

PROCEDURE

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See Also: [POL-U1600.02](#) Providing Equal Opportunity and Prohibiting Discrimination and Retaliation
[POL-U1600.03](#) Accommodating Persons with Disabilities
[POL-U1600.04](#) Preventing and Responding to Sex Discrimination, Including Sexual Misconduct
[POL-U1600.05](#) Implementing Affirmative Action Program
[Bias Incident Reporting Form](#)

PRO-U1600.02A 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, gender identity, gender expression, age, marital status, disability (including failure to provide reasonable accommodation), veteran status, or genetic information. 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:

- Staff (exempt and non-exempt)
- Faculty
- Students
- Individuals applying for enrollment or employment to the University
- 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. To facilitate investigation, complaints should be brought forward to the Equal Opportunity Office 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 Vice Provost for Equal Opportunity and Employment Diversity, Title IX and ADA Coordinator (Vice Provost) has overall responsibility for assuring University compliance with nondiscrimination laws and regulations.

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The Equal Opportunity Office (EOO) investigates complaints and provides advice on all aspects of discrimination.

The Senior Vice President for Enrollment and Student Services 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.

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Discretion in the sharing of information is essential in matters involving allegations of illegal discrimination. Improper disclosure of information may be the basis for claims of unprofessional conduct, student conduct code violations, or charges of slander and retaliation.

1. Informal Resolution

- a. **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.
- b. **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 EOO when handling such matters and are advised to maintain documentation sufficient to demonstrate a timely, appropriate and adequate response.
- c. **Role of the Equal Opportunity Office.** If resolution satisfactory to the complainant does not occur, the complainant may contact the next person in the administrative line or the EOO 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 EOO has jurisdiction over the complaint, the complainant may authorize an attempt at informal resolution.

At any point in the process, the complainant may inform the EOO that the situation is resolved or that no further University action is desired.

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 Vice Provost for Equal Opportunity and Employment Diversity. The complainant will submit a formal complaint form (available from the EOO) which will include a written statement describing the alleged discrimination. Upon receipt by the EOO, the complaint shall be marked with the date received. That date shall be referred to as the case filing date.

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- b. **Time Limit Extensions.** 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.
- c. **Determination of whether complaint is subject to procedures.** Within ten (10) working days of the case filing date, the Vice Provost or designee shall determine whether the facts alleged in the complaint fall within the jurisdiction of the EOO. 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 EOO 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.
- d. **Steps taken to proceed with complaint.** If the Vice Provost determines that the complaint falls within the jurisdiction of the EOO, 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) Inform the appropriate Vice President(s) and the complainant(s)' and respondent(s)' Dean or unit head of the complaint;
 - iii) Consult with the complainant, the department chair or unit head, and the respondent(s), all of whom may identify other persons having personal knowledge of the alleged incidents and all of whom will be advised not to disclose information about the allegation outside the complaint process.
- e. **Written response may be filed.** Within ten (10) working days after receiving notification of the complaint, the respondent may submit to the Vice Provost 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.
- f. **Investigation and report.** Within sixty (60) working days after determining jurisdiction, the Vice Provost or her/his designee shall:
 - i) Review respondent(s) response and conduct an investigation. Investigation may include interviewing those persons 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 and collecting and reviewing relevant documentation and materials;

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- ii) Prepare a written investigative report which explains the investigation process summarizes the information obtained, and makes findings as appropriate.
 - iii) Provide a copy of the investigative report to the complainant(s), respondent(s), the appropriate Vice President, and the appropriate dean.
- 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 EOO. 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.

Examples of sanctions to be considered are:

- a. Letters of reprimand;
- b. Community/public service;
- c. Monetary compensation to complainant;
- d. A reduction of job responsibility or demotion;
- e. Denial or postponement of leaves or salary increases;
- f. Suspension from employment;
- g. 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 EOO 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 EOO 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. Investigation or Informal Resolution Initiated by Equal Opportunity Office

If there is reason to believe that discrimination or harassment may have occurred but the person alleging discrimination or harassment and/or administrators do not choose to file a complaint, then the Vice Provost for Equal Opportunity and Employment Diversity may initiate an investigation into the matter or attempt to resolve the matter informally.

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5. Filing a False Complaint

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.

6. Retaliation Prohibited in Equal Opportunity Discrimination Investigations

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.

7. 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
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

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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