

**Recommendation of the Policy Advisory Committee to Eliminate SAAP 49.7 – Student Discrimination Complaints**

**Rationale:** After consulting with the Office of Equity/Diversity Services, the PAC moves that S49.7 be eliminated. The PAC and EDS agree that complaint procedures detailed in S-47 Discriminatory Conduct Policy have made S49.7 obsolete. Students have the ability to address any discrimination complaints under S-47.

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**STUDENT DISCRIMINATION COMPLAINTS**

**No:** S-49.7

**Date:** August 1992

**Authority:** s. 36.12, Wis. Stats. and  
UWM Administration

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Pursuant to s. 36.12, Wisconsin Statutes, and the Regent Guidelines for Implementation, the following is the policy and procedure of the University of Wisconsin - Milwaukee regarding student complaints of discrimination.

I. Student Discrimination Prohibited

s. 36.12, Wisconsin Statutes, provides in pertinent part:

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

II. Policies and Procedures for Complaints Under s. 36.12

A. **Criteria for Determination**

In determining whether discrimination in violation of s.36.12, Wisconsin Statutes, has occurred, the University of Wisconsin - Milwaukee, through its Office of Diversity/Compliance, 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 at 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. 101.223, Wis. State., s.36.11(3)(a), Wis. Stats., the United States Constitution, and the Wisconsin Constitution. In any case where there is a question as to whether the action or conduct in question violates s. 36.12, Wisconsin Statutes, the Office of Diversity/Compliance shall consult with institutional legal counsel.

## **B. Filing**

Complaints alleging a violation of s. 36.12, Wisconsin Statutes, must be filed within 300 calendar days of the alleged violation with UWM's Office of Diversity/ Compliance.

## **C. Procedures and Remedies**

1. The Office of Diversity/Compliance 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, and

(c) Conducting investigation of complaints, where no other complaint or grievance mechanism applies to the subject matter of the complaint.

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

3. Where the Office of Diversity/Compliance determines after investigation that no discrimination in violation of s. 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 Diversity/Compliance determines after investigation that discrimination in violation of s. 36.12 is likely to have occurred, the office may:

(a) Attempt to resolve the matter through mediation among the involved parties;

(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 Diversity/Compliance shall complete its processing of a complaint within 90 calendar days of receipt.

(a) In the event a complaint is dismissed under paragraph 3. above, or otherwise, the complainant may appeal to the chancellor within 10 calendar days of receipt of the notice of dismissal. (Notices of dismissal should be made by certified mail.)

(b) In the event any attempt at mediation under paragraph 4.(a) above, or otherwise, fails, or a recommended remedial action under paragraph 4.(b) above, or otherwise, is rejected, the complainant may appeal to the chancellor within 10 calendar days of the receipt of notice of the action. (Notices should be made by certified mail.)

(c) In the event the matter is referred under paragraph 4.(c) above, or otherwise, the time limitations and procedures applicable to employee or student disciplinary matters shall apply.

6. In all matters involving violation of s. 36.12, the chancellor's decision shall be final, except that the Board of Regents of the University of Wisconsin System, may consistent with its bylaws, conduct a review of the record.

### III. Notification and Reporting

The Office of Diversity/Compliance, in conjunction with the Office of Student Life, shall notify the students annually of the existence of s. 36.12 and what it prohibits. This notice shall also identify the Office of Diversity/Compliance as the institutional office where students may file complaints under s. 36.12.

The Office of Diversity/Compliance shall also provide to the Board of Regents the information from the University of Wisconsin - Milwaukee required to meet the reporting requirement of s. 36.12.