Equal Opportunity (EO) Office  
Frequently Asked Questions

1. **Question:** How does WWU protect civil rights for students, faculty and staff?

   **Answer:** Policy-U1600.02  “Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation” prohibits discrimination and harassment based on legally protected characteristics. Additional university policies that offer this protection include: Policy-U1600.04  “Preventing and Responding to Sex Discrimination, Including Sexual Misconduct;” Policy-U1600.03  “Accommodating Persons with Disabilities;” and Policy-U1600.06  “Prohibiting Consensual Intimate Relationships Between Supervisors and Supervisees.”

2. **Question:** What are legally protected characteristics?

   **Answer:** Legally protected characteristics are race, color, creed, religion, national origin, sex (including pregnancy and parenting status), disability, age, veteran status, sexual orientation, gender identity and expression, marital status, and genetic information. They are “legally protected” by virtue of federal and/or state statutes, and protect faculty, staff, and students’ civil rights.

3. **Question:** What if I was treated unfairly but not for any reason related to a legally protected characteristic?

   **Answer:** For faculty or staff, you may pursue a non-civil-rights complaint or concern by sharing it with your supervisor, the Human Resources Office and/or your union. For students, you may contact the Dean of Students Office or reference the Student Rights and Responsibilities Code (WAC 516-21).

4. **Question:** What services are available if I need emotional support during this process?

   **Answer:** For students: The Counseling Center is a confidential service available to you (http://www.wwu.edu/counseling/). If you are a sexual assault survivor, you may also contact Consultation and Sexual Assault Support (CASAS) (http://www.wwu.edu/pws/about_casas.shtml) and/or Domestic Violence and Sexual Assault Services (DVSAS), both of which are confidential resources (http://www.dvsas.org/).
For faculty and staff: the Employee Assistance Program (EAP) is a confidential counseling service available to you (http://www.hr.wa.gov/eap/Pages/default.aspx). If you are a sexual assault survivor, contact Domestic Violence and Sexual Assault Services (DVSAS) (confidential) at http://www.dvsas.org/.

5. **Question:** What if I feel I was treated unfairly based on a legally protected characteristic but am not certain this is the case?

**Answer:** The EO Office is here to be helpful to you. We will discuss the issue with you, and provide advice, assistance, and possibly referral, depending on your situation. Based on that, you may decide to utilize the EO Office or a different, more appropriate resource on campus. Please note that the EO Office is not a wholly confidential resource. The EO Office may initiate an inquiry or investigation into the matter if it determines you or others may be exposed to harm.

6. **Question:** What happens if I file a discrimination complaint with the EO Office?

**Answer:** The EO Office will ask you as the complainant to sign a complaint form outlining your allegations of discrimination, which will initiate a formal investigation. The EO Office will review your complaint and within 10 working days, determine if it falls within the purview of the office. The EO Office will initially try to determine with you if this is a matter that could be resolved through informal resolution. If this is not possible and a formal investigation is undertaken, the respondent (alleged offender) will have an opportunity to respond to these allegations, within 10 working days of receiving the allegations. The EO Office follows the Discrimination Complaint Procedure (PRO-U1600.02A) that includes conducting an investigation; interviewing witnesses for both parties when possible; and, reviewing relevant documentation/materials. The EO Office then tries to ascertain, by a preponderance of evidence standard, and within the context of the appropriate civil rights law or laws, whether the allegations occurred as alleged. Then, based on the substantiated allegations, the EO Office determines whether these substantiated allegations rise to a violation of policy or civil rights law.

7. **Question:** Can someone retaliate against me for complaining about discrimination?

**Answer:** 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, the respondent should not take any disciplinary action without consultation with the EO Office.

8. **Question:** What role does the EO Office investigator play?

**Answer:** The EO Office investigator serves as a neutral, third-party investigator who is a fact-finder. The investigator does not advocate for one party or another. The EO Office investigator determines whether any substantiated allegations rise to a violation of civil rights law or relevant university policy.

9. **Question:** What is a preponderance of evidence standard?

**Answer:** A preponderance of evidence means more likely than not. This differs from a criminal investigation which is based on proof beyond a reasonable doubt.

10. **Question:** What can I expect if someone files a complaint about me that involves a formal investigation?

**Answer:** As a respondent, you are entitled to due process, as outlined in the Discrimination Complaint Procedure ([PRO-U1600.02A](#)). The EO Office investigator will contact you about the complaint, review the complaint protocol and procedure, ask to meet with you to present you with a copy of the allegations, and request your written response to the allegations within 10 working days of receiving notification of the allegations. The EO Office investigator is neutral and is trying to understand what happened in the situation, by a preponderance of evidence standard.

11. **Question:** Can I bring my union representative with me to the EO Office?

**Answer:** Yes. A complainant, respondent, or witness has a right to bring their union representative with them to any meetings or discussions with the EO Office. The union representative may speak with you at this meeting, but the EO Office will focus on only involving you in their conversation.
12. **Question:** Can I bring anyone else with me to the EO Office?

**Answer:** Yes. If you would like to bring a support person with you to the EO Office, you may do so. The same parameters exist for the support person as stated above for the union representative.

13. **Question:** Is sexual harassment, including sexual violence (sexual assault, domestic violence, dating violence and stalking) a violation of civil rights laws?

**Answer:** Yes. Sexual harassment is a form of sex discrimination. Sexual harassment includes sexual violence. Forms of sexual violence are sexual assault, domestic violence, dating violence, and stalking, and violate Title IX of the Education Amendments of 1972. This law covers employees as well as students in educational institutions receiving federal financial assistance.

14. **Question:** If I am a student, when should I go to the EO Office vs. disAbility Resources for Students (DRS)?

**Answer:** Come to the EO Office if you feel you have not received the accommodations that you have requested AND DRS has not been able to resolve the matter to your satisfaction or if you feel you have been discriminated against based on your disability.

Please go to DRS to request an accommodation and to trouble-shoot concerns if you feel you are not receiving the accommodations you requested.

You may come to the EO Office if you have experienced discrimination in any form, based on your disability, including matters related to architectural and instructional technological access.

15. **Question:** If I am an employee, when should I go to the EO Office vs. Disability Services in Human Resources?

**Answer:** Come to the EO Office if you feel you have not received the accommodations that you have requested AND Disability Services has not been able to resolve the matter to your satisfaction or if you feel you have been discriminated against based on your disability.

Please go to Disability Services in Human Resources to request an accommodation and to
trouble-shoot concerns if you feel you are not receiving the accommodations you requested.

If you have concerns regarding architectural access, you may visit the EO Office and speak to the ADA Coordinator.

16. **Question:** Is what I say to an EO Office investigator confidential?

   **Answer:** While the EO Office utilizes discretion in sharing information, confidentiality has limitations\(^1\). 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.

17. **Question:** What complaint records are maintained in the EO Office after an informal resolution or formal investigation?

   **Answer:**

   EO Office records maintained may include:

   **Formal Investigation:** Final Report, which explains the investigation process, summarizes the information obtained, including interviews, and makes findings as appropriate; Relevant emails/documents.

   **Informal Resolution:** Timeline summarizing process, interviews, and resolution; relevant emails/documents.

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\(^{1}\) There are instances in cases of sexual violence, where the Title IX investigator may determine the need for fuller confidentiality.