

Policy Title: **EQUAL OPPORTUNITY**

- Equal Opportunity and Affirmative Action (Adopted: Prior to 12/18/84)
- Religious Accommodations – Employees & Applicants for Employment (Adopted: 04/03/96)
- Harassment (Adopted: 12/14/81)

## **EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION**

### **Introduction**

The following policies are intended to comply with all applicable state and federal laws, as well as to express the District board's commitment to the principles of equal opportunity for all.

1. **Legal Basis:** The District will seek continuous compliance with the following laws: Titles VI and VII of the Civil Rights Act of 1964 as amended; Equal Pay Act of 1963 as amended; Age Discrimination in Employment Act of 1967 and 1975; Title IX of Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Vocational Education Amendments of 1976; Civil Rights Restoration Act of 1987; Civil Rights Act of 1991; Carl D. Perkins Vocational Career and Technical Education Act; Americans With Disabilities Act of 1990; Wisconsin Fair Employment Law; Sec. 38.23 Wis. Stats.; and the Office for Civil Rights Guidelines for the Elimination of Discrimination in Vocational Education.
2. **Scope:** Equal opportunity within the scope of these guidelines is for employees, applicants for employment, students, and the general public without regard to political affiliation, age (40 and over), race, creed, color, disability, genetic information, marital status, sex, sexual orientation and gender identity, pregnancy, national origin, ancestry, religion, arrest or conviction record except as may be substantially related to the position sought or held, service in the armed forces, genetic testing, and the use or non-use of lawful products off the District's premises during non-working hours. Retaliation is a form of discrimination, and as such is prohibited. The District Board of Trustees recognizes that equal employment opportunity is a legal, social, and economic necessity to the District.

The District commits itself to a continuing program to assure that unlawful discrimination does not occur in the services it renders to the public.

2. **Affirmative Action:** Affirmative Action will be taken to achieve a work force which includes an appropriate balance of racial/ethnic groups, women, and the disabled for all permanent full-time positions. In developing and implementing this Plan, the College has been guided by its policy of providing equal employment opportunity. As a part of its affirmative action plan, the College has established goals. These goals are not intended to be rigid, inflexible quotas, but instead are intended to be targets reasonably attainable by

applying good faith efforts. The use of goals and timetables in this plan is not intended to discriminate against any individual or group of individuals with respect to any employment opportunity for which they may be qualified. Instead, these goals are a mechanism to effectuate the principles of equal employment opportunity and affirmative action.

4. **Employment Practices:** It is the policy of the District not to discriminate against qualified applicants or employees. Fox Valley Technical College will comply fully with applicable Federal Equal Opportunity and Affirmative Action Laws, Executive Orders and Regulations and Wisconsin laws including, but not limited to, Section 111.31-111.52, Wis. Stats. The policy of non-discrimination includes appropriate affirmative action to implement the goals of the policy.

The principles and concepts of Affirmative Action will be integrated into all employment practices including, but not limited to, recruiting, hiring, transfers, promotions, training, compensation, benefits, layoff, termination, retention, certification, and testing.

5. **Responsibility:** Ultimate responsibility for Affirmative Action rests with the President. Responsibility for implementing the Equal Opportunity and Affirmative Action Program rests with the District Affirmative Action/EEO Officer. However, managers and staff share responsibility for the success of the program.
6. **Harassment:** Harassment of and by employees and students on the basis of race, color, religion, sex, national origin, age (40 and older), disability and genetic information is an illegal practice and is prohibited by policy. Appropriate corrective measures will be used to eliminate harassment.
7. **Complaint Procedure:** The Discrimination Complaint Procedure is utilized to process charges of discrimination or harassment that violate these policies. Copies of this procedure can be obtained from the Affirmative Action/EEO Officer, Human Resources, or [online](#). Complaints which relate to sexual misconduct as defined including discrimination, harassment, and sexual violence, will be processed under the [Sexual Misconduct Policy](#) and Procedures.
8. **Disability Accommodations:** Reasonable accommodations will be provided for disabled persons to ensure their access to employment and educational programs. The District strives to provide physical accessibility to all learning and workstations consistent with reasonable accommodations.
9. **Religious Accommodations:** In response to an employee or student request, reasonable accommodation will be provided for religious observances and practices for sincerely held religious beliefs.
10. **Vendors:** The District will seek assurance from all contractors and suppliers of products and services that they do not discriminate. The District Board also encourages the purchase of products and services from women, minority, and disabled business owners.

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**11. Role of Affirmative Action/EEO Officer:** The District Affirmative Action/EEO Officer is responsible for developing and implementing the Affirmative Action Plan, and monitoring compliance. Responsibilities of the Officer include: developing a written Affirmative Action Plan, monitoring internal and external communication procedures, collecting and analyzing employment and student data, identifying problem areas, setting goals and timetables, developing and implementing programs to eliminate discriminatory practices, designing and implementing an internal monitoring system, and submitting compliance plans and reports to the Wisconsin Board Affirmative Action/EEO Officer.

Violation of this policy or the Affirmative Action Plan will result in appropriate corrective action.

**Contact Person:** The Affirmative Action/EEO Officer reports to the President to assure implementation of the Affirmative Action Plan. Questions regarding affirmative action or equal opportunity shall be directed to: Rayon Brown, Affirmative Action/EEO Officer, P.O. Box 2277, 1825 North Bluemound Drive, Appleton, WI 54912-2277, Telephone (920) 735-4820 or Title IX Coordinators, Therese Nemec, Telephone (920) 735-4765; Shannon Gerke Corrigan, Telephone (920) 735-4796.

### **ACCOMMODATIONS FOR SINCERELY HELD RELIGIOUS BELIEFS— EMPLOYEES AND APPLICANTS FOR EMPLOYMENT**

Consistent with sincerely held religious beliefs, it is the policy of Fox Valley Technical College to afford employees and applicants for employment the opportunity to observe religious holidays/practices. Several holidays are paid as a matter of contract(s) obligation and are identified in the FVTC operating calendar.

FVTC will make reasonable accommodations for religious observances and practices of employees and applicants for employment, unless such accommodation would pose an undue hardship on the College. Work schedules may be adjusted to permit an employee time off for religious observances. Employment interviews and testing sessions will be adjusted by the College to accommodate religious preferences.

Employees are encouraged to make up their time off for religious holidays. However, if mutually agreed upon by employee and immediate supervisor, the observance of religious holidays may be paid by use of emergency leave up to the maximum allowed by policy. Time off will be considered upon request at least five (5) work days in advance of the observance. The request must be addressed to the employee's supervisor. Certification of religious affiliation may be required.

### **HARASSMENT**

The Fox Valley Technical College District Board is committed to be in compliance with present law and guidelines prohibiting harassment in education and employment.

Harassment by supervisors, co-workers, students, or visitors on campus on the basis of race, color, religion, sex, national origin, age (40 and older), disability and genetic information is a practice prohibited by the Fox Valley Technical College District Board.

Complaints which relate to sexual misconduct as defined including discrimination, harassment, and sexual violence, will be processed under the [Sexual Misconduct Policy](#) and Procedures.

Fox Valley Technical College will respond to harassment that initially occurred off school grounds, (or even) outside of an employment setting, a College education program, or activity. Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy, e.g. if off-campus harassment has continuing effects and/or that create a hostile environment on campus. Allegations of off-campus misconduct should be brought to the College's attention.

**Harassment:** Harassment includes any of the verbal/physical conduct listed below which is based on the protected status of the individual: due to race, color, religion, national origin, age (40 and older), disability and genetic information. Harassment due to unwelcome conduct becomes unlawful and contrary to this policy where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

- Physical harassment, including unwanted contact, assault, impeding, or blocking movement, or any interference with activity appropriate in the workplace
- Visual harassment including derogatory posters, cartoons, or drawings
- Making comments or innuendoes, slurs, telling jokes or stories of a demeaning offensive or insulting nature
- Deliberate display of offensive, graphic material which is not necessary for business purposes
- Posters, cartoons, photographs or art work of a hostile or degrading nature
- Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on employer premises or at any time for any purpose; fighting, or horseplay or provoking a fight on employer property, or negligent damage of property
- Threatening, intimidating, or coercing fellow employees
- Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony

No employee shall be punished or penalized for rejecting or objecting to behavior that might be considered as harassment under this policy.

Conduct which might be offensive to some individuals might be considered inoffensive by others. Because of this, it is difficult for managers or supervisors to learn of and take effective action to halt harassment unless the affected individual alerts a manager or supervisor both to the occurrence and the fact that the conduct in question is offensive or unwanted.

Several options are available. If an employee feels she/he has been subjected to or witnessed harassment of any kind, even if she/he considers it minor, the College needs your cooperation to

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make this policy as effective as possible. The College encourages you to approach the alleged harasser and ask him/her to immediately stop the offensive activity. The alleged harasser may not know how you or others feel. This step is not required if it makes you feel uncomfortable or is not effective.

**Related Policies:**

Human Resources, Complaint Procedure – Discipline and Safety

Human Resources, Equal Opportunity

Students, Sexual Misconduct

*Adopted: (see above)*

*Reviewed: 10/18/13*

*Revised: 11/07/13*