

POLICY & PROCEDURE DOCUMENT

NUMBER: 0-

C. The University specifically reserves the right to modify and/or amend any or all of the procedure(s) outlined herein at any time as circumstances may require. As may be applicable, the affected parties will be notified

D. Retaliation: Retaliation occurs when an adverse action is taken against an individual because he or she reported a violation of this policy, filed a formal complaint or participated in an investigation of a discrimination report.

E. Members of the

- e) Upon receipt of information, the EEO Director will either initiate stage 2, or if the report / complaint is an allegation of student to student violation of the policy, the EEO Director will refer the report / complaint to the Vice President for Student Affairs, who will initiate stage 2.
- f) The EEO Director shall also notify the Title IX Coordinator of any reports or complaints received.

2. Stage 2 / Investigation

- a) Investigator: Responsibility for investigation of discrimination or harassment complaints:

evidence standard (i.e. more likely than not) to determine whether a violation of the policy has occurred.

3. Stage 3 / Findings and Resolution

a) Finding of No Violation: If the investigator finds that a violation of this policy has not occurred, the investigator will notify the complainant and the alleged offender of the finding in writing. Other parties will be notified as follows:

- 1) Student to student-violation: If the complainant and accused are students, the investigator may also inform other administrators as appropriate.
- 2) Employee to student or employee violation: If the complainant is a student or university employee and the accused is a university employee, a copy of the finding will be provided to the alleged offender's department/unit head and immediate supervisor, and the Vice Provost (if the accused is a faculty member) or the Director of Human Resources (if the accused is a staff member). The investigator may also inform other administrators as appropriate.
- 3) Non-University person to student / employee: If the complainant is a student or University employee and the accused is a non-University person, a copy of the report will be provided to the Chief of the WKU Police Department. The investigator may also inform other administrators as appropriate.

b) Finding of Violation:

- 1) Student to student violation: If the investigator determines that a violation has occurred, the investigator will notify the complainant and accused, the Office of Judicial Affairs and other administrators, as the investigator deems appropriate.

The Office of Judicial Affairs shall determine an appropriate sanction in accordance with the Student Handbook.

- 2) All other violations: If the investigator determines that a violation has occurred, the investigator will notify the complainant and accused, and:
 - i. If the violator is a student, the Office of Judicial Affairs, which shall determine the appropriate sanction in accordance with the Student Handbook.
 - ii. If the violator is an employee, the offending party's department/unit head and immediate supervisor, and the Vice Provost (if the violator is a faculty member) or the Director of Human Resources (if the violator is a staff member). The EEO may also inform other administrators as appropriate.

c) Corrective Action for Employee Violation:

- 1) The offending party's supervisor shall consider the severity, persistence and pervasiveness of the conduct in determining the corrective action to be taken.
- 2) The department/unit head and supervisor shall consult with his/her successive levels of administration to determine what action, if any, is to be taken against the offending party in accordance with University disciplinary policies/procedures. The determination shall occur and be implemented as soon as possible. The EEO and the Director of Human Resources shall be informed of the disciplinary action.
- 3) In addition to the procedures outlined herein, discrimination and harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission or U.S. Department of Education, Office for Civil Rights. Any complaint filed under the University's policy shall be processed even if the complainant also files a complaint or suit with an outside agency, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education, Office for Civil Rights. Contact information for these agencies: the Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, Suite 515, 100 Penn Square East, Philadelphia, PA 19107, (215) 656-8548; the Kentucky Commission on Human Rights, 832 Capital Plaza, 500 Metro Street, Frankfort, Kentucky, 60601, (502) 595-4024 or (800) 292-5566; or the Equal Employment Opportunity Commission, 600 Martin Luther King, Jr. Place, Suite 269, Louisville, Kentucky 40202, (502) 582-5851.

IV. Related Policies

See also:

[0.2070 Sex and Gender-based Harassment, Discrimination and Retaliation](#)

[1.1013 Consensual Relations Between Faculty and Students](#)

[4.8000 Standards of Conduct](#)

[4.8051 Workplace Violence](#)

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