DISCRIMINATION GRIEVANCE PROCEDURES

The Office of the Dean of Student Success (DOSS) will use these procedures to investigate and resolve allegations of illegal discrimination between students. Students who believe they have been discriminated against by another student because of their race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, age, marital status, disability or status as protected veterans are encouraged to utilize these procedures. These procedures are utilized to address allegations of sexual harassment and sexual assault since they are considered sex discrimination under Title IX of the Education Amendments.

All students who seek the advice and assistance of the Office of the Dean of Student Success shall have explained to them the procedures available to them though the university and the existence of external agencies where complaints may be filed if appropriate. They shall also receive copies of these Discrimination Grievance Procedures, the Student Conduct Code, and any other relevant policies. To facilitate resolution, students are urged to bring their complaints forward as soon as possible after the alleged discrimination.

If a student brings forward an allegation of discrimination that may involve a violation of state criminal law, DOSS will notify either CWU Police or Ellensburg Police so they may initiate an investigation. In such cases DOSS will not initiate an investigation until the police investigation is complete, however, it may provide services and support to the complaining party as appropriate during the interim.

Confidentiality is essential in matters involving allegations of illegal discrimination. Complainants (those making the complaint), respondents (those alleged to have engaged in illegal discrimination) and participants in these processes are urged to treat all information as confidential. University personnel will disclose information about the complaint only when it is absolutely essential or required under the law.

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. Similarly, 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.

Informal Complaints:

1. Informal complaints should be made to the Director of Student Rights, Responsibilities, and Health Promotion, Office of the Dean of Student Success, Room 204 Bouillon Hall (509 963-1515). The Director of Student Rights, Responsibilities, and Health Promotion may also receive third-party complaints through members of Student Consultation Team.
2. The Director of Student Rights, Responsibilities, and Health Promotion (or his/her designee) will make every effort to accomplish the following within 15 working days:

a. Meet with the complainant and secure a detailed account of the alleged discriminatory conduct, including the name of the respondent;
b. Interview the respondent;
c. Facilitate counseling or other services for the complainant as needed;
d. Review information gathered with Student Consultation Team and determine if further action is needed; and
e. Meet individually with complainant and respondent to discuss outcomes and actions proposed to resolve the complaint.

3. If the resolution is acceptable to both the complainant and respondent, the matter is closed. Documentation of the complaint and resolution will be maintained in the Office of the Dean of Student Success for three years. It will not be included in either the complainant’s or respondent’s official student records.

4. The complainant may choose to end the informal process at any time and file a formal complaint following the process outlined below.

**Formal Complaints:**

1. Formal complaints must be made in writing to the Director of Student Rights, Responsibilities, and Health Promotion at the address noted above. The complaint must include a signed statement describing the alleged discriminatory behavior(s), the name of the person(s) who allegedly engaged in the discriminatory act(s), and the date/place where the incident(s) occurred. Contact information (phone number, e-mail and local address) should also be provided.

2. The Director of Student Rights, Responsibilities, and Health Promotion (or his/her designee) will make every effort to review the complaint to determine whether the behavior alleged falls within the scope of these procedures and notify the complainant if they do not within 5 working days of receipt of the complaint.

3. The Director of Student Rights, Responsibilities, and Health Promotion will discuss the complaint with the Student Consultation Team and select the investigator(s) for the complaint.

4. The investigator will have 5 working days* to meet separately with the complainant and respondent and solicit their statements, documents and the name of all witnesses they wish the investigator to examine. Each party may have an advocate or observer accompany them to these interviews.

5. The investigator will then have 20 working days to examine the documentation, interview witnesses, consult with the Student Consultation Team and Assistant Attorney General as needed, and prepare a written report. The written report will describe the complainant’s
allegation(s) and draw conclusions as to whether the behaviors alleged are more likely than not to have occurred. The investigator will meet separately with the complainant and respondent to share his/her findings.

6. If the evidence supports the allegation(s), disciplinary action against the respondent will be taken. Remedies for the complainant may also be provided as appropriate.

7. The report will remain on file in the Dean of Student Success Office for three years.

8. Either party may appeal the decision to the Dean of Student Success. Appeals must be made in writing and received within 5 working days of the respondent's or complainant's final meeting with the investigator. Dean of Student Success has 10 working days to respond to the appeal. The response will be provided to both parties. The respondent may appeal the disciplinary actions of suspension or expulsion directly to the Student Conduct Council as provided in the Student Conduct Code.

* Timelines may be extended by the investigator provided the complainant and respondent are notified in writing.

**External Avenue for Complaints**

Individuals who believe they have been discriminated against because of their protected group status may choose to file a discrimination grievance with the agency below:

Office for Civil Rights (OCR) - US Department of Education
**Coverage:** Title VI, Civil Rights Act of 1964 as amended (race, color, sex, national origin, and religion); Title IX, Education Amendments (sex); Section 504, Rehabilitation Act (disability); Americans with Disabilities Act (disability); and Age Discrimination Act (all ages).
**Time Limits:** Generally, 180 days from most recent alleged act of discrimination.
**Contact Information:**
Office for Civil Rights, U.S. Department of Education
915 2nd Avenue
Room 3310
Seattle, WA 98174-1099
(206) 220-7900 (Voice)
(206) 220-7806 (Fax)
(206) 220-7907 (TTY)
e-mail: OCR_Seattle@ed.gov

**Resources & Reports:** CWUR 1-30-010 Student Discrimination Complaint Procedure