



## **Civil Rights Compliance Guidance**

### **Statement**

Western Kentucky University (WKU) will provide equal opportunity to all employees, students, applicants for employment, and the public regardless of race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity/expression, marital status, age, uniformed services, veteran status, or physical or mental disability.

### **Reason for Statement**

This statement provides guidance in complying with local, state, and federal civil rights laws and regulations.

### **Procedures and Responsibilities**

#### **1. RESPONSIBILITIES OF UNIVERSITY MEMBERS**

- 1.1 The Vice President of each division has the primary responsibility of ensuring compliance with civil rights laws and regulations, including but not limited to the prohibition of discrimination, sexual harassment, and related retaliation based on race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity/expression, marital status, age, uniformed services, veteran status, pregnancy, childbirth or related medical conditions, or physical or mental disability.
- 1.2 The extended campus director shall oversee its civil rights protections program. This person(s) will ensure that all allegations of discrimination, sexual harassment, and related retaliation are directed to the Executive Director of Institutional Equity for investigation.

#### **2. RESPONSIBILITIES OF ALL EMPLOYEES**

- 2.1 All employees are responsible for ensuring their work and educational environments are free from illegal discrimination, sexual harassment, and related retaliation. When alleged or suspected discrimination, sexual harassment, or retaliation is experienced or observed by, or made known to, an employee, the employee is responsible for reporting that information. All employees and students are to cooperate fully with those performing an investigation pursuant to this regulation. Retaliatory action of any kind is prohibited when taken against a complainant, witness, or other person

participating in a discrimination, sexual harassment, or related retaliation investigation, complaint, hearing, or suit.

- 2.2 All employees and students are to cooperate fully with those performing an investigation pursuant to this regulation. Retaliatory action of any kind is prohibited when taken against a complainant, witness, or other person participating in a discrimination, sexual harassment, or related retaliation investigation, complaint, hearing, or suit.
- 2.3 Reports of suspected discrimination, sexual harassment, or retaliation must be based on reasonable, factual information rather than speculative information or rumor, and contain as much specific information as possible to allow for proper assessment of the nature, extent, and urgency of preliminary investigative procedures. Employees or students found to have intentionally made false or misleading allegations of suspected discrimination, sexual harassment, or related retaliation under this regulation may be disciplined, up to and including dismissal.

### **3. RESPONSIBILITIES OF THE EQUAL EMPLOYMENT OPPORTUNITY /AFFIRMATIVE ACTION/UNIVERSITY ADA SERVICES DIRECTOR**

- 3.1 The Executive Director of Institutional Equity will be informed of any local, state, or federal agency investigating a charge or complaint of discrimination, sexual harassment, or related retaliation.
- 3.2 In coordination with the General Counsel, the Executive Director of Institutional Equity will provide general guidance on the implementation of civil rights protections and compliance with civil rights laws and regulations.
- 3.3 The Equal Employment Opportunity/Affirmative Action/University ADA Services office is responsible for the coordination and/or all reporting requirements related to equal opportunity and affirmative action for the University and its members.

### **4. PROCEDURES**

- 4.1 Any University employee or student who believes he or she has been subjected to discrimination, sexual harassment, and/or related retaliation should promptly report the incident(s) to the Executive Director of Institutional Equity. A third party (including, but not limited to, anyone receiving services from the member, vendors, and private business associates) should promptly report the incident(s) involving a University employee to the Executive Director of Institutional Equity. A University employee's or student's complaint alleging discrimination, sexual harassment, and/or related retaliation in connection with discipline must be filed within seven (7) business days of the action that caused the complaint, or it will be deemed untimely filed and dismissed. A University employee's or student's complaint alleging discrimination, sexual harassment, and/or retaliation should be filed in accordance with the appropriate procedure related to the complainant's status (i.e. staff, faculty,

student.). Information concerning the appropriate procedure based upon the complainant's status may be obtained from the office of Institutional Equity.

- 4.2 The filing of a discrimination, sexual harassment, or related retaliation complaint will not stop, delay, or affect pending personnel actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to a complainant who is not performing at acceptable levels or standards or who has violated University policies or regulations.
- 4.3 Any employee disciplined pursuant to this regulation may appeal that action in accordance with University the *Complaint and Appeal Process for Non-Faculty Members*, and/or other policies and procedures as appropriate. Any student disciplined pursuant to this regulation may appeal the action in accordance with the University policy and/or procedures for student grievances.

## 5. DISABILITIES

The office of Equal Employment Opportunity/Affirmative Action/University ADA Services will respond to requests for reasonable accommodations by qualified individuals with a disability under the provisions of this regulation. Applicants extended an offer of employment, and employees who request an accommodation are responsible for obtaining a medical statement that contains a diagnosis, prognosis, and the major life function that is substantially limited. This medical statement should include an evaluation as to the effect that the impairment has on the employee's or prospective employee's ability to perform the duties associated with the position. All medical information will be treated as confidential and will be kept in a separate file from other personnel records.

### **Contact Office**

The office of Equal Employment Opportunity/Affirmative Action/University ADA Services (270) 745-5121/persons with a hearing or speech disability should dial 711 to be automatically connected to a Telecommunications Relay Services (TRS) operator