Overview – Equal Opportunity (EO) Office Resolution Processes

The EO Office addresses complaints of discrimination or harassment alleged to violate one or more of the following university policies: “Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation” (POL-U1600.02); “Accommodating Persons with Disabilities” (POL-U1600.03); “Preventing and Responding to Sex Discrimination, Including Sexual Misconduct” (POL-U1600.04). Such a complaint must allege discrimination or harassment based on legally-protected characteristics: race, color, creed, religion, national origin, sex (including pregnancy and parenting status), disability, age, veteran status, sexual orientation, gender identity and expression, marital status, or genetic information, and will be addressed pursuant to the University’s Discrimination Complaint Procedure (PRO-U1600.02A).

As detailed in the Discrimination Complaint Procedure, complaints may be initiated by an aggrieved party (faculty, staff or student), an administrator, or the EO Office.

If a faculty member, supervisor, or other Western employee receives a discrimination or harassment complaint from a student or employee, that complaint must be reported to the Equal Opportunity Office.

The processes outlined here are flexible and may be modified on a case-by-case basis to support an impartial, thorough, and effective process.

I. Contacting the EO Office – Requesting Assistance regarding a concern or complaint pertaining to a protected characteristic (see above)

Students, faculty, staff and others listed in PRO-U1600.02A who have a concern or complaint related to a legally protected characteristic [e.g., feel that they have been harassed, or believe they have been discriminated against on the basis of one or more of these characteristics], are encouraged to contact the EO Office. This is typically a brief discussion without a lot of details. If the concerns do not fall under the jurisdiction of the EO Office, the EO Office will provide guidance about and referral to, as appropriate, another office on campus that may be of assistance to the individual.

A. Intake

If it appears that a concern is appropriate for the EO Office, EO Office staff will schedule an in-person intake appointment to discuss the concern further. Faculty and classified staff have a right to union representation at this meeting and any subsequent meetings. At the intake meeting, EO Office staff will:
1. **Review the Role of the EO Office.** The EO Office acts as a neutral fact-finder, investigator and/or facilitator of a resolution, and the discrimination complaint process (PRO-U1600.02A). Due process is provided to all parties.

   a. The EO Office will assess the concern/complaint and determine appropriate avenues for resolution, providing the various options available to the individual.

   b. If the complainant so chooses, informal resolution may be undertaken via avenues such as mediation. Informal resolution is not possible in cases of alleged sexual violence.

   c. The complainant may request a formal investigation to look into their concerns.

   d. The EO Office or an administrator may initiate a formal complaint investigation if the nature of the allegations is sufficiently serious, per the Discrimination Complaint Procedure.

2. **Review the Limits on Confidentiality.** While the EO Office utilizes discretion in sharing information, confidentiality has limitations. Information provided to the EO Office may be shared with leadership and other individuals in order to investigate and resolve the matter. Should there be a public records request, court order, or request from an external agency (e.g., Equal Employment Opportunity Commission) EO records may be subject to release, in accordance with law.

3. **Review Protections from Retaliation.** Retaliating against someone for raising a concern of discrimination or participating in the discrimination complaint process, investigation and/or resolution is prohibited. Retaliation can be construed as a separate cause of action as reflected in civil rights laws. If the complainant is supervised by the respondent or the individual whom the concern is about, that individual should not take any disciplinary action without consultation with the EO Office.

4. **Gather Information/Facts.** The EO Office will gather information/facts from the complainant about their allegations. When interviews are conducted, both for informal resolutions and formal investigations, interviewees will be provided an opportunity to review their notes, revise for accuracy if needed, and initial to indicate approval.

5. **Review Safety Concerns.** The EO Office will ask whether the individual who is the subject of the alleged discrimination feels safe in their work, academic, and living environments. EO Office staff will review possible options for helping ensure safety during and after an informal resolution or formal investigation. Depending on whether the subject is faculty, staff, or a student, EO Office staff may discuss a possible change to one’s class schedule,

---

1 There are instances in cases of sexual violence, where the Title IX investigator may determine the need for fuller confidentiality.

Equal Opportunity Office
March 2015
residence hall, office location, or other ideas so that the complainant can be successful in their academic, working, and living environments.

6. **Review Resources.** The EO Office will share other resources and make referrals that may be helpful to the complainant, such as the Counseling Center, Consultation and Sexual Assault Support (CASAS), the Employee Assistance Program, and the Dean of Students Office.

**B. Seeking Informal Resolution (Request for Assistance)**

The EO Office seeks to resolve complaints at the earliest and lowest level possible, as appropriate. The EO Office frequently conducts “shuttle mediation” between both parties to effect an appropriate resolution. There may be instances in which an individual seeks an informal resolution, but the nature of the allegation is so serious that a formal investigation is warranted. In this case, the EO Office may initiate a formal investigation.

1. **Steps in an informal resolution**

   a. After the EO Office conducts an intake with the concerned individual, the EO Office typically calls the individual whom the concern is about, to inform them a concern has been raised for which an informal resolution is sought. The EO Office schedules a meeting with the individual whom the concern is about, and shares with them the following information:

      i. They have a right to and may bring union representation to any meeting with the EO Office;

      ii. The EO Office works as a neutral, third party in attempt to resolve the concern;

      iii. Retaliation against someone who has raised a concern is prohibited by law;

      iv. The EO Office handles concerns with the utmost of discretion, but the process is not wholly confidential.

   b. The EO Office meets with the individual whom the concern is about. At this initial meeting, the EO Office reviews:

      i. The individual’s concerns;

      ii. The role of the EO Office and the informal resolution process;

      iii. The limits on confidentiality described in I.A.2 above;
iv. The right of all individuals participating in the resolution to be free from retaliation.

c. If a concern is resolved through informal resolution, the EO Office maintains a timeline of the resolution process that summarizes the process, interviews, and resolution. Feedback regarding resolution is provided to both parties and relevant leadership.

d. If the informal resolution is not satisfactory to the concerned individual, they still have the right to file a formal discrimination complaint.

C. Formal Investigation Process

When the formal investigation process is utilized, the EO Office conducts a fact-finding investigation and tries to ascertain by a preponderance of evidence if it is more likely than not that the complainant’s allegations occurred. If the allegations are found to have occurred, the EO Office determines whether those allegations constitute illegal discrimination and/or violations of university policy. The EO Office provides due process to all parties involved in a complaint.

A case may be informally resolved even after a formal investigation is underway.

1. Steps in a formal investigation (See Discrimination Complaint Procedure)

   a. When a complainant requests a formal investigation, a written statement of allegations is provided by the complainant or written by an EO Office staff member based on conversation with the complainant, and signed by the complainant.

   b. The EO Office reviews the complaint and, within ten working days, determines whether the complaint falls within the EO Office’s jurisdiction. If a complaint falls within the EO Office’s jurisdiction, the EO Office proceeds as follows:

   c. The EO Office notifies relevant leadership of the complaint.

   d. The EO Office contacts the respondent and sets up a meeting. If the respondent is represented by a union, they have a right to bring union representation to any meeting with the EO Office. At the respondent’s initial meeting with the EO Office, the EO Office reviews:

      i. The role of the EO Office and the discrimination complaint procedure;

      ii. The limits on confidentiality described in I.A.2 above;

      iii. The right of the complainant and all people participating in the investigation to be free from retaliation;
iv. The complainant’s allegations.

e. Upon the respondent’s receipt of the complaint and allegations, the respondent has 10 working days to provide a written response to the EO Office.

f. The EO Office reviews the respondent’s written response and may ask the respondent clarifying questions to try to understand the context for the alleged behaviors.

g. The EO Office may ask the complainant and respondent to provide names of relevant witnesses and to provide relevant documents (for example emails, text messages, and hard copy or electronic documents).

h. The EO Office writes a report setting out the investigation process and any findings. Timelines are provided in the Discrimination Complaint Procedure. The EO Office reviews the report and findings separately with the complainant and respondent and provides each an opportunity to review the report’s accuracy of their comments or statements. The report is then provided to the complainant, respondent and relevant leadership (complainant and respondent’s supervisors and appropriate Vice Presidents).

i. Within 10 working days of receiving the report, the appropriate Vice President or designee determines appropriate actions in response to any findings.

j. After a formal investigation, the EO Office retains the investigation final report, and as relevant, may also retain a timeline and relevant documents.

k. Time limits set forth in these procedures may be extended by the Vice Provost at his or her discretion, or upon written application to the Vice Provost by the complainant, respondent, or the unit Vice President or Dean. The Vice Provost shall inform the parties when extensions of the time limits are made.

II. Outside Agency Complaint

As set out in the Discrimination Complaint Procedure, individuals who believe they have experienced discrimination or harassment in violation of federal or state law may choose to file a discrimination complaint with the appropriate federal or state agency.

Washington State Human Rights Commission
711 S. Capitol Way, #402 P.O. Box 42490
Olympia, WA 98504-2490
Phone: (800) 233-3247 TTY: (800) 300-7525
U.S. Equal Employment Opportunity Commission
Seattle Field Office
909 First Avenue, Suite 400
Seattle, WA 98104-1061
Phone: (800) 669-4000 TTY: (800) 669-6820

U.S. Equal Employment Opportunity Commission
131 M Street, NE Washington, DC 20507
Phone: (202) 663-4900 TTY: (202) 663-4494

U.S. Department of Education
Office for Civil Rights
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Phone: (206) 607-1600 TDD: (206) 607-1647

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Phone: (800) 421-3481 TDD: (800) 877-8339

U.S. Department of Labor Office of Federal Contract Compliance Programs
Seattle District Office
300 Fifth Avenue, Suite 1100
Seattle, WA 98104
Phone: (206) 398-8005

U.S. Department of Labor Office of Federal Contract Compliance Programs
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210
Phone: (800) 397-6251 TTY: (877) 889-5627