



<p align="center"><b>Policy Title</b> Discrimination and Harassment</p>	<p align="center"><b>Original Adoption Date</b> 8/21/1981</p>	<p align="center"><b>Policy Number</b> HR-168</p>
<p align="center"><b>Responsible College Division/Department</b> Human Resources</p>	<p align="center"><b>Responsible College Manager Title</b> Director of Human Resources</p>	
<p align="center"><b>Policy Statement</b></p> <p>In keeping with its commitment, discrimination or harassment of any employee, student, non-employee, third party individual, or retaliation will not be tolerated and subject to discipline up to and including termination or expulsion.</p> <p><u>Recognizing Discrimination/Harassment</u></p> <p>The inappropriate/illegal conduct may be subtle, manipulative and is not always evident, not welcome and is personally offensive. It does not refer to occasional compliments of a socially acceptable nature. All forms of gender harassment are covered. Men and women can be discriminated against and sexually harassed. Men can harass men and women can harass women. Offenders can be managers, supervisors, co-workers, and non-employees such as clients or vendors, and students.</p> <p><u>Rights and Responsibilities</u></p> <p>All employees, non-employees, students and third-party individuals have the responsibility to comply with all discrimination and harassment laws. The employer and each employee, non-employee, and student have rights, responsibilities, and liabilities associated with inappropriate/illegal conduct. Rights are protected under applicable antidiscrimination laws. Responsibility involves demonstrating appropriate and respectful conduct in the work/education environment. Liabilities for both the employer and the individual may include criminal action, civil action, enforcement agency action, and monetary and other penalties.</p> <p><u>Authority for Enforcement of Policy</u></p> <p>The Affirmative Action Officer acting on behalf of the employer (employer, employment agency, joint apprenticeship committee, or labor organization) has the authority to investigate complaints against its agents, employees, non-employees, students and third-party individuals whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence and to render recommendations and take corrective action.</p>		
<p align="center"><b>Reason for Policy</b></p> <p>Lakeshore Technical College (LTC), through its commitment to Equal Opportunity Education and Affirmative Action, affirmatively provides that all employees and students will have access to employment and education activities, programs, courses and services and work and study in an environment free of discrimination and harassment in accordance with the laws of the United States and the state of Wisconsin.</p>		
<p align="center"><b>Cross References and Legal Review</b></p> <p>Reviewed/Revised: 9/21/89; 11/16/89; 8/90; 8/21/91; 5/19/93; 9/21/94; 12/15/94; 6/17/96; 3/12/99; 3/29/05; 1/25/13</p>		



Legal Reference: Wisconsin Statutes, Section 38.23; Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Act of 1991; Title IX of the Educational Amends. Act of 1972 as amended; Wisconsin Fair Employment Law, Section 111.31-39; Equal Pay Act of 1963 as amended; Age Discrimination in Employment Act of 1967, as amended; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Vietnam Era Veterans Adjustments Act of 1974; Executive Order 11246; 1993 Wisconsin Act 427 (effective 5/7/94)

Cross Reference: Equal Opportunity and Affirmative Action; Sexual Assault; Americans With Disabilities Act (ADA); Accommodation Procedure for Religious Beliefs; Lakeshore Technical College Complaint Procedure; Employee Progressive Discipline Policy; Student Discipline Complaint Form (Human Resources Department)

**Legal Counsel Review and Approval:**

**Board Policy: III.A. General Executive Constraint, III.B. People Treatment**

**Definitions**

1. Discrimination means a difference in treatment in any employment activity, program, service, or facility on the basis of race, color, creed, religion, gender, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status, parental status, or other protected status.
2. Retaliation is any kind of action taken against any individual bringing a complaint or assisting in the investigation of a complaint which may adversely affect their employment/education status. Such retaliation is also illegal under s.111.322 (2m), Wisconsin Statutes, and will subject the individual(s) to disciplinary action.
3. Harassment means verbal or physical conduct that denigrates or shows hostility or aversion toward an individual and has the purpose or effect of creating an intimidating, hostile, or offensive environment; has the purpose or effect of unreasonably interfering with an individual's performance; or otherwise adversely affects an individual's employment or education opportunities.
4. Sexual Harassment means unwelcome verbal or physical conduct, sexual advances, request for sexual favors, physical conduct, and conduct directed at another person of the same or opposite gender when:
  - a. Quid Pro Quo harassment (Latin term--"this for that") means submission to such harassment is made, either explicitly or implicitly, a term or condition of an individual employment or education status; or submission to or rejection of sexual harassment by an individual is used as a basis for employment or education decisions.
  - b. Hostile Environment harassment (conduct) means it is sufficiently severe or pervasive and has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile, abusive, or offensive environment to a "reasonable person."

Examples of Harassment

Types of behavior that can constitute harassing conduct include:

1. Verbal abuse or repeated demeaning gestures, slurs, epithets, negative stereotypes, or threatening,



intimidating, or hostile acts.

2. Physical contact such as patting, touching (private areas of the body), kissing, and brushing against another's body.
3. Subtle pressure for sexual activity, demands for sexual favors accompanied by implied or overt promises or threats of retention, promotion, or preferential treatment.
4. Repeatedly asking for a date, after the individual says no.
5. Written or graphic materials circulated or displayed that denigrate or show hostility or aversion toward a protected characteristic of an individual or group.