

Subject: Discrimination Grievance Procedures for Faculty and Academic Staff

Date Effective: July 1, 1979; Revised July 1, 1984, October 1, 1987 and March 1, 1988

Chancellor Approval: (signature on original copy)

PURPOSE

The University of Wisconsin-Extension is dedicated to providing equal employment opportunities and assuring nondiscrimination. In support of this goal, UW-Extension complies with the requirements of The Equal Pay Act of 1963; Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972 (Higher Education Act); Sections 503 and 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment of 1967; Age Discrimination Act of 1975; Vietnam Era Veterans Readjustment Act of 1974; Chapter 230 and Wisconsin Fair Employment Law of the Wisconsin State Statutes; Executive Order 11246, Executive Order 28, and Section 11 of 1987 Wisconsin Act 63.

These grievance procedures were developed in compliance with Equal Employment Opportunity and nondiscrimination legislation. The procedures address alleged discrimination in employment and employment-related programs and activities because of race, color, national origin, religion, sex, age, sexual orientation, veteran's status, or disability. Employees are encouraged to take appropriate steps to voluntarily end any discrimination that may be occurring in the workplace or in the administration of any UW-Extension educational programs.

However, despite our efforts, an individual may feel the need to voice a concern about perceived mistreatment. These grievance procedures have been developed for your use should you experience such a situation and feel strongly that your concern cannot be resolved through your unit administration. UW-Extension will strive for prompt resolution of all complaints that fall within the jurisdiction of the cited regulations.

POLICY

The Chancellor of UW-Extension is responsible for the Equal Opportunity and Diversity Programs within the institution. The Assistant to the Chancellor for Equal Opportunity and Diversity Programs (listed below) is the primary contact person for information, counsel, and coordination of the UW-Extension equal employment opportunity program.

With the assistance of our Deans/Directors, Department Heads, and District Directors, UW-Extension intends to follow all the appropriate policies and procedures to eliminate inequalities and discrimination in UW-Extension employment practices. Questions, suggestions, or recommendations regarding these policies and procedures should be directed to the Assistant to the Chancellor for Equal Opportunity and Diversity Programs.

A person who feels discriminated against because of the above conditions may file a complaint using the grievance process outlined below. This grievance process is not intended to apply to employees who are represented by a labor union, since the collective bargaining agreements applying to these employees include grievance and arbitration procedures and equal opportunity/nondiscrimination provisions. The perceived discrimination may apply to situations such as, but not limited to, the following:

- Screening, interviewing, and selection for positions
- Conditions of employment
- Equal pay for equal work
- Promotion, transfer, layoff, recall, or leave of absence
- Use of facilities and institutional resources
- Training and professional development
- Performance appraisal
- Job information and recruitment
- Termination

GENERAL GUIDELINES AND PROCESS

This grievance process will be held confidential to the extent feasible and according to the wishes of the aggrieved person. Except that any person who feels discriminated against may seek to resolve his or her complaint with the appropriate persons within the department, including the department head, and in the case of other than academic staff and faculty, with the assistance of the appropriate personnel officer, before bringing the complaint to the attention of those responsible for the institution's compliance to the federal and state nondiscrimination laws, rules, and regulations.

Any person employed at UW-Extension who believes that the institution's stated policy of nondiscrimination has been violated or that she or he has been personally discriminated against because of race, national origin, color, religion, sex, age, sexual orientation, veteran's status or disability has access to a clear means of seeking redress as outlined in these procedures.

INFORMAL GRIEVANCE PROCEDURE WITHOUT HEARING

After following the general process, or if preferring to omit the steps outlined below, an aggrieved person will communicate in writing with the Assistant to the Chancellor for Equal Opportunity and Diversity Programs, who initially acts in behalf of the Chancellor in these matters. The Assistant to the Chancellor for Equal Opportunity and Diversity Programs will initiate an inquiry into all the facts relevant to the complaint and will attempt to resolve the matter to the satisfaction of both the aggrieved

individual and the person or unit against which the charge of discrimination (based upon race, color,

national origin, religion, sex, age, sexual orientation, veterans status or disability) is brought.

If resolution is not possible, and complainant has not requested a hearing, the matter will be referred to the Chancellor by the Assistant to the Chancellor for Equal Opportunity and Diversity Programs. *The Chancellor will provide a final decision on the complaint on behalf of UWEX.* Official charges of discrimination may also be filed with external state and federal enforcement agencies.

FORMAL GRIEVANCE PROCEDURE AND HEARING

A formal UWEX discrimination complaint states in writing:

1. The date, name, division, work site address and phone, current home address and phone number of the complainant;
2. the alleged discriminatory act or reason for complaint and date of occurrence;
3. an indication of whether the alleged discrimination was perceived to be based on race, color, national origin, religion, age, sex, sexual orientation, veteran's status, disability; and,
4. whether an immediate hearing is requested.

A formal UWEX complaint must be submitted to the Assistant to the Chancellor for Equal Opportunity and Diversity Programs **within 90 days** of the alleged discriminatory act. The complainant will receive within two weeks a written acknowledgement of receipt of the complaint, and may be requested to supply further information to clarify and/or expedite the matter.

A preliminary investigative report from the Assistant to the Chancellor for Equal Opportunity and Diversity Programs will be mailed within 30 days to all parties involved, indicating the preliminary findings of fact. Exceptions to the findings may be filed with the Director of the Office of Equal Opportunity and Diversity Programs by the complainant or the respondent within 10 working days.

The preliminary investigative and reconciliation process conducted by the Assistant to the Chancellor for Equal Opportunity and Diversity Programs within 30 days may result in resolution satisfactory to all parties without a formal hearing. In such cases a letter will go to the case file and to all parties, indicating the agreement reached.

When a formal hearing is requested, either at initial submission of the complaint or after the preliminary investigation by the Assistant to the Chancellor for Equal Opportunity and Diversity Programs the hearing will be conducted within 60 days from the submitted request for hearing, and will be scheduled during regular working hours at a time and place agreed to by the parties involved.

A formal UW-Extension hearing of a discrimination charge will be set by the Chancellor and conducted by a specially appointed Ad Hoc Hearing Committee, composed of peer group representation by sex,

race, national origin, age, or disability, or by hearing examiners mutually agreeable to the parties concerned.

At the time of hearing, the Hearing Committee will review the findings of fact, accept testimony from all parties, and decide whether:

There is reasonable cause to believe discrimination has occurred, in which case corrective remedy for the complainant will be discussed, and recommendations for settlement sent to the Chancellor; **OR**

There is no reasonable cause to believe the complainant has been discriminated against, in which case the complaint/grievance is recommended to the Chancellor for dismissal.

Within 30 days of receipt of the Hearing Committee's recommendation, the Chancellor will act upon the recommendation, notify the Assistant to the Chancellor for Equal Opportunity and Diversity Programs and all parties of the final decision, and follow through with any necessary subsequent action based upon the decision. The Chancellor's decision may be challenged by the complainant through external lawful means, including those outlined in this policy.

POLICY ON CASES OF SEXUAL HARASSMENT

A separate policy, "Sexual Harassment" sets forth procedures to be used in case of sexual harassment. These procedures may be found in the UW-Extension Employee Handbook at www.uwex.edu/diversity or by contacting the UW-Extension Office of Equal Opportunity and Diversity Programs, 432 N. Lake Street, 501 Extension Building, Madison, Wisconsin 53706.

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