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AFFIRMATIVE ACTION / EQUAL OPPORTUNITY**POLICY**

The Gateway Technical College District will be fair and impartial in all its relations with its students, employees, and applicants for employment without regard to race, color, national origin, ancestry, creed, religion, political affiliation, marital status, parental status, pregnancy, family or medical leave, disability, age, gender, sexual orientation, arrest record or conviction record, retaliation, union or non-union affiliation, membership in the National Guard, state defense force or any reserve component of the military forces of the U.S. or Wisconsin.

COMPLIANCE

The Gateway District is committed to:

- Compliance with Title VI and Title VII of the 1964 Civil Rights Act, the Age Discrimination in Employment Act, the Equal Pay Act, Title IX of the 1972 Educational Amendments, Section 504 of the 1973 Rehabilitation Act, and the Wisconsin Fair Employment Law, The Americans with Disabilities Act, Drug Free Act 1988, and Uniform Control Substances Act: WI Chapter 161.
- Elimination of gender-based discrimination and gender-based stereotyping in vocational education as mandated by the 1976 Vocational Education Amendments.
- Compliance with the 1979 Office of Civil Rights Guidelines for the elimination of discrimination in vocational education.
- Compliance with 1989 Wisconsin Act 186, which relates to discrimination against students in the Technical College System. Students who allege a violation of this Act must file written complaint within 300 days to the day the incident took place.

EQUAL EMPLOYMENT: Equal Employment Opportunity includes, but is not limited to, the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, retention, return from layoff, compensation and fringe benefits, terminations, certification, testing, and committee appointments.

AFFIRMATIVE ACTION

The Gateway District is committed to:

- Designing efforts to reach and maintain an employment level for minorities, persons with disabilities, and women which is at parity. (Parity figures are determined by the Wisconsin Department of Employment Relations.)

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- Planning activities to recruit and place minority, persons with disabilities, and female persons in the areas where these group members are presently underutilized. Recruitment efforts and resources will be reviewed and updated to improve, to strengthen, and to broaden our recruitment efforts for minority, persons with disabilities, and female applicants.
- Providing students with all educational and support services in a non-discriminatory way with special emphasis in recruitment and retention on an educational climate conducive and supportive of cultural, ethnic diversity, and persons with disabilities.
- Supporting employees and applicants for employment with programs developed to address the recruitment, employment, training, promotion and retention needs of minorities, females and persons with disabilities.

HARASSMENT: Harassment against any employee or student on the basis of race, color, gender, national origin, age, disability or other protected status is an unlawful employment and education practice and is prohibited. For incidents related to sexual harassment, refer to policy H-140, Sexual Harassment.

POLICY DISSEMINATION: The District Affirmative Action Office shall disseminate this policy statement on behalf of employees, applicants for employment, and students. The District Affirmative Action Officer, Titles VI, VII & IX (hereinafter referred to as Officer) shall advise non-represented employees and representative union groups about the District's commitments under this policy. Copies of the Affirmative Action/Equal Opportunity Policy shall be posted in conspicuous places available to employees, applicants for employment, and students. All major publications, i.e., school handbook, catalog, shall contain the following Affirmative Action Statement:¹

"It is the policy of Gateway Technical College not to discriminate in admission to, or participation in, its programs and activities on the basis of race, color, national origin, ancestry, creed, religion, political affiliation, marital status, parental status, pregnancy, family or medical leave, disability, age, gender, sexual orientation, arrest record or conviction record, retaliation, union or non-union affiliation, membership in the National Guard, state defense force or any reserve component of the military forces of the U.S. or Wisconsin.

¹ Or one deemed appropriate by the Officer, e.g., "Gateway is an Equal Opportunity/Access Educator/Employer."

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AFFIRMATIVE ACTION PLAN: The Affirmative Action Compliance Plan will be used to demonstrate our commitments and efforts towards Equal Employment Opportunity. The plan will include specific goals and timetables and result-oriented programs.

CRITERIA FOR FILING EMPLOYEE AND STUDENT DISCRIMINATION COMPLAINT: Any employee or student who believes an act of discrimination/harassment has occurred and alleges he/she has been denied admission to, participation in, or the benefits of, or discriminated against in any service, program, course, or facility of the College because of the student's race, color, creed, religion, gender, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status may file charges. Any employee or student may challenge a hostile or abusive work/learning environment, even if the harassment is not targeted specifically at them.

An action constitutes unlawful behavior if it:

- (1) has the purpose or effect of creating an intimidating, hostile, or offensive work/classroom environment,
- (2) has the purpose or effect of unreasonably interfering with an individual's work/classroom performance, or
- (3) otherwise adversely affects an individual's employment/learning opportunity.

COMPLAINT PROCEDURE: A complaint procedure will be maintained for the purpose of processing charges of discrimination on the basis of gender, race, creed, color, national origin, ancestry, marital status, religion, disability, age (40 and over), arrest or conviction record and political affiliation, or other protected group. See Affirmative Action Formal Complaint Procedure H-120.

AFFIRMATIVE ACTION COMMUNITY BASED COMMITTEE: The Officer will, with the approval of the president or designee, appoint an Affirmative Action Advisory Committee. The committee will have broad representation, and it will also have representation from minority, female, and disabled groups. The committee will provide advice to the president or designee.

INTERNAL MONITORING: The Officer will develop and implement an internal monitoring system which will evaluate the effectiveness of the Affirmative Action Program. The Human Resources department shall submit data for employee reports to the Officer. The Officer will report data/information updates every sixty (60) days to the president or designee regarding the Affirmative Action efforts. These reports shall describe how Affirmative Action has been taken and/or will be implemented in areas identified through affirmative action monitoring.

**AFFIRMATIVE ACTION OFFICER, TITLES VI, VII & IX
REPORTING/RESPONSIBILITIES:**

The Officer and the Human Resources department will report to the president or designee on major issues affecting the Gateway District as an equal opportunity employer. The

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Officer has responsibility for developing, implementing and monitoring a comprehensive Affirmative Action compliance program for the Gateway District.

EQUAL EDUCATION: The Gateway District provides equal educational opportunity on the basis of race, color, creed, national origin, ancestry, marital status, gender, and disability in compliance with Title VI of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendments, Section 504 of the 1973 Rehabilitation Act, The Americans with Disabilities Act, Drug Free Act 1988, and Uniform Control Substances Act: WI Chapter 161.

CONTACT PERSON: Coordination of Section 504 of the 1973 Rehabilitation Act has been assigned to the Director - Payroll/Benefits, Section 504/ADA Coordinator and Title IX of the 1972 Education Amendments has been assigned to the Officer. Officer responsibilities are mandated through the following laws: Executive Order 11246, Revised Order No. 4, Section 504, the Office of Civil Rights Guidelines for Eliminating Discrimination in Vocational Programs, The Americans with Disabilities Act, Drug Free Act 1988, Uniform Control Substances Act: Wisconsin Chapter 161 and other Affirmative Action laws.

Any questions concerning Affirmative Action or Equal Opportunity should be directed to:

Debbie Miller, Director Human Resources - Employment, Compensation & Benefits
District Affirmative Action Officer, Titles VI, VII & IX
3520 30th Avenue, Kenosha, WI 53144
(262) 564-3220 • (262) 564-2816 TTY • (262) 564-2161 FAX

While responsibility for implementation of the District's Affirmative Action plan has been directed to one person, the entire staff and District share the responsibility. Any student or employee found to have violated this policy shall be subject to discipline proceedings, which may result in suspension or discharge.

Adopted: April 7, 2003 (Updated w/reference to H-140)
Supersedes: June 24, 1999
Updated: August 2005 (District AA Officer information updated.)

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AFFIRMATIVE ACTION FORMAL COMPLAINT PROCEDURE**PROCEDURE**

The following steps will be followed by the District Affirmative Action Officer in conducting a formal investigation of a complaint.

- I. The District Affirmative Action Officer will meet individually with the complainant and the person or persons whom the complaint is filed against at the commencement of the investigation. Copies of the formal complaint will be shared with all parties.
- II. At the initial meeting, the District Affirmative Action Officer will:
 - A. Explain the process by which a complaint is handled.
 - B. Explain how the investigation will be conducted.
 1. Explain what will happen at the hearing if one is necessary
 2. Inform the parties that they can have witnesses present at the meeting.
 3. Explain that any decision made by the District Affirmative Action Officer can be appealed to the president or designee of Gateway Technical College.
- III. The District Affirmative Action Officer shall conduct his/her activities to insure that the privacy and confidentiality of all parties is respected.
- IV. The District Affirmative Action Officer shall share with all parties copies of witness statements.
- V. The District Affirmative Action Officer is responsible to insure that the complaint is handled in a timely manner.
- VI. The District Affirmative Action Officer will, after the conclusion of his/her investigation, request that the parties complete an evaluation form. The Affirmative Action Policy Review Committee shall compile an annual report for the president or designee summarizing the contents of the evaluation forms along with any recommendations for changes in the Affirmative Action policies and procedures.

Adopted: August 24, 2005
Supersedes: November 2002

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GATEWAY TECHNICAL COLLEGE AFFIRMATIVE ACTION COMPLAINT EVALUATION

- 1) The District Affirmative Action Officer met with both sides individually at the commencement of the investigation. Yes No

Comments:

- 2) The District Affirmative Action Officer explained to me the process by which a complaint is handled, how the investigation will be conducted, and what will happen at the hearing if a hearing is necessary. Yes No

Comments:

- 3) My right to privacy and confidentiality was respected. Yes No

Comments:

- 4) I received copies of all complaints and any statements made by witnesses. Yes No

Comments:

- 5) The complaint was handled in a timely fashion according to District policy. Yes No

Comments:

- 6) I was able to present evidence (written/oral) to the District Affirmative Action Officer prior to any hearing which was scheduled. Yes No

Comments:

- 7) I was able to present evidence at the hearing (written/oral). Yes No

Comments:

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8) I had a fair hearing. Yes No

Comments:

9) I am satisfied with the way in which the complaint was handled. Yes No

Comments:

10) I understand that I have the right to appeal the decision of the District Affirmative Action Officer to the president of Gateway Technical College. Yes No

Comments:

Additional Comments:

Please return evaluation directly to the Office of the College President.

THE FOLLOWING SECTION IS *OPTIONAL*.

Name of Respondent: _____

Print Name

Signature

Date

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HARASSMENT & DISCRIMINATION

POLICY

Gateway Technical College is committed to providing all employees with a work environment that is free from harassment or any other form of harassing conduct. Gateway Technical college expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, status as a Vietnam-era or special disabled veteran, or status in any group protected by state or local law. This policy applies to all employees. Improper interference with the ability of our employees to perform their expected job duties is not tolerated.

PROCEDURE

1. The District Affirmative Action Officer, Titles VI, VII & IX (hereinafter referred to as Officer) is responsible for coordinating federal regulations concerning discrimination or harassment.
2. Should the matter not be resolved informally, the complaint shall be presented in writing to the Officer. The complaint should include the specific nature of the discrimination or harassment and corresponding dates and also include the name, address, and phone number of the complainant.
3. The Officer shall thoroughly investigate the complaint, notify the person(s) who has been accused of discriminating and/or harassing, and permit that person to respond to the allegation. If deemed necessary, a meeting will be arranged to discuss the complaint with all concerned parties within thirty (30) working days after receipt of the written complaint. The Officer shall give a written answer to the complainant within forty-five (45) working days after receipt of the written complaint.
4. If either party is not satisfied with the answer of the Officer, he or she may submit a written appeal to the president or designee indicating with particularity the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within ten (10) working days after receipt of the Officer's answer. The president or designee shall arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The president or designee shall give a written answer to the complainant's appeal within ten (10) working days.

Adopted: November 2002
Supersedes: January 2001

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SEXUAL HARASSMENT POLICY STATEMENT**POLICY**

The Gateway Technical College District, through its commitment to Affirmative Action, will attempt to provide an environment free of sexual harassment for all employees and students in accordance with the law of the United States and the State of Wisconsin.

Sexual harassment of employees and students of the Gateway District is unacceptable and impermissible conduct which will not be tolerated. The institution deprecates such conduct as an abuse of authority. Whenever knowledge is received that a sexual harassment condition is being imposed, prompt and remedial action will be taken. Any student or employee may challenge a hostile or abusive work/learning environment, even if the harassment is not targeted specifically at them.

DEFINITION

Harassment on the basis of gender is a violation of Section 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or enrollment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or enrollment decisions affecting such individual;
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or enrollment or creating an intimidating, hostile, or offensive work/learning environment, or
- (4) such conduct otherwise adversely affects an individual's employment opportunity or enrollment at Gateway.

PROCEDURE

- In accordance with H-110, Affirmative Action/Equal Opportunity, any person who believes sexual harassment has taken place may file a complaint with the District Affirmative Action Officer.

Adopted: April 7, 2004
Supersedes: May 19, 1994