

**TITLE 128**  
**INTERPRETATIVE RULES**  
**WEST VIRGINIA BOARD OF REGENTS**

**SERIES 9**  
**SEXUAL HARASSMENT POLICY**

**§128-9-1. General.**

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

1.2. Authority. - A policy statement issued by the Office for Civil Rights of the U. S. Department of Education's interpretation of Title IX of the Education Amendments of 1972 and Equal Employment Opportunity Commission (EEOC) interpretative guidelines issued in March, 1980.

1.3. Filing Date. - April 21, 1987

1.4. Effective Date. - June 20, 1987

**§128-9-2. Sexual Harassment Policy.**

2.1. It is the policy of the West Virginia Board of Regents to maintain a work and educational environment free from all forms of sexual harassment of any employee, applicant for employment, or student. Sexual harassment in any manner or form is expressly prohibited. It is the responsibility of all colleges and universities and the Board of Regents' Central Office 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. Supervisors at every level are of primary importance in the implementation and enforcement of this policy.

**§128-9-3. Sexual Harassment Definition.**

3.1. Sexual harassment is intended to be 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

3.1.3.1. Unreasonably interfering with an individual's work or educational performance, or:

3.1.3.2. Creating an intimidating, hostile or offensive work or educational environment.

**§128-9-4. Filing of Complaints.**

4.1. Each institution and the Board of Regents' Central Office shall designate a formal grievance procedure for the handling of sexual harassment complaints. Each campus shall designate a liaison person(s) who shall receive training in facilitating the proper resolution of complaints with the authority to investigate and report to the President.

**§128-9-5. Employees.**

5.1. Any employee who feels he or she is being sexually harassed should contact his or her immediate supervisor. If this is not appropriate, employees should report such alleged misconduct to other designated personnel within that organization. Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively.

**§128-9-6. Students.**

6.1. Any student who feels he or she is being harassed should contact the appropriate dean or other designated person of the university or college where he or she is a student.

**§128-9-7. Action to be Taken Against Perpetrators.**

7.1. Any supervisor, agent or other employee who is found, after appropriate investigation, to have en-

gaged in the sexual harassment of another employee or a student will be subject to appropriate sanctions

depending on the circumstances, up to and including termination.