Briefing Paper on Proposed Changes to
Human Rights, 600-Series Policies for Eastern Washington University
Vince Lemus EEO/AA Coordinator X6874

Expectation:
Attached are the proposed changes to the Human Rights, 600 series policies for Eastern Washington University.

It is important Eastern Washington University’s Affirmative Action, Equal Opportunity (EO), and Sexual Harassment (SH) Policies and Complaint Procedures are consistent, accessible, understandable, and in compliance with laws enforced by the Washington State and Federal Equal Employment Opportunities Commission, and the host of other agencies responsible to ensure equal opportunity for students, faculty and staff. It is expected these policies have been reviewed in detail and revised accordingly, and are in compliance with federal and state statutes.

Summary:
Amendment to 600-090-020 Equal Opportunity, Affirmative Action and Anti-Discrimination Policy
- This single policy if approved will combine
  - 600-090-030 Anti-discrimination;
  - 690-090-050 External Resources;
  - 600-090-060 Recruitment Advertisements
And incorporate information from 600-090-040 Discrimination Complaint Procedures (as revised).

Amendment to 600-090-040 Complaint Investigation Procedures
This single policy if approved will:
- Amend current Policy 600-090-040 Discrimination Complaint Procedures
- Add complaint procedures for workplace and domestic violence complaints.

Amendment to 600-090-070 Sexual Harassment Policy
- This single policy if approved will:
  - Amend the current Policy and partially incorporate information from
    - Policy 600-090-040 Discrimination Complaint Procedures and
    - 690-090-050 External Resources.

Background:
It was imperative to combine and create policies to bring the university in compliance with current definitions of discrimination, accountability and procedures, and offer clarity to students, staff and faculty.

Revision of Policy 600-090-020 Equal Opportunity and Affirmative Action consolidates most EWU EO policies into a single document improving and ensuring
- One standard University commitment statement for EO and AA.
- The information is more accessible to the intended readers.
  - The policy is easier to read and understand.
  - Students, faculty and staff have a single source document for reference.
  - The language and intent are consistent with current laws.
  - An accurate listing of internal and external complaint agencies.

Revision of Policy 600-090-040 Complaint Investigation Procedures
As written, there is no current policy fully explaining complaint procedures or process for allegations of discrimination, sexual harassment, and or workplace violence. The policy, as revised, is intended to ensure clarity of the process, consistency, and accountability for the University’s investigative process. This policy comprehensively explains:

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
The EWU non-discrimination policy and commitment to address workplace violence.

The process of an investigation including

- Timelines
- Complaint filing procedures.
- Formal/Informal, University v. External complaints
- Management's role in the process.
- The alleged offender's right to representation.
- Definitions of reprisal and complaint determinations.
- Information on confidentiality.
- Web link to the EWU complaint form.
- An updated list of University Internal and External agencies

Revision of Policy 600-090-070 Sexual Harassment

- Changes to the policy include addition of:
  - The statement, "All compliance efforts with respect to these laws and regulations are under the direction of the Affirmative Action Coordinator."
  - More comprehensive (EEOC) definition of sexual harassment.
  - Clear instructions on filing of University (internal) and external complaints.
  - Clear instructions on formal and informal complaint process.
  - A definition of reprisal.
  - Information on confidentiality.
  - Web link to The EWU Discrimination/Harassment complaint form.
  - An updated list of Campus and External Resources.

Impacts:
The complaint procedures policy sets out new standards and expectations for the complaint process, improving service and understanding, increasing the workload and accountability for the EEO/AA Coordinator. There is no expected budgetary impact. This policy, if adopted, will also reduce the risk of liability for external complaints.

The changes in policies have led to the creation of a new sexual harassment and anti-discrimination brochures identifying primary and alternative points of contact for discrimination concerns. In addition, the alternative points of contact are being updated and added to the all EEO training. The list of contacts and informal means of resolution is also being made available on the web.

The changes in policies have led to the creation of a discrimination complaint form available on the University web site, the Human Resources office and EEO/AA office.

Alternatives:
- Approve without amendments;
- Amend the proposed changes and approve;
- Keep the current deficient policies in force.

Schedule and timing:
It is expected the approved policies will be effective for Fall quarter.

Attachments:
600-090-020 Equal Opportunity, Affirmative Action and Anti-Discrimination Policy
600-090-040 Complaint Investigation Procedures
600-090-070 Sexual Harassment Policy
Sexual Harassment Brochure
Complaint Form

This policy supersedes all other previous policies on this same subject.
Eastern Washington University
Governance System
Human Resources
TOPIC: 600 Human Rights

SUBTOPIC: 600-090 DISCRIMINATION
600-090-020 Equal Opportunity, Affirmative Action and Anti-Discrimination Policy

(1) Equal Opportunity and Affirmative Action Policy
The University is committed to equal opportunity, fair treatment and taking Affirmative Action to substantially increase the numbers and retention of minority group members; women, handicapped, disabled veterans, and the veterans of the Vietnam era in positions where they have not traditionally been employed. The University develops an annual federal compliance affirmative action program and submits an affirmative action update to Washington State Department of Personnel.

(2) Recruitment Advertisements
To help meet The University’s commitment to taking Affirmative Action to ensure equal opportunity and fair treatment, all advertisements for employment must include the following statement:

“Eastern Washington University is committed to increasing and retaining the diversity of its faculty, staff, students and academic programs. We are an affirmative action/equal opportunity employer. Applications from members of historically underrepresented groups are especially encouraged.”

(3) Anti-Discrimination Policy
Eastern Washington University does not discriminate on the basis of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or status as a disabled veteran or Vietnam era veteran. Any discriminatory action can be a cause for disciplinary action. This policy applies to all EWU programs and facilities, including, but not limited to, student services, educational programs and employment. Such discrimination (as applicable) is prohibited by 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, Age Discrimination in Employment Act Amendments of 1978, Vietnam Era Veteran's Readjustment Assistance Act of 1974, the Americans with Disabilities Act (ADA), the Civil Rights Act of The Student Conduct Code WAC 172-120-040, Washington State Laws on Discrimination WAC 504-25-020, RCW 49.60, other state statutes and EWU policy. All compliance efforts with respect to these laws and regulations are under the direction of the Affirmative Action Coordinator.

(New as 590-080-020 7/92, UGS-91-057; renumbered 1/18/94)

(4) Unlawful discrimination is defined as

To discharge, harass, threaten or bar any person from employment, refuse to hire any person or discriminate against in compensation because of age, sex, marital status, race, creed, color, national origin, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, that the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved.

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
(5) Filing a Complaint
The formal and Informal complaint procedures are accessible to all EWU faculty, students, staff guests and visitors. For guidance, go to Policy 600-090-040 Complaint Investigation Procedures.

1. Any complaint(s) pursuant to this policy shall be made in good faith and must be so filed within six (6) months of the alleged act of discrimination. (RCW 49.60.230 (2)).
2. Employees or students who have cause to believe they are being subjected to unlawful discrimination are encouraged to seek confidential advice and assistance as soon as possible.
3. When an informal or formal complaint is filed the complainant and alleged offender will fully cooperate with management and or the investigator to help ensure a thorough and timely complaint process and resolution.
4. An aggrieved party may file a formal complaint by:
   a. Completion of official complaint form and filed with the AAC. The form is available on the web at: http://websrv.ewu.edu/groups/humanresources/UniversityDiscriminationComplaintForm.pdf and at any of the offices listed in Tables 1-1 and 1-2.
   b. Annotation in an email to the EO/AAC.
   c. Telephone call to the EO/AAC.
   d. Contacting any agency listed in Tables 1-1 through 1-3.

(6) Informal Complaint Procedure
1. Ideally, persons who believe they have been subject to unlawful discrimination should communicate their concern(s) to the alleged offender as soon as possible. In lieu of a formal complaint, the following methods for an informal resolution are not sequential in nature. Every method suggested below is available at any time to all faculty, staff, and students:
   a. Directly address the matter with the alleged offender.
   b. Ask your supervisor or a co-worker to intervene on your behalf.
   c. Engage in an informal meeting with alleged offender and supervisor or manager responsible for the conduct of the alleged offender.
   d. Request Mediation with the alleged offender. Mediation will be performed by the EEO/AA or other qualified mediator.
   e. Report matter to the AAC for assistance.

Use of the University informal process does not restrict the complainant from the external or formal complaint process. If the informal process is unsuccessful or no longer an option, the external and or formal process is continually available to resolve complaint. The only means of appeal for the informal process is to file a formal complaint. The EWU Discrimination/Harassment complaint form is available on the web at: http://websrv.ewu.edu/groups/humanresources/UniversityDiscriminationComplaintForm.pdf and at any of the offices listed in Tables 1-1 and 1-2.

(7) Formal Complaint Procedure
If the informal complaint process is not acceptable to the complainant, or is unsuccessful, he or she may file a formal University or External Complaint for investigation.

1. University (Internal) Complaint. Filed with the University’s Affirmative Action Coordinator for investigation. For additional guidance and information on the formal complaint process, refer to EWU Policy 600-090-040 Complaint Investigation Procedures.
2. External Complaint. Filed with an agency listed in Table 1-3.
   a. When complaints are filed simultaneously another investigative agency, the AAC investigation will be suspended until findings are provided by the other agency or until such time as the complaint is referred to the University for investigation.
   b. For additional guidance and information on the formal complaint process, refer to EWU Policy 600-090-040 Complaint Investigation Procedures.

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
(8) Reprisal or Retaliation
It is a violation of this policy and RCW42.40.020 for any person to engage in reprisal or retaliation against an individual because that individual has, in good faith, opposed the use of a practice forbidden by this policy, or has filed a complaint, testified, assisted, or participated in an investigation, or has attempted to do so.

(9) Confidentiality
All information will be maintained in a confidential manner to the extent allowable in the investigative process. All files are subject to public disclosure and will be released only to the extent required by law.

(10) University/External Resources
At any time, a complainant may file discrimination complaint or seek advice from any of the appropriate agencies listed:

Table 1-1 University Complaint Points of Contact for Students

| Personnel in the following offices are available to receive and or refer formal complaints, mitigate informal complaints and give advice. Investigations will be performed by the Affirmative Action Coordinator. |
|---|---|---|---|
| **Affirmative Action Coordinator** | **Human Resources, Rights and Risk** | **Dean of Students Office** | **President’s Office** |
| Showalter 318 (509) 359-6874 | Showalter 314 (509) 359-2381 | Pence Union Bldg. 320 (509) 359-2292 | Showalter 214 (509) 359-2371 |

Table 1-2 University Internal Complaint Points of Contact for Employees

| Personnel in the following offices are available to receive and or refer formal complaints, mitigate informal complaints and give advice. Investigations will be performed by the Affirmative Action Coordinator. |
|---|---|---|
| **Affirmative Action Coordinator** | **Human Resources, Rights and Risk** | **President’s Office** |
| Showalter 314 (509) 359-6874 | Showalter 318 (509) 359-2381 | Showalter 214 (509) 359-2371 |

Table 1-3 External Complaint Federal and State Agencies

| A complainant may file a complaint for investigation by an agency listed below. Upon filing, the complainant will proceed under the processes and guidelines of that agency. |
|---|---|---|
| **Washington State Human Rights Commission** | **U.S. Office for Civil Rights Department of Education** | **U.S. Department of Labor Wage and Hour Division** |
| 905 Riverside, Suite 416 | 2910 3rd Avenue, Mail Stop 106 | 909 First Avenue, Room 1068 |
| Spokane, WA 99201 | Seattle, WA | Seattle, WA |
| (509) 456-4473 http://access.wa.gov/ | (206) 442-1636 OCR@ed.gov www.ed.gov/about/offices/list/ocr/index.htm | (509) 353-2793 www.dol.gov/esa |

**Office of Federal Contract Compliance**
Room 3038, Regional Office or Room 1104, Area Office
909 First Avenue
(206) 398-8005.
www.dol.gov/esat/ofccp/index.htm

**Equal Employment Opportunity Commission**
1321 2nd Avenue, 7th Floor
Seattle, WA 98101
(206) 442-0968
http://www.eeoc.gov/

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
Eastern Washington University
Governance System
Human Resources
TOPIC: 600 Human Rights

SUBTOPIC: 600-090 DISCRIMINATION


(1) Introduction
Eastern Washington University does not discriminate based on race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or status as a disabled veteran or Vietnam Era Veteran. All complaints on these bases will be promptly addressed by conciliation or investigation. Any discriminatory action can be a cause for disciplinary action. This policy applies to all EWU programs and facilities, including, but not limited to student services, educational programs and employment.

(2) Workplace Discrimination and Domestic Violence Investigative Policy
1. Eastern Washington University has a policy of prevention and promptly addressing allegations of discrimination and violence.
2. “Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities.
3. All complaints of workplace violence will be investigated as a matter of priority.
4. All other complaints of discrimination under Policy Subtopics 600-080, Disabilities and 600-090, Discrimination, will be promptly addressed by conciliation or investigation.

(3) University Complaint Investigative Process
1. Unless otherwise assigned, the University’s Affirmative Action Coordinator (AAC) will conduct all formal unlawful discrimination complaint and Workplace Violence investigations in accordance with these procedures.
2. The appointed investigator is to review the applicable collective bargaining unit agreement if the employee who committed the alleged misconduct is a bargaining unit member.
3. When a complaint poses a conflict of interest based on chain of command, personal or reporting relationship, a disinterested, third party, or contract investigator will perform the investigation.
4. Due to the seriousness and severity of Domestic and Workplace Violence complaints, all such allegations shall be screened for sufficiency and subject only to the FORMAL complaint process when evaluation determines a possible violation of Policy, 200-180, Domestic Violence in the Workplace or 200-200, Workplace Violence Prevention.
5. With assistance from the Director of Human Resources, Rights and Risk, the AAC will determine the size and scope of the investigation.
6. When the allegation of Workplace or Domestic Violence is a criminal matter, the AAC will cooperate with and defer investigation to the relevant law enforcement agency.

(4) Filing a Complaint
The formal and Informal complaint procedures are accessible to all EWU faculty, students, staff, guests and visitors.
1. Any complaint(s) pursuant to this policy shall be made in good faith and must be so filed within six (6) months of the alleged act of discrimination. (RCW 49.60.230 (2)).
2. Employees or students who have cause to believe they are being subjected to unlawful discrimination are encouraged to seek confidential advice and assistance as soon as possible.
3. When an informal or formal complaint is filed the complainant and alleged offender will fully cooperate with management and or the investigator to help ensure a thorough and timely complaint process and resolution.

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
4. An aggrieved party may file a formal complaint by:
   a. Completion of official complaint form and filed with the AAC. The form is available on the web at: http://websrv.ewu.edu/groups/humanresources/UniversityDiscriminationComplaintForm.pdf and at any of the offices listed in Tables 1-1 or 1-2.
   b. Annotation in an email to the EO/AAC.
   c. Telephone call to the EO/AAC.
   d. Contacting any agency listed in Tables 1-1 through 1-3.

(5) Management Role
1. It is in the best interest of managers and supervisors to address the general misconduct and performance issues of their employees. Complaints, allegations, and concerns outside the parameters of this policy will be redirected/referred to the informal complaint process or the most appropriate office or agency available (if any).
2. Title VII of the Fair Labor Standards Act, Washington State Employment and Educational Statutes: RCW 49.60.010, RCW (annotated) 28B.110.030, Federal Laws, and Titles VII & IX CRA 1964 require an employer (i.e., faculty member, manager, or supervisor) to take prompt, corrective and remedial action when the employer becomes aware of alleged discrimination.
3. Management personnel who have a legitimate need to be aware of the nature of the complaint and investigation should be promptly notified, usually within fifteen (15) business days of receipt of a complaint. Notification may include the manager's supervisor.
4. Management is responsible to fully cooperate in the investigative process.
5. The release of details of the investigation will be limited to the extent possible to protect the privacy of those involved.

(6) Faculty Role
2. Faculty members take prompt, corrective and remedial action when they become aware of alleged discrimination.
3. Faculty members are responsible to fully cooperate in the investigative process.
4. Faculty members who have a legitimate need to be aware of the nature of a complaint and investigation should be promptly notified, usually within fifteen (15) business days of receipt of a complaint. Notification may include notification of the faculty member's supervisor.

(7) Informal Complaint Process
Ideally, persons who believe they have been subject to unlawful discrimination, or harassment should communicate their concern(s) to the alleged offender as soon as possible.
2. The Discrimination/Harassment complaint form is available on the web at: http://websrv.ewu.edu/groups/humanresources/UniversityDiscriminationComplaintForm.pdf
3. Because victims subjected to unlawful discrimination may find it difficult to personally and formally address discriminatory actions, informal assistance can be provided at the agencies listed in Tables 1-1 through 1-3.
4. In lieu of a formal complaint, the following methods for an informal resolution are not sequential in nature. Every method suggested below is available at any time to all faculty, staff, and students:
   a. Directly address the matter with the alleged offender.
   b. Ask your supervisor or a co-worker to intervene on your behalf.
   c. Engage in an informal meeting with alleged offender and supervisor or manager responsible for the conduct of the alleged offender.
   d. Request Mediation with the alleged offender. Mediation will be performed by the EEO/AA or other qualified mediator.
   e. Report matter to the AAC for assistance.

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
Use of the University informal process does not restrict the complainant from the external or formal complaint process. If the informal process is unsuccessful or no longer an option, the external and or formal process is continually available to resolve complaint. The only means of appeal for the informal process is to file a formal complaint. The EWU Discrimination/Harassment complaint form is available on the web at: http://websrv.ewu.edu/groups/humanresources/UniversityDiscriminationComplaintForm.pdf and at any of the offices listed in Tables 1-1 and 1-2.

(8) Formal Complaint Process
If the informal complaint process is not acceptable to the complainant, or is unsuccessful, he or she may use the following procedures to file a formal University, Internal or External Complaint for investigation (see Table 1-3):

1. **University Complaint:** The complainant may file a formal (internal), signed complaint with the University’s AAC for investigation.

2. When a complainant files simultaneously through another investigative body, the AAC investigation will be held in abeyance until the other investigative body provides findings or until such time as the complaint is referred to the University for investigation. Upon receipt of complaint findings the AAC will determine the next action, if any.

3. Within five (5)* business days of receipt, the complaint will be screened for sufficiency and action.

4. Within ten (10)* business days of receipt the AAC:
   a. Will contact the complainant(s) to arrange a complaint intake interview.
   b. Confer with complainant and make a determination of the most appropriate course of action, formal or informal, complaint process.

5. Within approximately fifteen (15)* business days of receipt of a complaint, the Division of Human Resources, Rights and Risk will notify the alleged offender of the nature of the complaint, and provide the name, phone number, and email address of the assigned investigator.

6. Within ninety (90)* calendar days of intake interview, investigative findings and recommended actions will be submitted for legal review.

7. The investigative finding(s) of the AAC will be submitted to the President or designee or appointing authority, as defined in relevant university policies, as applicable, for action. Disciplinary action, if any, imposed by the appointing authority may be appealed under the appropriate rules or university policy pertaining to the action taken; e.g., Student Conduct Code.

8. Within one hundred (100)* days of intake interview, the complainant, alleged offender, and manager(s) as deemed necessary will verbally be advised of:
   a. The complaint findings.
   b. The disposition of the case.
   c. The status of any disciplinary action.

9. Within one hundred and twenty (120)* days of intake interview, the appropriate administrator/manager will take necessary corrective action if there is a reasonable probability that discrimination, harassment, or violence did occur.

10. To ensure a thorough and complete investigation, time-lines may be extended due to unforeseen circumstances. The appointing authority will review all requests for extensions.

11. Complaint Determination Definitions: The following conclusions will be made to determine whether or not a formal allegation/complaint is actionable:
   a. **Substantiated:** There is sound cause, evidence, pattern and or practice to support the allegation of a behavior or event as an actionable occurrence of unlawful discrimination and or a violation of EWU Policy.
   b. **Unsubstantiated:** There is little or no cause, evidence, pattern or practice to support the allegation of a behavior as unlawful discrimination and or a violation of EWU Policy.
   c. **Disputed Fact:** Events, behaviors, patterns and or practices not validated. The accused disputes the allegation with detailed and credible evidence. Note: It is unlikely a disputed fact could be substantiated as unlawful discrimination or a violation of EWU Policy.

**THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.**
d. **Undisputed Fact:** Events or behaviors proven with detailed evidence or testimony. The accused does not dispute the evidence or testimony. Note: Although an event or behavior or event is undisputed, it may not necessarily be substantiated as unlawful discrimination or a violation of EWU Policy.

e. **Partially Disputed Fact:** Events, behaviors, patterns and or practices not entirely validated. The accused disputes the allegation with ambiguous evidence or insufficient explanation.

f. **False Complaint:** An allegation of unlawful discrimination or allegation of discriminatory practice completely unverifiable and or without merit.

(9) **Reprisal or Retaliation**
It is a violation of this policy and RCW42.40.020 for any person to engage in reprisal or retaliation against an individual because that individual has, in good faith, opposed the use of a practice forbidden by this policy, or has filed a complaint, testified, assisted, or participated in an investigation, or has attempted to do so.

(10) **Confidentiality**
In an effort to prevent impedance to the investigative process and protect the privacy of those involved, all information will be maintained in a confidential manner to the fullest extent permissible in the investigative process. During investigation, complaint information will only be disseminated on a need-to-know basis. All files are subject to public disclosure and will be released only to the extent required by law.

This policy is consistent with the U.S. Equal Employment Opportunity Commission’s regulations on discrimination (Adopted 4/23/87; Amended 6/28/04)

(11) **University/External Resources**
At any time, a complainant may file discrimination complaint or seek advice from any of the appropriate agencies listed:

<table>
<thead>
<tr>
<th>Table 1-1 University Complaint Points of Contact for <strong>Students</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel in the following offices are available to receive and or refer formal complaints, mitigate informal complaints and give advice. Investigations will be performed by the Affirmative Action Coordinator.</td>
</tr>
<tr>
<td><strong>Affirmative Action Coordinator</strong></td>
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<tr>
<td>Showalter 318 (509) 359-6874</td>
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<tr>
<th>Table 1-2 University Internal Complaint Points of Contact for <strong>Employees</strong></th>
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<tr>
<td>Personnel in the following offices are available to receive and or refer formal complaints, mitigate informal complaints and give advice. Investigations will be performed by the Affirmative Action Coordinator.</td>
</tr>
<tr>
<td><strong>Affirmative Action Coordinator</strong></td>
</tr>
<tr>
<td>Showalter 314 (509) 359-6874</td>
</tr>
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**THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.**
Table 1-3  External Complaint Federal and State Agencies

<table>
<thead>
<tr>
<th>Washington State Human Rights Commission</th>
<th>U.S. Office for Civil Rights Department of Education</th>
<th>U.S. Department of Labor Wage and Hour Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>905 Riverside, Suite 416, Spokane, WA 99201</td>
<td>2910 3rd Avenue, Mail Stop 106, Seattle, WA</td>
<td>909 First Avenue, Room 1068, Seattle, WA</td>
</tr>
<tr>
<td>(509) 456-4473</td>
<td>(206) 442-1636 <a href="mailto:OCR@ed.gov">OCR@ed.gov</a></td>
<td>(509) 353-2793</td>
</tr>
<tr>
<td><a href="http://access.wa.gov/">http://access.wa.gov/</a></td>
<td><a href="http://www.ed.gov/about/offices/list/ocr/index.htm">www.ed.gov/about/offices/list/ocr/index.htm</a></td>
<td><a href="http://www.dol.gov/esa">www.dol.gov/esa</a></td>
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<tr>
<td>Room 3038, Regional Office or Room 1104, Area Office, 909 First Avenue</td>
<td>1321 2nd Avenue, 7th Floor, Seattle, WA 98101</td>
</tr>
<tr>
<td>(206) 398-8005</td>
<td>(206) 442-0968</td>
</tr>
</tbody>
</table>

A complainant may file a complaint for investigation by an agency listed below. Upon filing, the complainant will proceed under the processes and guidelines of that agency.

This policy supersedes all other previous policies on this same subject.
Eastern Washington University
Governance System
Human Resources
TOPIC: 600 Human Rights

SUBTOPIC: 600-090 DISCRIMINATION

(1) Introduction
Sexual harassment is a form of sex discrimination prohibited by and violates Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, The Student Conduct Code WAC 172-120-040, Washington Sate Laws on Discrimination WAC 504-25-020, RCW 49.60, other state statutes and EWU policy. All compliance efforts with respect to these laws and regulations are under the direction of the Affirmative Action Coordinator.

(2) Policy
Sexual harassment is a violation of the basic tenets of human dignity. It violates Eastern Washington University’s policies, federal and state civil rights laws, and professional ethics. Sexual harassment will not be tolerated. This policy applies to all EWU programs and facilities, including, but not limited to, student services, educational programs and employment.
1. All members, visitors and guests of the campus community are required to comply with this policy.
2. Persons with supervisory responsibility for employees or students are expected to report and or take appropriate action when they know of sexual harassment.
3. In determining supervisory responsibility; the extent of control over the circumstances and corrective action if any, taken by the supervisor will be considered.
4. The University will take appropriate action against any employee or student of Eastern Washington University who violates this policy.
   a. Violation of this policy will lead to disciplinary action appropriate to the circumstances. Disciplinary action shall follow the principles of progressive discipline.
   b. This action addresses the goal of prompt and effective action to stop sexual harassment.

(3) Definition
The U.S. Equal Employment Opportunity Commission defines sexual harassment as, “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: This conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.” Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
1. The victim as well as the harasser may be a woman or a man.
2. The victim does not have to be of the opposite sex.
3. The harasser can be but is not limited to the following:
   a. a faculty member, administrator, or student
   b. the victim's supervisor
   c. an agent of the employer
   d. a supervisor in another area
   e. a co-worker
   f. a non-employee i.e guest or contractor
4. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
5. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
6. The harasser's conduct must be unwelcome and may include but is not limited to:
   a. Use of position or authority to coerce a student or employee to provide sexual favors.
   b. Touching that is sexual in nature.

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
c. Displays of sexually oriented reading materials or pictures, including electronic materials.
d. Sexually suggestive comments, jokes, insults, demands and/or pressure for sexual activity.
e. Persistent telephone calls/email.

NOTE: it is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim may use any complaint mechanism or grievance system available.

7. Prevention is the best tool to eliminate sexual harassment in the workplace. Departments shall take steps necessary to prevent sexual harassment from occurring and take action to stop harassment when known or should know of harassment.

8. The Affirmative Action Coordinator (AAC) shall clearly communicate to employees that sexual harassment will not be tolerated by providing sexual harassment training to employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complain.

(4) Filing a Complaint
The formal and Informal complaint procedures are accessible to all EWU faculty, students, staff guests and visitors. For guidance, go to Policy 600-090-040 Complaint Investigation Procedures.

1. Any complaint(s) pursuant to this policy shall be made in good faith and must be so filed within six (6) months of the alleged act of discrimination. (RCW 49.60.230 (2)).

2. Employees or students who have cause to believe they are being subjected to unlawful discrimination are encouraged to seek confidential advice and assistance as soon as possible.

3. When an informal or formal complaint is filed the complainant and alleged offender will fully cooperate with management and or the investigator to help ensure a thorough and timely complaint process and resolution.

4. An aggrieved party may file a formal complaint by:
   a. Completion of official complaint form and filed with the AAC. The form is available on the web at:
      http://websrv.ewu.edu/groups/humanresources/UniversityDiscriminationComplaintForm.pdf
   b. and at any of the offices listed in Tables 1-1 and 1-2.
   c. Annotation in an email to the EO/AAC.
   d. Telephone call to the EO/AAC.
   e. Contacting any agency listed in Tables 1-1 through 1-3.

(5) Informal Complaint Procedure
5. Ideally, persons who believe they have been subject to sexually harassment should communicate their concern(s) to the alleged offender as soon as possible. In lieu of a formal complaint, the following methods for an informal resolution are not sequential in nature. Every method suggested below is available at any time to all faculty, staff, and students:
   a. Directly address the matter with the alleged offender.
   b. Ask your supervisor or a co-worker to intervene on your behalf.
   c. Engage in an informal meeting with alleged offender and supervisor or manager responsible for the conduct of the alleged offender.
   d. Request Mediation with the alleged offender. Mediation will be performed by the EEO/AA or other qualified mediator.
   e. Report matter to the AAC for assistance.

Use of the University informal process does not restrict the complainant from the external or formal complaint process. If the informal process is unsuccessful or no longer an option, the external and or formal process is continually available to resolve complaint. The only means of appeal for the informal process is to file a formal complaint. The EWU Discrimination/Harassment complaint form is available on the web at: http://websrv.ewu.edu/groups/humanresources/UniversityDiscriminationComplaintForm.pdf and at any of the offices listed in Tables 1-1 and 1-2.

This policy supersedes all other previous policies on this same subject.
(6) University (Internal) Complaint Procedure
If the informal complaint process is not acceptable to the complainant, or is unsuccessful, he or she may file a formal University, or External Complaint for investigation.

1. University Complaint: Filed with the University's AAC for investigation.
   a. When investigating allegations of sexual harassment, the investigating body looks at the whole record, including the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred.
   b. A determination on the allegations is made from the facts on a case-by-case basis.
   c. See EWU Policy 600-090-040 Complaint Investigation Procedures.

2. External Complaint: Filed with an agency listed in Table 1-3.
   a. When complaints are filed simultaneously another investigative agency, the AAC investigation will be suspended until findings are provided by the other agency or until such time as the complaint is referred to the University for investigation.
   b. For additional guidance and information on the formal complaint process, refer to EWU Policy 600-090-040 Complaint Investigation Procedures.

(7) Reprisal or Retaliation
It is a violation of this policy and RCW42.40.020 for any person to engage in reprisal or retaliation against an individual because that individual has, in good faith, opposed the use of a practice forbidden by this policy, or has filed a complaint, testified, assisted, or participated in an investigation, or has attempted to do so.

(8) Confidentiality
All information will be maintained in a confidential manner to the extent allowable in the investigative process. All files are subject to public disclosure and will be released only to the extent required by law.

Table 1-1 University Complaint Points of Contact for Students
<table>
<thead>
<tr>
<th>Affirmative Action Coordinator</th>
<th>Human Resources, Rights and Risk</th>
<th>Dean of Students Office</th>
<th>President’s Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showalter 318 (509) 359-6874</td>
<td>Showalter 314 (509) 359-2381</td>
<td>Pence Union Bldg. 320</td>
<td>Showalter 214</td>
</tr>
<tr>
<td>(509) 359-6874</td>
<td>(509) 359-2381</td>
<td>(509) 359-2292</td>
<td>(509) 359-2371</td>
</tr>
</tbody>
</table>

Table 1-2 University Internal Complaint Points of Contact for Employees
<table>
<thead>
<tr>
<th>Affirmative Action Coordinator</th>
<th>Human Resources, Rights and Risk</th>
<th>President’s Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showalter 314 (509) 359-6874</td>
<td>Showalter 318 (509)359-2381</td>
<td>Showalter 214</td>
</tr>
<tr>
<td>(509) 359-6874</td>
<td>(509)359-2381</td>
<td>(509) 359-2371</td>
</tr>
</tbody>
</table>

Table 1-3 External Complaint Federal and State Agencies
<table>
<thead>
<tr>
<th>Washington State Human Rights Commission</th>
<th>U.S. Office for Civil Rights Department of Education</th>
<th>U.S. Department of Labor Wage and Hour Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>905 Riverside, Suite 416</td>
<td>2910 3rd Avenue, Mail Stop 106</td>
<td>909 First Avenue, Room 1068</td>
</tr>
<tr>
<td>Spokane, WA 99201</td>
<td>Seattle, WA</td>
<td>Seattle, WA</td>
</tr>
<tr>
<td>(509) 456-4473</td>
<td>(206) 442-1636 <a href="mailto:OCR@ed.gov">OCR@ed.gov</a></td>
<td>(509) 353-2793</td>
</tr>
<tr>
<td><a href="http://access.wa.gov/">http://access.wa.gov/</a></td>
<td><a href="http://www.ed.gov/about/offices/list/ocr/index.htm">www.ed.gov/about/offices/list/ocr/index.htm</a></td>
<td><a href="http://www.dol.gov/esa">www.dol.gov/esa</a></td>
</tr>
</tbody>
</table>

THIS POLICY SUPERCEDES ALL OTHER PREVIOUS POLICIES ON THIS SAME SUBJECT.
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Room 3038, Regional Office or</td>
<td>1321 2nd Avenue, 7th Floor</td>
</tr>
<tr>
<td>Room 1104, Area Office</td>
<td>Seattle, WA 98101</td>
</tr>
<tr>
<td>909 First Avenue</td>
<td>(206) 442-0968</td>
</tr>
<tr>
<td><a href="http://www.dol.gov/esa/ofccp/index.htm">www.dol.gov/esa/ofccp/index.htm</a></td>
<td></td>
</tr>
</tbody>
</table>

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