



## Policy and Procedures Manual Application: All Personnel Section A12 Title IX Grievance Policy

### A 12 Title IX Grievance Policy

#### TITLE IX GRIEVANCE PROCESS

##### I. STATEMENT OF POLICY

A. East Central University (University) is committed to an inclusive educational and employment environment that provides equal opportunity and access to all qualified persons. The University will continue its policy of fair and equal employment and educational practices without discrimination or harassment because of race, color, religion, national origin, genetic information, age, disability, gender, marital status, veteran status, sexual orientation, or any other characteristic protected by applicable federal, state, or local law. Discrimination or harassment in violation of this policy should be reported to the Affirmative Action Officer (Employment Services Office) in person at Room 160 Administration building, or by phone at (580) 559-5217 or fax at (580) 559-5484. After office hours or on holidays, the report may be made by contacting East Central University Police at (580) 559-5555.

B. The intent of these procedures is to ensure that discrimination and harassment based on these characteristics does not take place in the University community. Should it take place, it is the goal that such discrimination or harassment be promptly reported to appropriate University officials designated to receive such complaints.

C. Any employee (faculty or staff), student, applicant for employment or admission, visitor, or other non-affiliated individual who believes that he or she has been subjected to any form of unlawful discrimination or harassment may make a complaint. Unlawful discrimination includes sexual harassment as well as harassment based on an individual's membership in any other legally protected category as stated above. The University will conduct a fair and impartial investigation of such complaints, with due regard for the rights of all parties. Retaliation against any individual who has made a complaint, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of University policy. The purpose of these procedures is to ensure that all complaints are thoroughly and fairly investigated by authorized University officials who have the necessary expertise and training.

D. Any complaint should be referred to one of the individuals responsible for receiving or investigating such complaints. Any employee, other than those listed, who receives a complaint is responsible for directing the complainant or otherwise referring the complaint to the appropriate individual in a timely manner. All complaints, either written or verbal, must be referred to the appropriate office or official as set forth below.

##### II. DESIGNATION OF COORDINATORS

A. The University's Affirmative Action Officer/ Title IX Coordinator/Employment Services Director, and the Vice President of Administration and Finance are designated to coordinate and insure investigation of complaints arising under Title IX of the Educational Amendments of 1972 and Title VII of the Civil Rights Act. They are located in room 160, and room 163 of the Administration building, 1100 E. 14th, Ada, OK 74820. The telephone number is (580) 559-5217, or (580) 559-5215, fax number (580) 559-5484. Email complaints or inquiries regarding discrimination or harassment, or any issue involving Title IX or Title VII, may be sent to [tanderson@ecok.edu](mailto:tanderson@ecok.edu), or [jkilby@ecok.edu](mailto:jkilby@ecok.edu).

B. The University's Affirmative Action Officer/ Title IX Coordinator/Employment Services Director and the Vice President of Administration and Finance are designated to coordinate complaints arising under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). They are located in room 160 and room 163 Administration building, 1100 E. 14th, Ada, OK 74820. The telephone number is (580) 559-5217 or (580) 559-5215, fax number (580) 559-5484. Email complaints or inquiries regarding discrimination or harassment because of a disability, or any issue involving Section 504 or the ADA, may be sent to [tanderson@ecok.edu](mailto:tanderson@ecok.edu) or [jkilby@ecok.edu](mailto:jkilby@ecok.edu).

C. Hereinafter, these individuals are referred to as the "Coordinator" and "Deputy Coordinator."

##### III. INITIATING A COMPLAINT

A. The process outlined in this section applies to all complaints of discrimination, except those brought by students on the basis of disability. Students who wish to file a complaint alleging discrimination based on disability should file with Disability Services, in accordance with procedures set forth in section VI of the Disability Services Policies and Procedures.

B. Any employee, student, applicant for employment or admission, visitor, or other non-affiliated individual who believes that unlawful discrimination or harassment has occurred may initiate a complaint by either meeting with the appropriate individual in one of the offices listed below, or by submitting a written complaint to that individual or office. The information provided in the complaint should be as specific as possible regarding the circumstances that precipitated the complaint. The complaint should include the dates and places of the incidents at issue, the individuals involved, the names of any witnesses, any efforts made to resolve the matter informally and their results, and any other pertinent information.

C. As stated in section II above, the University has designated a "Coordinator" and "Deputy Coordinator" for Title IX, Title VII, and Section 504 complaints. These individuals share the primary responsibility for the receipt, investigation, and resolution of complaints of discrimination and harassment.

1. Any employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may initiate a complaint by contacting any of the individuals as follows:

- Ty Anderson, "Title IX/Title VII/Section 504 Complaint Coordinator". Employment Services Office, room 160 Administration Building, 1100 E. 14th, Ada, OK 74820. Phone: (580) 559-5217. Fax: (580) 559-5484. Email: [tanderson@ecok.edu](mailto:tanderson@ecok.edu)

- Jessica Kilby, "Title IX/Title VII/Section 504 Complaint Deputy Coordinator", Vice President of Administration and Finance, 163 Administration Building, 1100 E.14th, Ada, OK 74820. Phone: (580) 559-5215. Fax: (580) 559-5215. Email: [jkilby@ecok.edu](mailto:jkilby@ecok.edu).

- Dr. Lancaster, 103 Administration Building, 1100 E.14th, Ada, OK 74820. Phone: (580) 559-5368. Email: [alancaster@ecok.edu](mailto:alancaster@ecok.edu) .

D. Complaints by Students:

1. Students may initiate a complaint of discrimination or harassment against another student by contacting the Dean of the Graduate School.

2. Students may initiate a complaint of discrimination or harassment against a University employee, whether faculty or staff member, by contacting the Vice President of Administration or the Dean's office of the college where the harassment or discrimination is alleged to have occurred. The contact information for each college is listed below.

E. Complaints by Faculty or Staff:

1. Faculty or staff members may initiate a complaint of discrimination or harassment against a student by contacting the Dean of Students.

2. Faculty, staff members, applicants for employment or admission, visitors, or other non-affiliated individuals may initiate a complaint of discrimination or harassment by contacting those individuals listed in paragraph III.C.1.above.

3. Off-Site Locations: Any individual at an off-site location may initiate a complaint of discrimination or harassment to any of the offices above as appropriate, or to the on-site director of the program.

4. After-Hours or Holiday Complaints: In the event any individual wishes to initiate a complaint of discrimination or harassment after regular University office hours, or when offices are closed for University holidays, the individual may use email, leave a phone message, or may contact the East Central University Police at (580) 559-5555.

DEANS of COLLEGES:

- College of Health and Sciences, Office of the Dean, PES 101A, 1100 E. 14<sup>th</sup>, Ada, OK 74820. Phone (580) 559-5549.

- College of Liberal Arts and Social Sciences, Office of the Dean, Faust 140, 1100 E. 14<sup>th</sup>, Ada, OK 74820. Phone (580) 559-5424.

- College of Education and Psychology, Office of the Dean, Administration 213, 1100 E. 14<sup>th</sup>, Ada, OK 74820. Phone (580) 559-5350.

- Harland C. Stonecipher School of Business, Office of the Dean, Chickasaw Business and Conference Center 313, 1100 E. 14<sup>th</sup>, Ada, OK 74820. Phone (580) 559-5649.

- School of Graduate Studies, Linscheid Library and Distance Education, Office of the Dean, Linscheid Library, 1100 E. 14<sup>th</sup>, Ada, OK 74820. Phone (580) 559-5368.

F. In addition to the above methods to report discrimination or harassment, the Board of Regents of the Regional University System of Oklahoma, which governs the University, has established a "RUSO Tip Line" which is managed by EthicsPoint. The RUSO Tip Line allows concerns to be submitted anonymously.

1. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individual may report incidents of discrimination or harassment online using the RUSO Tip Line. The complaining party should visit [www.ruso.ethicspoint.com](http://www.ruso.ethicspoint.com) which is a secure server administered by EthicsPoint.
2. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individuals may also report incidents of discrimination or harassment by calling toll-free 866-898-8438. An EthicsPoint Contact Center Specialist will facilitate the call and compile the required information from the complaining party.
3. EthicsPoint will forward the required information to designated RUSO and University officials who will then conduct an appropriate investigation and resolution.
4. An employee, student, applicant for employment or admission, visitor, or other non-affiliated individual is also encouraged to continue communicating any concerns directly to appropriate campus offices, as listed in paragraph III.C.1. above.

#### IV. INVESTIGATION AND RESOLUTION OF COMPLAINTS

- A. The individuals and offices available to receive complaints, as noted above, were selected to give all members of the University community the opportunity to initiate a complaint in a place in which they will feel comfortable doing so. These individuals and offices have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is directed to the proper office or individual for investigation.
- B. The Coordinator and Deputy Coordinators shall designate an appropriately trained individual to investigate complaints of unlawful discrimination or harassment. Athletic department personnel will not lead, guide, or make a pronouncement in the investigation or resolution involving a student athlete or athletic department personnel except to fully cooperate with the investigation and resolution.
- C. If the individual accused of engaging in discrimination or harassment is a student, the complaint will be resolved by the Office of Student Development.
- D. Notice of the complaint and an opportunity to respond will be given to all persons alleged to have violated the University's policies regarding discrimination or harassment. The investigation may otherwise involve meeting with the parties, interviewing witnesses, and requesting written statements from the parties.
- E. The investigation should be completed promptly so that a decision can be rendered within 60 days of receipt of the complaint. If this is not possible, the investigator will inform the complainant of the status of the investigation within 60 days, the reason(s) for delay, and an estimated completion date for the investigation.
- F. A confidential record of all complaints, including their disposition, will be maintained by the investigating unit. The Coordinator and Deputy Coordinator shall be informed of, and maintain a confidential record of the nature of all complaints of discrimination or harassment investigated, the names of complaining parties and respondents, and the final disposition of all complaints.

#### V. COMPLAINTS AGAINST FACULTY MEMBERS

- A. Any employee who receives a complaint against a faculty member will refer the complaint to the Coordinator or Deputy Coordinator. An investigator will be designated as provided for in paragraphs IV.B above.
- B. If the complaint also involves matters such as grades, curriculum, etc., the investigator will refer the complainant to University policies designed to address those issues.
- C. The investigator will provide findings and conclusions in writing to the University Provost, and the Coordinator or Deputy Coordinators. The Provost will determine what action, if any, is appropriate.

#### VI. COMPLAINTS AGAINST STAFF MEMBERS

- A. Any employee who receives a complaint against a staff member will refer the complaint to the Coordinator or Deputy Coordinator. An investigator will be designated as provided for in paragraph IV.B. above.
- B. The investigator will provide findings and conclusions in writing to the Vice President of Administration and Finance. If the Vice President of Administration and Finance conducts the investigation another Vice President will be assigned the responsibility to determine what action, if any, is appropriate.

#### VII. CONFIDENTIALITY

- A. Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the University's need to investigate the complaint and/or implement decisions made in order to resolve the complaint. It must be understood that in order to permit the University to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the University community, no

representative of the University is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

B. Any individual who requests confidentiality before disclosing a complaint must be informed that because any apparent violation of University policy must be addressed, complete confidentiality may not be possible. An individual who insists on confidentiality as a condition of disclosing a complaint may be advised of the opportunity to consult with the Student Counseling Center, with whom such matters may be discussed in confidence. Consulting with the Student Counseling Center does not constitute the initiation of a complaint. Medical and mental health professionals are not representatives of the University for this purpose and are not authorized to investigate or respond to complaints.

#### VIII. APPEALS

A. If a conflict of interests is deemed to exist the Coordinator, Deputy Coordinator, Dean of Students or investigator(s) may recuse themselves, be recused by the Vice President of the department of the complainer or accused, or be recused by the other two members of the reporting body. If the complainer or accused consider the Coordinator, Deputy Coordinator, Dean of Students or assigned investigator to have a conflict of interest they may present a written appeal to the Vice President of the department of the complainer or accused, or the other members of the reporting body within three working days of being notified of the appointment and a determination will be made.

B. In the event that either the complainant or accused believe that the resolution of the complaint has not rectified the situation, an appeal may be made.

C. In the case of complaints against students, the process for appeal is governed by The Code of Student Conduct <https://www.ecok.edu/student-development/student-development-home/ecu-student-handbook>.

D. For faculty, staff or visitors to the University the appeal is made by a written request to both of the two remaining Vice Presidents of the University who did not make the original determination, for review of the decision. The appeal must be made within 10 working days of the date of the decision. The two Vice Presidents shall render a decision in the matter of the sexual harassment or sexual misconduct complaint and inform the complainant and respondent of the decision. A copy of the decision shall also be transmitted to the applicable Vice President and the Coordinator or Deputy Coordinator.

#### IX. REQUIRED PROCEDURES

A. These procedures shall constitute the grievance procedure mandated by the regulations that implement Title IX of the Education Amendments of 1972, Title VII Civil Rights Act of 1991 and Section 504 of the Rehabilitation Act of 1973 for employees.

B. The procedure for student grievances under Section 504 is set forth in section VI of the Disability Services Policies and Procedures.