

POLICY

Effective Date: June 9, 2009

Revision Date: March 18, 2014

Approved By: President Bruce Shepard

Authority: See below

Cancels: Appendix C, 2005-2007 Faculty Handbook
 Appendix A, Paragraph C, Student Handbook
 Administrative Policies and Procedures on Affirmative Action, Employment, Equal Opportunity, and Discrimination

See Also: [POL-U1600.03](#) Accommodating Persons with Disabilities
[POL-U1600.04](#) Preventing and Responding to Sex Discrimination, Including Sexual Misconduct
[POL-U1600.05](#) Implementing Affirmative Action Program
[POL-U1600.06](#) Prohibiting Consensual Intimate Personal Relationships Between Supervisors and Supervisees
[PRO-U1600.02A](#) Discrimination Complaint Procedure
[WAC 516-21](#) Student Rights and Responsibilities Code
 Section 8, [Code of Faculty Ethics for the Faculty of WWU](#)

POL-U1600.02 ENSURING EQUAL OPPORTUNITY AND PROHIBITING DISCRIMINATION AND RETALIATION

This policy applies to all employees, students, agents, groups, individuals and organizations that use University facilities and persons who participate in University programs and activities.

Authority:

[Title VI](#) and [Title VII of the Civil Rights Act of 1964](#), [Title IX of the Education Amendments of 1972](#), [Section 503](#) and [Section 504 of the Rehabilitation Act of 1973](#), [the Age Discrimination in Employment Act of 1967](#), [the Vietnam Era Veterans Readjustment Assistance Act of 1972](#), [the Americans with Disabilities Act of 1990](#), [ADA Amendments Act of 2008](#), [the Civil Rights Act of 1991](#), [the Veteran's Employment Opportunities Act of 1998](#), [the Washington State Law Against Discrimination, Chapter 49.60 RCW](#), and [Title II of the Genetic Information Nondiscrimination Act of 2008](#)

Definitions:

Legally Protected Characteristics:

Race, color, creed, religion, national origin, sex (including pregnancy and parenting status), disability, age, veteran status, sexual orientation, gender identity and expression, marital status, and genetic information.

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Discrimination:

Discrimination is conduct that is based upon a legally protected characteristic that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

Harassment is a form of discrimination. Bullying is a subset of harassment.

Examples of harassment and bullying include name-calling, graphic or written statements (including cyber), or physical conduct that is threatening, harmful or humiliating and that is based, at least in part, on a legally protected characteristic. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

1. The University is Committed to Ensuring Equal Opportunity and Prohibiting Illegal Discrimination and Inappropriate Behavior in All Aspects of Employment and for Students in Educational and Extracurricular Programs and Activities

Discrimination, including harassment and bullying, on the basis of a legally protected characteristic is illegal and prohibited.

Inappropriate behavior based on a legally protected characteristic is unacceptable and may be cause for discipline even if it does not rise to the level of illegal discrimination.

The University will not tolerate illegal discrimination or inappropriate behavior based on any legally protected characteristic, in any University program or activity, including employment, admissions, extracurricular and educational programs.

All members of the University community will create and maintain an environment that is free of discrimination and harassment and one in which employees, students, applicants and visitors are treated with dignity and respect.

2. The Board of Trustees Pledges That Every Reasonable Effort Will Be Made to Provide the Resources Necessary to Implement This Policy

3. The President, as Delegate of the Board of Trustees, Affirms the University Shall Comply With Applicable Civil Rights Laws

The President delegates chief responsibility for compliance with civil rights laws to the Vice Provost for Equal Opportunity and Employment Diversity (Vice Provost, EO).

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All Vice Presidents are responsible for ensuring compliance with this Policy. The President or the President's delegate shall:

- A. Develop, monitor and enforce University policies governing recruitment and selection to remove barriers to equal employment opportunity and prevent illegal discrimination.
- B. Ensure that promotion and hiring decisions are in accordance with the principles of equal employment opportunity.
- C. Ensure fairness and equity in the administration of personnel actions such as hiring, promotion, separation, compensation, benefits, transfers, layoffs, returns from layoff, University- sponsored training, education, tuition assistance, and social or recreational programs.
- D. Ensure equal opportunity in the recruitment and admission of students, and in the operation of all University programs, activities and services.
- E. Cooperate with federal and state agencies in fulfilling University obligations under civil rights laws of the United States and the State of Washington.

4. The University Provides an Internal Procedure for Investigating Complaints of Discrimination and Seeking Assistance

- A. Individuals who believe they have been subject to discrimination based on a legally protected characteristic are encouraged to contact the Equal Opportunity Office, Western Washington University, Old Main 345, MS 9021, 516 High Street, Bellingham, WA 98225; 360.650.3307 (voice) or 711 (Washington Relay); ooo@wwu.edu. The Vice Provost, EO, is the University's Title IX and ADA Coordinator.
- B. Complaints of discrimination will be promptly and equitably investigated. See [PRO-U1600.02A Discrimination Complaint Procedure \(PRO- U1600.02A\)](#).
- C. Individuals should not wait to report conduct of concern until it becomes sufficiently serious to create a hostile environment. Individuals with discrimination or harassment concerns who are comfortable doing so are encouraged to discuss their concerns with the appropriate supervisor or department chair in an attempt to resolve the issue informally. The Vice Provost, EO, designees, and other University officials can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person.

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5. The University Prohibits Retaliation

The University, based on civil rights law, prohibits retaliation or encouraging others to retaliate against anyone reporting or thought to have reported a violation of this Policy. This means that any type of adverse action or behavior is prohibited against a student or employee who expresses a concern or complaint to the Equal Opportunity Office, or against a formal complainant, respondent or witness involved in a discrimination complaint investigation. Such retaliation will be considered independently, whether or not a complaint of discrimination is substantiated.

6. Employees Promptly Report Harassment, Bullying, Discrimination and/or Retaliation to the Vice Provost, EO, if They Know or Should Have Known of Actual or Suspected Incidents.

All employees have a duty to promptly report to the Vice Provost, EO, information related to incidents of discrimination, bullying, harassment and/or retaliation involving any legally protected characteristic (except for those employees statutorily barred from sharing such information). This duty to report exists even if the individual reporting the concern requests that it be kept confidential. As appropriate, employees should also bring such concerns to the attention of their supervisor. In consultation with the Vice Provost, EO, supervisors must address allegations of discrimination or harassment.

7. Individuals May Also File an External Discrimination Complaint

An individual may also choose to file a discrimination complaint by contacting one of the following agencies within their established time limits.

Washington State Human Rights Commission 711 S.
Capitol Way #402
P.O. Box 42490
Olympia, WA 98504-2490
Phone: (800) 233-3247
TTY: (800) 300-7525

U.S. Equal Employment Opportunity Commission Seattle
Field Office 909 First Avenue
Suite 400
Seattle, WA 98104-1061
Phone: (800) 669-4000
TTY: (800) 669-6820

U.S. Department of Education
Office for Civil Rights
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Phone: (206) 607-1600
TDD: (800) 877-8339