

Grievances

The Office of Equal Opportunity/Affirmative Action/University ADA Services (EAU) is responsible for investigating and resolving complaints of discrimination, harassment and related retaliation within Western Kentucky University (WKU), whether the complaints originate internally or externally. Complaints can come from a number of sources including, but not limited to, employees, faculty, staff, students, vendors and government agencies.

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Your Rights and Responsibilities as a Grievant

The EAU office accepts grievances of discrimination, harassment and related retaliation on the basis of race, sex, religion, color, national or ethnic origin, age, disability, and veteran status in the areas of:

- Employment
- Academics
- Any other setting involving a WKU person or entity

If you believe someone within WKU has discriminated against, harassed or retaliated against you, please contact the EAU office. Grievances may be filed at any time; however, it may be to your advantage to contact the EAU office as soon as possible after the act in question occurred.

If the EAU office is not the proper place to handle your complaint, it will direct you to the appropriate department.

Your Rights and Responsibilities as a Respondent

As the person responding to the grievance, you will be informed of the allegations and given every opportunity to ask questions, provide information and offer names of witnesses or other relevant people. The EAU office attempts at all times to protect you from unfounded allegations of discrimination. As such, it expects full and truthful cooperation from you and that you will respect confidentiality.

The EAU office procedure is administrative. In an investigation, the EAU office may request access to premises, records and documents relevant to the grievance. Your cooperation in an objective investigation can assure you of a fair decision on the grievance.

Consistent with WKU's nondiscrimination policies, you must not retaliate against a person who files a complaint, participates in an investigation, encourages one to file, or opposes discrimination. In addition, you must not interfere with an investigation.

How to File a Complaint

To file a grievance of discrimination, harassment or related retaliation with the EAU office, please call the office at (270) 745-5121, visit or write. For contact information, please see the "Contact Us" tab to the left.

If you call or visit the EAU office, a staff person will assist you in writing a brief outline of the facts. The staff person will assess the nature of your complaint and either submit your complaint to the Director or refer you to the appropriate department. If your complaint falls within the EAU office's purview, an investigator will contact you to set up a time for further discussion. If appropriate, the investigator will assist you in completing a discrimination/harassment complaint form, and once signed, an investigation will follow. If it is not appropriate, the investigator will refer you to the appropriate department.

If you write to the EAU office, please be sure to include what happened and when; names of all parties involved, including witnesses (if any); supporting documentation; your belief as to why the act in question occurred; and your contact information. You know your complaint better than anyone else. Give the EAU office staff person all of the details and answer all questions as fully as you can. Names, dates, places, and details of what happened should be as accurate as possible. Supporting documents can help to support allegations. If witnesses were present, it's important to give full names, what they will know and how the EAU office can contact them.

The Investigation

For grievances, the EAU office investigator will seek a response from the person(s) the complaint is against, known as the respondent(s). The investigator will interview relevant persons who may have pertinent knowledge. Supporting documentation and statistical data may be collected and analyzed. The EAU office staff may ask that you clarify some aspects of your complaint. If you learn or remember any additional information, you should notify the EAU office investigator immediately. Once the relevant evidence is gathered, the investigator will determine whether the alleged acts violate a WKU non-discrimination policy.

The Decision

The EAU office has the authority to decide whether or not the complaint is justified. The EAU office may find:

- Sufficient evidence to support a violation of a WKU nondiscrimination policy, whereby appropriate action to address the matter at hand will be taken;
- Insufficient evidence to support a violation of a WKU nondiscrimination policy (or inconclusive), whereby the case will be closed; or
- Insufficient evidence to support a violation of a WKU nondiscrimination policy (or inconclusive), but sufficient evidence to conclude inappropriate acts occurred, whereby a recommendation to the decision-maker will be made.

If you filed a grievance, the investigator will notify you, and other appropriate parties, of the finding. If you filed a charge with an agency outside of WKU, the investigator will not be able to notify you of the finding; your inquiries must be made to the agency where you filed your charge.

Frequently Asked Questions

- **Who can file a grievance?**
Employees, faculty, staff, students and anyone who believes they have been discriminated against by someone within the WKU community.
- **How long does it take to conduct an investigation?**
It depends on several factors, such as the complexity of the case, the amount of documentation that must be gathered and analyzed, the number of persons to be interviewed, the investigator's caseload, etc.
- **Is there a time limit to file a grievance with the EAU office?**
No. An individual may file with the EAU office any time. However, waiting has its disadvantages—the evidence may stale, witnesses' recollections may fade, witnesses may leave WKU, etc. It is recommended that one contact the EAU office in a timely manner in order to ensure that an adequate investigation can occur.

- **Is my case confidential?**

Cases are confidential to the extent possible. The EAU office takes great care in protecting interviewees' statements from both the complainant(s) and respondent(s). However, in certain situations, (i.e. where disciplinary action must be taken against a respondent), it is possible certain disclosures will be made.

- **Can I take any action against someone for filing a grievance that turns out to have no merit or participating in EAU office's process?**

No, it may be seen as retaliation. A person has a right under WKU's nondiscrimination policies to utilize the EAU office's grievance process and is protected from doing so. In addition, anyone who participates in EAU office proceedings, encourages one to utilize his or her right, or opposes discrimination is covered as well.

- **What is retaliation?**

Retaliation occurs when an employer takes an adverse action against a covered individual because he or she engaged in a protected activity.

- **What is WKU's policy on retaliation?**

WKU's Equal Opportunity and Affirmative Action policy states in part, "In compliance with federal law, Western Kentucky University does not retaliate against individuals for 1) filing or encouraging one to file a complaint of unlawful discrimination, 2) participating in an investigation of unlawful discrimination, or 3) opposing unlawful discrimination. In addition, the university does not retaliate against individuals for filing or encouraging one to file a complaint of discrimination, participating in an investigation of discrimination, or opposing discrimination based on grounds protected by federal or state law. 'Retaliation' includes any adverse employment action or act of revenge against an individual for filing or encouraging one to file a complaint of discrimination, participating in an investigation of discrimination, or opposing discrimination."