

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #5

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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: State College System of WV Board of Directors TITLE NUMBER: 131

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 30, 1991

Jo Ann Beck

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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.
- 1.3 Filing Date - May 29, 1991
- 1.4 Effective Date - June 30, 1991

**SECTION 2. Sexual Harassment Policy and Definition**

- 2.1 It is the policy of the 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 and the Central Office of the State College and University Systems 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.
- 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:
  - 2.2c.2 Creating an intimidating, hostile or offensive work or educational environment.

### **SECTION 3. Filing of Complaints**

- 3.1 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 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 are to make every effort to ensure that such problems are resolved promptly and effectively.
  - 3.3b 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.

**TITLE 131  
INTERPRETIVE RULES  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS**

**SERIES 9  
SEXUAL HARASSMENT**

**§131-9-1. 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 31, 1991.

1.4. Effective Date. -- June 30, 1991.

**§131-9-2. Sexual Harassment Policy and Definition.**

2.1. It is the policy of the 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 and the Central Office of the State College and University Systems 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.

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:

a. Submission to such conduct is an explicit or implicit condition of employment.

b. Submission to or rejection of such conduct is used as the basis for employment decisions, or:

c. Such conduct has the purpose or effect of:

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

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

**§131-9-3. Filing of Complaints.**

3.1. 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 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.

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

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.

**§131-9-4. 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.