

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University and the West Virginia State Community & Technical College

BOG Policy #14

Title: Sexual Harassment

Section 1. General

1.1 Scope: This policy defines sexual harassment, provides guidelines for filing sexual harassment complaints and indicates what action will be taken against those found to have engaged in sexual harassment.

1.2 Authority: West Virginia Code §18B-1-6, a policy statement issued by the Office for Civil Rights of the U.S. Department of Education on the interpretation of the following: Title IX of the Education Amendments of 1972 and Equal Employment Opportunity Commission (EEOC) interpretative guidelines issued in March, 1980, and subsequent federal court decisions on the subject of sexual harassment.

1.3 Effective Date: October 6, 2005

Section 2. Policy

2.1 It is the policy of West Virginia State University (WVSU) and West Virginia State Community & Technical College (WVSCTC) to maintain a work and educational environment free from all forms of sexual harassment of any employee, applicant for employment or student;

2.2 Sexual harassment in any manner or form is expressly prohibited. It is the responsibility of each institution to provide educational opportunities to create this free environment and to take immediate and appropriate corrective action when sexual harassment is reported or becomes known;

2.3 Supervisors at every level are of primary importance to the implementation and enforcement of this policy.

Section 3. Definition

3.1 Sexual harassment is defined consistent with EEOC and United States Department of Education guidelines. Sexual harassment includes any unwelcome

sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- 3.1.1 submission to such conduct is an explicit or implicit condition of employment;
- 3.1.2 submission to or rejection of such conduct is used as the basis for employment decisions; or
- 3.1.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive work or educational environment.

Section 4. Filing of Complaints

4.1 The President of the University shall designate an Affirmative Action Officer who shall receive training in facilitating the proper resolution of complaints with the authority to investigate and report to the relevant President;

- 4.1.1 In cases involving either President, any accusation of sexual harassment shall be filed with the Chair of the West Virginia State University Board of Governors.

4.2 Employees - Any employee who feels he/she has been sexually harassed, and direct communication of such undesired activity has not resolved the situation, should follow one of these two formal procedures: 1) Section 4.2.1 if the immediate supervisor is not involved in the matter, or 2) Section 4.2.2 if the supervisor is involved in the matter:

4.2.1 Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively. These formal procedural steps are to be followed until a successful resolution of the employee's accusation is achieved. For **WVSU**: Employee -> Supervisor if Staff; Department Chair if faculty -> Unit Head if staff; Dean if faculty -> Relevant Vice President -> Affirmative Action Officer -> President. For **WVSCTC**: Employee -> Supervisor if Staff; Program Chair if faculty -> Dean -> Affirmative Action Officer -> President;

4.2.2 If a supervisor, either staff or faculty, in the chain of procedural steps of Section 4.2.1 is involved with the employee's accusation of sexual harassment, the employee may choose to take the complaint directly to the Affirmative Action Officer as the initial formal procedural step for resolution;

4.2.3 If the Affirmative Action Officer is involved with the employee's accusation of sexual harassment, the complaint will be taken directly to the supervisor of the Affirmative Action Officer.

4.3 Students - Any student who feels he/she has been sexually harassed, and direct communication of such undesired activity has not resolved the situation, is to follow these formal procedural steps: Student -> Counselor -> Student Affairs Vice President (WVSU) or Dean (WVSCTC) -> Affirmative Action Officer -> President.

4.4 Appeals to a decision rendered by either President shall be directed to the Chair of the Board of Governors.

Section 5. Sanctions

5.1 Any student, supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or a student will be subject to appropriate disciplinary action;

5.1.1 Depending on the circumstances, sanctions may include termination or expulsion.