Civil Rights Compliance

At WSU, this generally encompasses:

• Responding to complaints of Discrimination, Discriminatory harassment, Sexual harassment, and Sexual misconduct

• Responsibility for:
  ▪ Equal Employment Opportunity Compliance
  ▪ Affirmative Action Compliance
  ▪ Title IX Compliance
  ▪ Clery Act Compliance
  ▪ Americans with Disabilities Act Compliance
WSU’s Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (Executive Policy 15)

Applies to all WSU Employees, Students, and others having an association with WSU.
Other Relevant WSU Policies

- **EP 28** Policy on Faculty-Student and Supervisor-Subordinate Relationships
- **EP 7** - University Web Accessibility Policy
- **EP 12** - EEO/AA Policy
- **EP 26** - Internal Investigations, Training, and Policy
- Reasonable Accommodation (BPPM 60.21.1)
- Bullying Prevention and Reporting (BPPM 50.31.1)
- Workplace Violence (BPPM 50.30.1)
- WSU’s Standards of Conduct for Students (Washington Administrative Code (WAC) Chapter 504-526)
Washington State University (WSU or the University) is an equal opportunity employer committed to providing equal opportunity in education, employment, membership and contracts without regard to race, sex, sexual orientation, gender identity/expression, religion, age, color, creed, national or ethnic origin, physical, mental or sensory disability, marital status, genetic information, and/or status as a veteran.
WSU policy prohibits discrimination on the basis of:

- Race
- Sex/Gender
- Sexual orientation
- Gender identity/expression
- Religion
- Age
- Color
- Creed
- National or ethnic origin
- Physical, mental or sensory disability
- Marital status
- Genetic information
- Status as an honorably discharged veteran or member of the military

WSU policy prohibits behavior on the basis of a protected class that is sufficiently severe, persistent, or pervasive that it has the purpose or effect of creating an intimidating, hostile, or offensive environment; or unreasonably interfering with work, or academic performance. (Prejudice = Attitude ≠ Discrimination = Behavior/Actions)
Affirmative Action Compliance
Affirmative Action

• The processes most likely to contribute to the goal of diversifying the workforce are those conducted in the context of an ongoing, institution-wide commitment to diversity.

• Focus building a reputation for being diversity-friendly workplace.

• I-200: The state shall not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin…
Affirmative Action

Continuing Efforts:
- Completed Re-Survey 2017 - outreach continues
- Improved Reporting Practices – improved efficiency
- Updating Practices
  • Data Sharing
  • Education
  • Collaboration
Title IX Compliance
Title IX of the Education Amendments of 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
Sex and Gender Based Violence

WSU policy prohibits sexual misconduct and other forms of sex and gender-based violence (forms of sexual harassment), including:

- Non-consensual sexual contact;
- Sexual exploitation;
- Intimate partner violence (dating violence); and
- Stalking

One instance of sexual misconduct may be considered sufficiently severe, persistent, or pervasive to rise to the level of sexual harassment.

WSU will address student allegations of sexual harassment regardless of where the conduct occurred (on or off campus) if it may interfere with the educational pursuits of the parties involved.

WSU’s processes are separate from the criminal process and can be pursued simultaneously.
In June/July WSU entered into a Resolution Agreement with OCR to wrap up a federal review of Title IX compliance that had been ongoing since January 2013. The review included a broad look at WSU’s handling of reports of sexual harassment and sexual violence over a six-year period. OCR focused on 72 files pertaining to sexual assault allegations and found four instances of noncompliance, each of which generally related to promptness for completing investigations.

Steps the university has agreed to take include:

- Clarifying certain procedures regarding the handling of sexual harassment complaints.
- Amending notification procedures, as needed, to ensure all employees and students are notified of the Title IX Policy and Procedure.
- Providing refresher training on Title IX policies and procedures for certain staff.
- Evaluating whether sufficient resources are in place to process sexual harassment complaints and reports in a timely manner, and developing a plan for addressing any deficiencies.
- Reviewing and, if needed, revising central record-keeping system for sexual harassment complaints.
OCR – Changes in Practices/Enforcement

• The New York Times Reports: **New U.S. Sexual Misconduct Rules Bolster Rights of Accused and Protect Colleges**, Erica L. Green, Aug. 29, 2018

• Likely similar to interim guidance, currently in effect
  - Generally, will afford universities more discretion in determining what their processes for responding to sexual violence look like.
Clery Compliance
The Campus Sexual Violence Elimination (SaVE) Act – Clery Amendments

March 7, 2013, Reauthorization of the Violence Against Women Act (VAWA)

- Included Campus Sexual Violence Elimination Act (Campus SaVE), which amended the Jeanne Clery Act.

- SaVE seeks to improve university efforts through increased:
  - Transparency
  - Accountability
  - Education
Proceedings for institutional disciplinary action in cases involving domestic violence, dating violence, sexual assault, or stalking will include:

• A “prompt, fair, and impartial process…”
• That “protects the safety of victims and promotes accountability.”
Annual Security and Fire Report

- New requirements in 2016
- Revised report to reflect these
- Revised counting practices and updated statistics
- Collaboration between campuses
  - Continuing to work toward a standard format.
  - Exploring new format – improve screen reader accessibility and simplify navigation
Americans With Disabilities Act Compliance
Key Accessibility Laws/Regulations

• Americans with Disabilities Act (ADA)
• Section 503 and 504 of the Rehabilitation Act of 1973
• Fair Housing Act

https://access.wsu.edu/
Role of ADA Coordinator

• Planning and coordinating overall compliance efforts and tracking progress.
• Developing and implementing grievance procedures.
• Coordinating self-evaluations and transition plans.
• Working with community leaders, individuals with disabilities, and other stakeholders to achieve compliance.
ACCESSIBILITY AT WSU

Washington State University is committed to fostering an inclusive and accessible environment for all students, staff, faculty, and visitors who participate in WSU’s programs or services. WSU will ensure that students, faculty, staff, and visitors have access to university facilities, technology, and information needed to have an equal opportunity to succeed in their education, employment, and community activities.

In addition, WSU is committed to complying with state and federal laws regarding individuals with disabilities, including, but not limited to: Sections 504 of the 1973 Rehabilitation Act (Section 504), the Americans with Disabilities Act of 1990 (ADA), the ADA Amendments Act of 2008 (ADAAA), Washington State Office of the Chief Information Officer Policy 188, and Washington State RCW 49.60.

Use the links below to navigate additional content on this webpage:

File An Accessibility Complaint
Campus Specific Information
Complaint and Grievance Procedures
Guidelines and Policies
ADA Coordinator Information
Resources at access.wsu.edu

Features:

- Information about different types of Campus Accommodations:
  - Student Campus Accommodations
  - Employee Campus Accommodations
  - Campus Event Accommodations
  - Parking and Visitor Accommodations
  - Complaints and Grievance Procedures
- Tips for making Classroom Materials accessible
- Guidelines for:
  - Accessible Communications
  - Accessibility considerations in Contracts and Purchasing Practices
  - Accessible Events
Features:

- Information about resources for Pregnant and Parenting Students*
  - (Pregnancy is not considered a disability, but complication that may arise from the pregnancy may warrant disability accommodations – resources not related to accommodations are also available through other WSU offices.)
- Information about Service Animals
- Information on How to Report a Concern
New and Forthcoming Policies

• WSU Executive Policy 7 - Electronic and Information Technology (EIT) Accessibility Policy (Revised August 23, 2017)
• WSU Service and Support Animals Policy – Under review by campus partners.
OEO Investigations
Employee Reporting Obligations

• All WSU employees*, including student employees, who have information regarding incidents of sexual harassment or sexual misconduct must promptly report that to OEO or the WSU Title IX Coordinator.

• All supervisors, who have information regarding incidents of discrimination or discriminatory harassment report that to OEO

*Limited exceptions for health care providers or staff, mental health care providers or staff, preventative education providers, or employees who have no authority to take action or who are not viewed by students as having authority
Resources
https://oeo.wsu.edu/resources
Total Number of Reports to OEO

<table>
<thead>
<tr>
<th>Year</th>
<th>Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>123</td>
</tr>
<tr>
<td>2012</td>
<td>175</td>
</tr>
<tr>
<td>2013</td>
<td>246</td>
</tr>
<tr>
<td>2014</td>
<td>387</td>
</tr>
<tr>
<td>2015</td>
<td>388</td>
</tr>
<tr>
<td>2016</td>
<td>624</td>
</tr>
<tr>
<td>2017</td>
<td>578</td>
</tr>
</tbody>
</table>
2017 Complaints by Protected Class

- SEXUAL ORIENTATION/GENDER IDENTITY OR EXPRESSION: 19 complaints
- VETERAN: 2 complaints
- RELIGION: 18 complaints
- DISABILITY: 34 complaints
- AGE: 16 complaints
- NATIONAL OR ETHNIC ORIGIN: 55 complaints
- RACE/COLOR: 59 complaints
- SEX/GENDER: 335 complaints
<table>
<thead>
<tr>
<th>Category</th>
<th>2017 Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graduate Student</td>
<td>10</td>
</tr>
<tr>
<td>Undergraduate Student</td>
<td>153</td>
</tr>
<tr>
<td>Faculty</td>
<td>68</td>
</tr>
<tr>
<td>Administrative Professional</td>
<td>26</td>
</tr>
<tr>
<td>Civil Service</td>
<td>15</td>
</tr>
<tr>
<td>Total Employee</td>
<td>123</td>
</tr>
</tbody>
</table>
Once WSU learns of a concern:

- Resources
- Complainant Interview/Intake
- Determine appropriate next steps
- Notice of Investigation
- Impartial Investigation: (Review Documents, Interview Witnesses and Respondent)
  - Preponderance of the Evidence
- OEO will summarize the investigation (Findings of fact; Conclusion; and a recommendation to HRS)
- Appeal
- HRS and/or Supervisor [or OSC] will address any disciplinary action.
Key considerations

- Not every complaint results in an investigation
  - 2017: 578 complaints, 50 investigations
- Many complaints result in other actions
  - Consultation
  - Referrals
  - Performance Expectation Counseling
  - Additional training
  - Mediation

Many complaints are concurrently assessed by OEO, HRS, or Internal Audit
Number of Complaints per Academic Year

Number of Investigations/Inquiries per Academic Year
Questions?