: Faculty Senate, Academic Staff Senate, Student Senate

I. Policy Statement

The University of Wisconsin-Platteville will not tolerate discrimination or harassment by or toward students, employees, and guests on the basis of sex, race, religion, color, creed, disability, sexual orientation, national origin, ancestry, age or any other prohibited basis defined by federal or state law or University of Wisconsin System policy. Discrimination and harassment are inconsistent with UW-Platteville's efforts to foster an environment of respect for all members of the university community as a whole. It is, therefore, the policy of the UW-Platteville that such behavior will not be tolerated and will be dealt with according to the procedures outline below. Retaliation for filing a complaint of discrimination or harassment is also a form of harassment and is therefore prohibited.

II. Prohibited Conduct

A. Discrimination against Students

In accordance with state and federal laws and UW System policy, no student may be denied admission to participation in or the benefits of, or be discriminated against in any service, program, course or facility of the UW-Platteville because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

B. Employment Discrimination

In accordance with federal and state laws and UW System policy, no employee or prospective employee of UW-Platteville may be discriminated against on the basis of age, race, color, creed, religion, disability, sex, sexual orientation, marital status, relationship to other employees, ancestry, national origin, arrest or conviction record, political affiliation, membership in the national guard or military reserve, or use or nonuse of lawful products off university premises during nonworking hours. Employment policies, practices, and procedures that are covered include, but are not limited to, recruiting, interviewing, testing, screening, selection, placement, classification, evaluation, transfer, promotion, training, compensation, fringe benefits, layoffs, and termination.

C. Harassment

Harassment based on sex, race, religion, color, creed, disability, sexual orientation, national origin, ancestry, age or any other prohibited basis defined by federal or state law or UW System policy is a form of discrimination.

D. Sexual Harassment
Sexual harassment is a form of sex discrimination prohibited under federal and state laws as well as UW System policy. Unsolicited and unwarranted sexually discriminatory remarks, sexually derogatory statements or gestures and/or verbal sexual advances; attempts to engage a non-consenting person in sexual activities or physical contact of a sexual nature; and unsolicited and unwanted physical contact of a sexual nature constitute sexual harassment when

1. participation in such conduct becomes a condition of an individual's employment or education; or
2. the submission or rejection or participation in such conduct becomes a basis for academic or employment decisions affecting that individual; or
3. the conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive education, employment, or living environment.

III. Procedures
Any member of the university community who has been either a target of or a witness to discrimination or harassment has a right to take action either by confronting those involved directly or by reporting the incident to a university official (see III A Intake for list). While every effort will be made to respect both the confidentiality and the wishes of the complainant, university officials have an ethical and legal obligation to take action to prevent and stop illegal harassment or discrimination and may therefore be compelled to take some action even if the complainant is unsure of what action is desired. Incidents reported to university officials will be handled in a manner that protects the privacy and the process rights of everyone involved. The following procedures have been established to provide a framework for handling such concerns.

A. Intake
University officials prepared to deal with concerns about discrimination and harassment include: Assistant Chancellor for Student Affairs, Chief Diversity Officer, Dean of Students, Director of Residence Life, and line supervisors, such as Department Chairs, Directors, and Deans.

When someone raises a concern about discrimination or harassment, the university official will:

1. listen and help clarify both the concern and the desired outcome
2. explain the options available
3. attempt a resolution if desired by the individual with the concern, and
4. submit a report to the Affirmative Action Office.

B. Informal Resolution
Informal resolution has the goal of ending offensive behavior and resolving the concern rather than assessing blame and exacting a penalty. If a concern can't be resolved informally, or if the behavior is so flagrant or repetitious as to warrant disciplinary action, it should be handled through formal procedures.

If an informal resolution is to be attempted by a university official, the official will meet with the individual accused of the offending behavior to explain the concern and get a response. The person who has raised the concern may or may not be present, and that individual's identity will be revealed only with his or her consent. The meeting may involve a negotiation of outcomes, such as an apology or some mutually agreed upon course of action to be taken, but any action is purely voluntary at this point and will not be viewed as an admission of guilt.

C. Formal Procedures

The purpose of formal action is to determine if the UW-Platteville Policy on Discrimination and Harassment has been violated and, if so, to invoke disciplinary sanctions and/or prescribe a course of action that will resolve the situation. Disciplinary sanctions may include, but are not limited to, a written reprimand, probation, suspension, dismissal, or expulsion.

Formal procedures are set in motion when a signed written complaint is filed with a university official. The complaint must contain the name and signature of the complainant, details of the situation precipitating the complaint, and a statement of desired outcome. When a signed complaint has been received, the person receiving the complaint will notify the Chancellor, who will set in motion the appropriate process and notify the individual or group against whom the complaint has been made.

The process for investigating and hearing complaints and grievances against individuals depends upon the status of the accused (faculty, academic staff, classified staff, or student):

1. Faculty – If the accused is faculty, procedures of the Complaints and Grievances Commission apply (Faculty Bylaws, Part II, Article III, Part 7).
2. Academic Staff – For academic staff, the Academic Staff Personnel Commission is the hearing body (Academic Staff Bylaws, Part II, Article III).
3. Classified Staff – Complaints against classified staff will be handled in accordance with the collective bargaining agreement (Agreement Between the State of Wisconsin and AFSCME Council 24, Article IV) or the Non-Contractual Employee Grievance Procedure (Administrative Practices Manual, Department of Administration, revised October 1, 1974).
4. Students – Student conduct is governed by UWS 14 and UWS 17. Harassment and discrimination which meet the definition of conduct proscribed by those chapters may also result in disciplinary action. The procedures outlined in those chapters will be followed.

In determining whether impermissible discrimination or harassment has occurred, the investigator or hearing body will apply state and federal statutes, regulations, and case law relevant to the basis of discrimination being alleged, including but not limited to such legal materials and precedents as Title VI and Title VII of the Civil Rights Act of 1964; Title of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; S.101.223 Wisconsin Statutes; S. 36.12 Wisconsin Statutes; the United States Constitution, and related regulations and case law. In any case, where

there is a question as to whether the action or conduct constitutes impermissible discrimination or harassment, UW System legal counsel will be consulted.

D. Record Keeping Timeliness

Any university official to whom a report of discrimination or harassment has been made will file a report with the Affirmative Action Office. A record identifying a specific individual will be kept only if the person has been notified of the existence of the report and been given an opportunity to attach a counter statement in that case, the record will be kept for six years and destroyed if no further reports have been filed.

All reports of discrimination and harassment must be handled in a timely fashion. Intake and the beginning of informal resolution must take place within 300 days of the incident, and formal procedures must be started within 300 days following either the incident itself or the termination of attempts at informal resolution. Other timelines are determined by the procedures that apply to the status of the accused (faculty, academic staff, classified staff, or student).

Use of these procedures does not prevent the complainant from seeking legal redress. It should be noted that time limits for filing complaints under the various laws differ.

IV Dissemination

A copy of this policy and the procedures for implementing it will be distributed annually to all University of Wisconsin-Platteville students, faculty, academic staff, and classified staff. In addition, educational programs will be conducted regularly to sensitize members of the university community to the issues covered by this policy.

Approved by the Academic Staff Senate (10/18/93)
Approved by the Faculty Senate (10/26/93)
Approved by the Student Senate (11/8/93)