

Discrimination Complaint and Resolution Policy

Civil Rights – Equal Opportunity

CWU Policy 403-04

Effective: December 11, 2018

Policy Review Date: YEAR

Policy Executive: Chief of Staff

Responsible Office/Unit: Office of Civil Rights Compliance

Policy Statement:

Applicability:

Content:

Policy

Appendix A - Discrimination Complaint Procedure – Students

Appendix B - Discrimination Complaint and Resolution Procedure – Employees

- (1) 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 [CWU 403-02 Nondiscrimination Policies and Programs Pertaining to Students](#).)
- (2) 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.
 - A. 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.
 - B. 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.

- C. 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.
 - D. Complaints should be brought forward as soon as possible after the alleged act of discrimination.
- (3) 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 [CWU 401-01](#) Title IX Policy for related information.
- A. 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.
 - B. Discussions involving EO will be kept confidential to the extent provided by law.
 - C. 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.
- (4) 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.
- (5) See Appendix A - Student Discrimination Complaint Procedures and Appendix B - Discrimination Complaint and Resolution Procedure – Employees for more information.

History:

Resolution 10/10, 02/2010 BOT

PAC/Pres.: 01/06/10; 10/05/2011; Responsibility: President's Office; Authority: Cabinet/UPAC;

Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 05/02/2012; 12/11/2018; Approved by: James L. Gaudino, President

Reformatted and Assigned new Policy Number - Previous Policy CWUP 2-35-070, June 2025

Attached Procedure CWUR 3-45-010 as Appendix A and CWUR 3-45-050 as Appendix B, June 2025

Appendix A - Discrimination Complaint Procedure – Students

(1) General

- A. Central Washington University is committed to providing an inclusive community that is free from discrimination on the basis of gender (including sexual harassment, sexual assault, stalking, and dating or domestic violence), disability, race (including racial harassment), color, creed, religion, ethnic or national origin, sexual orientation, gender identification, pregnancy, marital status, veteran's status, or age. Central Washington University complies with applicable state and federal laws addressing discrimination.
- B. While individuals who feel they have been discriminated against have the option to file complaints at any time with external enforcement agencies, Central Washington University has adopted these internal procedures to investigate and resolve allegations of discrimination between members of the university community. Individuals who believe they have been discriminated against by a member of the university community due to their protected status are encouraged to utilize these procedures.
- C. All individuals who formally bring forward a complaint of discrimination to the institution shall have explained to them the procedures available through the university and the existence of external agencies where complaints may be filed if appropriate. They shall also receive copies of these Discrimination Complaint Procedures, the Student Conduct Code ([WAC 106-125](#)), Equal Opportunity Policies (CWU 403-XX), and any other relevant university policies. To facilitate resolution, individuals are urged to bring their complaints forward as soon as possible after the alleged discrimination.
- D. If an individual brings forward an allegation of discrimination that may involve a violation of state criminal law, the university may notify either CWU Police or Ellensburg Police so they may initiate an investigation. In such cases, the university may choose to temporarily hold off initiating an investigation until the police investigation is complete; however, the university may provide services and support to the complaining party as appropriate during the interim.

(2) Confidentiality

- A. Confidentiality is essential in matters involving allegations of discrimination. Complainants (those making the complaint), respondents (those alleged to have engaged in discrimination) and participants in these processes are urged to treat all information as confidential. University personnel will seek to protect the privacy of the complainant to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as applicable university policies and procedures. Although the university will attempt to honor a complainant's requests for confidentiality, it cannot guarantee complete confidentiality. Complainants seeking confidential assistance or support may consult with professional staff in the Student Medical and Counseling Clinic or with the Violence Prevention and Response Coordinator and professional staff in the Wellness Center.
- B. University personnel will inform and obtain consent from the complainant before commencing an investigation into a sexual misconduct complaint. If a sexual misconduct complainant asks that the complainant's name not be revealed to the respondent or that the university not investigate the allegation, the university will inform the complainant that maintaining confidentiality may limit the university's ability to fully respond to the allegations and that retaliation by the respondent and/or others is prohibited. If the complainant still insists that the complainant's name not be disclosed or that the university not investigate, the Title IX Coordinator or Executive Director of

Student Rights, Responsibilities, & Health Promotion (or designees) will determine whether the university can honor the request and at the same time maintain a safe and non-discriminatory environment for all members of the university community, including the complainant. Factors to be weighed during this determination may include, but are not limited to:

1. The severity of the alleged sexual misconduct;
 2. The age of the complainant;
 3. Whether the sexual misconduct was perpetrated forcibly or with a weapon;
 4. Whether the respondent has a history of committing acts of sexual misconduct or violence or has been the subject of other sexual misconduct complaints;
 5. Whether the respondent threatened to commit additional acts of sexual misconduct against the complainant or others; and
 6. Whether relevant evidence can be obtained through other means (e.g., security cameras, other witnesses, physical evidence).
- C. If the university is unable to honor a complainant's request for confidentiality, the university will notify the complainant of the decision and ensure that the complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.
- D. If the university decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the university will evaluate whether other measures are available to limit the effects of the harassment and prevent its recurrence and implement such measures if reasonably feasible.
- E. The Violence Prevention and Response Coordinator and other professional staff in the Wellness Center are considered campus-affiliated advocates for students who have experienced sexual assault, dating or domestic violence, or stalking. Complainant communications with, and records maintained by, these staff pertaining to sexual misconduct are considered confidential under RCW 28B.112.030 and, with limited exceptions, are not subject to inspection, copying, or dissemination without the complainant's consent.

(3) Retaliation and False Complaints

- A. Filing a false complaint is considered to be serious misconduct and such offenses will be subject to the full range of applicable sanctions. A finding that discrimination did not occur will not in itself be the basis for a charge of false complaint.
- B. The university aims to protect all participants in these proceedings from retaliation. Retaliation means harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation, provided information about an alleged violation, or participated in any capacity in a university investigation. Retaliating against participants in these proceedings is serious misconduct, and is subject to the full range of applicable sanctions.
- C. 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.

(4) Complaints

- A. Complaints of discrimination should include a statement of the facts alleging 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. The university may initiate an investigation in the absence of a written complaint.
 1. Complaints pertaining to a student should be submitted to the Office of Student Rights & Responsibilities in the Division of Student Engagement and Success (509-963-1515).
 2. Complaints pertaining to employees of the institution, including faculty and staff, should be submitted to the Office of Civil Rights Compliance (509-963-2050).
 3. Complaints may also be submitted electronically through the university's Behaviors of Concern reporting mechanism found online through the university's MyCWU portal.
- B. The professional staff in the applicable office will 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.
 1. During the investigation and until resolution of the incident, interim protective measures or restrictions may be issued as deemed appropriate by applicable university personnel. Interim measures may include, but are not limited to, imposition of university no contact orders, rescheduling classes, temporary work reassignments, referrals for counseling or medical assistance, and interim suspension of the respondent consistent with the Student Conduct Code or employment policies and collective bargaining agreements.
- C. The appropriate office's executive director (or designee) will select the investigator(s) for the complaint and may discuss the complaint with the Student Consultation Team or Title IX Team if appropriate. Complaints shall be thoroughly and impartially investigated. The university may choose to have complaints investigated by an outside investigator.
- D. The investigator will meet separately with the complainant and respondent and solicit their statements, documents, and the name of all witnesses they wish the investigator to consider interviewing.
 1. Each party involved may have an advisor of their choice accompany them to interviews or hearings (assuming no conflict of interest will arise and interfere in any way with the investigation process). Complaints involving students will have professional staff present serving as student support advisors for both the complainant and respondent during interviews.
- E. The investigator will then have 20 working days to examine the documentation, interview witnesses, consult with the Student Consultation Team, Title IX 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 based upon the preponderance of evidence standard utilized in these proceedings. Timelines may be extended by the investigator provided the complainant and respondent are notified in writing.

1. The investigator will meet separately with the complainant and respondent to share the findings. Both parties will receive a written and electronic summary of the investigator's findings and any applicable sanctions.
- F. 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.
- G. The report will remain on file within the appropriate university office for six years.

(5) Appeals

- A. Either party may appeal the decision in accordance with the rules and regulations contained within the Student Conduct Code (WAC 106-125-045) and Equal Opportunity Policies (CWU 403).
1. In cases where the respondent is a student, a student conduct appeals form (located in the Office of the Dean of Student Success) must be submitted in writing to the office of the dean of student success. The appeals form must be submitted within 10 days of service of the disciplinary decision where the disciplinary action dismissed the proceedings or imposed a conduct reprimand, conduct probation, or conduct suspension not in excess of ten days. The appeals form must be submitted within 20 days of service of the disciplinary decision where the disciplinary action imposed is a conduct suspension in excess of ten days or a conduct dismissal. Appeal proceedings will follow the procedures outlined in the Student Conduct Code (WAC 106-125-045).
 2. In cases where the respondent is a university employee, an appeal must be submitted in writing to the Office of Equal Opportunity. The written appeal must be submitted within the timelines and in accordance with the procedures outlined in the Discrimination Complaint and Resolution Procedure – Employees, See Appendix B.

(6) Informal Dispute Resolution

- A. Informal dispute resolution processes, like mediation, may be used to resolve complaints, when appropriate. Informal dispute resolution shall not be used to resolve sexual discrimination complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time.

(7) Campus Resources

- A. CWU Police Services
1211 D Street
Ellensburg, WA 98926
509-963-2959 or 9-1-1
- B. Office of the Dean of Student Success
Bouillon Hall 204
509-963-1515
- C. Office of Student Rights & Responsibilities
Bouillon Hall 205
509-963-1515

- D. Student Medical and Counseling Clinic
Corner of 11th and Poplar
Ellensburg, WA 98926
Medical: 509-963-1881
Counseling: 509-963-1391
- E. Title IX Coordinator
Office of Civil Rights Compliance
Barge 204
509-963-2050
- F. Violence Prevention & Response Coordinator/Wellness Center
SURC 139
509-963-3213

(8) External Avenue for Complaints

- A. Individuals who believe they have been discriminated against because of their protected group status may choose to file a discrimination grievance with any of the agencies below:
 - 1. Equal Employment Opportunity Commission
<http://www.eeoc.gov/>
1-800-669-4000
 - 2. Office for Civil Rights (OCR) - US Department of Education
<http://www2.ed.gov/about/offices/list/ocr/index.html>
206-684-4500
206-684-4503 (TTY)
 - 3. Washington State Human Rights Commission
<http://www.hum.wa.gov/>
1-800-233-3247
1-800-300-7525 (TTY)

Appendix B - Discrimination Complaint and Resolution Procedure - Employees

- (1) Any aggrieved person may file a complaint against any employee of the university when he/she believes discriminatory behavior has taken place.
 - A. Details of the complaint may be provided verbally, electronically, or in writing.
 - B. Information provided by the complainant should be as detailed and accurate as possible, including a statement of the specific allegation of discrimination. Generally, complaints should be filed within 180 days from last alleged act of discrimination.
 - C. If the alleged behavior does not fall under the civil rights legislation or the university's nondiscrimination policy, human resources (HR) will refer the complaint and/or complainant to other appropriate CWU and/or external resources.
 - D. With written notice, the complainant may notify HR that the situation is resolved or that no further university action is desired. However, depending on the circumstances, HR may determine that an investigation is still necessary.
 - E. Options exist to assist complainants in resolving alleged discriminatory actions.

- (2) HR should be contacted for assistance in resolving alleged discriminatory behaviors. Some alternatives may be taken prior to requesting assistance from HR.

- (3) An employee who believes he or she has been subjected to discriminatory behavior in violation of policy is encouraged to first seek a resolution of the problem through discussion with the person(s) directly involved, including his or her supervisor. The complainant should document all incidents and attempts at resolution.

- (4) Persons who do not feel comfortable contacting the alleged violator directly, or have been unsuccessful at resolving the problem directly, may contact their supervisor, department chair, unit head, or appointing authority as well as the offices of HR and/or student rights and responsibilities about possible resolutions and next steps.
 - A. When a complaint is lodged with a department or entity other than HR, that department will notify HR immediately of the complaint. Supervisors, department chairs, unit heads, and others in leadership are advised to maintain documentation sufficient to demonstrate a timely, appropriate and adequate response.
 1. HR will discuss the complaint with department personnel, document the complaint, the investigative process (if any), and any actions taken to resolve the situation. 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.
 2. When appropriate, HR will conduct follow up with the complainant.

- (5) Informal review of a complaint alleging discriminatory behavior may be facilitated by HR. This process may be utilized at the discretion of HR as a prelude to conducting a formal complaint or as an alternative.
- A. The goal of the informal review is to resolve the matter without entering in to a formal complaint procedure.
 - B. HR will notify the appropriate manager/supervisor of the informal complaint.
 - C. After consultation with the complainant, HR will consult with appropriate personnel and departments, and the university will take appropriate actions to end discriminatory behaviors. This may require the university to engage in fact-finding to determine if there is a discriminatory basis to the allegation.
 - D. Assistance may be provided to individuals in an attempt to resolve possible discrimination. Strategies may include notification to the offending party that their conduct is offensive and should cease action by university leadership to stop the offensive conduct, modification of the situation in which the conduct occurred, and/or mediation between the parties.
 - E. The complainant or HR may, at any time, choose to end an informal review in favor of utilizing the formal complaint procedure. Informal mechanisms, including mediation, will not be used to resolve sexual assault complaints.

(6) Formal discrimination complaint procedures are facilitated through HR.

- A. The complainant and, when deemed necessary, the respondent(s) will receive acknowledgment of the filing of a formal complaint.
- B. The appointing authority and division head will receive notification of a complaint within five (5) working days of having been filed with HR.
- C. HR will conduct an investigation and complete a report into the alleged discrimination normally within thirty (30) working days of receiving the complaint. HR may assign the investigation to be conducted by another individual within the university or external to the university. HR may extend the investigation beyond thirty days by providing notification to the complainant and respondent. Such notification will include the anticipated date for completion of the investigation.
- D. The investigation will include:
 - 1. Interview with complainant and respondent;
 - 2. Interviews with witnesses as determined appropriate by HR based on information received from the complainant and/or the department, the appointing authority, or other appropriate individual(s) in the department, and the respondent, when appropriate;
 - 3. Examination of relevant documentation; and,
 - 4. Consultation with assigned assistant attorney general, as needed.
- E. The investigative report will determine if any violations of the university's nondiscrimination policy has occurred.

1. Copies of the investigative report will be provided to HR (if investigation is conducted by another individual), the appointing authority, and the appropriate division head for review. Parties have ten days to complete their review.
- F. Upon completion of the review by all parties HR will meet with the complainant and respondent to review the outcome and provide a copy of the report.
- G. If the investigation substantiates the allegation, appropriate corrective/disciplinary action will be pursued by the appointing authority in concert with HR.
1. If the investigation determines that the respondent did not violate the nondiscrimination policy, but events underlying the complaint merit further attention, HR will refer the case to the appropriate office(s) or department(s).
 2. The complainant or respondent may request a review by the Discrimination Equal Opportunity Committee within twenty (20) days of the meeting. Grounds for appeal are limited to a) consideration of additional documents or information and/or b) university procedure error.
- H. The Equal Opportunity Committee shall be appointed annually by the president. (See CWUP 2-60(5) for committee information.)
1. Membership
 2. The committee shall elect its own chair for each review.
 3. HR will provide training and support to the committee.
 4. Members of the committee shall remove themselves from the review if they deem themselves biased or personally interested in the outcome of the review.
 5. The complainant or respondent may submit challenges to the committee membership that will be reviewed by HR. When appropriate, HR will request that an interim member be appointed by the president.
 6. If a complainant is a student and so requests, two students may be substituted by the president for a like number of existing members of the committee.
- I. The appealing party may withdraw the request for a review at any time.
- J. The Equal Opportunity Committee shall review the complaint, the investigative report, and the findings by the investigator. The committee, at any time, may inform and/or seek advice and assistance through HR from the assigned assistant attorney general. The committee shall determine, based on the investigative report, if:
1. The allegations have been substantiated; or
 2. The allegations have not been substantiated; or
 3. The committee may choose to remand the complaint back to the investigator to examine a specific issue.
 4. If remanded to the investigator for further examination, the process restarts at section 6(E).

5. The committee shall present its determination to the university president and HR within fifteen (15) working days of receipt of the investigative report.
 6. After reviewing the investigative report and considering the determination made by the committee, the president shall issue a written decision to the appealing party within ten (10) working days of receipt of the appeal. The decision of the president will not be further appealable by the complainant or respondent within the university.
 7. If, at any point, the appealing party withdraws their request for review, all parties will be notified.
- K. Allegations of retaliation should be reported immediately to HR and will be investigated using the formal investigative process.