1.0 INTRODUCTION

The University of Wisconsin-Stout (University) is committed to providing an academic and workplace environment for students which recognizes the dignity and worth of all members of the university community. Discrimination violates the dignity of the individual and the integrity of the University as an institution of higher learning. The University will not tolerate discrimination or harassment by or toward students on the basis of sex, race, religion, color, creed, disability, sexual orientation, gender identity or expression, national origin, ancestry, age, marital status, pregnancy, political affiliation, arrest or conviction record, veteran status, or any other prohibited basis defined by federal or state law or University of Wisconsin System policy. Discrimination and harassment are inconsistent with the University’s efforts to foster an environment of respect for all members of the university community. Incidents of discriminatory conduct are detrimental to the individuals directly involved and diminish the university community as a whole. It is, therefore, the policy of the University that such behavior will not be tolerated and will be dealt with according to the procedures outlined below. Retaliation for filing a complaint of discrimination or harassment is also a form of harassment and is prohibited.

References to other policies:
- Wisconsin Act 237, Wis Stats. 36.12
- UW-Stout policy 90-61: Non-Discrimination Policy
- Board of Regents Section 14: Discrimination Prohibited & Section 17: Equal Opportunity Policies: Education and Employment
- UWS Chapter 17
- 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
- s. 101.233, Wis Stats., S. 3611 (3) (a)

2.0 DEFINITION OF TERMS

2.1 Discrimination against Students:

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.”

2.2 Harassment:

Harassment based on sex, race, religion, color, creed, disability, sexual orientation, gender identity or expression, national origin, ancestry, age or any other prohibited basis defined by federal or state law or University of Wisconsin System policy is a form of discrimination and is prohibited.

2.4 Sexual Harassment:

Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe, pervasive and
objectively offensive that it interferes with or limits a student’s ability to participate in or
benefit from the University’s educational program or activities.

2.5 Retaliation:

Retaliation is defined as any act of reprisal, including negative or otherwise unwarranted
treatment, related to the reporting of, or participation in a complaint of
discrimination/harassment. Retaliation may include, but is not limited to a) taking negative
tangible grading actions against a student; b) taking actions that substantially interfere with or
have a chilling effect on the student’s ability to participate fully in and benefit from the work or
educational environment; c) failing to provide assistance or instruction that would otherwise be
provided; d) failing to fairly and/or objectively evaluate a student’s performance; or e) otherwise sabotaging a student’s performance.

It is a violation of this policy to engage in any retaliatory acts against a student who reports an
alleged incident of discrimination or harassment or any employee or student who testifies,
assists, or participates in a proceeding, investigation, or hearing relating to an allegation or
complaint of discrimination or harassment.

3.0 STATEMENT OF POLICY

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.” This policy shall be enforced in a manner that is consistent with Board of Regent’s policies
and statutes relating to non-discrimination and equal opportunity, and the statutory protections under both
state and federal law.

This policy applies to student complaints made against students, employees, vendors, contractors,
subcontractors, program participants, and visitors or users of UW-Stout services.

4.0 CRITERIA

Wisconsin Act 237, Wis Stats. 36.12 require that each UW System and College establish policies and
procedures that:
1. Provide criteria for determining whether there has been a violation of the general prohibition against
discrimination;
2. Provide remedies and sanctions for discrimination;
3. Require complaints of discrimination to be brought within 300 days of the alleged discriminatory
actions; and
4. Establish time periods within which complaints of discrimination must be processed and resolved at
the institution or center, with a final decision by the Chancellor.

In determining whether discrimination in violation of s.36.12, Wisconsin Statutes, has occurred, the
University of Wisconsin – Stout through its Dean of Students Office, shall apply state and federal statutes,
regulations, and case law relevant to the 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, s. 101.233, Wis Stats.,
S. 3611 (3) (a), Wis. Stats., the United States Constitution, the Wisconsin Constitution, and related
regulations and case law. In any case where there is a question as to whether the action or conduct in
question violates s. 36.12, Wisconsin Statutes, the Dean of Students shall consult with institutional legal
counsel.

Filing complaints alleging violation of s.36.12, Wisconsin Statutes, must be filed within 300 days of the
alleged violation.
5.0 GUIDELINES FOR IMPLEMENTATION

By approval of the Chancellor, or his or her designee, this policy, and the complaint and appeal procedures described in Appendices A: Complaint and Investigation Procedures for Students and policy 90-61 will be implemented throughout the University. The Chancellor delegates the responsibility for the administration of this policy to the Dean of Students when the student discrimination complaint is against students and the Human Resources director when the complaint is against non-students. These individuals, or designees, shall be responsible for the enforcement of this policy, investigation of all discrimination complaints, and dissemination of the policy to the campus community, implementation of education and training programs, maintenance of centralized records of discrimination complaints, and coordination of the resolution of complaints.

The Dean of Students or Director of Human Resources or designees, is responsible for the following:

- Review each complaint and determine the complaint was brought within 300 days of the alleged discriminatory action.
- Provide procedural advice and counsel to the complainant, and refer the complainant to any other more relevant complaint or grievance process, if appropriate (see Appendix A and policy 90-61).
- Strive to complete the investigation of the complaint within 60 days of receipt.

Students who wish to report a concern or complaint relating to discrimination or harassment may do so by reporting the concern to the Dean of Students if alleged is a student and to Director of Human Resources if alleged is a non-student.

Notice of a formal complaint can be made in person to an appropriate official but the university strongly encourages submission of complaints in writing describing the alleged incident, where it occurred, and desired remedy sought. Upon receipt the appropriate office will open a formal case file and assign an investigator who will confer with Title IX Coordinator, as appropriate, on interim action, accommodations for alleged victim, and other necessary remedial actions. The investigation will then proceed according to the procedures outlined in Appendix A or policy 90-61.

6.0 CONSEQUENCES OF POLICY VIOLATION OR NONCOMPLIANCE

Consequences of Policy Violation or Noncompliance

See Appendix A or policy 90-61 for potential non-compliance sanctions.

For findings of discrimination by a student, refer to Appendices A UWS Ch. 17 Student Nonacademic Disciplinary Procedures - 17.10 (1) Disciplinary Sanctions

7.0 APPEAL PROCESS

Student Appeal Process. Any disciplinary action against a student shall be in accordance with the University Of Wisconsin System Administrative Code Chapter 17 Student Non-academic Disciplinary Procedures. A student who seeks to appeal or request a review of such disciplinary action is afforded these rights in accordance with this policy. In all matters involving an alleged violation of s. 36.12, the complainant may appeal to the Chancellor within 10 days of the outcome under UWS Ch. 17. The Chancellor’s decision is final, except that the Board of Regents may, consistent with the Bylaws of the Board and Regents of the University of Wisconsin System; conduct a review of the record.

Non-Student Appeal Process (see Policy 90-61).

Appendix A: Complaint and Investigation Procedures for Students
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NON-DISCRIMINATION POLICY: Students

APPENDIX A: COMPLAINT AND INVESTIGATION PROCEDURES FOR STUDENTS

1.0 Filing a Complaint of Discrimination against a Student.
Any student who believes they have been the victim or witness of discrimination or retaliation by another student should promptly report this belief and the basis thereof to the Dean of Students Office and the investigative and finding process shall be initiated according to University of Wisconsin System Administrative Code Chapter 17 Student Nonacademic Disciplinary Procedures. This chapter defines violations of university rules and policy, provides university procedures for effectively addressing misconduct, and offers educational responses to misconduct.

1.1 The Dean of Students Office must process the complaint within 90 days of receipt of the complaint.
1.2 In the case of sex discrimination, the preponderance of evidence standard is used to resolve complaints.
1.3 In the case of sex discrimination, both parties have the opportunity to present witnesses and other evidence and have the same appeal rights.
1.4 In the case of sex discrimination, both parties are notified of the outcome of the complaint.