

## **Equal Educational and Employment Opportunity/Harassment—Complaints**

Complaints of discrimination and/or harassment are to be made to the Equal Opportunity Director, Ms. Carol Vogel, Morgan Hall Room 380A. Phone: 785-670-1509. Email: carol.vogel@washburn.edu

**Complaint Procedures.** Individuals who believe they may be or are victims of discrimination or harassment in violation of the University's equal opportunity and harassment policies should promptly take one or more of the steps outlined below, as applicable. It is not necessary for all steps to be taken or to be taken in order. Nothing in these procedures shall be construed as preventing any individual from pursuing any other legal action.

**Any retaliation against an individual who files a complaint** of discrimination/harassment or against individuals who participate in the proceedings is strictly prohibited.

**The Equal Opportunity Director may become aware of an incident of alleged discrimination/harassment** even though not reported by the alleged victim. Incidents of discrimination/harassment pose legal risks to the University. Therefore, the University retains the right to conduct investigations into alleged incidents of discrimination/harassment and take appropriate measures. This is true even if the alleged victim is unwilling or chooses not to report or to pursue the matter.

**The complainant will be notified of the disposition of the complaint at each stage of the process.** If a finding of discrimination/harassment is made, appropriate corrective and remedial action will be taken.

**Self Help.** The complaint procedure does not require the complainant to confront the alleged perpetrator in any manner or for any reason prior to initiating a formal grievance. The complainant may elect to employ self-help measures. One course of action by individuals who believe they have been discriminated against/harassed by someone is to inform that person emphatically the conduct is unwelcome, offensive, violates University policy, and must stop. There are two methods by which this may be done. An individual may:

- Personally inform the person either verbally or in writing; or,
- Ask a supervisor or the EOD to notify the person.

**Consultation and Evaluation.** Individuals who believe they may be or are a victim of discrimination/harassment may contact the EOD. This should be done normally within 10 days of the alleged incident giving rise to the complaint. The consultation/evaluation has several purposes.

**To help the individual in determining** if the perception of discrimination/harassment is valid;

**To discuss the rights**, under the policy, of both the individual and the person against whom the allegation is made;

**To discuss possible methods** the individual could undertake to address and to eliminate the unwanted conduct (whether or not it is discrimination/harassment); and,

**To advise the individual.** The EOD will:

- Help the individual determine what courses of action exist if an issue of discrimination/harassment is believed present.
- Assure the individual that all complaints will be promptly and thoroughly investigated and decided within the time frames set forth below at each stage of the process.
- Advise the individual that a complaint normally must be filed within 10 business days:
  - ❖ Of the incident giving rise to the complaint; or,
  - ❖ Following consultation with the EOD in 4.3 above.
- Notify the individuals that retaliation for having exercised their rights under this policy is strictly prohibited.
- Advise the individual of the EOD's conclusion regarding whether or not an issue of discrimination/harassment is present. The conclusion will be based upon all of the information presented and gathered.
- **Confidentiality.** The EOD shall take steps to keep information confidential to the greatest extent possible. No assurance of complete confidentiality may be given.

**Document Retention.** Records will remain with the EOD for a minimum of three years.

#### **Informal Complaint Procedure.**

**An informal complaint may be filed by the individual** believing to have been the victim of discrimination/harassment, normally within 10 business days:

- Of the incident giving rise to the complaint; or,
- Following consultation with the EOD in 4.3 above.

**Or, the EOD may take action** when the informal complaint procedure is deemed necessary. The EOD's determination will be based upon the information and evidence provided by the alleged victim.

**The complaint procedure identifies the alleged victim** as the "complainant" and the alleged offender as the "respondent."

**The EOD initiates the following actions** in no particular order, normally within 10 business days of the filing of the informal complaint:

- Apprising the respondent of the charge of discrimination/harassment;
- Eliciting from the respondent an explanation of what occurred from the respondent's perspective;
- Gathering any other information or conducting any investigation or interviews the EOD deems to be necessary;
- Attempting to facilitate a solution acceptable to both the complainant and the respondent;
- Taking such other steps deemed appropriate by the EOD;
- Advising the individual of the EOD's conclusion regarding whether or not an issue of discrimination/harassment is present, based on the information presented in the investigation;
- Making a written record of the informal procedure. Any resolution will be maintained in the EOD office for a minimum of 3 years; and,
- Notifying the complainant and the respondent that retaliation for having exercised their rights under this policy is prohibited.

**A formal complaint may follow** if a solution to the situation acceptable to the complainant cannot be reached. The request must be submitted in writing to the EOD within 10 business days from the completion of the informal complaint procedure.

#### **Formal Complaint Procedure.**

**An individual's request for a formal complaint procedure** will be given to the President. The request:

- Must be in writing;
- May be submitted by either the complainant or the EOD on the complainant's behalf;
- Shall be delivered to the respondent at the same time it is delivered to the President; and,
- Shall be granted by the President unless it appears some other disposition satisfactory to the complainant can be made.

**The President will furnish the EOD**, normally within 10 days from the date the request is granted, a list of 7 University Employees from which one member of a hearing committee will be selected.

**The hearing committee will be established**, normally within 20 business days of the individual's request. THE EOD will coordinate the selection process. First, the complainant shall select one University Employee to serve on the hearing committee. The respondent then shall select one University Employee to serve on the committee. The third member shall be selected as follows:

- The first and second members will alternate eliminating one name at a time from the list of 7 University Employees furnished by the President, starting with the person selected by the complainant until only one of the names remains. This individual becomes the third committee member.

**The first meeting of the hearing committee** normally will be scheduled by the EOD within 10 days of the selection of the hearing committee, at which time the committee will set the hearing date. Time is of the essence in scheduling and conducting the hearing.

**All committee members will serve without compensation.** Wage and hour Employees' service on such committee shall be deemed hours worked.

**Reasonable provisions will be made** for individuals to appear as witnesses at the hearing.

**A record will be kept** of the proceedings of the hearing.

**The committee will deliberate in private** and render its decision, normally within 10 days of the hearing.

**Legal counsel**, on behalf of either party, may serve only in an advisory capacity, and may not represent nor participate in the hearing.

**The decision of a majority** of the committee shall be the decision of the whole. The decision shall be considered final and binding upon both the complainant and the respondent.

**Appeal Procedure.** The decision of the committee may be appealed by either party by filing a written notice of appeal with the EOD specifying the basis for the appeal within 10 days of the decision.

**The EOD shall promptly notify** the Vice Presidents of the University who shall serve as an appeals committee.

**The appeals committee shall consider** the complete record of the hearing and render a decision, normally within 10 business days of receipt of the notice of appeal. It will not conduct a hearing. Its decision shall be final.

**The hearing and appeal committees' decision shall have no effect upon any other individual** not participating in the specific complaint, nor will it operate to change any University policy or procedure.

**Each decision shall be reviewed** in due course by appropriate University policy-makers to determine if any policy change should be made.

**Full and complete documentation** of any complaint shall be retained by the EOD for a minimum of 3 years.