

Student Employees:

Please be Aware of the Following Policies



CWUP 2-35 Equal Opportunity Policies and Programs

- 2-35-010 Equal Opportunity and Affirmative Action Policy Statement
- 2-35-015 Title IX: Discrimination and the Basis of Sex and Sexual Misconduct
- 2-35-030 Nondiscrimination Policies and Programs Pertaining to Students
- 2-35-040 Reasonable Accommodation of Persons with Disabilities
- 2-35-050 Sexual Harassment
- 2-35-060 Gender Equity
- 2-35-070 Discrimination Complaint and Resolution

CWUP 2-35-010 Equal Opportunity and Affirmative Action Policy Statement

CWUP 2-35-010 Equal Opportunity and Affirmative Action Policy Statement

(1) Central Washington University is an equal opportunity employer that values an inclusive campus and welcomes a diversity of ideas and people. In keeping with its commitment to nondiscrimination, the university:

(A) Recruits, hires, trains, and promotes persons in all job titles, without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, age, marital status, disability, genetic information, or status as a protected veteran.

(B) Ensures that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reduction in force (RIF), university-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, age, marital status, disability, genetic information, or status as a protected veteran.

(2) University employees will not engage in harassment of others based on their race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, age, marital status, disability, genetic information, or status as a protected veteran. Behavior rises to the level of harassment when it is unwelcome and creates an intimidating, hostile, or offensive work environment.

(3) Human Resources maintains formal and informal grievance procedures for individuals who believe they have been harassed or otherwise discriminated against in their capacity as employees or applicants. Individuals who file complaints or otherwise participate in the grievance process will not be retaliated against.

(4) Central Washington University is also committed to affirmative action for Asians/Pacific Islanders, Blacks, Hispanics, American Indians/Alaskan Natives, women, persons forty years of age or older, persons of disability, and protected veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and to improve employment opportunities encountered by these affected groups

(5) The manager of equal opportunity and affirmative action in Human Resources has the responsibility for CWU's affirmative action program. The manager is located in Bouillon 203, telephone (509)963-2206, email oeo@cwu.edu.

CWUP 2-35-015 Title IX: Discrimination on the Basis of Sex and Sexual Misconduct

Central Washington University is committed to providing a learning, working and living environment that promotes personal integrity, civility, and mutual respect in an environment free of sexual misconduct and discrimination. Sexual discrimination violates an individual's fundamental rights and personal dignity. CWU considers sexual discrimination in all its forms to be a serious offense.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, CWU has developed policies and procedures that prohibit sex discrimination in all its forms, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, and third parties.

The supporting resources and policies are:

[CWU Title IX website](#)

[Student Sexual Assault Response Policy](#)

[Sexual Harassment Policy](#)
[Discrimination Complaint and Resolution Policy](#)

The following individuals have been designated to handle inquiries regarding Title IX:

Primary Coordinator: [Staci Sleigh-Layman](#), Director, Compliance & Innovation
Office Location: Bouillon 205; Mail Stop: 7425
Phone: 509-963-1256
E-mail: staci@cwu.edu

Supporting Coordinator: [Richard DeShields](#), Associate Dean of Students
Office Location: Bouillon 204; Mail Stop: 7432
Phone: 509-963-2735
E-mail: deshielr@cwu.edu

Supporting Coordinator: [Mike Luvera](#), Chief of Police
Office Location: Public Safety Building; Mail Stop: 7527
Phone: 509-963-2959
E-mail: luveram@cwu.edu

Supporting Coordinator: [Gary Hyatt](#), Assistant Athletic Director for Academics
Office Location: Nicholson 101; Mail Stop: 7570
Phone: 509-963-1681
E-mail: hyattg@cwu.edu

[Kari Gage](#), Athletics, Senior Woman Administrator
Office Location: Nicholson 101; Mail Stop: 7570
Phone: 509-963-3238
E-mail: gageka@cwu.edu

[Gail Farmer](#), Administrator, Equal Opportunity
Office Location: Bouillon 205; Mail Stop: 7425
Phone: 509-963-2206
E-mail: farmer@cwu.edu

[Raffael Donaldson](#), Sergeant First Class, Military Science Instructor
Office Location: Peterson 202; Mail Stop 7569
Phone: 509-963-3518
E-mail: Donaldson@cwu.edu

Postal mail may be directed to: Central Washington University
400 E. University Way
Ellensburg, WA 98926-7425

Central Washington University encourages those who have experienced any form of sex discrimination to report the incident promptly, to seek all available assistance, and to pursue university conduct charges and criminal prosecution of the offender. The university takes complaints very seriously and will work with victims to ensure their safety and to remedy the situation.

CWUP 2-35-030 Nondiscrimination Policies and Programs Pertaining to Students

This policy is required by title VI of the civil rights act of 1964, title IX of the educational amendments of 1972, section 504 of the rehabilitation act of 1973, the American with disabilities act of 1990 and amendments, chapter 49.60.030 RCW (freedom from discrimination--declaration of civil rights) and chapter 49.60.222 RCW (unfair practices with respect to real estate transactions, facilities, or services). The following will be available to all students and/or prospective students without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity and gender expression, age, marital status, disability or status as a protected veteran:

- 1) Recruitment policies and practices;
- 2) Student admissions and enrollment policies and practices;

3) Courses, programs, and activities sponsored by the university including, but not limited to, academic programs, student employment, counseling and guidance services, financial aid, recreational activities and intercollegiate athletics (unless otherwise exempted under title IX of the educational amendments of 1972).

4) Athletic opportunities for all students who participate in interscholastic, intercollegiate, club, or intramural activities.

5) All university-owned and sponsored housing intended for students. The university may provide separate housing on the basis of sex, provided that, as a whole, it is comparable in both quantity and quality to that provided to students of the other sex. Comparable, convenient, and accessible housing for students with disabilities will be provided at the same cost as to others.

6) All auxiliary facilities which are supported by the university. Further, the university ensures that all institutional or institution-supported services, facilities, activities, and programs for students are available to all students

7) Awarding of scholarships and other financial aid. Financial assistance includes both public and private scholarships, fellowships, student loans, traineeship stipends, and employment obtained by the institution for the student as part of an assistance program (e.g., teaching assistantships and work study programs.) Student financial aid programs based on race or national origin will be consistent with title VI if the purpose of such aid is to overcome the effects of past discrimination. The institution may administer certain sex-restricted forms of financial assistance in accordance with the provisions of title IX of the educational amendments of 1972 provided that the overall effect of such assistance does not discriminate on the basis of sex. Likewise, the institution may administer certain forms of financial assistance to students with disabilities if the overall effect of the award of such assistance is not discriminatory on the basis of disability.

8) Where the university donates, leases, or otherwise makes available university-owned facilities or land for student use or activities which are a part of its overall program, or where the university provides funds or other financial assistance to acquire or operate facilities for such activities.

9) Students will not be referred to training facilities which discriminate in their policies or programs. This includes such programs as student teaching in schools, clinical training, internship experiences, cooperative education, etc.

CWUP 2-35-040 Reasonable Accommodation of Persons with Disabilities

It is the policy of Central Washington University that discrimination on the basis of disability is prohibited. The university provides equal employment opportunities, physical access and reasonable accommodation for qualified individuals with disabilities, and academic adjustments for qualified students with disabilities.

This policy regarding discrimination on the basis of disability has been developed in keeping with federal and state laws. The federal laws include: Americans with Disabilities Act of 1990, ADA Amendments Act of 2008, Regulations to Implement the Equal Employment Provisions of the ADA, and Section 504 of the Federal Rehabilitation Act of 1973. The Washington State laws are described in the *Revised Code of Washington* (Washington State Law Against Discrimination, Washington State Core Services Bill) and the *Washington Administrative Code* (WAC 162-22, WAC 357-26).

Policy applies to: applicants or employees who, with or without reasonable accommodations, can perform the essential functions of a position, qualified students, prospective students, and, individuals who wish to participate in university-sponsored events which are open to the public.

Definitions

Person with a disability means:

1. Federal definition: a person with a physical or mental impairment that substantially limits one or more major life activities; and/or
2. Washington State definition: the presence of a sensory, mental or physical impairment (temporary or permanent) that is:
 - Medically cognizable or diagnosable, or
 - exists as a record or history; or
 - know or shown through an interactive process to exist in fact, and has a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job or the individual's access to equal benefits, privileges, or terms or conditions of employment; or the individual's ability to perform and complete the essential elements of the course, program or activity.

- Substantially limits means the individual is unable to perform a major life activity that the average person in the general population can perform or significantly restricted as to the condition, manner or duration under which a person can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

Essential functions means the fundamental job duties of the position that the individual with the disability holds or desires. The term “essential functions” does not include the marginal functions of the positions. Qualified employee with a disability means an individual who meets the skills, experience, education, and other job-related requirements of the position held or applied for, and who, with or without reasonable accommodation, can perform the essential functions of the job.

Qualified student with a disability means a prospective or enrolled student with a documented disability who meets the admission requirements and technical standards of the academic program, activity, or services.

Reasonable accommodation means a modification or adjustment to a job, work or academic environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy equal employment or academic opportunity.

Undue hardship means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the event, program or university. Written justification, signed by the president of the university, must be provided for any decision not to provide a reasonable accommodation because of undue hardship.

The University Provides Reasonable Accommodations

The university provides reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals except where such accommodation would impose undue hardship on the institution. HR/Disability Services and the ADA compliance officer, through departmental procedures, informs the campus and public of the ability to request accommodation. The administrator for equal opportunity and professional development is the university’s ADA/504 compliance officer. The administrator provides compliance oversight, advice and consultation regarding the ADA.

Disability services will ensure an interactive and effective accommodation process in a timely manner for qualified applicants, employees with disabilities, prospective and enrolled students, and members of the public. Qualified people with disabilities who require an accommodation should refer to guidance on the human resources web page. See <http://www.cwu.edu/disability-support/>.

The University Provides a Discrimination Complaint Procedure

The university has internal complaint procedures for addressing complaints about the conduct of university employees, including allegations of discrimination based on disability. See CWUR 1-30-010 discrimination complaint and resolution for a description of the available complaint procedures.

CWUP 2-35-050 Sexual Harassment

It is the policy of Central Washington University to maintain a work and academic community which is free from sexual harassment. Sexual harassment is a form of sex discrimination which violates state and federal law, including Title IX, and will not be tolerated by the university. An individual found in violation of this policy will be subject to corrective action up to and including termination.

Students who have been sexually assaulted by their peers should refer to the university's student sexual assault response policy, **CWUP 8-40-050**. The policy provides guidance to students in reporting sexual assaults and securing support services.

(1) Definitions - For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or career advancement;
 (B) submission to or rejection of such conduct by an individual is used as a basis for employment decisions or academic decisions affecting such individual; or
 (C) such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile or offensive work or academic environment.

This definition is in keeping with the equal employment opportunity commission's regulations on sexual harassment.

(2) Based on the definition provided above, examples of sexual harassment prohibited by this policy include, but are not limited to: physical assault; direct propositions of a sexual nature, subtle pressure for sexual activity. In addition, behaviors which constitute a pattern of conduct that discomforts or humiliates the recipient are prohibited. Such behaviors may include: comments of a sexual nature, sexually explicit statements, questions, jokes, or anecdotes; unnecessary touching, patting, hugging, or kissing; remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience; and persistent, unwanted attempts to change a professional relationship to an amorous one.

CWUP 2-35-060 Gender Equity

Central Washington University complies with provisions of chapter 28B.110 RCW (gender equity in higher education). University policies and procedures have been developed to eliminate possible discrimination to students based on gender, gender identity and gender expression, including sexual harassment (CWUP 2-35-050). These policies and procedures address academic programs, student employment, counseling and guidance services, financial aid, recreational activities including club sports, and intercollegiate athletics.

The person responsible for coordinating and monitoring compliance with the gender equity law is the director of employment, student services, and compliance, Bouillon Hall 205, (509) 963-2205.

Students with gender discrimination complaints are encouraged to utilize the procedures noted in CWUR 1-30-010 [Discrimination Complaint and Resolution](#).

CWUP 2-35-070 Discrimination Complaint and Resolution Policy

Central Washington University is committed to the investigation and resolution of complaints against employees by students, faculty, staff, applicants, and the public alleging discriminatory behavior and/or violations of the university's nondiscrimination policy. (See CWUP 2-35-030 Policies and Programs Pertaining to Students.)

Any employee of Central Washington University, including student employees, who believe he or she has been subjected to a violation of the university's nondiscrimination policies may file a complaint utilizing the discrimination complaint procedure. Students, visitors or guests of the university may contact Equal Opportunity (EO) for guidance in filing a complaint.

Informal review and consultative processes are highly desirable means of resolving problems at the lowest possible level within the university. Formal complaint procedures are also available.

Individuals who believe that they have been subjected to discriminatory behavior by staff or faculty at Central Washington University are encouraged to attempt to resolve the matter at the lowest possible level within the university. Supervisors, department chairs, unit heads, and others in management/leadership are charged with the responsibility for ensuring nondiscrimination in the employment and academic environment and for bringing issues forward to EO when they become aware of such behavior. Therefore, individuals are encouraged to bring their concerns to such leaders for resolution. Normally, resolution at this level does not involve a factual investigation or a finding that the policy was or was not violated. Rather, it involves an opportunity for communications regarding areas of dispute in hopes of resolution.

The director of EO has overall responsibility for assuring university compliance with nondiscrimination laws and regulations, and receives informal and formal discrimination complaints against staff and faculty. The director also receives requests for clarification on what constitutes discriminatory behavior.

Complaints should be brought forward as soon as possible after the alleged act of discrimination.

EO will be informed of all allegations of discrimination that involve staff or faculty and will act as the repository for information about all allegations of discrimination, institution-wide, regardless of origin. Upon receipt of an allegation or complaint, OEO will notify appropriate supervisory personnel and university departments. See CWUP 2-35-015 Title IX Policy for related information.

Any person may contact EO directly for informal discussion, advice, and assistance at any time. EO staff will provide the reporting party with advice about available options, including the formal complaint and resolution process and external agencies, civil rights legislation and the university's nondiscrimination policies. If the behavior does not fall under the civil rights legislation or the university's nondiscrimination policy, the reporting party will be referred to the appropriate department(s) and/or unit(s). Contact information for external agencies including U.S. Department of Education Office for Civil Rights, U.S. Equal Employment Opportunity Commission, and the Washington State Human Rights Commission are available at EO.

Discussions involving EO will be kept confidential to the extent provided by law. A reporting party electing to complain about discriminatory behavior will be treated courteously and the problem handled as quickly as possible. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in a discrimination complaint process.

The type of process used to investigate allegations of discriminatory behavior, and the university's response to complaints, depends on the nature and extent of the alleged incident(s) and the context in which the alleged incident(s) occurred. The university reserves the right to initiate an investigation where a complaint has not been received, but information exists that a violation of the university's nondiscrimination policy, or discriminatory behavior, may have occurred. Coordination of allegations of discrimination made at various university departments and offices is the responsibility of the director of EO. The university does not wait for the conclusion of a criminal investigation or criminal proceeding to begin an investigation of allegations or concerns regarding discrimination.

See CWUR 1-30-010 Student Discrimination Complaint Procedures and CWUR 1-30-050 Discrimination Complaint and Resolution Procedure – Employees for more information.

CWUP 2-40-030 Alcohol and Other Drugs

(1) General Statement

Central Washington University recognizes that the misuse of alcohol and other drugs is a serious problem in our society and our community. This University seeks to create a campus environment that promotes healthy and safe living that is conducive to the intellectual and personal development of students. University departments and student organizations are encouraged not to involve alcoholic beverages in any sponsored function. If they choose to request to do so, they are urged to consider the effects and the responsibility they assume in making such decisions.

This policy applies to all members of the Central Washington University community at all events, on or off campus, sponsored by the university, including clubs and organizations, and/or held in any university facility. The policy and procedure regarding the possession and consumption of alcohol and other drugs on campus has been developed in keeping with Washington State law and the Governor's policy on alcoholism and drug dependency. Washington State laws are described in the Revised Code of Washington and the Washington Administrative Code. State laws regulate behavior such as the consumption of alcohol in public places, the furnishing of liquor to minors, the illegal purchase of alcohol, and the distribution of controlled substances. The applicable procedure for serving alcohol on the Ellensburg campus is CWUR 1-60-010 Serving Alcoholic Beverages.

In order to comply with the requirements of the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, a complete description of the relevant laws, procedures, sanctions, and prevention information is available in the office of the dean of student success.

(2) Student Conduct

The University does not condone the consumption of alcoholic beverages by minors at functions sponsored by Central Washington University organizations on or off campus. Organizations and advisors are responsible for monitoring student conduct at functions sponsored by the organization.

Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the

privacy of certain designated 21 or older residence hall rooms or apartments. Washington State law provides penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors.

The dean of student success may place on probation any student organization or prohibit a student specific campus social function when the consumption of alcoholic beverages has become a problem or concern to the university.

Students violating any state or federal law or the alcohol and other drugs policy or procedure will result in immediate referral to the office of the dean of student success or designee for appropriate action, including disciplinary action. The Washington Administrative Code (WAC 106-120-027: Proscribed conduct.) describes behavior and sanctions a student may be subject to upon violation of any of the described conduct. Disciplinary action may range from a counseling session to expulsion, depending on the severity and number of violations. Repeated violations usually carry more significant consequences. The office of the dean of student success may include in the sanction-mandated contact with the university drug and alcohol prevention specialist and/or direct referral for assessment through a state licensed treatment agency.

(3) Employee (staff and faculty) Conduct

All employees will abide by the terms of the Drug Free Workplace Act of 1988 that prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the university workplace. This Act also requires that employees notify their supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction.

Policies related to the behavior of employees – exempt and classified staff and faculty - are located in the applicable rules and union contracts to include the Exempt Employees' Code, WAC 357-40, faculty contract, classified staff union contracts and/or the academic code.

CWU encourages all faculty and staff to increase their awareness and identification of alcohol and drug issues. Training is available for faculty and staff through Human Resources. For more information, go to <http://www.cwu.edu/hr/training-and-development>.

(4) Serving Alcoholic Beverages on Ellensburg Campus

University departments and student organizations who choose to include alcoholic beverages in any sponsored function will be held responsible for complying with all applicable laws and internal policies and procedures. Violation could result in the department or organization's loss of ability to serve alcohol on campus in the future and appropriate disciplinary action.

Employees may not consume alcohol or drugs during their work shift unless such drugs are prescribed by a physician or other appropriate healthcare provider or unless such over-the-counter medication will not interfere with the employee's ability to perform his/her job.

All groups and organizations sponsoring social events held on the CWU campus and all recognized university groups holding events off campus which involve the serving and consumption of alcoholic beverages will comply with CWUR 1-60-010 Serving Alcoholic Beverages.

Advertisement – Any marketing or advertising of alcoholic beverages on the Central Washington University campus must be in compliance with RCW 66.28.160. Departments, employees, groups or organizations will not offer alcohol as an enticement, reward, benefit of attendance or membership, or as a prize.