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### AFFIRMATIVE ACTION / EQUAL OPPORTUNITY

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#### 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, covered veterans 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:

1. 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.
2. Elimination of gender-based discrimination and gender-based stereotyping in vocational education as mandated by the 1976 Vocational Education Amendments.
3. Compliance with the 1979 Office of Civil Rights Guidelines for the elimination of discrimination in vocational education.
4. 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:

1. 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.)
2. 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.
3. 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.
4. 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. This 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.

#### SEXUAL HARASSMENT

Sexual harassment is a form of misconduct that undermines the integrity of the academic and working environment. It is the policy of the college that sexual harassment is prohibited. All members of the college community, especially Gateway Technical College faculty and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment.

Sexual harassment is defined as follows:

1. Harassment on the basis of gender and which creates a hostile work or learning environment is a violation of federal and state law. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
  - a. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or enrollment;
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment or enrollment decisions affecting such individual;

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- c. 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
  - d. Such conduct otherwise adversely affects an individual's employment opportunity or enrollment at Gateway.
2. For incidents related to sexual harassment, refer to policy H-140, SEXUAL ASSAULT, MISCONDUCT AND HARASSMENT POLICY.

**POLICY DISSEMINATION:** The District Affirmative Action Officer 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 AA 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:<sup>1</sup>

"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.

### 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.

### 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 Policy H-12, DISCRIMINATION, SEXUAL HARASSMENT & SEXUAL MISCONDUCT COMPLAINT PROCEDURE.

**INTERNAL MONITORING:** The AA Officer will develop and implement an internal monitoring system which will evaluate the effectiveness of the Affirmative Action Program. The AA Officer will report data/information updates annually to the president or designee regarding the Affirmative Action efforts. The internal monitoring system 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 AA Officer will report to the president or designee on major issues affecting the Gateway District as an equal opportunity employer. The AA 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 PERSONS:** Coordination of Section 504 of the 1973 Rehabilitation Act and 1972 Education Amendments has been assigned to the Equal Employment Opportunity Officer. The Officers' 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:

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

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Equal Employment Opportunity Officer, Titles VI, VII & IX  
3520 30<sup>th</sup> Avenue, Kenosha, WI 53144  
(262) 564-3220 • (262) 564-2816 TTY • (262) 564-2838 FAX  
email: millerd@gtc.edu

or

Jacqueline Morris, Director Staffing  
District Affirmative Action Officer, Titles VI, VII & IX  
3520 30<sup>th</sup> Avenue, Kenosha, WI 53144  
(262) 564-3032 • (262) 564-2816 TTY • (262) 564-2838 FAX  
email: morrisj@gtc.edu

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: June 29, 2015

Supersedes: October 12, 2009; June 24, 1999

Reaffirmed &/or Updated: March 22, 2011 (Clarified language & EEO Officer and AA Officer positions); January 11, 2011 & August 2005 (District AA Officer information updated.); April 7, 2003 (Updated w/reference to Policy H-140)