

ADMINISTRATIVE POLICY

EQUAL OPPORTUNITY, NONDISCRIMINATION, AND ANTIHARASSMENT

- **EQUAL OPPORTUNITY AND NONDISCRIMINATION**
- **HARASSMENT**

This policy pertains to employees and students.

Introduction

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

1. Legal Basis

- a. The College 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; and all other local, state, and federal laws related to equal opportunity, nondiscrimination, and antiharassment.

2. Policy Statement

- a. Fox Valley Technical College is a community committed to affirming all members regardless of age, ancestry, arrest or conviction record, citizenship status, color, creed, disability, ethnicity, gender, gender expression, gender identity, genetic information, marital status, national origin, pregnancy, childbirth or related medical conditions, race, religion, sex, sexual orientation, transgender status, use or nonuse of lawful products off FVTC's premises during non-working hours, veteran status, declining to attend a meeting or participate in any communication about religious or political matters, or any other characteristic protected by federal, state, or local (collectively "protected characteristics"). As such, we uphold the local, state, and federal laws that offer protection to our students, staff, faculty, or other members of our community based on these protected statuses in the educational environment, workplace, and other environments under FVTC control. Students with limited English-language proficiency will not be denied access to the College's educational programs. While we are not able to accommodate all levels of non-English speaking in our program courses, English language assistance is available for students seeking to enhance their skills for program-level course work. FVTC recognizes the importance of assuring the success of students and graduates in an increasingly global environment. In addition to our commitment to non-discrimination, Fox Valley Technical College also seeks to actively address all allegations of bias or

harassment based on a protected status. To this end, the college has designated a team of individuals to coordinate these efforts including intake, investigation, and resolution of these matters under Civil Rights and Affirmative Action, Title IX, and The Americans with Disabilities Acts laws. Visit the [College website](#) for more information.

3. Policy Scope and Jurisdiction

- a. This policy prohibits all forms of discrimination or harassment based, in whole or in part, upon the person's actual or perceived protected characteristic and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this policy.
- b. This policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in FVTC's program or activities, including education and employment.
- c. This policy applies to conduct occurring in Fox Valley Technical College's education programs and activities (including all college premises or any locations, events, or circumstances in which FVTC exercises substantial control over the alleged conduct, or circumstances where an individual is working, traveling, or at a social function on behalf of the College). A complainant does not have to be a member of FVTC community to file a complaint. A complaint by a non-member of the FVTC community will be investigated at the discretion of the Civil Rights Coordinator and in accordance with applicable law. This policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to FVTC's education program or activities. FVTC may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial FVTC interest.

4. Designated Officials

- a. Title IX Coordinators
 - i. Fox Valley Technical College's Title IX Coordinators are the College's officials with responsibility for coordinating FVTC's efforts to comply with and carry out the requirements under Title IX and all associated regulations. Contact information for the Title IX Coordinators is listed on the College's [website](#).
- b. ADA/504 Coordinator
 - i. ADA/504 Coordinator is the College's official with responsibility for coordinating Fox Valley Technical College's efforts to comply with and carry out the requirements under Title I and Title II of the Americans with Disability Act. These responsibilities include the centralized review, investigation, and resolution of reports of Title I and Title II complaints. Contact information for the ADA/504 Coordinators is listed on the College's [website](#).
- c. Equal Opportunity Officer

- i. The College EO 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/EO Officer. Contact information for the EO is listed on the College's [website](#).
- d. Civil Rights Coordinator
 - i. The Civil Rights Coordinator coordinate efforts related to the investigation, resolution, and implementation of corrective measures to stop, remediate, and prevent civil rights related discrimination, harassment, and retaliation prohibited under this policy.

S1. Equal Opportunity and Nondiscrimination

Fox Valley Technical College is committed to Equal Opportunity for its employees and students as required by Wisconsin and applicable Federal law. Fox Valley Technical College will provide a workplace and educational environment that is free of discrimination and harassment.

1. Employment Practices

- a. It is the policy of the College 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.
- b. FVTC provides equal employment opportunity in all personnel actions. Affirmative Action is implemented, consistent with Wisconsin and applicable Federal law, in all employment practices including but not limited to: recruitment, hiring, transfers, promotions, training, layoffs, terminations, retention, certification, and testing and committee appointments. The Civil Rights and Compliance Office, working with other college stakeholders, is responsible for affirmative action planning required by the State and applicable Federal law.

2. Responsibility

- a. Ultimate responsibility for Equal Opportunity rests with the President. Responsibility for implementing the Equal Opportunity rests with the EO Officer. However, managers and staff share responsibility for the success of the plan.

3. Discrimination

- a. Discrimination is adverse treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic(s). Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, pregnancy, religion, or creed.

4. Other Civil Rights Offenses

- a. Offenses, outside of those covered by Title IX and discrimination or discriminatory harassment described above, that are additionally prohibited as harassment under this policy when directed toward an individual with actual or perceived membership in a protected class include, but are not limited to, the following offenses:
 - i. **Bias/hate incident**, which includes conduct, speech, images or expression that demonstrates conscious or unconscious bias targeting individuals or groups based on protected class or other social identities. A bias/hate incident does not involve violence, threats, or property damage.
 - ii. **Bullying**, defined as repeated and/or severe aggressive behavior, likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally; that is not speech or conduct otherwise protected by the First Amendment.
 - iii. **Unfair Treatment**, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.
 - iv. **Hate Crime**, defined as a crime motivated by bias toward individuals or groups based on protected class or other social identities. A hate crime is a criminal action involving violence, threats, or property damage.
 - v. **Intimidation**, defined as direct or implied threats or acts that cause an unreasonable fear of harm in another.
 - vi. **Ostracism**, defined as isolation or exclusion of any person within the college community, when related to admission, joining or any other group-affiliation activity.
 - vii. **Other offensive conduct**, which includes threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
- b. Violation of any other Fox Valley Technical College Policy may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

5. Retaliation

- a. Retaliation is defined as any adverse action taken against a person because of their participation in a protected activity. Examples of protected activity under this policy include, but are not limited to, reporting an incident, participating in a grievance process, supporting a party involved in the process, providing relevant information to an allegation, etc.
- b. Retaliation is a serious violation of Fox Valley Technical College's Equal Opportunity, Nondiscrimination, and Anti-harassment Policy. Acts of alleged retaliation should be reported immediately to the designated college official and will be promptly investigated.
- c. Retaliation includes but is not limited to ostracizing the person; pressuring the person to withdraw the complaint, not support the complaint, or to provide false or misleading information; or engaging in conduct that may reasonably be perceived to adversely affect that person's educational, living, or work environment; threatening, intimidating, or coercing the person; or otherwise discriminating against any person for exercising their rights or responsibilities under this policy.

6. First Amendment Statement

- a. Speech or conduct protected by the First Amendment is not considered a violation of Fox Valley Technical College's Equal Opportunity, Nondiscrimination, and Anti-harassment Policy. Discrimination, harassment, and retaliation against members of the College community are NOT protected by the First Amendment, protected expression, or the proper exercise of academic freedom. The college considers academic freedom in the investigation of reports of discrimination or harassment that involve an individual's statements or speech in an academic context. The College is committed to the protection of individual rights under the First Amendment (and related principles of academic freedom) and in preserving the widest possible dialogue within its educational environment

7. Disability Accommodations

- a. Reasonable accommodations will be provided for an applicant, employee, or student with a disability to ensure their access to employment and educational programs. The College strives to provide accessibility to all learning and workstations consistent with reasonable accommodations.
- b. FVTC is committed to full compliance with the Wisconsin Fair Employment Act, Americans with Disabilities Act of 1990 (ADA and ADAAA), and Section 504 of the Rehabilitation Act of 1973 to provide equal opportunity in all our programs, activities, and services. The College will provide reasonable accommodations and support to students, employees, or others with disabilities to create an accessible and inclusive experience.
- c. Please refer to the college's [Students with Disabilities Policy](#) (For Employees & Students) for additional details.

8. Religious Accommodations

- a. In response to an employee or student request, the college will make every effort to provide reasonable accommodations for religious observances and practices for sincerely held religious beliefs. Religious accommodations may not be possible, however, if an employee's request for religious accommodations creates a safety risk to the College or others or places an undue burden on the College's business needs.
- b. Please refer to the College's Religious Accommodation policy for additional details.

9. Pregnancy and Related Conditions Accommodations

- a. The College provides reasonable accommodation for students and employees whose ability to perform their job or academic responsibilities is affected by pregnancy, childbirth, breastfeeding, or related medical conditions. The College will engage in a good-faith and timely interactive process to determine appropriate accommodations.
- b. Please refer to the [Pregnancy and Related Conditions Procedures](#) for additional details.

10. [Title IX](#)

- a. Fox Valley Technical College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

S2. Harassment

The Fox Valley Technical College is committed to be in compliance with present law and guidelines prohibiting harassment in education and employment. The College does not permit any form of harassment on any basis prohibited by law. Appropriate corrective measures will be used to eliminate harassment.

Harassment by supervisors, co-workers, students, or visitors on campus based on a person's actual or perceived protected characteristic(s) 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. For all other forms of harassment, this policy applies.

Harassment: harassment is unwanted, deliberate, or repeated unsolicited comments, slurs, demeaning references, gestures, graphic materials, physical contact, solicitation of favors, advances, bullying, or other adverse treatment or other adverse treatment when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, student status, or academic participation.

- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
- c. The conduct is severe or pervasive and objectively offensive that it unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

Examples of conduct that violate this policy include, but are not limited to:

- 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 artwork 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 individual shall be punished or penalized for rejecting or objecting to behavior that might be considered as harassment under this policy. 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 make this policy as effective as possible.

S3. Complaint Procedure

If any individual covered by this policy believes they have been subject to, witnessed, or learns about conduct that may violate this policy, they should promptly report it by utilizing Fox Valley Technical College's complaint procedure.

Copies of this procedure can be obtained from the Affirmative Action/EO Officer, Human Resources, or online. Sex-based allegations will be processed using the Title IX policy and procedure, which can be found.

If it is determined that discrimination or harassment has occurred, Fox Valley Technical College will take appropriate remedial action as identified in The Equal Opportunity, Nondiscrimination, and Anti-harassment Complaint Procedure.

- [Complaint Procedure – Student](#)
- [Complaint Procedure – Staff](#)

Inquiries may also be made externally to:

**Office for Civil Rights (OCR)
U.S. Department of Education**

**Illinois, Indiana, Iowa,
Minnesota, North Dakota,
Wisconsin**

Office for Civil Rights

Chicago Office

U.S. Department of Education

John C. Kluczynski Federal

Building

230 S. Dearborn Street, 37th

Floor Chicago, IL 60604

Telephone: (312) 730-1560

Facsimile: (312) 730-1576

Email: OCR.Chicago@ed.gov

Web: <http://www.ed.gov/ocr>

**Equal Employment
Opportunity Commission
(EEOC)**

Reuss Federal Plaza

310 West Wisconsin Avenue,

Suite 500 Milwaukee, WI

53203-2292

Phone: 1-800-669-4000

Fax: 414-297-4133

TTY: 1-800-669-6820

ASL Video Phone: 844-234-

5122

Web: <http://www.eeoc.gov/oc>

Definitions of Relevant Terms

College Community The Fox Valley Technical College community includes, but is not limited to, students, employees, and third parties (i.e., vendors, contractors, visitors, guests, etc.).

Complainant An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination

Employee An employee, for the purposes of these processes, is defined as an individual who performs services for Fox Valley Technical College in exchange for wages. It does not include those who are contractors or contingent workers. Someone becomes an employee on their hire date and is no longer an employee the day after the last day of employment

Investigation Systematic and formal inquiry into allegations brought by complainants through the process described

Respondent An individual who has been reported to be the perpetrator

Student an individual who is participating in or attempting to participate in an education program or activity of Fox Valley Technical College. "Participating" includes, but is not limited to, an individual who is enrolled at the college. "Attempting to participate" includes, but is not limited, an individual who is active in a program.

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