

WEST VIRGINIA SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

1991 APR 23 PM 3: 23

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Directors TITLE NUMBER: ~~228~~ 131

RULE TYPE: Interpretative; CITE AUTHORITY 18B-1-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 9

TITLE OF RULE BEING AMENDED: Sexual Harrassment

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

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 23, 1991 AT 5:00 ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Jo Ann Raines
Public Information Officer
State College and University Systems
Central Office
1018 Kanawha Blvd, East, Suite 700
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

FISCAL NOTE

As filed, it appears Policy Bulletin No. 9 will have no financial impact upon the State College System.

**TITLE 131
INTERPRETIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 9
POLICY BULLETIN NO. 9**

TITLE: Sexual Harassment

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**STATE COLLEGE SYSTEM
BOARD OF DIRECTORS
POLICY BULLETIN NUMBER 9**

The State College System Board of Directors' 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 131
WEST VIRGINIA INTERPRETATIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
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. 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 - (To be assigned)
- 1.4 Effective Date - (To be assigned)

Section 2. Sexual Harassment Policy and Definition

- 2.1 It is the policy of the West Virginia Board of Regents State College System Board of Directors 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 institutions colleges and universities and the Board of Regents' Central Office Central Office of the State College and University Systems to provide educational opportunities to create this free environment and to take immediate and

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

- 2.2 Sexual Harassment Definition - 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:
- 2.2a Submission to such conduct is an explicit or implicit condition of employment;
 - 2.2b Submission to or rejection of such conduct is used as the basis for employment decisions, or;
 - 2.2c Such conduct has the purpose or effect of:
 - 2.2c.1 Unreasonably interfering with an individual's work or educational performance, or;
 - 2.2.c.2 Creating an intimidating, hostile or offensive work or educational environment.

SECTION 3 Filing of Complaints

- 3.1 Each institution and the Board of Regents' 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 who shall receive training in facilitating the proper resolution of complaints with the authority to investigate and report to the President. In cases involving the President, the complaint shall be filed with the Chancellor of the State College System.
- 3.1a 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 shall report such alleged misconduct to other designated personnel within that organization. Supervisors . . .

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are to make every effort to ensure that such problems are resolved promptly and effectively.

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

SECTION 4 Action to be Taken Against Perpetrators

- 4.1 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 ~~sanctions~~ disciplinary action depending on the circumstances, up to and including termination. ~~Depending on the circumstances, sanctions may include termination or expulsion.~~