

WEST VIRGINIA UNIVERSITY AA/EO COMPLAINT PROCEDURES (WVU at Parkersburg Answer Book #IV-3A, November 10, 2003)

Affirmative Action/Equal Opportunity

West Virginia University recognizes and accepts its responsibility to act in accordance with the University's Affirmative Action Plan, and Federal laws and regulations. Therefore, WVU has established this internal complaint procedure to review, investigate, and resolve allegations of unlawful discrimination on the basis of age, color, disability, national origin, race, religion, sex (including sexual harassment), sexual orientation, or veteran status. WVU is committed to affirmative action and equal opportunities in all areas of employment and education and believes that this complaint procedure will benefit students, faculty, staff, and administrators. Our success in these efforts will contribute to an improved environment in which to work and study. Individuals with discrimination-related complaints, including affirmative action and equal employment opportunity complaints, are urged to utilize this internal AA/EO complaint procedure before filing a complaint with external enforcement agencies. This policy does not preclude the use of any other complaint mechanism available to the complainant.

Requirements for Filing Complaints:

- a. Any applicant for employment, current or former employee, or student (herein referred to as complainant) at WVU may file a discrimination complaint with the AA/EO Office.
- b. A complaint may be filed with the AA/EO Office without first discussing the issues with any other University official. However, it is encouraged that individuals first attempt to resolve the complaint by bringing the issue to their supervisors or next-level supervisors.
- c. A complaint should be filed within 30 days following the alleged discriminatory act, or the date on which the complainant knew or reasonably should have known of said act.
- d. The complaint must be filed with the AA/EO - Social Justice Office.

Further Provisions on Time Limits:

All of the time limits contained within this complaint procedure may be extended with the approval of the Affirmative Action Officer, or his/her designee.

Discrimination Complaints Filed with Other WVU Departments or Units:

Any complaint relating to discrimination on the basis of age, color, disability, national origin, race, religion, sex (which includes sexual harassment), sexual orientation, or veteran status that is filed with another WVU department or unit shall be referred to the AA/EO Office within twentyfour (24) hours, or the next working day.

Responsibilities

The employee, job applicant, or student is responsible for the following:

1. Whenever possible, attempting to resolve complaints through an immediate supervisor or next-level supervisor. If such discussions fail to resolve the complaint, the complainant may seek a review of his/her complaint in accordance with the steps listed below;
2. Contacting the AA/EO Office for advice and/or counseling if there is a concern about being discriminated against or harassed; and,
3. Filing a discrimination complaint with the AA/EO Office if the situation remains unresolved.

The AA/EO Office is responsible for the following:

1. Receiving a complaint and assisting the complainant in defining the charge and completing the complaint form;
2. Apprising the person(s) named in the complaint (herein referred to as the respondent) and his/her administrative office of the allegation and notifying them that no retaliation may occur;
3. Assisting the individuals named in the complaint in interpreting the charge;
4. Obtaining a response to the complaint within ten (10) working days after receipt of the allegations;
5. Upon receipt of the response from the respondent named in the complaint, investigating the complaint further if necessary and appropriate. The AA/EO Office shall have access to all necessary documents, the right to interview witnesses, and the ability to bring together the complainant and respondent, if desirable;

6. Upon completion of the investigation, issuing a finding on the case to all individuals named in the complaint within twenty (20) working days. If the evidence supports a finding that there is no basis for a charge of illegal discrimination, the AA/EO Office shall indicate this conclusion to the complainant and advise him/her that the case is closed;
7. Making recommendations for the resolution of the complaint if unlawful discrimination is found; and,
8. Monitoring the recommendations for implementation, and seeing that appropriate action is taken without retaliation against the complainant or respondent.

The respondent is responsible for the following:

1. Providing a response to the charge within ten (10) working days after receipt of the charge; and,
2. Taking no retaliation or reprisal against the complainant, others related to the complainant, or persons involved in the complaint investigation.

This policy does not prohibit the employer from taking disciplinary action in appropriate circumstances.

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