



## Cooperative Extension Service

# *Equal Employment Opportunity Program*

## **Complaint Procedures**

*Revised January 1, 2004*

West Virginia University is an Equal Opportunity Employer and applicants will be considered solely on the basis of individual qualifications and merit without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. Minorities, persons with disabilities, females and other protected class members are encouraged to apply.

Consistent with the Americans with Disabilities Act, applicants needing reasonable accommodations during the employment process should advise as necessary.

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## Section I – Definitions

For purpose of this program:

- A. “Secretary” means the Secretary of Agriculture of the United States or his/her designee.
- B. “Cooperative Extension Service” means the Cooperative Extension organization and programs of West Virginia University and of the cooperating counties in West Virginia.
- C. “University” means West Virginia University.
- D. “President” means the President or chief executive of West Virginia University or his/her designee.
- E. “Dean” means the Dean of each College of West Virginia University.
- F. “Director” means the Director of the West Virginia University Cooperative Extension Service.
- G. “Department Head/Chair” means the chairman of an academic department, division, or an administrative unit in West Virginia University.
- H. “Sr. Associate Director” means the Sr. Associate Director of the Cooperative Extension Service of West Virginia University.
- I. “Associate Director” mean the Associate Director of Operations and Organizational Advancement of the Cooperative Extension Service of West Virginia University.
- J. “Program Directors” mean the individuals in the West Virginia Cooperative Extension Service organization who coordinate policies and programs of program areas including: Agriculture and Natural Resources, Community, Economic and Workforce Development, Families and Health, 4-H Youth, and Jackson’s Mill for the Director.
- K. “Human Resources Administrator” means the individual in the West Virginia Cooperative Extension Service organization who supervises and oversees faculty and classified personnel employment process.
- L. “Coordinator” means the Equal Employment Opportunity Coordinator (Human Resources Administrator) for the West Virginia Cooperative Extension Service.
- M. “County Program Coordinator” means the individual in the West Virginia Cooperative Extension Service organization who performs certain administrative functions for Extension personnel located in a county.

- N. “Extension Personnel” mean all persons irrespective of location or sources of supporting funds who are performing official duties in support of Cooperative Extension Service programs.
- O. “Discrimination” includes discrimination on the basis of race, color, national origin, sex, or religion.
- P. “Employment” includes hiring, assignment, transfer, promotion, compensation, discipline, and discharge and all other conditions, terms and privileges of employment.
- Q. “Complaint” means (1) an employee’s, former employee’s, or an applicant’s for employment dissatisfaction with, and request for redress from, an action or failure to act the part of management which has affected the employee personally; (2) general discriminatory practices filed by an organization.
- R. “Program” means a comprehensive Equal Employment Opportunity Program submitted by the President in satisfaction of Title & --Agriculture Subtitle A—Office of the Secretary, Part 18.
- S. “7 CFR 18” refers to Title 7 –Agriculture, Subtitle A—Office of the Secretary, Part 18—Equal Employment Opportunity in the State Cooperative Extension Services.
- T. “Action Plan for Progress” means Section II of the West Virginia Cooperative Extension Service’s affirmative commitment to assure equal employment opportunity in all aspects of its operations affecting employees and applicants for employment which satisfied paragraph 18.4 (c) of 7 CFR 18, submitted and updated on a fiscal year basis.

## **Section II – Purpose, Applicability, and Coverage**

- A. **Purpose** – The Equal Employment Opportunity Program in the West Virginia Cooperative Extension Service establishes policies and procedures in employment and personnel management providing equal opportunity to each individual without regards to race, color, national origin, sex, or religion as stipulated in 7 CFR 18. Those policies and procedures providing equal opportunity in employment on the basis of merit and fitness and prohibiting discrimination in employment on the basis of irrelevant factors, and the extent to which those policies are applicable, are set out in this document.

This program relates to all phases of employment, as defined above, for all persons (professional and non-professional) of the West Virginia Cooperative Extension Service and for establishing overall general policy that is consistent regarding all positions regardless of the sources of supporting funds.

- B. **Applicability** – This program applies to the West Virginia cooperative Extension Service at West Virginia University and throughout the State.
- C. **Coverage** – This program applies to all positions in all units of West Virginia Cooperative Extension Service, and to employees provided by county and other political subdivisions in support of Cooperative Extension Service programs.

## **Section III – Development and Adoption of Equal Employment Opportunity Program and Action Plan for Progress**

- A. **Development** – This program, its policies and procedures were promulgated through a Task Force involving the Director and Cooperative Extension Service staff with administrative responsibilities and county extension personnel in the cooperating counties, and approved by the President of West Virginia University and concurred in by the Secretary of Agriculture.
- B. **Amendment** – Amendments or revisions to the Equal Employment Opportunity Program of the West Virginia Cooperative Extension Service are made by the President of West Virginia University and submitted to the Secretary for concurrence. The Secretary shall confer with the President concerning amendments and revisions which he feels are needed to improve the effectiveness of the program. The President will furnish such mutually agreed upon amendments and revisions to the Secretary within 30 days for concurrence.
- C. **Revision to Action Plan for Progress** – The Action Plan for Progress (Section II) for West Virginia Cooperative Extension Service shall be updated and filed with the President and the Secretary on a fiscal year basis. Modification to these “Action Plans” is made as a result of periodic evaluations of the effectiveness of such plans.
- D. **Effective Date** – This EEO Program for West Virginia Cooperative Extension Service becomes policy and is effective on the date(s) identified.

## Section IV – Elements of the Program

- A. **Statement of Policy Prohibiting Discrimination in Employment** – It is the policy of the West Virginia Cooperative Extension Service to provide equal opportunity in employment and personnel management for all persons, to prohibit discrimination because of race, color, national origin, sex, or religion, and to promote the full realization of equal employment opportunity through a continuing Action Plan for Progress in the organization. This policy is based on and complies with the provisions of 7 CFR 18, and with the provisions of Chapter 5, Article 11, section 1-16 of the General Laws of West Virginia and is an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees.
- B. **Administrative Procedure Enforcing This Policy** – The Director is the designated administrative official of West Virginia University to initiate and carry out this program among the units, departments, and administrative divisions of the West Virginia University and with the cooperation of the counties.

The Director shall exercise personal leadership (1) in maintaining a continuing Action Plan for assuring equal employment opportunity, (2) in making his administrative, supervisory, and a management staff responsible for effectiveness of this program, (3) in reviewing and evaluating managerial and supervisory performance in a manner which insures a continuing affirmative application and vigorous compliance with this policy, and (4) in providing sufficient resources to administer this program in a positive and effective manner.

The implementation and compliance of the EEO program by the West Virginia Cooperative Extension Service at West Virginia University is the responsibility of the Director. Those staff members, including department heads, Program Directors, Sr. Associate Director, Associate Directors, Human Resources Administrator, Budget and Finance Administrator, County Program Coordinators, and other various county authorities to whom the duties and responsibilities for implementation and compliance of the EEO program have been delegated, are accountable to the Director.

The Director of Extension is responsible for executing the following duties:

- (1) Discuss and publish periodically the policy, procedure, action plan for progress, and all other aspects of the EEO Program of the West Virginia cooperative Extension Service with all employees and solicit their full cooperation.

- (2) Inform in writing each Program Director and the Coordinator of the responsibilities for implementing and enforcing the policies and procedures of the EEO program; for complying with provisions of 7 CFR 18, and Chapter 5, Article 11, Section 1-16 of the General Laws of West Virginia in all aspects of employment and personnel management.
- (3) Keep other top administrative officials of the University apprised of performance and encourage their continuing support.
- (4) Inform in writing the State Extension Administrative and Specialist staffs, Program Directors and County Program Coordinators of the responsibilities they have in a counseling role with Personnel Committees, county government officials, and other groups contributing to the employment and personnel functions of all staff of the Cooperative Extension Service.
- (5) Notify in writing the county government officials regarding the EEO program for all county Extension employees.
- (6) Request the county government officials to meet annually with members of the West Virginia Cooperative Extension Service staff to review the EEO Program.
- (7) Communicate, through appropriate recruitment brochures, literature and other means, this policy to applicants for employment in the Cooperative Extension Service.
- (8) Inform applicants of the name and address of the Coordinator and the Counselor in the locality in which employment is sought and their availability to applicants who believe they have been discriminated against.
- (9) Provide a copy of the West Virginia Cooperative Extension Service EEO Program and Action Plan for Progress to each employee and to other selected officials as appropriate.
- (10) Establish within staff an EEO advisory committee (team) and meet periodically with it to provide systematic feedback and consultation concerning all aspects of the program.
- (11) Assure adequate coverage of all areas of equal employment opportunity in induction and in-service training programs for all employees.

The Sr. Associate Director of Cooperative Extension is designated by the Director as the Coordinator with staff responsibilities for coordinating all activities relating to this program. He/she shall:

- (1) Advise the Director of the preparation of plans, procedures, regulations, reports, and other matters pertaining to the program.
- (2) Evaluate periodically the sufficiency of the program and report such evaluations to the Director with recommendations for improvement or correction.
- (3) Make changes in programs and procedures, when authorized by the Director to eliminate discriminatory or unfair practices and to improve the EEO Program.
- (4) Provide a system for counseling any aggrieved employee or applicant for employment who believes he/she has been discriminated against, and for attempting to resolve informally the matter raised by the aggrieved person. This system must be extended to organizations that bring class action cases regarding general discriminatory practices.
- (5) Arrange for the receipt and investigation of individual complaints of discrimination.
- (6) Arrange for the receipt and investigation of general allegations by organizations or other third parties of discrimination which are unrelated to an individual complaint of discrimination.
- (7) When authorized by the Director, take corrective measures that are necessary on individual complaints, including recommendation for any disciplinary action that is warranted when an employee has been found to have engaged in a discriminatory practice.
- (8) Review the file on any individual complaint, before a decision is made under the complaint procedure, and make any recommendations to the Director that he considers desirable, including any disciplinary action that is warranted by the circumstances.

The Associate Director of Operations is designated by the Director as the Counselor to informally consider and resolve EEO related complaints for Extension employees.

Individuals at the state and county levels have been designated by the Director as the Liaisons to informally consider and resolve EEO related complaints for all Extension employees in an area.

The County Program Coordinator is designated by the Director to be responsible for the implementation and compliance of the program at the county level under the supervision and guidance of the Associate Director of Operations.

All responsible personnel will furnish to the Director a written report documenting their discussions of the EEO Program with committees, county government officials and other groups.

C. **A Positive Affirmative Action Plan to Assure Equal Opportunity in Employment**

– Due to the decentralized nature of the West Virginia University Cooperative Extension Service, certain specific administrative and supervisory responsibilities for personnel action relating to various groups of staff are delegated to designated persons in the organization. The Action Plan for Progress in Equal Employment Opportunity for West Virginia Cooperative Extension Service, Section II of this document, identifies those persons responsible for carrying out each activity, including its target date, as they seek to find, recruit, employ, and retain a competent staff. Those activities so identified are applicable to the State Office, State Extension Specialists' Offices, and County Offices. Each of the above-named Offices will submit on a fiscal year basis its Action Plan for all activities, as appropriate, to the Director. The Action Plan for Program for the State will be developed by summarizing Action Plans from all Offices and filed according to Section III, page 3.

**Initial Implementation Action**

1. The Director is responsible for presenting and discussing the Program with county government officials and other groups, county Extension employees, administrative, supervisory and specialist staffs, department heads, heads of the divisions of 4-H Youth Development, ANR, CEWD, Jackson's Mill, Families and Health, and West Virginia Human Rights Commission.
2. He/she is also responsible for presenting and discussing the "Action Plan for Progress" with all staff in the West Virginia Cooperative Extension Service.
3. A summary report of these presentations and discussions will be furnished to the Director.

**Continuing Action** (Administrative)

In addition to those responsibilities prescribed elsewhere in this document, the Director will include a proviso calling for compliance with the provisions of this program, and 7 CFR 18, wherever there are in effect annual memoranda of agreement between the University and County Governments. He will call for an annual report summarizing the implementation and operation of this program from each County Extension Office.

The Director will file a report with the President of the University and the Secretary six months after the effective date of this program and annually thereafter, summarizing the implementation and operation of this program.

**D. Procedures for Identifying and Eliminating Employment Practices Which Create or Continue Discrimination in Employment**

1. Personnel Management – All functions relating to personnel management shall reflect the full intent of the policy state in the purpose, Section II, page 3. All records, including action taken and decisions made, related to every aspect of personnel management are forwarded to the Director and retained for a minimum of two years.
  - a. Recruitment and Selection – Development and implement a comprehensive recruitment program designed to attract women and minority group members for employment consideration for all positions. This includes:
    - Identifying and assigning women and minority group employees to assist in the recruitment of prospective candidates for employment.
    - Identifying those schools, colleges, organizations, women’s groups and other sources where minority group members can be contacted regarding employment opportunities.
    - Establishing and maintaining, on a regular basis, recruitment contacts with those sources for prospective candidates for employment of women and minority group members.
    - Preparing recruitment literature and position announcements which:
      - Clearly state the EEO policy.
      - Describe qualification standards appropriate to positions.
      - Identify the EEO Coordinator and EEO Counselors, their addresses, and their availability to counsel applicants.
    - Disseminating information through recruitment literature, position announcements, personal contact and visitations and other appropriate means, to officials at all sources of qualified applicants applicable to the State regarding:
      - Those conditions which would increase employment opportunities of students.
      - The qualifications essential for competent Extension employees (professional and non-professional) as a basis for strengthening and improving curriculum.

- Selecting candidates for employment from among applicants based upon a comparison of each applicant's qualifications in relation to identified relevant factors and standards for the position.

Such factors for professional positions include:

- Educational attainment
- Academic average
- Scholarly achievement
- Professional experience
- Leadership ability
- Understanding of problems with which the position is to deal and knowledge of subject matter to deal with related problems
- Appropriate technological ability
- Demonstrated ability to work effectively with people
- Demonstrated drive and initiative
- Demonstrated ability to communicate orally and in writing

Factors for non-professional positions include:

- Educational attainment
  - Appropriate tests of skills
  - Work experience
  - Demonstrated ability
- Maintaining an adequate record system which reflects actions taken and decisions made including:
    - Receipt and disposition of applications
    - Application information evaluation
    - Reference checks and related evaluations
    - Interviews and evaluation of information
    - Analysis of comparison between the applicant's qualifications and job factors and standards
    - Reasons for selection and reasons for non-selection

b. Assignment, Transfer and Promotion

Insofar as possible position vacancies are to be filled at the level they occur by promotion from within the organization encouraging promising employees to seek advancement, utilize their unique skills and abilities, and/or to assume greater responsibility. For position vacancies not filled through this process, suitable candidates are to be acquired through the recruitment and selection procedure stated above.

The following conditions are to be met:

- Position vacancy announcements distributed to all Extension staff with the State.
- Announcements carry duties and responsibilities, authorities of the position, location of position headquarters, qualifications needed by the applicant, date and method for filing, salary range, and to whom the application is made.
- Applications accepted, recorded, and evaluated from all interested employees.
- Employee competencies evaluated against position requirements.
- Consideration to past performance evaluations and reviews, ability or potential performance on other jobs, recommendations of colleagues and others in a position to evaluate candidate, and length of service where this is a factor for promotion, transfer or assignment.
- Record decisions and reasons for them for inclusion in employee's State personnel folder or in a separate case file.

Position requirements and incumbent qualifications are to be analyzed periodically to determine adjustments needed, to either or both, which maximize the skills, abilities and experience of employees and to enhance their potential to advance accordingly. Such analyses will encompass:

- Skills inventory of incumbents in all positions to assess appropriate utilization of human resources, to identify training and career counseling needs, and to project human resource needs in shortage category positions.
- Modifying or redesigning positions to more nearly fit the underutilized and non-utilized position skills.
- Identifying persons whose position requires both high and low skills and redesign those positions to better utilize the high level skills of those employees.
- Shifting those lower skills from various positions, regroup and tailor positions to the needs and competencies of individuals assigned to those positions.
- Evaluating position qualifications and examining standards to assure equal opportunity to minority group members and women.

c. Position Administration and Compensation

Formal performance evaluations are to be made at least annually of each Extension staff member's performance. The performance evaluation program will reflect those criteria judged to be pertinent to successful performance in the various positions and measured or evaluated against acceptable standards or performance for those positions.

Each member will be made aware of his/her evaluation and counseled with by his/her immediate supervisor or other appropriate and qualified staff member regarding positive accomplishments and future professional improvement and training needs.

A formalized salary schedule is to be administered equitably for professional and non-professional employees respectively and shall follow established policies of West Virginia University.

Salary and wage adjustments are considered annually based upon the results of the individual's performance evaluation, university guidelines, and the availability of funds.

d. Training and Leave Policies

Training programs and opportunities are to be uniformly administered throughout the organization and made available to each category of staff in order to:

- Correct those deficient areas in an employee's background and training which are essential to successful job performance.
- Contribute to continued career advancement of each individual.
- Help the individual contribute to the achievement of the program goals of the organization.
- Improve the educational services to clientele.

Each employee is encouraged to assume a positive posture regarding his/her own personal professional development which will supplement and complement the more formal training offered by the organization.

The Sr. Associate Director, Program Directors, and Human Resources Administrator will work closely with administrative, supervisory, and program staffs to incorporate training requirements needed to implement and sustain this EEO Program into the induction, in-service and graduate training programs.

Individual staff members may request to participate or be requested by the Program Director to participate in training programs. Criteria such as the individual's program or job responsibilities, level of professional or skill preparation, previous in-service participation record, present and possible future assignments, applicable leave policy and availability of funds will be considered in determining approval to participate.

Professional leave policies to pursue training opportunities when approved by the Program Director will follow the established policies of West Virginia University and the West Virginia Cooperative Extension Service and shall be equitably administered.

Leave policy covering annual, sick, military, maternity, leave without pay, and other types of leave are to be equitably administered according to policies established by West Virginia University and the West Virginia Cooperative Extension Service.

Insofar as resources permit, financial aid in terms of scholarships, fellowships, work-study programs, field experience programs, and similar intern or practicum training arrangements are to be made available to employees which will prepare them for promotion or other advancement opportunities in the organization.

e. Community Related Activity

Employees are encouraged to participate at the community level, with technical, vocational, and high schools, colleges, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability.

As appropriate, employees are encouraged to convey to administrative heads of predominately minority group schools and colleges, technical, vocational, and high schools the qualifications essential for competent Extension employees, and to encourage their review to effect changes in curriculum which will better qualify students for employment.

f. Awards and Recognition

Policies are not self-enforcing. In most cases equal employment opportunity policies represent sharp contrasts with past practices. In this context all levels of management must perceive these policies not as transitory phenomena but as pervasive devices which seek to elicit the cooperation of all employees for working toward their full implementation.

The Director will consider ways and means for providing motivational incentives to those staff members who make notable contributions to the EEO Program and other programs through appropriate recognition and awards.

He/she will analyze current recognition and awards programs to maximize their contribution to employee motivation and morale, and to assure their equitable administration. He/she will include responsibilities for carrying out the EEO Program in position descriptions of administrative and supervisory staff, program leaders, and county chairpersons and incorporate appropriate evaluation criteria into present performance evaluations.

g. Discipline

Those Extension employees who have been found to have engaged in discriminatory practices against another employee, or applicant for employment are subject to appropriate disciplinary action. The action to discipline is the responsibility of the Director. Such action will be uniformly administered in keeping with the policies of the West Virginia University. Appropriate records will be kept, showing the cause for and disciplinary action taken, and a copy placed in the permanent personnel file of the employee involved.

- E. **Procedure for Evaluating the Success of the Program** – The Coordinator is designated to evaluate six months after the effective date of this program and annually thereafter, the adequacy of employment and personnel management procedures of the West Virginia Cooperative Extension Service at West Virginia University and throughout the State. Recommendations for improvement of procedures and policies are to be made to the Director.

The Director shall file a copy of the summary report with the President and the Secretary on an annual basis.

The evaluation results will be discussed with administrative, supervisory, program staff, county chairmen and other employees as appropriate.

Each Extension employee is responsible for helping to maintain continuous surveillance on the effectiveness of this program in order to provide current and adequate feedback for evaluative purposes.

Criteria for a comprehensive evaluation program must be sufficient to reflect progress, adequacy, and shortcomings of the total program. In many instances application of the criteria must be tailored to those offices with limited personnel management and employment authority in order to result in more valid evaluation of activities carried out in these offices.

Criteria are to be developed for each of the major areas set out in this program including the “Action Plan for Progress” which subjects them to inquiry and evaluation.

The inquiry and evaluation procedure will make use of one or a combination of analysis methods which best meet specific needs and circumstances. Some of these methods include:

- Onsite visits by management and program staff.
- Special task force for overall or specific area review.
- Program committee with continuing review and report responsibility.
- Written reports by subordinate levels.
- Periodic review and analysis of statistical data (personnel records, position inquiries, candidates considered and employed, etc.).
- Continuing review of personnel programs (recruitment, selection, promotion, transfer, training, etc.) and related actions.
- Periodic review of EEO complaints and related actions.
- Periodic review of policies, procedures, delegation and coordination.
- Interviews with employees, supervisors, and management.
- Administration of voluntary questionnaires to sample of employees.
- Review of input from minority groups, women's organizations, local government offices, and other special interest groups.

F. **Adequate Provision for Publicizing the Program to Include Dissemination of Information to All Those Covered by These Regulations** – The Director will remind, in writing, all employees all levels in the organization once a year or more often, as appropriate, of the need for maintaining an equal employment policy for staff members. This communication document shall be made part of the permanent record.

Appropriate reference to this program and its policies will be incorporated into the information provided on all revised recruitment brochures and other related literature and promotional materials. A poster, and other appropriate informational literature, will be displayed on bulletin boards or in other conspicuous places in Extension offices. Information indicating where grievances and complaints can be filed shall be displayed in locations and in such a manner which make them accessible to public view.

Each new employee will be informed about the EEO Program during his/her induction training experience.

In-service training programs shall include an explanation of the EEO policy and program to the extent necessary to inform all employees of it. At reasonable intervals the policy shall be included in staff conferences and seminars.

Each applicant who has submitted a formal application for a West Virginia Cooperative Extension appointment, as well as new and existing employees, will be provided with a copy of the EEO Program.

Copies of the EEO Program will be distributed to officials of the University, officials of county governments, and members of the public who are affected by this policy. As appropriate, discussions regarding the EEO Program will be held with the above-named persons.

- G. **A Procedure for Prompt Processing of Complaints Assuring No Less Than Minimum Rights Prescribed in 7 CFR 18 (18.5)** – All grievances and complaints will be channeled to the Coordinator by the responsible administrators for appropriate handling. The Coordinator will counsel with and guide the complainant in the prompt filing and processing of his/her case. Counselors will act to mediate or conciliate informal complaints at the lowest possible supervisory level, thereby removing the necessity for their movement through channels to the Coordinator.
- H. **Adequate Provisions for the Protection of Complainants, Employees, Witnesses, and Representatives from Interference, Harassment, Intimidation and Reprisal** – All employees shall be free from any or all restraint, interference, coercion, or reprisal on the part of their associates or supervisors in making any complaint or appeal, in serving as representatives of an appellant, in appearing as witnesses, or in seeking information in accordance with these procedures. The above principles apply with equal force after a complaint has been adjudicated. Should these principles be violated, the facts shall be brought to the attention of the Equal Employment Opportunity Coordinator, Room 406, Knapp Hall, West Virginia University, Morgantown, West Virginia 26506, by the appellant, his representative or the person affected so that appropriate action may be taken.
- I. **A Procedure for Informal Resolution of Complaints** – The Equal Employment Opportunity Coordinator, Room 406, Knapp Hall, West Virginia University, Morgantown, West Virginia 26506, is designated to act in an effort to mediate or conciliate informal complaints.

Any informal complaint not adjudicated to complainant satisfaction by the Coordinator must thereafter be handled through the formal complaint procedures. When an informal complaint is received by a Counselor, a memorandum shall be prepared by the Counselor to the Coordinator advising him/her of the complaint and the circumstances of such complaint with a discussion of attempts to adjudicate such complaint. If the case was satisfactorily handled he/she should so state; if further action appears necessary, this should be communicated to the Coordinator.

All informal complaints will be heard and a decision made the Counselor within five work days after receipt. If no decision is rendered the complainant within this time limit, it shall constitute justification for the complainant to proceed to the next higher supervisory level.

In any case where the complainant feels unable to present a complaint, or would not receive proper consideration of the complaint at the immediate supervisory level, the complainant, without prejudice, may move up the supervisory channel to any level or directly to the Coordinator.

- J. **A Procedure for Recording Receipt and Disposition of All Complaints** – The Coordinator will keep a record of all complaints filed through Counselors and other sources. A report on the filing and disposition of formal complaints shall be forwarded to the Secretary within 30 days of the receipt of the complaint. The record shall include any statement from the complainant indicating the reason for withdrawal.

### **Section V – Formal Complaint Procedure**

The procedure for processing of formal complaints of Extension employees and other qualified complainants is as follows:

If the informal procedures do not attain a result satisfactory to the complainant or if the complainant does not desire to follow the informal procedure, a formal complaint may be filed. A formal complaint shall be submitted in writing, signed, and state the basis for the complaint, and indicate whether the alleged discrimination was based on race, color, national origin, sex, or religion. However, a statement from the complainant describing the conduct complained of with greater particularity may be required.

- A. **Who May File** – A complaint may be filed by an employee, former employee, or applicant for employment in the West Virginia Cooperative Extension Service who believes that discrimination in employment has been practiced or that an employment practice in the Extension Service has or will result in discrimination in employment. A complaint of general discriminatory employment practices may also be filed by an employee, former employee or applicant for employment or by an organization, provided, however, that upon request of the Director, the complainant shall furnish to him names of individuals who are adversely affected by those practices.
- B. **Right of Representation** – A complainant may designate in writing, an individual or an organization to represent him/her in the processing of his/her complaint, and is entitled to the advice of counsel at his/her cost at all stages of the proceeding. If the representative designated by the complainant is an employee of the U.S. Department of Agriculture or of the Cooperative Extension Service, such employee, as well as an employee-complainant, shall have a reasonable amount of official time with pay, if in pay status, for the purpose of appearing at any hearing on the complaint or conciliation effort. The rights and privileges set forth in this paragraph shall also be available to any person whose alleged conduct is the cause of the complaint.

C. Where Filed –

1. Academic Staff – Formal complaints by or on behalf of Cooperative Extension employees who are members of the academic staff will be filed in writing with the Director or directly with the Secretary of Agriculture. Those complaints filed with the Secretary will be sent to the Director for adjudication under this program.
2. Other Extension Staff and Other Qualified Complainants – Formal complaints by or on behalf of non-academic staff and Cooperative Extension Service employees, both professional and non-professional, and other qualified complainants will be filed in writing with the Equal Employment Opportunity Coordinator, Room 406, Knapp Hall, West Virginia University, Morgantown, West Virginia 26506, or with the Secretary of Agriculture. Those complaints filed with the Secretary of the Equal Employment Opportunity Coordinator will be sent to the Director for adjudication under this program. Based upon the facts furnished by the complainant or any other information gathered by the Director, the case will be adjudicated within 30 days and the complainant will be advised of his decision. In the event that the claim is not adjudicated within 30 days, the complainant may request a review by the President. However, if at the time of filing the formal complaint, the complainant requests a hearing or the Director requests a hearing, the procedure in Section V-E will be followed.

D. When Filed – A complaint shall be submitted within 90 days of the conduct giving rise to the complaint. The Director or the Secretary may extend the time limit for good cause.

E. Hearing – A complainant filing a formal complaint or the Director may request a hearing which shall be transcribed or recorded. The hearing shall be conducted within 60 days from the date the hearing is requested, during regular working hours in the county where the alleged discrimination occurred or at a time and place agreed to by the Director and the complainant. The Director, the complainant, and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine under oath. The hearing shall be provided by the President, and shall be conducted by the Equal Employment Opportunity Review Committee of West Virginia University who shall submit a proposed decision including findings of fact, conclusions, and recommendations within 30 days of the conclusion of the hearing, to the Director for action.

F. Action by the Director – The Director will review the entire file on the complaint, including the transcript of the hearing, if a hearing was held. He shall approve the proposed decision, remand to the Equal Employment Opportunity Review Committee of the West Virginia University for further action, or otherwise dispose of it within 10 days of its submission to him, and notify the complainant, in writing, of the decision or disposition of the complaint and of the complainant's right to request, in writing, a review by the Secretary within 30 days of receipt of the Director's decision.

## **Section VI – Review and Decision**

Within 30 days of notification of the disposition of complaint by the Director, or within 30 days of any refusal of the Director to accept a complaint or to act on a complaint in accordance with the program, the complainant may request a review by the Secretary. Any request shall be in writing. The Director, upon request by the Secretary, shall furnish to the Secretary the complete file, including the transcript of any hearing together with whatever other information the Secretary requests. The Secretary may review the file on the record, request supplemental information from the Director, order further investigation by the Office of the Inspector General, USDA, or hold a hearing under such procedures and on such issues as he determines appropriate to obtain information which would assist him in making a decision as to whether the Director's decision or disposition of the complaint was proper. The decision of the Secretary shall be in writing and shall be sent to the Director for appropriate action. A copy of the Secretary's decision shall also be furnished to the complainant.

## **Section VII – Reports**

Within six months of the effective date of this program and annually thereafter, the Director will submit to the President of the University and to the Secretary a report summarizing implementation and operation of the program.

## **Section VIII – Maintenance of Records**

All documentation, records and reports will be retained for a minimum of two years.

These records will be subject to review at any time by the Office of the Director, the President, and representatives of the U.S. Department of Agriculture authorized by the Secretary or his designee.

## **Section IX – Non-Compliance**

It is understood that the West Virginia Cooperative Extension Service will be in violation of 7 CFR 18 and Chapter 5, Article 11, Section 1-16 of the General Laws of West Virginia if its responsible personnel fail to carry out the provisions of this program.

## **Section X – Sanctions**

If the Director finds that any units of the West Virginia Cooperative Extension Service or any department or unit of West Virginia University who are in support of Cooperative Extension Service programs have violated the provisions of this program, he may initiate action to refuse to authorize payment of funds for the Cooperative Extension Service or take other appropriate action as provided by law.