

UW-Whitewater University Handbook

Last policy revision: 02/12/09

Equal Opportunity and Affirmative Action Policy

A. The University of Wisconsin-Whitewater is fully committed to equal opportunity in employment and affirmative action in employment and to being in compliance with all federal and state laws, executive orders, policies, plans, rules and regulations, including:

1. The Equal Pay Act of 1963
2. Title VI of the Civil Rights Act of 1964, as amended
3. Title VII of the Civil Rights Act of 1964, as amended (Employment)
4. Title IX of the Education Amendments of 1972, as amended
5. Age Discrimination in Employment Act of 1967
6. Civil Rights Act of 1991
7. Sections 503 and 504 of the Rehabilitation Act of 1973, as amended
8. Executive Order 11246, as amended by EO 11357 and 12086
9. Immigration Reform & Control Act of 1986, as amended
10. Title I & II of the Americans with Disabilities Act (ADA) of 1990
11. Vietnam-Era Veterans Readjustment Assistance Act of 1974
12. Retirement Equity Act of 1984
13. Wisconsin Fair Employment Act (Wisc.Stat.111)

B. The University of Wisconsin-Whitewater will provide equal opportunity in all terms, conditions or privileges of employment, including, but not limited to, recruitment, hiring, performance evaluation, selection, job assignments, working conditions, fringe benefits, compensation, promotion, training, transfer, layoffs, disciplinary actions, and termination.

The institution prohibits discrimination because of race, color, national origin, gender, gender identity or expression, religion, age, disability, veterans status, ancestry, creed, sexual orientation, marital status, arrest record, pregnancy, genetic information, military service, guard or reserve status.

C. Whitewater is committed to a positive, continuing, result-oriented program to assure meaningful employment opportunities to all segments of the community and specifically to ethnic minorities, women, and to persons with disabilities. These groups have suffered in the past from barriers to employment and promotion. The Affirmative Action program includes a continuing analysis of the employee structure to discover where there is under-utilization of ethnic minorities, women, and persons with disabilities; establishment of goals to remedy deficiencies, and guidelines and procedures to maximize opportunities for the recruitment of ethnic minorities, women and persons with disabilities. Every position vacancy announcement must convey that UWW is an AA/EO employer. Every person or committee charged with the responsibility of filling an unclassified vacancy must indicate to the Affirmative Action Officer or designee the specific means to be used in broadening the pool of potential talent so that applicants are reached and provided the opportunity to compete for employment.

D. The implementation and monitoring of the Affirmative Action Plan are the responsibilities of the Chancellor and specifically-designated officers. These officers are the Provost, and the Equal Opportunity Officer or designee.

1. **The Chancellor.** The Chancellor of the University of Wisconsin-Whitewater is responsible for development and implementation of all federal, state, UW System and campus policies and procedures for Affirmative Action and Equal Opportunity. The Chancellor will be immediately aided in this task by the Provost and Vice Chancellor who is designated as the Equal Employment Opportunity Officer.
2. **The Provost and Equal Employment Opportunity Officer.** The Equal Employment Opportunity Officer is expected to:
 1. Monitor all personnel actions (hiring, termination, promotion, salary increases) to assure University compliance with all federal, state, and UW-Whitewater guidelines for Affirmative Action and Equal Opportunity.
 2. Coordinate discrimination complaints arising out of charges of unclassified employment violation.
 3. Research the status of employment, promotion, salaries of women, minorities and the persons with disabilities at UW-Whitewater.
 4. Supervise the implementation of Affirmative Action hiring procedures in order to fulfill the commitment of the university.
 5. The Provost will be immediately aided by the Equal Opportunity Officer who is also the Affirmative Action Officer.
3. **The Equal Opportunity/Affirmative Action Officer.** This Officer consults with the Chancellor, Provost, Vice Chancellor for Administrative Affairs and Director of Human Resources in matters of employment and equity, and shall also:
 1. Serve as an ex-officio, non-voting, member of the Equal Opportunity Committee.
 2. Aid the Committee in developing policies and/or guidelines for the implementation of the Affirmative Action Plan.
 3. Serve as liaison between the Assistant Chancellor the Provost, the Assistant Chancellor for Administrative Affairs and the Equal Opportunity Committee.
 4. Communicate the affirmative action and equal opportunity policies and procedures to all employees, faculty, and staff..
 5. Work in conjunction with Deans, Directors, and Department Chairs to operationalize affirmative action and equal opportunity policies and procedures.
 6. Monitor goals and hiring procedures for all units and provide guidance to all Search & Screen Committees.
 7. Receive and investigate discrimination complaints from employees and students, provide findings based on the investigation and recommend remedial action to the parties.

E. The Equal Opportunity Committee (formerly the Affirmative Action Committee).

The Equal Opportunity Committee is the campus committee whose members are representative of the campus constituencies and governance. Their function is to afford advisory assistance to the Chancellor, Provost and Equal Opportunity Officer to insure that affirmative action and equal opportunity continue as fundamental responsibilities of the institution and are carried out appropriately in all aspects of employment and student life.

F. This institution prohibits sexual harassment on the basis of gender or sexual orientation. It will continue to work to eliminate harassment of employees or students based on any prohibited category.

G. The University Handbook for UW-Whitewater contains grievance procedure and procedures for discrimination complaints. Complaints by bargaining unit employees alleging prohibited discrimination are covered by the grievance procedures in their union contract.

H. This institution has a special mission in meeting the needs of persons with disabilities. Modifications to physical facilities have been made and will continue to be made across the campus to insure equal access to

campus facilities and programs. Reasonable accommodation in employment for disabilities can be requested through supervisors and the Equal Opportunity Officer. Reasonable modifications for students with disabilities can be requested through the Center for Students with Disabilities.

I. This institution provides reasonable accommodation for religious belief and practice, either through voluntary substitution, flextime, floating holiday time, or labor agreement provisions, as is appropriate.

J. This institution will monitor subcontractors for compliance with equal opportunity and affirmative action laws and policies, and promote the inclusion of minority-owned businesses in its procurement processes.

K. The Provost and Equal Opportunity Officer will report directly to the Chancellor when violations of nondiscrimination law or policy occur, so that corrective action can be taken.

L. The Provost and Equal Opportunity Officer are directly responsible to the Chancellor for the implementation of applicable law and regulations in all campus personnel actions and of balancing the workforce.

UW-Whitewater Discrimination Complaint Procedures

Procedure:

When any employee or student has reason to believe that they have been harassed or discriminated against, they should contact the Equal Opportunity Officer or designee.

The Equal Opportunity Officer or designee is prepared to discuss the events, feelings or perceptions creating the concern. These preliminary discussions are considered informal, however may lead to other possible actions depending upon the facts presented and the wishes of the offended individual. Identities of complainants do not have to be made known without their prior approval in the informal process.

Outcomes:

1. No Action
 - a. The offended individual decides against further action.
 - b. The Equal Opportunity Officer or designee does not consider further action appropriate.
2. Informal Action
 - a. Communicate with the alleged offending individual to create awareness of issues and subsequent actions. By request, the offended individual may remain anonymous. The offending individual may have a third party present.
 - b. Conduct specific education with offending individual or department.
3. Formal Action
 - a. Formal actions are initiated with a written statement that chronicles specific actions considered discriminatory with details; including time, date, place situation and witnessing parties.
 - b. Formal action may also commence if the informal action does not stop the alleged discrimination or if the alleged discrimination or harassment are judged by the Equal Opportunity Officer or designee to be pervasive and severe enough to warrant formal investigation.
 - c. Anonymity can not be preserved for either party during "Formal" action.
 - d. Findings, conclusions and recommendations based on the investigation will be completed in a timely manner with accommodation to the academic calendar.

Detailed (Formal) Process:

1. This University follows EEOC and state guidelines. To be timely, the complaint must be filed within

- 300 business calendar days of the last incident complained about;
2. Upon review of the initial facts, if the EO Officer or designee concludes that, under the law, discrimination may have occurred, an investigation will be carried out. If the Officer concludes discrimination has not occurred, a written report of reasons will be made to complainant.
 3. If an investigation is commenced, the alleged offending individual will be notified of the particulars of the complaint and will have time to respond, not to exceed 20 business calendar days; complainant confidentiality cannot be preserved at this time
 4. The time frame for findings, conclusions and recommendations based on the investigation will be timely from time of receipt of the written response to the EO Officer or designee. Academic Breaks may be taken into consideration.
 5. If the complainant is satisfied with the EO Officer's or designee's recommendation, it will be submitted to the Chancellor for consideration and decision. The Chancellor's decision, which may include specific actions or recommendations for discipline, is final within the institution. A party disciplined has resort to normal appeal procedures by policy. At this point, the EO Office phase of the case is closed.
 6. If the complainant is not satisfied with the findings and recommendation, within 10 days after receipt of the recommendation, a request for an "Administrative Review" by the Equal Opportunity Committee should be sent to the Chair or Co-Chair of the Equal Opportunity Committee, who will convene the Committee.
 7. Within 30 days of receipt of the review request, the Equal Opportunity Committee will be convened; review the record and other originally presented documents, and render its recommendations. If the Committee needs any further information to clarify matters, the Chair will request it and receive it in writing. The complainant will only be present at the request of the Committee.
 8. The Committee will make its recommendations to the Chancellor, who will make the final decision within 30 business calendar days.
 9. If the complainants are not satisfied with the Chancellor's final decision, they can (1) request administrative review by the U.S. Equal Employment Opportunity Commission in Milwaukee, WI. (2) or the Division of Equal Rights of the Wisconsin Department of Employee Relations in Madison, WI.
 10. When Title VII issues are involved, unsatisfied complainants can also request administrative review by the Office of Civil Rights. When Title IX or Title VI issues are involved, requests for review can be sent to the U.S. Department of Education in Washington D.C.



Web Development Team-UW Whitewater
For comments: webmaster@uww.edu.
Last Web revision on February 27, 2009.