Student Discrimination Prohibited

Pursuant to the authority of the UW System Board of Regents Policy, Section 14, Section 36.12 of the Wisconsin Statutes, Title IX of the Education Amendments of 1972, as amended, and other state and federal civil rights and employment laws, UW Colleges prohibits members of the university community from engaging in any form of unlawful discrimination or harassment in employment, education, or participation in programs or activities on the basis of age (40+), race, ancestry, color, national origin, cultural background or ethnicity (specifically involving harassment by employees), creed/religion, disability, sex (including sex discrimination, sexual harassment and sexual violence under Title IX of the Education Amendments of 1972, as amended, as well as student discrimination under Wisconsin Statutes Section 36.12), sexual orientation, gender identity and gender expression, marital status, pregnancy (including childbirth or related conditions), genetic testing, honesty testing, military obligations (including membership in the national guard, state defense force or any other reserve component of the military forces of the United States or the State of Wisconsin), Vietnam-era veterans, special disabled veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, arrest or conviction record, and use or nonuse of lawful products off the employer’s premises during nonworking hours. UW Colleges also prohibits any form of retaliation for engaging in a protected activity such as making a complaint of discrimination or harassment, taking part in an investigation related to unlawful activities or behavior, or performing mandatory reporting duties. Furthermore, UW Colleges will include provisions in all contracts that the contractor or subcontractor will comply with the non-discrimination provisions of University policies and federal and state laws as a condition of doing business with the University.

For more information on discrimination, harassment, or retaliation policies and associated complaint procedures, please visit the Office of Equity, Diversity and Inclusion website at http://inclusion.uwex.uwc.edu/policies or call the Office of Inclusion at 608-262-0277.

Section 36.12 (1), Wis. Stats.

36.12 Student discrimination prohibited.

(1) No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student’s race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

UW Colleges Policies and Procedures,

Pursuant to Section 36.12 (1), Wis. Stats.

No student may be denied admission to, participation in, or the benefits of, or be discriminated against in any service, program, course, or facility of the system or its institutions or colleges because of the student’s race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status, or parental status.

Criteria for Determining Whether the Prohibition on Discrimination has Been Violated: In determining whether discrimination in violation of Section 36.12, Wis. Stats., has occurred, the University of Wisconsin Colleges, through the Office of the Dean, shall apply state and federal statutes, regulations, and case law relevant to the basis of discrimination being alleged, including but not limited to such legal materials and precedents as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Section 101.223, Wis. Stats., Section 36.11(3)(a), Wis. Stats., the United States Constitution, the Wisconsin Constitution, and related regulations and case law. In any case whether there is a question
as to whether the action or conduct in question violated Section 36.12, Wis. Stats., UW System legal counsel will be consulted.

**Deadline for Filing Complaints:** Complaints alleging a violation of Section 36.12, Wis. Stats., must be filed with the Office of the Dean within 300 days of the alleged violation.

**Procedures and Remedies for Violation of Section 36.12, Wis. Stats.:** The Office of the Dean shall be responsible for:

1. The Office of the Dean shall be responsible for:
   
   (a) Reviewing each complaint;
   
   (b) Providing procedural advice and counsel to the complainant, and referring the complainant to any other more relevant complaint or grievance process, if appropriate (as for example, if the complaint alleges sex discrimination, referring the matter to the grievance process established under Title IX);
   
   (c) Conducting investigations of complaints, where no other complaint or grievance mechanism applies to the subject matter of the complaint.

2. Where the Office of the Dean refers a complainant to another relevant complaint or grievance procedure, further action on the matter will be taken in accordance with that other procedure.

3. Where the Office of the Dean determines after investigation that no discrimination in violation of Section 36.12 has occurred, the complaint shall be dismissed, and the complainant and any other interested parties will be so advised.

4. Where the Office of the Dean determines after investigation that discrimination in violation of Section 36.12 has occurred, the Dean may:
   
   (a) Attempt to resolve the matter through mediation among the involved parties; or
   
   (b) Recommend remedial action to eliminate the discrimination to the appropriate administrators; or
   
   (c) Refer the matter to the appropriate administrators for review and consideration of possible disciplinary action, where misconduct by faculty, staff or students appears to be involved.

5. The Office of the Dean shall complete its processing of a complaint within 90 days of receipt.
   
   (a) In the event a complaint is dismissed under paragraph (3) above, the complainant may appeal to the chancellor within 10 days of the dismissal.
   
   (b) In the event attempts at mediation under paragraph (4)(a) fail, or a recommended remedial action under paragraph (4)(b) is rejected, the complainant may appeal to the chancellor within 10 days of the action.
   
   (c) In the event the matter is referred under paragraph (4)(c) above, the time limitations and procedures applicable to employee or student disciplinary matters shall apply.

6. In all matters involving an alleged violation of Section 36.12, the chancellor’s decision shall be final, except that the Board of Regents may, consistent with the Bylaws of the Board of Regents of the University of Wisconsin System, conduct a review on the record.