

GLENVILLE STATE UNIVERSITY POLICIES

ADMINISTRATIVE POLICY 6

SOCIAL JUSTICE: DISCRIMINATION, HARASSMENT, STALKING, RETALIATION, NONDISCRIMINATORY HOSTILE ENVIRONMENT HARASSMENT, CONSENSUAL RELATIONSHIPS, REASONABLE ACCOMMODATIONS

6.1. General

- 1.1. Scope. - This policy addresses discrimination and harassment.
- 1.2. Authority - W. Va. Code §18B-1-6
- 1.3. Effective Date – August 5, 2020
- 1.4. Revision of Former Policy - Revises and replaces Glenville State University Administrative Policy 6 [2006].

6.2. Social Justice Policy

2.1. Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, Glenville State University is committed to providing students, faculty, staff, and applicants for employment and admission and participants in its education and employment programs with a work and educational environment free from all forms of discrimination and harassment.

2.2. Notice of Nondiscrimination. Title IX of the Education Amendments of 1972 and other state and federal laws prohibit unlawful discrimination on the basis of sex. Glenville State University does not discriminate on the basis of race, sex, age, disability, veteran status, religion, color, ancestry, marital status, gender, sexual orientation, gender identity, or national origin in the administration of any of its educational programs, activities, or with respect to admission or employment. Glenville State University also does not discriminate based upon genetic information in the areas of employment or employee health insurance benefits. The following individual has been designated to handle inquiries regarding the University's nondiscrimination policies, to receive discrimination/harassment complaints including to disability and Title IX Sex Discrimination and Sexual Harassment complaints, and to monitor the institution's compliance with state and federal nondiscrimination laws and regulations including but not limited to Title IX and the Americans with Disabilities Act:

Tegan McEntire

Human Resources Director

Title IX/Americans with Disabilities Act Coordinator

Affirmative Action/Equal Opportunity Officer

303 Harry B. Heflin Administration Building

304-462-6193

Tegan.McEntire@glenville.edu

Written correspondence may be sent to:
200 High Street
Glennville, WV 26351
FAX: (304) 462-6198

Glennville State University Board of Governors nondiscrimination policies and procedures, including but not limited to the University's Title IX Sexual Harassment grievance procedures are available in the Human Resources, the Office of Student Life or online at:

<https://www.glennville.edu/sites/default/files/2021-02/TITLE%20IX%20BROCHURE%202.25.21.pdf>

2.3. Various State and Federal laws prohibit discrimination and harassment of certain protected classes including but not limited to the following:

- 2.3.1. USC 1324 et seq., (Immigration Reform and Control Act of 1986).
- 2.3.2. 20 USC 1681 et. seq (Title IX of the Education Amendments of 1972)
- 2.3.3. 29 USC 206(d) et seq., (Equal Pay Act of 1963, as amended).
- 2.3.4. 29 USC 621, et seq., (Age Discrimination in Employment Act of 1967, as amended).
- 2.3.5. 29 USC 701 et seq., (Rehabilitation Act of 1973).
- 2.3.6. 29 USC 791 et seq., (Rehabilitation Act of 1992).
- 2.3.7. West Virginia Code § 5.11.1, et seq. (West Virginia Human Rights Act)
- 2.3.8. 38 USC 4301 et seq., (Uniform Services Employment and Re-employment Rights Act of 1994).
- 2.3.9. 42 USC 1981 et seq., (Civil Rights Act of 1991).
- 2.3.10. 42 USC 12101 et seq., (Americans with Disabilities Act of 1990-ADA).
- 2.3.11. 42 USC 12101 et seq., (Americans with Disabilities Act Amendments Act of 2008).
- 2.3.12. 42 USC 2000e(k) (Pregnancy Discrimination Act of 1978).
- 2.3.13. 42 USC 2000d-2000d-7, (Civil Rights Remedies Equalization Act of 1986).
- 2.3.14. 42 USC 2000e et seq., (Title VII of the U.S. Civil Rights Act of 1964, as amended).
- 2.3.15. 42 USC 2000ff et seq., (Genetic Information Nondiscrimination Act of 2008-GINA).

6.3. Prohibited Conduct

3.1. Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, Glennville State University is committed to providing students, faculty, staff, and applicants for employment and admission and participants in its education and employment programs with a work and educational environment free from all forms of discrimination, hazing or harassment based on race, color, sex, national origin, religion, age, sexual orientation, gender identity, disability, or any other class protected by applicable federal, state, or local law. Unlawful discrimination and/or harassment, in any manner or form, toward Glennville State University students, faculty, staff, or applicants for employment or admission or any other participant in the University's employment or education programs is a violation of Glennville State University policy and is expressly prohibited. Engaging in hate crimes as defined by the the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 USC § 1092(f), is also prohibited by this policy.

3.1.1 Discriminatory Hostile Environment Harassment is illegal harassment on the basis of race, color, religion, national origin, ancestry, age, disability, and/or any other protected class status and/or protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process), or any other protected class status defined by State and federal law.

Harassment and discrimination in the campus community can involve any combination of people including but not limited to instructor and student; employee and student; student and student; third parties and employees or students.

3.2. Knowingly providing false information during any complaint investigation procedures developed in accordance with this policy in either a complaint, during the investigation of a complaint, disciplinary proceeding or hearing by anyone is also prohibited and is considered misconduct subject to disciplinary action up to and including academic/employment suspension, expulsion and employment termination.

3.3. Sexual harassment is prohibited by this policy and Policy 6A. Sexual harassment is defined by and addressed in Policy 6A.

3.4 . Hazing means acts likely to cause physical or psychological harm or social ostracism to any person within the Glenville State University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a Protected Category.

3.5. All Glenville State University students, faculty, student organizations and staff are expected to:

3.5.1. Review this policy and Glenville State University Board of Governors Policies 6A and 50;

3.5.2. Engage in conduct that meets professional and academic standards;

3.5.3. Remain sensitive to the effect of their actions and words on others;

3.5.4. Avoid behavior that might be construed as sex discrimination or sexual harassment;

3.5.5. Take appropriate action to prevent discrimination and harassment;

3.5.6. Help create an environment for positive change and results within the social justice area;
and

3.5.7. Report any witnessed incidents of harassment or discrimination.

3.7. Stalking is engaging in a course of conduct directed at a specific person, based on protected class status, that would cause a reasonable person to fear for an individual's safety or the safety of others; or suffer substantial emotional distress. Stalking is prohibited by this policy.

6.4. Jurisdiction and Off-Campus Conduct

4.1. This policy applies to conduct occurring within the context of a University education program or activity. A University education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the accused and the alleged victim of the conduct and the context in which the conduct occurs including but not limited to employment, employment benefits, academic and athletic programs. Jurisdiction extends to electronic discrimination and harassment if it occurs within a University education program or activity. Electronic discrimination or harassment includes but is not limited to conduct occurring through e-mails, instant messaging, web pages, through any online class platforms, blogs or chat rooms. Education program or activity also

includes any building owned or controlled by a student organization that is officially recognized by the University.

4.2. This policy may be applied to conduct occurring outside the context of a University education program or activity if at the University's discretion, the conduct affects a substantial school/university interest.

4.3. Upon receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken. The Title IX Coordinator will follow the procedures described in the Discrimination Grievance Procedures. The Title IX Coordinator will take steps, either directly with the complainant or through a reporting employee, to provide information about the University's Discrimination Grievance Procedures, as well as available health and advocacy resources and options for criminal reporting.

6.5. Free Speech and Academic Freedom

5.1. Glenville State University has a long tradition of, and a deep commitment to, academic freedom. The welfare and strength of the University and of society at large depend upon the ability to engage in free expression in the search for meaning. To this end, Glenville State University recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. This right extends to other facets of campus life to include the right of a faculty member or student to speak on general educational questions or about the Administration and operation of his/her own institution.

5.2. Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment that should characterize higher education. In the spirit of a true University environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. In addressing all complaints and reports under this policy, the University will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees. While the University will vigilantly protect students' and employees' rights against discrimination and harassment under this policy, this policy does not apply to curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

6.6. Consensual Relationships

6.1. There are inherent risks in any romantic or intimate relationship between individuals in unequal positions. Thus, except as otherwise provided in Section 10.2, any romantic or intimate relationships in which power differentials are inherent are prohibited, which include, but are not limited to, the following:

6.1.1. Relationships between students or applicants for admission and administrators, faculty, coaches or any University employee where a direct power differential exists between the student or applicant for admission and the employee;

6.1.2. Relationships between a University employee holding a direct or indirect supervisory and/or evaluative role over the other person in the relationship; or

6.1.3. Any other romantic or intimate relationship between students or applicants for admission and employees or between employees where any employment-related power differential exists between the persons in the relationship.

6.2. Notwithstanding the prohibitions in Section 10.1, any romantic or intimate relationship prohibited in Section 10.1 that exists *prior to* the creation of a power differential between the individuals involved in the romantic or intimate relationship shall not violate this policy if: (i) the individuals in the relationship report the existence of the relationship as required in Section 10.4 before the power differential is created and (ii) the individuals consent to the removal of any potential power differential that could exist, which may require appropriate administrative action, including but not limited to, shifting or otherwise relocating an employee within a separate department or reporting capacity from the other individual involved in the relationship or the shifting of grading or other decision-making responsibilities of a faculty member which affect a particular student in the case of a pre-existing relationship with that student.

6.3. Issues may also arise in the educational setting or workplace from romantic or intimate relationships between students or applicants for admission and University employees or between University employees where a direct or indirect supervisory and/or evaluative role or other power differential does not exist between the persons in the relationship. Thus, while not prohibited, such relationships are highly discouraged.

6.4. If a relationship develops that falls under Sections 10.2 or 10.3, the employee(s) involved in the relationship must timely report the existence and termination, if any, of such relationship to the Title IX Coordinator.

6.5. Once a relationship is reported under Section 10.4, the Title IX Coordinator shall inform the persons involved in the relationship of the University's standards concerning consensual relationships, may set parameters while the persons are on campus, and may take other steps as appropriate.

6.6. Persons who engage in any relationship prohibited by Section 13.1 or who engage in any relationship listed in Sections 13.2 and 13.3 and who fail to timely report shall be subject to administrative action, up to and including termination of employment or dismissal from the University, as applicable.

6.7. Relation to Board of Governors Policy 36, Student Rights and Responsibilities and the Student Conduct Code

7.1. Protected class discrimination, harassment, hazing and stalking are also prohibited by Board of Governors Policy 36 and the Student Conduct Code. The grievance procedures for the reporting, investigation and disposition of complaints established in accordance with Section 18 and Board of Governors Policy 6A will be used to address reports or complaints accusing a student(s) or a student organization(s) of conduct prohibited by this policy.

6.8. External Complaints

8.1. External complaints may be filed at any time. Information about State and Federal anti-discrimination laws and the complaint is available by contacting:

Office of Civil Rights
U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605;
TDD: 877-521-2172
Email: OCR_Philadelphia@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>
United States Equal Employment Opportunity Commission
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Telephone: 866-408-8075.
Fax: 215-440-2606
TTY: 800-669-6820
Website: <http://www.eeoc.gov/>

The West Virginia Human Rights Commission
1321 Plaza East – Room 108A
Charleston, WV 25301
Telephone: 304-558-2616
Toll Free: 888-676-5546
FAX: 304-558-0085
Website: <http://www.wvf.state.wv.us/wvhrc/>

[Information about the West Virginia Public Employees Grievance Procedure is available by contacting:](#)

West Virginia Public Employees Grievance Board
1596 Kanawha Blvd., East
Charleston, WV 25311.
Telephone: (304) 558-3361
Toll Free: 866-747-6743
Facsimile: (304) 558-1106
Website: <https://pegb.wv.gov>

6.9. Disability Accommodations

9.1. Under the ADA/Rehabilitation Act, Glenville State University has a responsibility to ensure program accessibility for all University campus community and program members and participants. This includes removing existing physical barriers, providing accessible housing and transportation, providing ongoing education and training on disability-related matters, providing and enforcing educational accommodations for employees and students and ensuring compliance in employment practices. The University follows the guidelines of the Americans with Disabilities Act (ADA), and its amendments, Section 504 of the Rehabilitation Act of 1973, GINA and current case law.

9.2. Students

9.2.1. Glenville State University will provide reasonable accommodations and support to all otherwise qualified students that have a qualifying disability to ensure equal access to the

programs and activities of the University unless doing so would cause an undue hardship or would alter the fundamental nature of the University's program or service.

9.2.2. Students are required to self-identify and follow all accommodation request procedures implemented in accordance with this policy. Students requesting accommodations may be required to provide certification from the student's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability and course of student; and (4) suggested accommodations.

9.2.3. Applicants for admission, admitted candidates for degree programs with non-academic technical standards who have a disability and need accommodations should contact:

Susan Petties
Accommodations and Accessibility Counselor
Academic Success Center
Robert F. Kidd Library
304-462-6059
Susan.Petties@glenville.edu

9.3. Employees

9.3.1. Pursuant to the ADA, Glenville State University will provide reasonable accommodations to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive, would result in undue hardship or that would fundamentally alter the University's programs or services. The University is not required to change the essential functions of an employee's job.

9.3.2. An employee with a disability is responsible for requesting an accommodation in writing to the Title IX/Affirmative Action/Equal Opportunity/ADA Coordinator, who will consult with the individual's supervisor to identify which essential functions are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

9.3.3. Employees requesting accommodation may be required to provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and (4) suggested accommodations.

9.3.4. Employees requesting accommodations are required to follow accommodation request procedures implemented in accordance with this policy.

9.4. Visitors seeking information about campus accessibility and service should contact **Susan Petties**. See section 9.2.3 above for contact information.

6.10. Religious Accommodations

10.1. Glenville State University provides reasonable religious accommodations for the sincerely held religious beliefs conflict with a University policy, procedure, or other academic or employment requirement unless such an accommodation would create an undue hardship.

10.2. Employees may request religious accommodations by contacting the Director of Human Resources.

10.3. Students may request religious accommodations by contacting the Office of Accessibility Services.

6.11. Complaint and Accommodation Procedures and Disciplinary Action

11.1. The President, or President's designee and/or Title IX/Equal Employment Opportunity/Affirmative Action Coordinator may establish administrative procedures to implement this policy including but not limited to, establishing procedures for the investigation and disposition of complaints and or accommodation request procedures.

11.2. Violators of this policy, including those who fail to report witnessed incidents of discrimination or harassment, may be subject to disciplinary sanctions. Appropriate disciplinary actions for students may include but are not limited to counseling, educational sanctions, disciplinary probation, suspension or expulsion and/or any other sanctions established by other policies or procedures. Employees who violate this policy may be subject to disciplinary action up to and including suspension without pay and employment termination. All other violators will be sanctioned as appropriate, and in a manner not inconsistent with this policy and/or other Glenville State University policy. Complaints that allege an act of violence or other criminal law violation may be referred to the appropriate law enforcement authorities for prosecution if required by law.

6.12. Interim Measures

12.1. The President, designee, and/or Title IX/Equal Employment Opportunity/Affirmative Action Coordinator may undertake an appropriate inquiry and take such prompt and effective interim action as is reasonably practicable under the circumstances to support and protect the individual filing the complaint and provide for the safety of the campus. Interim measures may include but are not limited to, altering the academic, housing, and/or employment arrangements of the individual filing the complaint or the accused.

6.13. Retaliation

13.1. Retaliation against any person requesting accommodations, who files a complaint or participates or who declines to participate in the investigation, adjudication (including testifying as a witness at any hearing) or disposition of a complaint filed in accordance with this policy and procedures is prohibited. Retaliation should be reported promptly pursuant to any established procedures. Retaliation may result in disciplinary action independent of the sanction or interim measures imposed, if applicable, in response to the underlying allegations of discrimination or harassment.

6.14. Implementation

14.1. The institution's Title IX/Equal Employment Opportunity/Affirmative Action Coordinator/American's with Disabilities Act Compliance Officer is responsible for implementing this policy in accordance with state and federal law and pursuant to any administrative procedures established by the President.

14.2. The Social Justice Officer, in conjunction with the Title IX/Equal Employment Opportunity/Affirmative Action Coordinator is responsible for overseeing the Social Justice program and shall report to the President. The Social Justice Officer may be responsible for:

14.2.1. Developing plans and procedures, necessary to carry out the institution's program;

14.2.2. Evaluating the operations of the institution at regular intervals to assure their conformity with the social justice program, and requiring such reports as deemed appropriate from all divisions of the institution;

14.2.3. Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs and administrative procedures designed to eliminate discriminatory practices which are covered by this policy and improve the institution's program for social justice and assisting the institution's administration in arriving at solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution;

14.2.4. Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the University; and

14.2.5. Any other duties as assigned by the President or other Glenville State University Policy.

6.15. Annual Board of Governors Report

15.1. President or designee will include in the annual report to the Board of Governors a report on the institution's efforts in the area of social justice. Such annual report will include what was accomplished; short term (one year) goals; long term goals; and the financial commitment utilized to achieve the goals.

6.16. Clery Act Crime Reporting

16.1. The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act, 20 USC § 1092(f), (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires the University to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by Congress in 1990 and most recently amended in 2013 by the Violence Against Women Reauthorization Act. Pursuant to the Clery Act, any campus security or law enforcement personnel or any Glenville State University employee who has significant responsibility for student and campus activities (including but not limited to faculty advisers to student groups, coaches and any employee responsible for student activities) who has witnessed or been informed of an alleged incident that constitutes a crime for the purpose of the Clery Act including but not limited to a forcible or nonforcible sex offense as defined by the Clery Act, whether a criminal or formal complaint has been filed, must follow the procedures set forth in Glenville State University Review Board of Governors Policy 50 for making a report for the annual Clery Act crime statistics report. Employees may

be obligated to report to law enforcement the fact that an alleged Clery Act Crime has been reported, but the name or other personally identifiable information about the person making the report and/or alleged victim will be provided only with their Consent except as may be required or otherwise permitted by law.

16.2. The Clery Act requires the University to timely notify/warn students and employees when a Clery Act crime, occurring within Clery geography, poses a serious or on-going threat to the campus community. The issuing of a timely warning notice is decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim. Reports of violations of this policy may constitute Clery Act crimes requiring a timely warning. The University's Clery Act policy is set forth in Glenville State University Board of Governors Policy 51

16.3. Acts of discrimination or harassment may also constitute acts of criminal conduct. Any individual may report an incident alleging criminal conduct by calling 9-1-1 in an emergency or by contacting local law enforcement at:

Glenville State University Department of Public Safety
Jesse R. Lilly PE Health Building - Room 153A
200 High Street
Glenville, WV 26351
Telephone: (304) 462-4132
On Campus Ext.: 6450

West Virginia State Police – Troop 3
4640 WV Highway 5E
Glenville, WV 26351-7624
Telephone: (304)-462-7101
Facsimile: (304)-462-8684

City of Glenville Police Department
Court Street
Glenville, WV 26351
Telephone: (304) 462-7411

Gilmer County Sheriff's Office
10 Howard St - # 102
Glenville, WV 26351
Telephone: (304) 462-7441

6.17. Disciplinary Action

17.1. Violators of this policy, including those who fail to report witnessed incidents of discrimination or harassment, may be subject to disciplinary sanctions in accordance with any procedures established in accordance with Section 18. Appropriate disciplinary actions for students may include but are not limited to counseling, educational sanctions, disciplinary probation, suspension or expulsion. Employees who violate this policy may be subject to disciplinary action up to and including suspension without pay and employment termination. All other violators will be sanctioned as appropriate, and in a manner not inconsistent with this policy and/or other Glenville State University policy. Complaints that allege an act of violence or other criminal law violation may be referred to the appropriate law enforcement authorities for prosecution.

6.18. Delegation and Amendments

17.1. The President or President's designee may establish administrative procedures to implement this policy including but not limited to religious and disability accommodation request procedures and grievance procedures for the reporting, investigation and disposition of complaints.

17.2. This Policy may be amended to change names, links to information and contact information without resorting to the rulemaking process.

17.3. Federal and State laws, rules and regulations change. Any portion of this policy may be modified in practice to ensure the due process rights of the Parties and to conform with any current Federal and State law, rules and regulations. Subject to the University's rulemaking rule, the University will change this policy to conform to the most current laws and regulations within a reasonable time of discovering the change.

6.18. Policy Limitations

18.1. Nothing in this policy should be construed to extend "protected class" status or give rise to a cause of action beyond that otherwise provided by law.