



UNIVERSITY OF WISCONSIN-PLATTEVILLE
EMPLOYEE HANDBOOK

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UW-PLATTEVILLE POLICY AND PROCEDURES REGARDING DISCRIMINATION AND HARASSMENT

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. Incidents of discriminatory conduct are detrimental to the individuals directly involved and diminish the university community as a whole. It is, therefore, the policy of the University of Wisconsin-Platteville that such behavior will not be tolerated and will be dealt with according to the procedures outlined 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 University of Wisconsin 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 University of Wisconsin-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 University of Wisconsin 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 nonconsenting 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.

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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 due 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 IX 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 three hundred days of the incident, and formal procedures must be started within three hundred days following either the incident itself or the termination of attempts at informal resolution. Other timeliness 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 Student Senate (11/8/93)

UNIVERSITY OF WISCONSIN-PLATTEVILLE STATEMENT OF CONSENSUAL RELATIONSHIPS

It is in the interest of the UW-Platteville to provide clear direction and educational opportunities to the university community about the professional risks associated with consensual romantic and/or sexual relationships where a definite power differential between parties exists. These relationships are of concern for two primary reasons.

1. Conflict of Interest

Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students, or between supervisors and subordinates. University policy and more general ethical principles preclude individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate or prospective employee.

2. Abuse of Power Differential

Although conflict of interest issues can be resolved, in consensual romantic and/or sexual relationships involving a power differential, the potential for serious consequences remains. Individuals entering into such relationships must recognize that:

- the reasons for entering such a relationship may be a function of the power differential;
- where power differentials exist, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment; and
- the individual with the power in the relationship will bear the burden of accountability.

Implementation:

To make it clear that romantic and/or sexual relationships involving conflict of interest are unacceptable at the UW-Platteville and to ensure that members of the university community are alerted to the potential for abuse in power differential relationships even where conflict of interest issues are resolved:

- the above statement shall be published in the Handbook for Faculty and Academic Staff and in the Student Handbook; and
- information about this statement will be incorporated into awareness programs held concerning the UW-Platteville Discrimination and Harassment Policy and Procedures.

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