

NORTHEAST WISCONSIN TECHNICAL COLLEGE
NONDISCRIMINATION & ANTI-HARASSMENT POLICY

GRIEVANCE PROCEDURES

I. Scope

This is a description of the procedures Northeast Wisconsin Technical College (“NWTC” or “College”) will follow when responding to allegations of discrimination and harassment in violation of NWTC’s Nondiscrimination & Anti-Harassment Policy (the “Policy”). To review the Policy, click here: [*NWTC Nondiscrimination & Anti-Harassment Policy*](#).

Allegations of sexual harassment in violation of the NWTC’s Sexual Harassment/Title IX Policy will be responded to pursuant to the following: [*Northeast Wisconsin Technical College Sexual Harassment/Title IX Policy Grievance Procedure*](#).

II. Definitions

For purposes of this Grievance Procedure, the following terms have the following meanings:

Discrimination is a difference in treatment in any service, program, activity or employment at NWTC on the basis of the protected classes referenced in the Policy or any others protected under state or federal laws.

Examples of discrimination include unreasonably interfering with an individual’s employment or admission, benefits or promotions opportunity, subjecting an individual to different academic or employment standards or denial of use of facilities or equipment based on an individual’s protected status.

Harassment is unwelcomed or unsolicited behavior directed at an individual or group of people because of the protected classes referenced in the Policy or any others protected under state or federal laws where the behavior adversely affects the person’s employment, academic or working environment.

Harassment is not, for example:

- Feedback regarding unsatisfactory work/grades or a poor performance conversation that is reasonable and constructive
- Discussions on controversial topics
- Polite requests for a date from a peer, comments on clothing or compliments about appearance

While the above behavior is not harassing behavior in and of itself, similar behavior done to retaliate against someone or that creates a hostile environment may be considered harassing.

Hostile Environment includes any situation in which there is harassing conduct on the basis of the protected classes referenced in the Policy or any others protected under state or federal law that

is sufficiently severe, persistent or pervasive such that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances may include, but are not limited to:

- The frequency of the conduct
- The nature and severity of the conduct
- Whether the conduct was physically threatening
- Whether the conduct was humiliating
- The effect of the conduct on the alleged victim's mental or emotional state
- Whether the conduct was directed at more than one person
- Whether the conduct arose in the context of other discriminatory conduct
- Whether the conduct unreasonably interfered with the alleged victim's educational or work performance

Investigator refers to the person or persons charged by NWTC with gathering facts about an alleged violation of the Policy, assessing relevance and credibility, synthesizing the evidence, and compiling the evidence into an investigation report and a file of Directly Related Evidence.

Protected classes refer to groups of people who are legally protected from being harmed or harassed by practice or policy that discriminate against them due to a shared characteristic such as race, gender, age, disability, or sexual orientation.

Sexual Harassment is defined as unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that is used as the basis for unlawful discriminatory practice, or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment for employees and students. Sexual harassment includes:

- Unwelcome sexual advances or requests for sexual favors
- Unwelcome verbal or physical conduct of a sexual nature
- Making submission to, or rejection of, such conduct a factor in academic or employment decisions affecting the student or employee
- Permitting such conduct to unreasonably interfere with a student's academic performance or an employee's work performance
- Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature or submission to or rejection of such conduct results in adverse educational or employment action (Quid pro quo)
- Adverse educational or employment action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct (retaliatory harassment)

Sexual Misconduct is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome. It may vary in its

severity and consist of a range of behaviors or attempted behaviors. “Sexual Harassment,” as defined herein, constitutes Sexual Misconduct. To read more on the College’s zero tolerance stance on sexual misconduct, click here: [NWTC Sexual Harassment/Title IX Policy](#). Complaints of Sexual Misconduct or Sexual Harassment will be addressed pursuant to the NWTC Sexual Harassment/Title IX Policy and will be investigated and adjudicated under the procedures applicable to that policy, which can be found here: [Sexual Harassment/Title IX Policy Grievance Procedure](#).

Other terms are assigned specific definitions throughout the Policy or this Grievance Procedure.

IV. Grievance Procedure

In accordance with the Nondiscrimination and Anti-Harassment Policy, the College will investigate and respond to any formal or informal complaint or notice of potential violation of the policy that is received by the: Director, Talent Strategy/Title IX Coordinator; Disability Services and Care Manager/Title IX Coordinator; Dean, Student Development; Talent and Culture staff; or other supervisors representing the College. Any employee or student who believes they have been the subject of prohibited discrimination, harassment or retaliation have the option of pursuing the complaint on an informal or formal basis. In either case, the complaint should be made as soon after the alleged act as possible so as to assist with a prompt and equitable investigation.

Step 1 – Informal Discussion

Employees and students who feel they are being discriminated against or harassed are encouraged to ask the individual to cease the behavior and to be specific regarding the behavior or incident that is objectionable, how they feel about the issue, and what changes they would like to see. Employees may seek assistance from their supervisor; department head; Talent and Culture Partner; or the Director, Talent Strategy/Title IX Coordinator; Director, Total Rewards, or Chief Officer for Diversity, Equity, and Inclusion. Students may seek assistance from their instructors; counselor; associate dean; dean; or the Disability Services and Care Manager/Title IX Coordinator; Dean, Student Development; or Chief Officer for Diversity, Equity, and Inclusion.

When informally addressing an act of unwanted behavior, you should document the behaviors, when the individual was asked to cease the behavior, and any witnesses that were present when the behavior took place and when the individual was asked to cease the behavior.

Throughout the preliminary investigation the complainant will be provided appropriate support and consultation for the complainant. Complainants will be informed about campus and community resources, state and federal laws and will be notified of their right to file a formal discrimination complaint with Northeast Wisconsin Technical College.

If this action does not resolve the problem, you may wish to continue with a formal complaint, which may be made with the individuals named at the conclusion of this policy in care of the following offices:

Location/Office/Individual	
Green Bay	Mohammed Bey Chief Officer for Diversity, Equity, and Inclusion Official with Authority – Student and Employee Incidents (920) 498-6826
Green Bay	Kelly Schumacher Disability Services and Care Manager Title IX Coordinator (920) 498-6390
Green Bay	Marcus Perez Director, Talent Strategy Title IX Coordinator (920) 498-6828
Green Bay	John Grant Dean, Student Development Official with Authority – Student Issues (920) 498-6984
Green Bay	Valarie Wunderlich Director, Total Rewards Official with Authority – Employee Incidents (920) 498-6935

Step 2 – Formal Procedure

Employees and students are encouraged to submit a complaint to the Director of Talent Strategy/Title IX Coordinator, Disability Services and CARES Case Manager/Title IX Coordinator or Dean of Student Development or at (https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=10) as soon as possible to assist in the investigation. Complaints may be initiated in writing or made verbal, but should include:

- The date(s) time(s), place(s), pertinent facts and circumstances of the alleged discrimination/harassment/retaliation
- Any witnesses

For students, any NWTC staff member can assist you with filling out the incident report or direct you to trained resources to assist you. It is preferred that the complaint be submitted via an electronic incident report. Incident reports can be found at: https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=10. If, due to a disability, accommodations are needed to assist the student with filing a complaint, please contact: Disability Services at (920) 498-6904. The complainant is encouraged to file the complaint as soon as possible after the incident to ensure a prompt and effective due process for all the parties involved in the situation.

The Director of Talent Strategy/Title IX Coordinator, Disability Services and CARES Case Manager/Title IX Coordinator or Dean of Student Development may assign a trained investigator to promptly and equitably investigate the allegation(s).

The assigned Investigator will conduct an interview with the employee or student registering the complaint and request consent from the complainant to begin an investigation. The intent of the interview is to determine a true and complete account of the complaint. The following information will be sought during the interview process:

- The facts and circumstances of the alleged misconduct and proposed resolution
- The severity of the conduct
- The number and frequency of acts of alleged discrimination or harassment
- The apparent intent of the person alleged to have engaged in the conduct
- The relationship of the parties
- The response of the complainant at the time of the incident(s)
- The relevant work environment

The investigator will interview the person alleged to have engaged in discrimination or harassment and inform the individual that a complaint has been made against him or her, and allow the person to respond to the complaint. The person alleged to have engaged in the act will be reminded of the confidentiality of the investigation and that retaliatory action against the complainant will not be tolerated.

To the extent practicable and, in the investigator's discretion, necessary, the investigator will interview all other individuals who witnessed or may have witnessed the incident or who may have knowledge of the incident. Periodic updates to the complainant and the alleged offender will be provided.

To the extent practicable, the investigator will review any other relevant information or evidence and/or interview any other relevant witnesses. The preponderance of the evidence standard (i.e., it is more likely than not that discrimination occurred) will be applied when investigating allegations of discrimination, harassment or retaliation.

A written record of the investigation will be made, inclusive of all notes made of interviews, conversations, or verbal responses to questions posed by the investigator to the complainant, witnesses or respondent, and any other aspects of the investigation. The entire written record and report, including a written summary of the findings of the investigation, will be provided to the Director of Talent Strategy/Title IX Coordinator, Disability Services and CARES Case Manager/Title IX Coordinator or Dean of Student Development or designee. Where appropriate, the written report will include any recommendations for discipline.

Director of Talent Strategy/Title IX Coordinator, Disability Services and CARES Case Manager/Title IX Coordinator or Dean of Student Development or designee will review the investigative report, evidence and all known circumstances from the investigator and make a final determination. This outcome may include a verbal reprimand up to and including termination of

employment, expulsion from school, or any other appropriate remedial action for a person found to have violated these policies.

The complaint process, from the filing of a complaint through a final determination, will be completed within sixty (60) days, unless the timeline is extended for good cause (such as unavailable witnesses or academic breaks).

Appeal Process

The complainant may choose to file an appeal of the outcome of the incident. An appeal from an employee must be delivered to the Director of Talent Strategy/Title IX Coordinator and Chief Officer for Diversity, Equity, and Inclusion for employees. An appeal from a student must be delivered to the Dean of Student Development and Chief Officer for Diversity, Equity, and Inclusion. Appeals must be received within five business days after receipt of written notification of the decision or sanction.

The Chief Officer for Diversity, Equity, and Inclusion shall review all materials pertaining to the investigation and materials that the complainant may feel relevant to the appeal. The bases of appeals include: (1) denial of a fair hearing, (2) insufficient evidence to establish responsibility, and (3) new information available that was not available at the time of the hearing which affects the disciplinary decision. The appeal must specify any alleged factual or procedural errors, new information or any alleged issues concerning interpretation of the College's policy. The Chief Officer for Diversity, Equity, and Inclusion will issue a final written decision for the College within seven business days of receiving the notice of an appeal. That written decision shall be final.

Agency Reporting

At any time or if there is disagreement with the final written decision, the complainant may file directly with the Wisconsin Department of Workforce Development, Equal Employment Opportunities Commission, Office for Civil Rights or pursue avenues of resolution for complaints filed on the basis of a protected status.

State of Wisconsin Department of Workforce Development - Equal Rights Division Contact Information

Madison Office

201 E. Washington Avenue
Room A100
PO Box 8928
Madison, WI 53708
(608) 266-6860
erinfo@dwd.wisconsin.gov

Milwaukee, WI 53203

(414) 227-4384

erinfo@dwd.wisconsin.gov

Milwaukee Office

819 N. 6th Street
Room 723

U.S. Equal Employment Opportunity Commission Contact Information

Milwaukee Area Office

Reuss Federal Plaza
310 W. Wisconsin Avenue
Suite 500
Milwaukee, WI 53203
(800) 669-4000

U.S. Department of Education - Office of Civil Rights Contact Information

Chicago Office

Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
(312) 730-1560
OCR.Chicago@ed.gov

Sanctions

Any student or employee found to have violated the Policy will be sanctioned, with sanctions for students ranging from warnings through expulsion and sanctions for employees ranging from warnings through termination of employment.

Enforcement

The overall administration and enforcement of the Policy and this Grievance Procedure is the responsibility of NWTC's Chief Officer for Diversity, Equity, and Inclusion ("CO"). The Title IX Coordinators are primarily responsible for coordinating NWTC's efforts related to the intake, investigation, resolution and implementation of supportive measures regarding Sexual Harassment and Retaliation prohibited under this Policy. Any questions or concerns should be directed to:

Any questions or concerns regarding Nondiscrimination or Anti-Harassment Policy should be directed to:

Mohammed Bey
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Diversity, Equity and Inclusion
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