

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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FILED
1991 MAY 23 AM 7:54
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: University of West Virginia Board of Trustees TITLE NUMBER: 128

CITE AUTHORITY: WV Code 18B-1-6

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 9

TITLE OF RULE BEING AMENDED: Sexual Harassment

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS June 22, 1991

Jo Ann Raines

2.60

**TITLE 128
INTERPRETIVE RULE
UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES
SERIES 9
POLICY BULLETIN NO. 9**

TITLE: **Sexual Harassment**

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**UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES
POLICY BULLETIN NUMBER 9**

The University of West Virginia Board of Trustees' revisions to Policy Bulletin No. 9 provide assurance for the dissemination of information relative to the grievance procedure for sexual harassment complaints. The revisions also establish procedures for the filing of sexual harassment cases involving the institutional president, define the list of perpetrators to include students, and subject those who have engaged in sexual harassment to expulsion.

**TITLE 128
INTERPRETATIVE RULE
UNIVERSITY OF WEST VIRGINIA
BOARD OF TRUSTEES
SERIES 9
POLICY BULLETIN NO. 9**

TITLE: POLICY REGARDING SEXUAL HARASSMENT

Section 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 - 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 Filing Date - May 21, 1991
- 1.4 Effective Date - June 22, 1991

Section 2. Sexual Harassment Policy

- 2.1 It is the policy of the University of West Virginia Board of Trustees 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 institutions and the Central Office of the State College and University System 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.

Section 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 unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - 3.1a Submission to such conduct is an explicit or implicit condition of employment;
 - 3.1b Submission to or rejection of such conduct is used as the basis for employment decisions; or
 - 3.1c Such conduct has the purpose or effect of:
 - 3.1c.1 Unreasonably interfering with an individual's work or educational performance; or
 - 3.2c.2 Creating an intimidating, hostile or offensive work or educational environment.

Section 4. Filing of Complaints

- 4.1 Each institution and the Central Office of the State College and University Systems shall designate a formal grievance procedure for the handling of sexual harassment complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students. Each campus shall designate (a) liaison person(s) who shall receive training in facilitating the informal resolution of complaints with the authority to conduct inquiries and report to the appropriate supervisory authority. In involving the president, the complaint shall be filed with the Chancellor of the University of West Virginia System.
- 4.2 Employees - 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.

- 4.3 Students - Any student who feels he or she is being sexually harassed should contact the appropriate dean or other designated person of the institution where he or she is a student.

Section 5. Action to be Taken Against Perpetrators

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

KEN KIEHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

ROBERT E. WILKINSON
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: Jo Ann Raines

AGENCY: University of West Virginia Board of Trustees

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 19, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 9 TITLE: Sexual Harassment Policy

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Jo Ann Raines

TITLE OF PERSON SIGNING: Public Info Officer / Govt. Relations Coord.

DATE: 4/17/92

FILED
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1992

**TITLE 128
INTERPRETATIVE RULES
UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES**

**SERIES 9
SEXUAL HARASSMENT POLICY**

§128-9-1. General.

1.1. Scope. -- This interpretative rule 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. -- W. Va. 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. Filing Date. -- May 23, 1991.

1.4. Effective Date. -- June 22, 1991.

§128-9-2. Sexual Harassment Rule.

2.1. It is the rule of the University System of West Virginia Board of Trustees 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 institutions and the Central Office of the State College and University System 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 rule.

§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 Central Office of the State College and University Systems shall designate a formal grievance procedure for the handling of sexual harassment complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students. Each campus shall designate a liaison person(s) who shall receive training in facilitating the informal resolution of complaints with the authority to conduct inquiries and report to the appropriate supervisory authority. In cases involving the president, the complaint shall be filed with the Chancellor of the University System of West Virginia.

4.2. Employees. -- 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.

4.3. Students. -- Any student who feels he or she is being sexually harassed should contact the appropriate dean or other designated person of the institution where he or she is a student.

§128-9-5. Action to be Taken Against Perpetrators.

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