

POLICY OF THE MORAINE PARK TECHNICAL COLLEGE DISTRICT BOARD OF TRUSTEES

Type:	Presidential Parameters
Title:	Affirmative Action and Equal Opportunity
Policy Number:	4HEH0300
Delegation:	Accountable: Vice President – Student Affairs and Vice President – Human Resources Responsible: District Equal Opportunity Officers

PRINCIPLE

To maintain an Affirmative Action and Equal Opportunity comprehensive plan that includes equal opportunity and non-discrimination for all employees, students and non-employees.

POLICY

Moraine Park Technical College (MPTC) is committed to compliance with the Civil Rights Act of 1991; the Americans with Disabilities Act of 1990, as amended; Titles VI and VII of the 1964 Civil Rights Act, as amended; the Age Discrimination Acts of 1967 and 1973; the Equal Pay Act of 1973, as amended; the Civil Rights Restoration Act of 1987; Title IX of the 1972 Education Amendments; Section 504 of the 1973 Rehabilitation Act; the Wisconsin Fair Employment Law; Federal and Wisconsin Executive Orders; Wisconsin Administrative Code; the Carl D. Perkins Vocational Education Act; and the Office for Civil Rights Guideline stating that no person shall be denied benefits, excluded from participation, or subjected to discrimination because of race, color, religion, national origin, ancestry, creed, sex, disability, arrest record, conviction record, age, veteran status, membership in National Guard, State Defense Force, or other reserve component of the military forces of Wisconsin or the United States, marital status, pregnancy, sexual orientation, political affiliation, parental status, genetic testing and the use or nonuse of lawful products off the employer's premises during nonworking hours.

It is the policy of MPTC to maintain an Affirmative Action and Equal Opportunity comprehensive plan. This program includes equal opportunity and nondiscrimination for all employees, students and non-employees. Any person who believes that their affirmative action rights have been violated has the right to file a grievance. The grievance should be filed within 300 days. The Moraine Park Harassment and Discrimination Grievance Procedure should be followed. It can be accessed by clicking on "An Equal Opportunity College" at www.morainepark.edu or by contacting an Equal Opportunity Officer. This action does not preclude the grievant from seeking additional recourse through an appropriate outside agency.

Moraine Park Technical College (MPTC por sus siglas en inglés) está comprometido al cumplimiento de la Ley de Derechos Civiles de 1991; la Ley de Americanos con Discapacidades de 1990, como enmendado; Título VI y el Título VII de la Ley de Derechos Civiles de 1964, como enmendado; las Leyes de Discriminación por Edad de 1967 y 1973; la Ley de Pago Igual de 1973, como enmendado; la Ley de Restauración de Derechos Civiles de 1987; Título IX de las Enmiendas de la Educación de 1972; sección 504 de la Ley de Rehabilitación de 1973; la Ley de Empleo Justo de Wisconsin; órdenes ejecutivas federales y de Wisconsin; el Código Administrativo de Wisconsin; la Ley de Educación Vocacional Carl D. Perkins; y las normas de la Oficina de Derechos Civiles que manifiestan que ninguna persona será negada los beneficios, excluida de participación, o sometida a discriminación en base de raza, color, religión, origen nacional, ascendencia, creencia, sexo, discapacidad, antecedentes de arresto o condenas, edad, estatus de veterano, membresía en la Guardia Nacional, Fuerza de Defensa Estatal, o cualquier componente de reserva de las fuerzas militares de Wisconsin o de los Estados Unidos, estado civil, preferencia sexual, afiliación política, estatus de padre o madre, información genética, y el uso o no uso de productos legales fuera de los locales del empleador y durante las horas no laborales.

Es política de MPTC mantener un plan integral de Acción Afirmativa e Igualdad de Oportunidades. Este programa incluye la igualdad de oportunidad y la no discriminación para todos sus empleados, estudiantes y no-empleados. Cualquier persona que cree que sus derechos de acción afirmativa han sido violados tiene el derecho de presentar una queja. Se debe presentar la queja dentro de 300 días. El Procedimiento de Quejas de Acoso y Discriminación de Moraine Park debe ser seguido. Se accede al procedimiento al hacer clic en "An Equal Opportunity College" en www.morainepark.edu o al ponerse en contacto con un Oficial de Igualdad de Oportunidad. Tal acción no prohíbe que el reclamante busque recursos adicionales por medio de una agencia externa apropiada.

Affirmative Action/Equal Opportunity Plan

The College will maintain an Affirmative Action/Equal Opportunity Compliance Plan demonstrating its commitments and efforts towards equal employment opportunities and equal educational program opportunities. Equal educational program opportunities include, but are not limited to access to courses and programs; admissions; student policies and their applications; counseling, guidance and placement services; physical education and athletics; financial assistance; work study; and extracurricular activities. The educational climate will be conducive to and supportive of cultural and ethnic diversity. The plan will include specific goals and timetables for accomplishing results.

Harassment Statement

MPTC is committed to compliance with present law and guidelines prohibiting harassment in education and employment.

Harassment by employees, students and non-employees, on the basis of race, color, sex, national origin, age, disability or other protected status is an illegal practice prohibited by MPTC.

Unwelcome sexual advances, requests for sexual favors, sexual violence and other verbal or physical conduct of a sexual nature constitutes sexual harassment when the following occurs:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or academic success;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic standing affecting such individuals; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment based upon race, color, sex, national origin, age, or disability includes ethnic or racial slurs or other verbal and/or physical conduct relating to a person's race, color, sex, national origin, age, or disabling condition which interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment. MPTC will not tolerate harassment by its employees, non-employees, or students. Any person who engages in harassment will be subject to disciplinary action and/or termination.

Affirmative Action

MPTC will make serious efforts to recruit, train, and place minority, disabled, and female persons where these members are presently under-utilized. Equal employment includes, but is not limited to, recruitment, selection, hiring, training, promotion, transfer, layoff, and return from layoff, compensation, and benefits. In response to an employee's request, reasonable accommodations will be provided for disabled individuals and for religious practices.

Vendors

The College will seek assurance from all contractors and suppliers of products and services that they do not discriminate. The purchase of products and services from women, minority, and disabled business owners will be encouraged.

Equal Opportunity Officer and Committee


The MPTC District Board will appoint the Director of Human Resources as the Equal Opportunity Officer - Staff and the Dean of Students as the Equal Opportunity Officer – Student, who have joint responsibility for developing, coordinating, and monitoring all of the College's compliance activities. The Equal Opportunity Officers serve as MPTC's Title IX Coordinators. Questions should be directed to Equal Opportunity Officer, at 235 N. National Avenue, P. O. Box 1940, Fond du Lac, WI 54936-1940. The college has an Equal Opportunity Committee consisting of member representatives who are selected from minority, female, and disabled persons whenever possible. The committee was organized and has been active since 1974.


BOARD MONITORING - EFFECTIVENESS INDICATOR ELEMENTS

The Board will monitor Affirmative Action and Equal Opportunity activities of the College as follows:

1. Review and approval of the College's Affirmative Action and Equal Opportunity Five Year Plan.

Approved: June 18, 2014


Dr. Sheila Ruhland
President


Vernon Jung, Jr.
District Board Chairperson

Harassment & Discrimination Grievance Procedure

Narrative Description of Procedure

This procedure is intended to provide employees, students and nonemployees with information regarding Affirmative Action and Equal Opportunity at Moraine Park Technical College (MPTC). It is also intended to outline the College's harassment and discrimination grievance procedure. Employees of the College will be given this procedure upon hire and will be expected to read and acknowledge receipt of the procedure.

Harassment and Discrimination Grievance Procedure

Title IX, Paragraph 86.6(b), of the regulations, requires that this agency "adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by . . . (Title IX) . . ." Section 504 of the 1973 Rehabilitation Act, Paragraph 84.7(b) of the regulations, requires that this agency "adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolutions of complaints alleging any action prohibited by . . . (Section 504) . . ." This agency has expanded the grievance procedures to include discrimination prohibited by the several federal and state laws that prohibit discrimination in employment and programming in educational institutions and agencies. These include the Civil Rights Act of 1991; the Americans with Disabilities Act of 1990, as amended; Titles VI and VII of the 1964 Civil Rights Act, as amended; the Age Discrimination Acts of 1967 and 1973; the Equal Pay Act of 1973, as amended; the Civil Rights Restoration Act of 1987; Title IX of the 1972 Education Amendments; Section 504 of the 1973 Rehabilitation Act; the Wisconsin Fair Employment Law; Federal and Wisconsin Executive Orders; Wisconsin Administrative Code; the Carl D. Perkins Vocational Education Act; and the Office for Civil Rights Guidelines. These laws collectively prohibit discrimination in employment and programming on the basis of race, color, religion, national origin, ancestry, creed, sex, disability, arrest record, conviction record, age, veteran status, membership in National Guard, State Defense Force or other reserve component of the military forces of Wisconsin or the United States, marital status, pregnancy, sexual orientation, political affiliation, parental status, genetic testing and the use or nonuse of lawful products off the employer's premises during nonworking hours.

Employees discriminating against employees, students and non-employees will be subject to discipline under appropriate MPTC employment procedures. Students discriminating against other students, employees or non-employees will be subject to discipline under the applicable student code of conduct. Moraine Park will take necessary corrective action to remedy any instances where discrimination is determined to have occurred.

Use of these procedures does not preclude the right of a person to also file a complaint with the Equal Rights Division of the Department of Workforce Development, the Office for Civil Rights, the U.S. Equal Employment Opportunity Commission or the U.S. Wage and Hour Division in the Department of Labor. Most antidiscrimination laws have a time limit of from 180 to 300 days during which an individual may file a complaint.

Definitions

Grievance: Grievance means a complaint alleging harassment and/or discrimination on the basis of race, color, religion, national origin, ancestry, creed, sex, disability, arrest record, conviction record, age, veteran status, membership in National Guard, State Defense Force or other reserve component of the military forces of Wisconsin or the U.S., marital status, pregnancy, sexual orientation, political affiliation, parental status, genetic testing and the use or nonuse of lawful products off the employer's premises during nonworking hours, in regard to any employment or enrollment policy, procedure or practice of the College.

Discrimination: Discrimination shall mean a difference in treatment in any service, program, course or facility of MPTC on the basis of one or more of the protected classes outlined above.

Harassment: Harassment by Moraine Park employees, students or nonemployees is a practice prohibited by law and by MPTC. Unwelcome sexual advances, requests for sexual favors, sexual violence and other verbal or physical conduct of a sexual nature constitutes sexual harassment.

Grievant: A Grievant can be:

1. An applicant for employment with MPTC.
2. An employee of MPTC.
3. An applicant for admission to any program or course at MPTC.
4. A student at MPTC.

Harassment & Discrimination Grievance Procedure

Respondent: A Respondent can be a person and/or persons alleged to be responsible, or who may be responsible for the violation alleged in a grievance.

Equal Opportunity Officer: The employee designated by the MPTC District Board who has the responsibility of coordinating the grievance procedure. The District Board has appointed the Director of Human Resources as the Equal Opportunity Officer – Staff and the Dean of Students as the Equal Opportunity Officer – Students. The Equal Opportunity Officers also serve as the College’s Title IX Coordinators.

Grievance Procedure

1. Grievant(s) shall, within 300 calendar days of the date of the action causing the grievance, contact the Equal Opportunity Officer. If you believe one of the Equal Opportunity Officers is responsible for or has permitted discrimination to occur, you should report the matter immediately to the other Equal Opportunity Officer. If you believe both Equal Opportunity Officers are responsible for or have permitted discrimination to occur, you should report the matter to the Vice President – Human Resources (staff) or Vice-President – Student Affairs (students).
 2. The grievance must be in writing.
 3. Upon receiving the written grievance, the Equal Opportunity Officer shall inform the grievant(s) of his/her rights under federal and state law. This shall include outlining that external resources are available through the Department of Workforce Development and the Equal Employment Opportunity Commission.
 4. The Equal Opportunity Officer shall determine if the grievance is valid as defined under the established grievance procedure. Validity does not mean whether or not an unfair act has occurred but whether or not the act is grievable under the grievance procedure.
 5. The Vice President – Human Resources or the Vice President – Student Affairs shall resolve any dispute regarding validity. If the grievant believes the Equal Opportunity Officers are responsible for or have permitted discrimination to occur and therefore the Vice President – Human Resources or the Vice President – Student Affairs is completing the grievance process, the President shall resolve any dispute regarding validity.
 6. If the grievance is determined not to be valid, the matter will be closed and the Equal Opportunity Officer will refer those involved to the appropriate College process.
 7. If the grievance is determined to be valid, the Equal Opportunity Officer will conduct an investigation to include, but not be limited to:
 - Interviews with the grievant(s), respondent(s) and appropriate witnesses
 - Fact and information gathering
 - Review of documentation and other materials provided
 8. The Equal Opportunity Officer shall attempt, within 30 calendar days, to investigate the grievance through contact with all parties involved. The Equal Opportunity Officer may extend this timeline, as needed, by informing the parties involved of the extension. Every effort will be made to resolve grievances in a timely manner.
 9. After the investigation is complete, the Equal Opportunity Officer will determine whether or not there is sufficient evidence to believe the harassment and/or discrimination has occurred.
- If there is sufficient evidence that harassment or discrimination has occurred, the Equal Opportunity Officer will pursue appropriate disciplinary action, up to and including termination of employment (employee) or expulsion (student).
10. The Equal Opportunity Officer will communicate his/her grievance decision to the grievant(s) and respondent(s) in writing.

Harassment & Discrimination Grievance Procedure

Grievant and Respondent Rights

1. MPTC shall provide assistance to grievant(s) and respondent(s), including access to copies of antidiscrimination laws and regulations, related guidelines, memoranda and other relevant material supplied to MPTC by the federal government. In addition, the Equal Opportunity Officer or designated representative shall provide consultation in the use of this grievance procedure.
2. No person shall be subjected to discharge, suspension, discipline, harassment or any form of discrimination for having utilized or having assisted others in the utilization of the grievance procedure.
3. Nothing in this procedure shall preclude a grievant's right to seek other avenues of redress outside of MPTC.
4. Neither the grievant(s) nor the respondent(s) shall arbitrarily delay action of the grievance procedure.

Nonretaliation

This procedure is designed to allow employees, students and non-employees to address complaints in a prompt, fair and consistent manner. Any act of retaliation by an employee, student or by anyone acting on behalf of the College, including the intimidation of a grievant, respondent, or witness during the course of an investigation, will result in prompt disciplinary action.

Maintenance of Records

1. Records shall be kept of each grievance in the office of the appropriate Equal Opportunity Officer. Such records shall be maintained on a confidential basis.
2. All written grievance records shall be maintained for a minimum of three years after the grievance resolution.

Role of the Equal Opportunity Officer

It is the primary responsibility of the Equal Opportunity Officer to ensure the effective installation, maintenance, processing, recordkeeping and notification required by the grievance procedure.

Revised: 7/1/2014