

# WESTERN WASHINGTON UNIVERSITY

## ADMINISTRATIVE POLICIES AND PROCEDURES ON AFFIRMATIVE ACTION, EMPLOYMENT, EQUAL OPPORTUNITY, AND DISCRIMINATION

### I. Policies

#### A. INTRODUCTION AND GUIDING PRINCIPLES

As a University community, Western Washington University has a special obligation to all of its members to maintain teaching, learning, and working environments which are conducive to the pursuit of knowledge. It is a community in which the academic endeavor is practiced with civility. The dignity and rights of all employees, students, visitors, and agents of the University are respected and preserved by this community.

In carrying out its mission, the University benefits from the ideas, contributions, and energies of all its members. Therefore, each member—whether staff, student, administrator, or faculty—has a responsibility and an obligation to respect the rights of others to express conflicting opinions. Adherence to standards of civility allows for reasoned discourse.

Western is committed to protecting the rights of its community members to engage in dialogue and express ideas in an environment which is free from harassment, discrimination and exploitation. The Western community will not tolerate these behaviors. At the same time, members of the community need to be able to distinguish between: 1) the need for and periodic duty to state disagreement with the ideas of others; and, 2) actions that constitute illegal discrimination and harassment.

The University policies and procedures which follow are intended to provide the community with specific directives regarding equal opportunity, nondiscrimination, affirmative action, employment recruitment and selection, sexual harassment, the accommodation of persons with disabilities, and nondiscrimination in applying anti-nepotism rules. The University is committed to resolving complaints of harassment and/or discrimination at the earliest and most informal level and shall adhere to principles of due process in all investigations and hearings.

The University is committed to fair treatment of individuals accused of violating these policies. Filing a false complaint is serious misconduct and may be subject to a range of sanctions, including written reprimand, termination or expulsion.

To carry out its commitment to these policies, the University shall maintain on-going training programs. Such training will address each of the policies contained in this document, underlying rationale, and information related to prevention and complaint resolution. Members of the campus community are expected to participate in these training programs.

Members of the community are also guided in their relations by other ethical codes, laws, statements and policies, including but not limited to the Faculty Code of Ethics, the Faculty Handbook, the Student Rights and Responsibilities Code, Higher Education Personnel Rules, Collective Bargaining Agreements, the Exempt Professional Staff Handbook, the Washington State Code of Ethics, and Executive Orders from the Governor.

There are a number of terms throughout the document that are defined by federal and state laws. If you would like a glossary of terms and definitions, please contact the Equal Opportunity Center at 650-3306.

*Adopted by the Board of Trustees on April 12, 1996*

*Updated by the EOC on August 11, 1999*

*Updated by the EOC on August 23, 2001*

## **B. DISSEMINATION OF POLICIES**

The University's policies are disseminated to the University community in the following manner:

### **Internal Dissemination**

1. All students are provided with copies of sections of these policies and procedures relevant to students through the Western Washington University General Catalog.
2. All new employees are provided with a copy of these policies and procedures during orientation. Faculty orientation is conducted by the Office of the Provost. The Human Resources Department conducts orientation for new classified and administrative staff.
3. The policies, procedures and a review of associated supervisory responsibilities are given by the Equal Opportunity Center to participants in supervisory training programs provided by that office.
4. The policies and procedures are included in the Faculty Handbook, the Exempt Professional Staff Handbook and the Classified Staff Handbook.
5. Search committee chairs and/or employing officials are provided with a copy of the policies and procedures at the beginning of each recruitment process. The EOC also meets with each search committee to provide information regarding its responsibilities under the policies.
6. Equal employment opportunity posters are displayed in conspicuous places throughout the University.
7. All bargaining unit agreements contain nondiscrimination statements and adhere to non-discrimination policies and practices.
8. The Policies and Procedures are available 24 hours a day, 7 days a week, on the EOC's hotline at 650-7704.
9. The Policies and Procedures are mailed to each employee and each University department or office when significant changes are made.

### **External Dissemination**

1. All position announcements and advertisements for position openings contain a statement regarding the institution's commitment to equal opportunity and affirmative action.
2. The University's two, 24-hour job telephone lines include a statement regarding the institution's commitment to equal opportunity and affirmative action.
3. All institutional contracts contain a nondiscrimination clause. The appropriate Vice President is responsible for ensuring that the clause is included.
4. All promotional and application materials regarding employment opportunities, events, and program offerings are reviewed by the EOC.
5. Notification of institutional policy is provided to all vendors, subcontractors and suppliers with each contract that is accepted.

*Adopted by the Board of Trustees on April 12, 1996*

*Updated by the EOC on August 11, 1999*

## C. EQUAL OPPORTUNITY/NONDISCRIMINATION

**Preamble.** Discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, or status as a Vietnam era or disabled veteran is prohibited by federal and state statutes. Discrimination on the basis of sexual orientation is prohibited by University policy and Governor's Executive Order. Among the laws upon which the University's equal opportunity/non-discrimination policy is based are: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Vietnam Era Veteran's Readjustment Assistance Act of 1972, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Veteran's Employment Opportunities Act of 1998, and the Washington State Law Against Discrimination, Chapter 49.60 RCW.

**Policy Statement.** Western Washington University is committed to providing equal employment opportunity and prohibiting illegal discrimination. As the delegate of the Board of Trustees, the President of Western Washington University affirms that the institution shall:

- Develop, monitor and enforce University policies governing recruitment and selection to remove barriers to equal employment opportunity and prevent illegal discrimination
- Ensure that promotion and hiring decisions are in accordance with the principles of equal employment opportunity
- Administer personnel actions such as hiring, promotion, separation, compensation, benefits (within the limits of the law), transfers, layoffs, returns from layoff, University-sponsored training, education, tuition assistance, and social or recreational programs with fairness and equity, regardless of race, color, creed, religion, national origin, sex, age, disability, marital status, sexual orientation, or status as a Vietnam era or disabled veteran
- Prohibit discrimination in the recruitment and admission of students, and in the operation of all University programs, activities and services
- Cooperate with federal and state agencies in fulfilling its obligations under the laws of the United States and the State of Washington

It is the responsibility of all members of the University community to ensure that commitment to equal opportunity and nondiscrimination is an integral part of WWU. This policy shall govern all employees, students, agents, groups, individuals, and organizations who use University facilities, and other members of the University community to the extent provided by law. The Board of Trustees pledges that every reasonable effort will be made to provide the resources necessary to implement this policy.

*Adopted by the Board of Trustees on April 12, 1996*

*Revised by the President on December 7, 1998*

## D. AFFIRMATIVE ACTION

**Preamble.** As part of its commitment to equal opportunity, the Board of Trustees supports the principles of affirmative action as defined by the Office of Federal Contract Compliance Programs and the State of Washington. State and federal executive orders require the University to establish a compliance program and to report on the results of its affirmative action efforts in an Affirmative Action Plan.

The Affirmative Action Program includes equal opportunity and affirmative action policies and methods for their dissemination, internal audit and reporting systems, procedures for program implementation, and identification of

problem areas. In addition, the AA Program calls for result-oriented actions designed to recruit, employ and promote qualified members of the following “affected” groups when they are underutilized in the work force: American Indians, Alaska Natives, Asians and Pacific Islanders, Blacks, Hispanics, women, persons over age 40, persons with disabilities, disabled veterans, Vietnam-era veterans and other veterans who served on active duty during a war or campaign or expedition for which a campaign badge has been authorized.

The Affirmative Action Plan is a working document which identifies areas of underutilization in the work force, evaluates personnel actions and hiring practices, analyzes goal achievement, and serves as a basis for updating the Affirmative Action Program.

**Policy.** It is the policy of Western Washington University to develop and implement an effective and defensible Affirmative Action Program for the following affected groups: American Indians, Alaska Natives, Asians and Pacific Islanders, Blacks, Hispanics, women, persons over age 40, individuals with disabilities, disabled veterans, and Vietnam-era veterans and other veterans who served on active duty during a war or campaign or expedition for which a campaign badge has been authorized.

The University shall report annually the results of its Affirmative Action Program in a written Affirmative Action Plan. The content of the Plan shall conform to current state and federal guidelines and will represent the University's good faith efforts to eliminate barriers to equal employment opportunity.

The Board of Trustees pledges its commitment to affirmative action by:

- Delegating responsibility for promoting and enforcing the Affirmative Action Program to the President of the University

The President shall carry out this responsibility by:

- Designating the Executive Director of the Equal Opportunity Center as the official responsible for preparation of the Affirmative Action Plan and overall implementation of the Affirmative Action Program
- Delegating responsibility for ensuring the success of the Affirmative Action Program to other University employment officials, managers and supervisors
- Ensuring that the resources necessary for the implementation of this policy remain a priority in the University budget

### **Responsibility for Implementation of the Affirmative Action Program**

The President of the University has overall responsibility for promoting and enforcing the Affirmative Action Program. The Executive Director of the Equal Opportunity Center reports to the President, and has the authority to administer the Affirmative Action Program. The designated official's name, title, location, and telephone number will be included on all internal and external communications regarding the Affirmative Action Program.

The Executive Director of the Equal Opportunity Center is responsible for:

- Making the affirmative action policy available to all employees and the public
- Maintaining discrimination complaint procedures
- Facilitating the informal resolution of discrimination complaints
- Receiving and investigating complaints of illegal discrimination and making recommendations for solutions

- Serving as liaison between the University and the state and federal enforcement agencies regarding externally filed complaints and compliance reviews
- Keeping the University informed concerning developments in discrimination law and taking appropriate steps to assure timely applications of new regulations in all administrative or operating units of the University
- Monitoring employment recruitment processes, employee benefits, and working conditions for continual compliance with the requirements of anti-discrimination law
- Monitoring compliance with equal opportunity regulations in programs and services provided to students and the public
- Preparing the annual Affirmative Action Plan which measures progress, identifies problem areas, and sets goals
- Preparing reports, statistics, and data which will delineate and quantify various aspects of the policy, and planning for internal analysis as required by federal and state agencies
- Maintaining internal and external awareness of the existence and value of the Affirmative Action Program
- Developing and overseeing effective affirmative action/equal employment opportunity training programs

Vice Presidents at Western Washington University are responsible for ensuring the success of the Affirmative Action Program in their divisions. Specific responsibilities include utilizing the appropriate nondiscrimination clause in all contracts; monitoring subcontractors' compliance with federal and state nondiscrimination law when the law requires the University to act as monitor; and ensuring that employees participate in the University's affirmative action/equal employment opportunity training program.

Each Vice President and the Office of the President will review annually with the Equal Opportunity Center the effectiveness of the Affirmative Action Program in each operating unit under his/her authority.

All members of the campus community are charged with creating an atmosphere conducive to attracting and retaining members of protected groups and preventing harassment of employees. This charge includes cooperating in the development of temporary goals for employment and promotion of persons from underutilized groups and giving high priority to implementation of these goals and timetables; ensuring, along with search committee chairs and hiring officials, that recruitment and employment guidelines are followed and that the required records—including those relating to tenure and promotion—are kept for at least three years in accordance with established records retention schedules.

Affirmative action efforts and results shall be a part of the evaluation of the performance of administrators and supervisors.

*Adopted by the Board of Trustees on April 12, 1996*

*Updated by the President on August 11, 1999*

## **E. RECRUITMENT AND SELECTION OF EMPLOYEES**

**Preamble.** Recruitment is the process by which a department or office develops an applicant pool from which hiring and promotion decisions are made. Broad dissemination of the availability of job opportunities increases the likelihood that qualified members of affected groups will be given consideration for employment. In

conjunction with its responsibilities as an affirmative action employer, Western Washington University is committed to making equal employment opportunity a practical reality.

Selection is the process by which a department or office makes its employment decisions (including hiring, promotion, transfer, demotion and lay-off). The University's effort to prevent illegal discrimination in employment begins with the use of valid and reliable selection procedures.

**Policy. Recruitment:** It is the policy of Western Washington University to recruit for faculty, classified staff and exempt professional positions. Each recruitment shall adhere to appropriate procedures for the employee category of the vacant position. For faculty and exempt professional positions, the extent of the recruitment may be national, regional, local or internal, and shall be determined by the Provost or the appropriate Vice President in consultation with the Dean and Chair or Director. The Executive Director of the Equal Opportunity Center must give final approval to the recruitment plan. For classified staff, the type of search shall be determined by Human Resources in consultation with the hiring official. Temporary positions may be filled from vacancy pools which have been established in congruence with this policy. All exceptions to this policy shall be approved in writing by the President after consultation with the Executive Director of the Equal Opportunity Center.

**Selection:** As evidence of its commitment to the principles of nondiscrimination, Western Washington University requires that all employment decisions strictly adhere to guidelines for standard selection procedures as outlined in the Guidelines for Developing Standard Selection Procedures and that hiring procedures conform to those contained in this document.

*Adopted by the Board of Trustees on April 12, 1996*

*Revised by the President on December 7, 1998*

## **F. SEXUAL HARASSMENT**

**Preamble.** Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964, Title IX of the 1972 Education Amendments, and the laws of the State of Washington. When the University becomes aware of allegations of sexual harassment, it is bound by state and federal law to investigate those allegations, stop the harassment if it is found to exist, and take measures to ensure a working and learning environment that is free of sexual harassment.

**Policy.** Western Washington University is committed to providing a positive learning and working environment for its students and employees and will not tolerate sexual harassment. Anyone who is found to be in violation of this policy will be subject to a range of sanctions, including written reprimand, termination or expulsion.

For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct or activity is made either explicitly or implicitly a term or condition of an individual's employment or academic progress
- Submission to or rejection of such conduct or activity is used as the basis for employment or evaluation
- Such conduct or activity interferes with an individual's employment or educational advancement
- Such conduct or activity creates an intimidating, hostile or offensive environment

Sexual harassment can occur between persons without regard to gender, age, appearance, or professional status.

The University is committed to providing all members of its community with education and training about the nature and consequence of sexual harassment, and procedures for handling complaints. Training is particularly essential for persons in supervisory roles who can face personal liability if they fail to take appropriate action when they become aware of instances of sexual harassment.

Retaliation against anyone reporting or thought to have reported sexual harassment is prohibited. Such retaliation is a violation of this policy and will be considered independently of whether a charge or informal complaint of sexual harassment is substantiated. Encouraging others to retaliate also violates this policy.

Individuals who believe they have been subjected to sexual harassment are encouraged to report incidents to the proper authorities, as outlined in the Discrimination Complaint Procedure. Such reports will be treated with respect and diligence.

*Adopted by the Board of Trustees on April 12, 1996*

*Updated by the President on December 7, 1998*

## **G. REASONABLE ACCOMMODATION POLICY**

**Preamble.** Western Washington University is committed to the principles of reasonable accommodation, in conformance with provisions of the Americans with Disabilities Act (ADA) of 1990, the Federal Rehabilitation Act of 1974, and the Washington State Law Against Discrimination, Chapter 49.60 RCW. Reasonable accommodation applies to all aspects of employment and access to the University's educational programs, services and activities.

**Policy.** It is the policy of Western Washington University to provide reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals except where such accommodation would impose undue hardship on the institution. Persons with disabilities who are covered under this policy include:

- Applicants or employees who, with or without reasonable accommodation, can perform the essential functions of a position
- Students who, with or without auxiliary aids or removal of barriers, can meet the essential eligibility requirements of a program
- Individuals who wish to participate in University-sponsored events which are open to the public

The University shall notify the public of its accommodation policy, the procedures for requesting an accommodation, and the options for addressing disputes related to reasonable accommodation.

The University has adopted the "State Policy on Reasonable Accommodation of Persons with Disabilities Related to State Employment" (see Addendum A).

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*Updated by the EOC on August 23, 2001*

*Fall 2001: This policy is being updated and revised. An update will be made available to the Faculty Handbook.*

**Addendum A**  
**State Policy Guidelines on Reasonable Accommodation of**  
**Persons with Disabilities Related to State Employment**

Issued: 11-1-94 by the Office of Financial Management

**I. AUTHORITY:**

American's with Disabilities Act of 1990 (P.L. 101-336) 29 CFR Part 1630, and 28 CFR Part 35  
Rehabilitation Act of 1973 (P.L. 93-112) 45 CFR Part 84  
Chapter 49.60 RCW  
Chapter 162-22 WAC  
Chapter 251-10 WAC  
Chapter 356-35 WAC  
Executive Order 93-03

**II. PURPOSE:**

This policy sets forth broad guidelines for meeting reasonable accommodation requirements of state and federal law. All Agencies and Institutions of Higher Education of the State of Washington shall develop internal procedures for the implementation of these guidelines, and submit those procedures to the Governor's Affirmative Action Policy Committee for review and approval prior to adoption, in accordance with Affirmative Action Planning Guidance issued by the Department of Personnel. This policy should not be construed as providing rights or obligations not provided under applicable laws.

**III. SCOPE:**

This policy affects all employees and candidates for employment with the State of Washington. Persons with disabilities have the right to request and receive reasonable accommodation in all aspects of employment with the State including but not limited to: application; recruitment; selection/hiring; promotion; testing; medical examinations; layoff/recall; assignments; termination; evaluation; compensation; disciplinary actions; leave; training; the terms, conditions and benefits of employment including insurance benefits; and employer supported activities.

**IV. DEFINITIONS:**

- A. "Reasonable Accommodation" means modification or adjustment to a job, work environment, policies, practices, procedures that enables a qualified individual with a disability to enjoy equal employment opportunity.
- B. "Equal Employment Opportunity" means an opportunity to perform the essential job functions or to enjoy equal benefits and privileges of employment as are available to a similarly-situated applicant or employee without a disability.
- C. "Person with a Disability" means: 1) Under 42 USC 12102, a person with a physical or mental impairment that substantially limits one or more major life activities; or 2) Under chapters 49.60 RCW and 162-22 WAC, a person who has an abnormal condition that is medically cognizable or diagnosable, and who is denied reasonable accommodation or is discriminated against on the basis of that condition.
- D. "Qualified Individual with a Disability" means an individual with a disability who meets the skill, experience, education, or other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.

- E. "Undue Hardship" means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the agency/institution.
- F. "Essential Functions" means the fundamental job duties of the position that the individual with the disability holds or desires. The term "essential functions" does not include the marginal functions of the position.
- G. "Health Care Professional" means a person who has completed a course of study and is licensed to practice in the field of health care which includes diagnoses and assessment of the particular disability or disabilities in question.

**V. OBLIGATIONS/RIGHTS OF EMPLOYER/EMPLOYEE/APPLICANT:**

- A. State agencies and higher education institutions must provide reasonable accommodation to the known physical, mental or sensory limitations of an otherwise qualified individual with a disability.
- B. The obligation to provide a reasonable accommodation applies to all aspects of employment. This duty is ongoing and may arise any time that a person's disability or job changes.
- C. The need for a reasonable accommodation shall not adversely affect the consideration of an individual with a disability for employment, training, promotion or opportunity to enjoy equal terms, benefits, privileges and conditions of employment.
- D. Generally, it is the obligation of an individual with a disability to request a reasonable accommodation.
- E. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, s/he will not be considered to be an otherwise qualified individual with a disability after refusing the accommodation.
- F. All information regarding the presence, or nature of an employee's or applicant's disability must be treated as a confidential medical record and shall be maintained in a secure manner, apart from personnel files with access restricted to designated personnel on a need to know basis.
- G. Each Agency and Institution shall develop an internal grievance procedure for addressing disputes related to requests for reasonable accommodations. Such procedures shall: explain the method for submitting a grievance; describe any internal appeals process(es); identify an individual responsible for overseeing the process; set forth reasonable time frames for the review and resolution of the grievance; and provide for documentation of complaints submitted and the steps taken to attempt resolution.
- H. Information on reasonable accommodation, this policy, the agency/institution's internal procedures and the external enforcement mechanisms and remedies available, shall be disseminated to employees in employee orientations and other appropriate methods.
- I. When an applicant or employee makes a request for a reasonable accommodation, and the disability is not readily apparent and has not been previously documented, an agency or institution may request that the applicant or employee provide verification from a health care professional that s/he has the disability as claimed and that it has the effect of necessitating the reasonable accommodation requested. The agency/institution may obtain a second opinion at its own expense from a health care professional of its selection. Such inquiries must be limited to verification of the employee's claims, except that the employer may also request that the health care professional suggest possible effective alternative accommodations.

## **VI. RECRUITMENT/SELECTION:**

- A. Reasonable accommodation must be provided in every stage of the recruitment, application and selection process to enable a qualified applicant with a disability to have an equal opportunity to be considered for a job.
- B. Notification of the right to make an accommodation request and information on how to initiate such a request must be included with all announcements, bulletins and recruitment efforts.
- C. Timeliness of response is essential in providing equal opportunity. Failure to provide accommodation in a timely manner shall be justification for extension of application and other deadlines.
- D. Qualification standards, employment tests, or other selection criteria must not screen out or tend to screen out an individual with a disability unless they are job-related and necessary for the employer.
- E. Employment tests must be used in the most effective manner to measure actual abilities. Tests must accurately reflect the skills, aptitude, or other factors being measured, and not the impaired sensory, manual, or speaking skills of an employee or applicant with a disability (unless those are the skills the test is designed to measure).
- F. Staff at designated contact points for information about job openings and the application process shall be given the training and authority necessary to initiate the agency/institution's process for the provision of reasonable accommodations.

## **VII. TO ALLOW APPLICANT/EMPLOYEE TO PERFORM THE ESSENTIAL FUNCTIONS OF THE JOB:**

- A. Determination of the Essential Functions: Each position should be examined, to determine its purpose and its essential functions. Appropriate times to examine a position include when the position is established, when it becomes vacant, and when the duties are changed. The following criteria should be considered in identifying the essential functions of a job:
  - Are employees in the position actually required to perform the function
  - Would removing that function fundamentally change the job
  - Was the position established to perform the function
  - Are there a limited number of other employees available to perform the function, or among whom the function can be distributed
  - Is the function highly specialized, and is the person in the position hired for special expertise or ability to perform it
- B. Upon receiving a reasonable accommodation request, the agency/institution shall consult with the individual with a disability to find out how his or her specific physical or mental abilities and limitations as they relate to the essential job functions, identify the barriers to job performance and assess how an accommodation can overcome these barriers.
- C. The agency/institution shall consult with the employee, and may consult with other knowledgeable sources, to identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

- D. If there are two or more effective accommodations that would allow the individual with a disability to perform essential job functions, after considering the preference of the individual with a disability, the employer may select the accommodation to be provided.
- E. When an accommodation in an employee's present position is not reasonable, or would cause an undue hardship, the agency/institution shall attempt to accommodate the employee through reassignment to another vacant position, at the same pay range or lower, for which s/he is qualified, within the same agency/institution. The agency/institution should also, within the practical limitations of its ability assist the employee in identifying and applying for vacant positions, for which s/he is qualified, within other agencies/institutions. The employee is responsible for providing current information showing skills, abilities, training, and experience; identifying the types of jobs s/he is interested in and qualified for; applying for vacant positions; and advising the employer of any change of address. The agency/institution is responsible for informing the employee of these responsibilities.

#### **VIII. TO ALLOW AN EMPLOYEE TO ENJOY EQUAL TERMS, BENEFITS, PRIVILEGES AND CONDITIONS OF EMPLOYMENT**

- A. Reasonable accommodations must be provided to enable an employee with a disability to enjoy terms, benefits, privileges and conditions of employment equal to those enjoyed by similarly situated non disabled employees.
- B. The need to provide a reasonable accommodation must not be a factor in the selection of an employee for promotion, training, travel, participation in projects, committees, developmental work assignments or any opportunity which may have an impact on an employee's career development.
- C. Reasonable accommodations must be provided to enable an employee with a disability the opportunity to enjoy all employer supported social or recreational activities.
- D. Timelines for all activities and opportunities covered under this section shall allow adequate opportunity for arranging reasonable accommodations.
- E. Information contained in communications regarding activities or opportunities covered under this section must be provided to an employee with a disability in a manner or format which is readily accessible to that employee; and employees must be notified about the employer's obligation to provide reasonable accommodations, and instructed as to how to initiate such a request.

#### **IX. THE UNDUE HARDSHIP LIMITATION**

An agency/institution's responsibility to make a particular reasonable accommodation is limited by the defense that doing so would impose an undue hardship on the operation of the agency/institution. However, if a particular accommodation would impose an undue hardship, the employer must consider whether there are alternative accommodations that would not impose such hardship.

- A. Written justification, signed by the Director of the agency, the President for the institution, or equivalent, must be provided for any decision not to provide a reasonable accommodation because of undue hardship. The justification should demonstrate a consideration of the Disability Accommodation Revolving Fund at the Department of Personnel, and should explore the practical and available limits of the agency/institution's ability to draw upon resources available elsewhere within state government.
- B. If the cost of a reasonable accommodation would impose an undue hardship, and there are no other financial resources available, the individual with a disability must be given the option of providing the accommodation, or paying that portion of the cost which would constitute an undue hardship.

- C. The following criteria shall be considered in determining undue hardship:
- a) The nature and net cost of the accommodation needed, taking into consideration the availability of outside funding.
  - b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of employees, and the effect on expenses and resources.
  - c) The overall financial resources of the covered entity with respect to the number of employees and the number and type and location of its facilities.
  - d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness, and administrative or fiscal relationship of the facility or facilities in question to the covered entity.
  - e) The impact of the accommodation on the operation of the facility including the impact of the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

## **H. NONDISCRIMINATION IN APPLYING NEPOTISM RULES**

**Preamble.** Federal Executive Order #11246, as amended, requires federal contractors to ensure that their personnel policies and practices do not discriminate against employees or applicants on the basis of race, color, religion, sex or national origin. Among those practices which may have the effect of discriminating against individuals on the basis of sex are anti-nepotism policies.

**Policy.** Western Washington University is committed to ensuring that anti-nepotism policies do not discriminate against individuals on the basis of their sex. The institution may set reasonable restrictions on an individual's capacity to function as judge or advocate in specific situations involving a member of his or her immediate family. Those restrictions, however, shall not have the effect of denying equal employment opportunity to one sex over the other.

*Adopted by the Board of Trustees on April 12, 1996*

## **II. Procedures**

Western Washington University is required to develop and implement procedures which ensure equal opportunity, and to effectively address situations which violate its nondiscrimination policies. The following section outlines the University's internal procedures for handling illegal discrimination complaints, recruiting and selecting employees, and making requests for reasonable accommodation.

### **A. DISCRIMINATION COMPLAINT PROCEDURE**

#### **Introduction**

The University is committed to resolving complaints of illegal discrimination at the earliest and most informal level, conducting internal investigations in a timely and effective manner, adhering to the principles of due process in all investigations and hearings, and providing prompt corrective action if discrimination is found to have occurred. No individual shall be penalized, or retaliated against in any way by a member of the University community for his or her participation in this complaint procedure.

#### **Purpose and Jurisdiction**

This procedure is limited to complaints which allege discrimination on the basis of race, color, creed, religion, national origin, sex (including sexual harassment), sexual orientation, age, marital status, disability (including failure to provide reasonable accommodation), or status as a disabled veteran or Vietnam-era veteran. Aggrieved parties will be referred to as complainants. Persons alleged to have engaged in illegal discrimination will be referred to as respondents.

This procedure is internal to the University and applies to incidents that take place at the University or are related to University operations. Individuals who may use this procedure include, but are not limited to:

- Individuals applying for enrollment or employment to the University
- Students
- Faculty, with or without rank
- Graduate assistants
- Classified employees

- University administrators
- Exempt professional employees
- Users of University services

Supervisors, unit heads, department chairs and others in leadership are charged with the responsibility of ensuring nondiscrimination in the employment and academic environment. Therefore, complainants are encouraged to bring their concerns to such leaders for resolution.

To facilitate investigation, complaints should be brought forward as soon as possible after the alleged act of discrimination.

Individuals also have the right to file complaints of discrimination with the appropriate state or federal agency or a lawsuit in a court with jurisdiction.

### **Responsibility for Implementation**

The Executive Director of the Equal Opportunity Center has overall responsibility for assuring University compliance with nondiscrimination laws and regulations, and receives formal complaints.

The Equal Opportunity Center receives informal complaints and requests for clarification on what constitutes illegal discrimination.

The Vice President for Student Affairs has responsibility for administration of the student conduct system and for determination of any disciplinary actions against students which might arise from a complaint of student misconduct. Procedures for this action are detailed in the Student Rights and Responsibilities Code, found in the University General Catalog and in the Washington Administrative Code at Chapter 516-23 WAC.

### **Procedure**

Confidentiality is essential in matters involving allegations of illegal discrimination. Complainants, respondents, and participants in these processes are urged to treat all information as confidential and to disclose information about the case only when it is absolutely essential to making the determinations involved in this procedure. Breaches of confidentiality may be the basis for claims of unprofessional conduct, student conduct code violations, or charges of slander and retaliation.

#### **1. Informal Resolution**

- Discussion with respondent.*** Complainants are urged to discuss with the respondent or bring to the attention of the respondent any inappropriate behavior in order to make the respondent aware of the manner in which his/her action is received and allow for self-corrective action.
- Discussion with leadership encouraged.*** If attempts to discuss their concerns with the respondent are unsuccessful or ill-advised, complainants are encouraged to discuss their concerns with the appropriate supervisor or department chair who is responsible for taking corrective action. The matter may be concluded by mutual consent at this point. Supervisors and chairs are encouraged to utilize the expertise of the Equal Opportunity Center when handling such matters and are advised to maintain documentation sufficient to demonstrate a timely, appropriate and adequate response.
- Role of the Equal Opportunity Center.*** If resolution satisfactory to the complainant does not occur, the complainant may contact the next person in the administrative line or the Equal Opportunity Center to seek resolution. The Center will assign a staff member to discuss options for handling the situation and

make referrals to appropriate resources and support services. If the Equal Opportunity Center has jurisdiction over the complaint, the complainant may authorize an attempt at informal resolution which shall be concluded within 15 working days after jurisdiction is determined.

At any point in the process, the complainant may provide written notification to the Equal Opportunity Center that the situation is resolved or that no further University action is desired. Written materials will be retained in active files for three years, and in the University Records Center for four years.

## 2. Formal Complaints

- a. **Filing the formal complaint.** A complainant who is not satisfied with the outcome of the informal resolution process may file a written complaint with the Executive Director of the Equal Opportunity Center (EOC). The complainant will submit a formal complaint form (available from the EOC) which will include a written statement describing the alleged discrimination. Upon receipt by the EOC, the complaint shall be marked with the date received. That date shall be referred to as the case filing date. Time limits set forth in these procedures may be extended by the EOC Executive Director, at his or her discretion, or upon written application to the EOC Executive Director by the complainant, respondent, or the unit Vice President. The Executive Director shall inform the parties when extensions of the time limits are made. Only in extremely unusual circumstances may an extension prevent the procedure from being completed within 100 working days of the case filing date.
- b. **Determination of whether complaint is subject to procedures.** Within ten (10) working days of the case filing date, the EOC Executive Director or designee shall determine whether the facts alleged in the complaint fall within the purview of these procedures. If not, the complainant shall be notified in writing. No appeal may be taken internally of this determination. A complainant or respondent who feels that action is warranted even though the EOC has found otherwise may make a complaint through other internal procedures, such as the appropriate grievance committee, or externally to an agency such as the Equal Employment Opportunity Commission.
- c. **Steps taken to proceed with complaint.** If the EOC Executive Director determines that the complaint falls within the purview of these procedures, s/he shall:
  - i) Provide a copy of the complaint to the respondent(s), together with a copy of these procedures, and request a written response to the allegations
  - ii) Provide a copy of the complaint to the appropriate Vice President and the respondent(s)' Dean or unit head
  - iii) Consult with the complainant, the department chair or unit head, and the respondent(s), all of who may identify other persons having personal knowledge of the alleged incidents and all of whom will be advised of the necessity for confidentiality
- d. **Written response may be filed.** Within ten (10) working days after receiving notification of the complaint, the respondent may submit to the EOC Executive Director a written response to the complainant's allegations. The respondent is encouraged to provide a written response; however, refusal to answer a charge or to participate in an investigation will not prevent the process from proceeding. Refusal to respond may result in the investigation proceeding solely on the basis of the complainant's testimony and evidence.
- e. **Investigation assistance.** The investigation will be conducted by the Equal Opportunity Center. However, parties to the complaint may request that a representative of their constituent group be assigned to work with the EOC. Such representatives will be appointed by the Provost and trained by the EOC. (Faculty members appointed to assist in the investigation will be drawn from the membership of the Faculty Grievance Committee, subject to procedures in the Faculty Handbook Appendix E, III.B.C.D.)

Persons appointed to assist in an investigation may participate in the following manner:

- Assist the EOC Executive Director in the development and implementation of an investigative plan, including the development of questions that take into appropriate consideration issues of academic freedom and tenure
  - Assist the EOC Executive Director throughout the investigative process in gathering information, analyzing data acquired during the course of the investigation, and developing the investigative report and findings. The EOC Executive Director and/or his/her designee(s) alone will conduct all personal interviews.
- f. **Investigation and report.** Within forty-five (45) working days after determining jurisdiction, the EOC Executive Director or her/his designee shall:
- i) Conduct an investigation, which may include interviews with those identified by the parties as having personal knowledge of the alleged incidents and others identified in the investigation whose testimony may shed light on the complaint
  - ii) Review written responses as appropriate
  - iii) Prepare a written investigative report and findings which detail the investigation process, lists the persons interviewed or consulted, and summarizes the information obtained
  - iv) Provide a copy of the investigative report and findings to the complainant(s), respondent(s), the appropriate Vice President, the appropriate Dean, and the department chair or unit director
- g. **Review by Vice President.** Within 10 working days after receiving the investigative report, the appropriate Vice President or designee will determine appropriate actions in response to the findings. The Vice President's response shall be documented in writing and provided to all appropriate parties, including the EOC. Should the resolution of a complaint result in disciplinary action(s) for the respondent, the respondent(s) may seek review of the action(s) using the appropriate appeal procedures.
- i) **Sanctions.** Sanctions to be considered by the Vice President can vary in type, intensity and duration, depending on the specifics of each case. All sanctions, with the exception of termination or dismissal, may include mandatory training sessions. Upon request from a faculty respondent, the Vice President may seek the advice of selected members of the Senate Executive Council in determining a sanction. Dismissal procedures will conform to the specifications in the Faculty Handbook, including the AAUP guidelines referenced therein. Examples of sanctions to be considered are:
- Letters of reprimand
  - Community/public service
  - Monetary compensation to complainant
  - A reduction of job responsibility or demotion
  - Denial or postponement of leaves or salary increases
  - Suspension from employment
  - Dismissal or suspension from the University

### 3. **Complaint Initiated by Administration**

The President, Provost, Vice Presidents, Deans, Directors, Supervisors or Chairs, if given sufficient cause, may request that the Equal Opportunity Center conduct an investigation. The administrator requesting the investigation will then act as the complainant and must specify the persons, with their permission, who are

alleged to be the victims of the questionable conduct. The EOC will use the same notification and process guidelines outlined in the internal complaint procedure. In the event that the investigation indicates that illegal discrimination has occurred, appropriate disciplinary action may be taken. The administrator who initiated the complaint will not be involved in reviewing the findings or determining sanctions. Appeal of any such action may be filed under the appropriate grievance procedure or relevant disciplinary process.

#### 4. Investigative Record

- a. **Records custodian.** The Equal Opportunity Center shall maintain the investigative records for complaints filed pursuant to these procedures. The investigative records shall include the written complaint, the written response, investigative summaries of the EOC Executive Director, other written materials considered in the course of the investigation, the EOC Executive Director's written report, the Vice President's written response to the investigative report, and any documentation which confirms that actions recommended by the Vice President were taken. The investigative records shall be maintained under appropriate security in the Equal Opportunity Center.
- b. **Records retention.** The investigative file will be retained in the Equal Opportunity Center files for three (3) years and in the University Records Center for four (4) years.
- c. **Investigative records not subject to public disclosure.** Investigative records pertaining to claims of discrimination in employment or unfair practices under chapter 49.60 RCW, the state's Law Against Discrimination, are not subject to public disclosure under the Public Records Disclosure Law, Chapter 42.17 RCW. In the event disciplinary action is taken against an employee, those personnel records relating to specific instances of misconduct may be subject to disclosure pursuant to the Public Records Disclosure Law.

#### 5. Filing a False Complaint or Retaliating Against Participants in the Process

Filing a false complaint is considered to be serious misconduct and such offenses will be subject to the full range of sanctions. A finding that discrimination did not occur will not in itself be the basis for a charge of false complaint. Similarly, retaliating against participants in these proceedings is serious misconduct, and is subject to sanction. The procedure described in this document will be available to anyone who wishes to allege that a false complaint has been filed or that retaliation has taken place.

#### 6. Alternative Complaint Process

- a. **Internal.** The complainant may not elect to use other internal grievance procedures (such as the faculty grievance procedure, student conduct code, or labor agreement grievance procedure) for complaints pertaining to claims of illegal discrimination.
- b. **External.** A person who believes that s/he has been the subject of discrimination prohibited by state or federal law may choose to file a discrimination complaint by contacting one of the following agencies within their established time limits.

Washington State Human Rights Commission  
1511 Third Avenue  
Melbourne Tower, Suite 921  
Seattle, WA 98101-1626  
Phone: (800) 605-7324  
TTY: (206) 587-5168

U.S. Department of Education  
Office of Civil Rights  
915 2nd Avenue, Room 3310  
Seattle, WA 98174-1099  
Phone: (206) 220-7900  
TTY: (206) 220-7907

U.S. Department of Health and Human Services  
Office for Civil Rights  
2201 Sixth Avenue, Suite 900  
Seattle, WA 98121-1831  
Phone: (206) 615-2287  
TTY: (206) 615-2296

Office of Federal Contract Compliance  
Regional Director, Region X  
71 Stevenson Street, Suite 1700  
San Francisco, CA 94105  
Phone: (415) 848-6969

Equal Employment Opportunity Commission  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
Phone: (206) 220-6883  
TTY: (206) 220-6882

*Adopted by the Board of Trustees on April 12, 1996*

*Updated by the EOC on October 27, 1998*

*Updated by the EOC on August 23, 2001*

## **B. STANDARD RECRUITMENT AND HIRING PROCEDURES**

### **1. Exempt Professional and Faculty Procedures**

- a. ***Position Approval.*** The hiring unit shall prepare a statement of rationale supporting the allocation of a position, including a draft of the position description. The Dean or Vice President shall meet with the Provost or President to discuss the position, including salary range and type of search, and gain approval to open the position. Approval to proceed will be indicated in the Allocation Approvals Section of the *Request to Recruit Form*.
- b. ***Recruitment Approval.*** The hiring unit shall, in consultation with the Equal Opportunity Center, finalize the position description, draft the position announcement and advertisements, develop a recruitment plan and establish a search committee. Upon receipt of the materials, the EOC shall contact the Dean or Vice President to review utilization statistics for the specific job group to which the position belongs and to determine whether the recruitment plan reflects hiring unit and University affirmative action goals. Particular attention shall be paid to implementing strategies for recruiting faculty and staff from populations presently underutilized in the hiring unit work force. Approval to proceed with the proposed recruitment plan will be indicated on Section 2 (Development and Approval of Search and Screening Documents) of the Request to Recruit Form.
- c. ***Establishing the Search Committee.*** The unit administrator shall select a search committee chair who is capable of providing leadership and ensuring a legally defensible search process, and search committee members who understand the position to be filled, are committed to equal employment opportunity, and who have the capacity for balanced judgment and discretion. Whenever possible, committees should represent diverse backgrounds and perspectives.
- d. ***Initiating the Search.*** The search committee shall:
  - (i) At its first meeting, receive orientation from the Equal Opportunity Center regarding the development and use of standard selection procedures (including criteria and rating guides), guidelines for conducting a legal interview, the University's hiring procedures, and principles of non-discrimination
  - (ii) Receive a formal charge from the unit administrator

- (iii) Set its meeting schedule, establish the applicant review process, and determine record-keeping procedures
  - (iv) Conduct the search, maintain recruitment files, send each applicant an AA data postcard, and maintain professional and timely communication with applicants
  - (v) Maintain an applicant list, using an Applicant Record Form available from the EOC
- e. **Reviewing Applications.** After the advertised closing or review date, the committee shall review application materials using the selection procedures they devised. If the committee chair has concerns about the size or composition of the applicant pool at this stage of the process, s/he is encouraged to consult with the EOC and the Dean or Vice President to determine if additional recruitment strategies are needed.
- f. **Selecting Finalists.** When the committee has arrived at a list of finalists it wishes to recommend to the unit administrator, it shall note the disposition of all applicants on the Applicant Record Form, attach it to the Request to Recruit Form, and submit it to the following individuals for approval to schedule finalist interviews:
- (i) Faculty Positions: to the Dean, Provost and the EOC
  - (ii) Professional Exempt Positions: to the appropriate vice president and the EOC
  - (iii) Vice Presidents: to the President and the EOC

The EOC and the unit administrator shall review the search committee's recommendations. Based on this review, the EOC and the unit administrator may request permission from the President or the Provost to interview additional candidates, extend the search process, close the search, or approve the committee's recommendations. The review of interviews is documented in Section 3 of the Request to Recruit Form.

- g. **Conducting the Finalist Interviews.** Upon approval, the unit administrator and search committee chair shall schedule interviews, and ensure that the interview process conforms to nondiscrimination principles.
- h. **Extending the Offer for Employment.** The unit administrator shall inform the EOC of his/her choice, provide written justification for the selection, and meet with the Provost or the President to discuss terms for extending the offer to employ. Section 4 of the Request to Recruit Form shall be completed by the EOC, the unit administrator, and the Provost or President before an offer is extended. Upon acceptance of the offer, the EOC and the President or Provost will be notified.

The offer shall include the following elements, according to employment category:

**FACULTY:**

*"The terms and conditions of employment of a faculty member are contained in the faculty member's contract with the University, and shall include the provisions of this handbook. These terms and conditions, which shall have the approval of the department and the dean, will be described in a letter of offer from the Provost/Vice President for Academic Affairs. This letter and the provisions of this handbook will be the sole basis for determining the contract. The items to be defined in the letter of offer shall be the position to be filled, academic rank, salary, specification of appointment (permanent, probationary, or limited-term), and arrangement regarding the evaluation of previous experience, expectations with respect to the completion of advanced degrees in relation to rank and tenure, and any other special or limiting provisions. The*

*President, as appointing authority, must approve all conditions of initial employment and all renewal agreements until tenure is granted.*

*The faculty member will be advised by the department chair or appropriate dean or director at the time of initial appointment of the substantive standards and procedures generally employed in decisions affecting renewal and tenure as well as any special standards adopted by the faculty member's department or college. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be given the opportunity to submit material which may be helpful to an adequate consideration of his/her renewal or tenure."*

*Faculty Handbook, Section IV.B.1.&2.*

## **PROFESSIONAL EXEMPT:**

Documentation pertaining to the offer of employment, including copies of the letter of offer, rationale supporting the terms of the offer, the conditions of employment review, an employee role statement, and an expectation of yearly evaluation shall be included in the offer letter and maintained in the committee files.

- i. ***Documentation of the Recruitment and Selection Process.*** Disposition of search records is coordinated by the EOC, which maintains joint access to the files with the employing department.

## **2. Classified Staff Procedures**

Classified staff recruitment is conducted by the Human Resources Department following procedures and rules adopted by the Washington State Personnel Resources Board. The rules which establish the procedures are contained in Chapters 251-17 through 251-19 WAC (Washington Administrative Code). The law which authorizes the adoption of the rules is found in Chapter 41.06 RCW (Revised Code of Washington). If any rules are adopted by the Washington State Personnel Resources Board or laws are signed into effect by the Governor which conflict with these procedures, those rules apply. Procedures should be amended accordingly. Copies of the current law and regulations are available in the Government Documents Section in Wilson Library and the Human Resources Department.

- a. ***Position Description.*** Classified staff position descriptions shall be developed by the hiring department in consultation with the Human Resources Department.
- b. ***Approval to Recruit.*** The hiring department or office shall request approval to recruit for a classified position from the appropriate hiring official (Dean, Vice President or President). Upon approval to recruit for a position, the employing official shall submit a signed Request to Recruit Form to the Human Resources Department. Upon Human Resources Department approval, the Request to Recruit Form shall be submitted to the Equal Opportunity Center.
- c. ***Eligibility List Established.*** Upon receipt of the Request to Recruit Form, the Human Resources Department will establish an eligibility list, or utilize an existing list to certify candidates. In developing these lists, the Human Resources Department shall consider the utilization analysis provided by the EOC. The recruitment procedure used to establish eligibility lists for classified staff is administered by the Human Resources Department following rules adopted by the Washington State Personnel Resources Board.
- d. ***Orientation Required.*** The employing official may elect to use a selection committee to consider the certified candidates. Prior to review of the candidates and the interview phase, the Equal Opportunity Center shall provide orientation to employing officials or members of selection committees on conducting legal interviews and the use of standard selection procedures.

- e. **Selection Process.** The selection process for classified staff is also governed by rules adopted by the Washington State Personnel Resources Board. The examination and certification process is designed to evaluate candidates in a fair and consistent manner using standard selection criteria for the job classification. Only a limited number of the most qualified candidates are submitted to the employing official as a list of certified candidates. This list is referred to as the certification record. The certification record will identify the groups which are underutilized in the job classification, and for whom goals have been established by the University's Affirmative Action Plan. The employing official shall meet with the EOC to discuss affirmative action goals for his or her department or office.
- f. **Review by the Equal Opportunity Center.** The employing official shall inform the Equal Opportunity Center of his/her preferred candidate and provide written justification for the selection. In addition, the employing official will provide written justification for not selecting any underutilized affected group candidates on the certification record.
- g. **Offer Made and Accepted.** The employing official will issue an offer to the candidate selected.
- h. **Closure of Recruitment.** Upon acceptance of an offer by a finalist, the employing official will indicate the disposition of each candidate on the certification record and return the applicant material to the Human Resources Department. Upon receipt of all records, Human Resources will provide data indicating the diversity of the applicant pool and the status of each applicant to the Equal Opportunity Center.

#### **Guidelines for Developing Standard Selection Procedures**

Employment decisions include such actions as hiring, promotion, transfer, demotion and lay-off. In making such decisions, employing officials and search committees are obligated by university policy to use standard selection procedures to weigh the relative qualifications of the applicants. The procedures developed in each instance shall be:

1. **VALID:** *Valid selection procedures are **predictable** (i.e., they would probably result in the same outcome if conducted by another group), **measure what they intend to measure**, and are **relevant to successful performance of the job**.*
2. **RELIABLE.** *A selection procedure is reliable if it is applied consistently to each applicant for a given job, and to each employee for every promotion, transfer, demotion or lay-off. One of the best ways to ensure the reliability of a selection procedure is to maintain written documentation. **For example**, a reliable selection procedure for a new hire uses written rating guides which identify selection criteria that are consistently applied to all applicants for a given position.*
3. **DEFENSIBLE.** *A selection procedure is defensible if it conforms to sound principles of public personnel administration. **For example**, defensible criteria for selecting a faculty member include academic credentials which would enable the individual to teach in a given area; a defensible procedure for selecting classified staff employees for lay-off would arise from the written rules and regulations of a bona-fide seniority system or other rules as adopted by the Washington State Personnel Resources Board.*
4. **CONSISTENT WITH THE UNIVERSITY'S GOALS AND PHILOSOPHY.** *A selection procedure is consistent with University goals and philosophy to the extent that it complies with the written policies and procedures of the institution, and reflects the values inherent in the University's strategic plan. **For example**, a consistent selection procedure for hiring a probationary faculty member would be to review all candidates' experiences in creating undergraduate research projects as a component of their own scholarship.*

Employing officials who have questions about applying standard selection procedures to such decisions as transfer, demotion and lay-off should contact the Equal Opportunity Center. Standard selection procedures vary according to employee category.

*Adopted by the Board of Trustees on April 12, 1996  
Updated and revised by the President on August 13, 1999  
Updated by the EOC on August 23, 2001*

### **C. PROCEDURE FOR REQUESTING REASONABLE ACCOMMODATION**

Employing officials, search committee chairs, supervisors, program directors, deans, faculty and department chairs may all receive requests for accommodation from persons with disabilities. Such requests may be submitted by employees, students, applicants for employment, individuals seeking admission to the University or its academic programs, and persons wishing to use University services or participate in University activities and events. The appropriate university contact varies, depending on whether the person requesting accommodation is a student, employee, applicant, or a member of the general public.

It is the obligation of an individual with a disability to request reasonable accommodation from an appropriate university contact, and to provide documentation of the disability if needed.

- a. **Students.** Students with documented disabilities who are enrolled at the University may request accommodation directly from faculty or contact the Disabled Student Services Office for assistance and advice. Documentation of the student's disability will be maintained in the Disabled Student Services Office.
- b. **Employees.** Current employees may request accommodation from their immediate supervisor; or contact the Human Resources Department or the ADA Coordinator for assistance and advice. When the disability is not readily apparent, the employee may need to provide medical verification to the Human Resources Department that s/he has the disability claimed and that it has the effect of necessitating an accommodation. The University may obtain a second opinion at its own expense from a medical professional of its own choosing.
- c. **Applicants for Employment.** Applicants may request accommodation during the application or interview process from the search committee chair or hiring official, or may contact the Human Resources Department or the ADA Coordinator for assistance and advice.
- d. **Applicants for Admission.** Applicants may request accommodation during the application process from the Admissions Office, or contact the Disabled Student Services Office for assistance and advice.
- e. **Members of the General Public** seeking accommodation for a specific university activity, service or event open to the public should submit their request to the program's director in advance of the date upon which the accommodation is sought.

All University officials who receive accommodation requests shall contact the ADA Coordinator for assistance and advice. The ADA Coordinator is responsible for ensuring that requests for accommodation are considered on a case-by-case basis in accordance with state and federal regulations, and that appropriate University officials are involved in evaluating the request, identifying funds and resources and implementing the accommodation. The Human Resources Department is responsible for determining essential functions of exempt-professional, classified and faculty positions, in consultation with the employing official. The right to reject an accommodation because of undue hardship is reserved for the University President or his/her designee.

The ADA Coordinator is Robbi Ferron. She may be reached at (360) 650-3306 (V) or (360) 650-7606 (TTY).

*Adopted by the Board of Trustees on April 12, 1996*

*Revised by the EOC on December 7, 1998*

*Fall 2001: This policy is being updated and revised. An update will be made available to the Faculty Handbook.*

See also "Addendum A" to Section I.G. Reasonable Accommodation Policy