

GLENVILLE STATE COLLEGE POLICIES

ADMINISTRATIVE POLICY 6A

SOCIAL JUSTICE: DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, STALKING, RETALIATION, CONSENSUAL RELATIONSHIPS, AND REASONABLE ACCOMMODATIONS

6A.1. General.

1.1. Scope. - This policy addresses discrimination and harassment.

1.2. Authority - WV Code §18B-1-6, §18B-2A-4. Authority - W. Va. Code §18B-1-6; Discrimination and harassment of certain protected classes is prohibited by: (a) West Virginia Human Rights Act of 1967; (b) Title IX of the Civil Rights Act of 1972; (c) Equal Employment Opportunity Commission interpretative guidelines issued in March, 1980; (d) Titles VI and VII of the Civil Rights Act of 1964; (e) Vietnam Era Veterans Readjustment Act; (f) Sections 503 and 504 of the Rehabilitation Act; (g) Executive Order 11246; (h) Immigration Reform and Control Act of 1986; (i) Equal Pay Act; (j) Age Discrimination Act; (k) Americans with Disabilities Act; (l) Disabled Veterans Act; and (m) the Genetic Information Nondiscrimination Act of 2008

1.3. Effective Date-April 8, 2015

1.4. Revision and Renaming of Former Rule. Revises and replaces Glenville State College Administrative Policy 13 [2011].

6A.2. Policy

Glenville State College is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our College. Acts of discrimination, harassment, sexual harassment, stalking, and retaliation will be addressed consistent with this policy.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

It is important that members of the College community understand that the law does not just prohibit discrimination and harassment of employees by employers. The law also prohibits discrimination and harassment between members of the College community more generally: for example, between an instructor and a student, between two students, or between a student and an applicant or campus guest. The policy applies in all College programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, College housing, and College employment. In addition, the law prohibits retaliation against an individual for opposing any practices prohibited under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an

investigation or resolution of a complaint of discrimination or harassment. It is central to the values of this College that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

This policy shall not be construed or applied to restrict academic freedom at Glenville State College, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

All complaints or any concerns about conduct that may violate this policy and retaliation should be filed with the Title IX/Affirmative Action/Equal Opportunity/ADA Coordinator [hereinafter "Title IX Coordinator"]:

Title IX/Affirmative Action/Equal Opportunity/ADA Coordinator
Office of Human Resources
Glenville State College
200 High Street
Glenville, West Virginia 26351
304-462-6193
hr@glenville.edu

Upon receiving a complaint, the Title IX Coordinator will follow the procedures described in the [Discrimination Grievance Procedures](#).

Important Note! Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The Title IX Coordinator, designees, and other College officials can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, the College can arrange for no-contact orders, counseling and changes in class schedules, living arrangements, class requirements, and testing schedules as needed. The Title IX Coordinator and designees can also provide expertise and advice to help identify conduct that might be a warning sign of or constitute sexual harassment or hostile environment harassment prohibited by this policy and address any concerns or complaints appropriately.

6A.3. Definitions

3.1. "Bullying" means repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a Protected Category. Bullying includes any online postings or other electronic communication commonly referred to as cyber-bullying, cyberstalking, cyber-harassment, etc., occurring within Glenville State College's control (e.g. Glenville State College's networks, websites or between Glenville State College email accounts). Any online postings or other electronic communication, including cyber-bullying, cyberstalking, cyber-harassment, etc., occurring outside of Glenville State College's control will be investigated when those online behaviors can be shown to cause a substantial on-campus disruption.

3.2. "Consent" means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Consent cannot be gained by intimidation or force, by ignoring or acting in

spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused student knows or reasonably should have known of such incapacitation

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the sexual activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual activity.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual initiating or furthering the sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs. Consent to some sexual contact, such as kissing or fondling, cannot be presumed to be consent for other sexual activity, such as intercourse. A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.

A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In the State of West Virginia, anyone under the age of sixteen cannot consent to sexual contact. Thus, sexual contact or sexual exploitation by an adult with/of a person younger than 16 years old are crimes as well as violations of this policy, even if the individual under the age of 16 wanted to engage in either.

3.3. "Discrimination" means actions that deprive others of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a Protected Category.

3.4. "Relationship Violence/Domestic Violence" is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone and can involve the following:

3.4.1. Battering that causes bodily injury;

3.4.2. Purposely or knowingly causing reasonable apprehension of bodily injury;

3.4.3. Emotional abuse creating apprehension of bodily injury or property damage;

3.4.4. Repeated telephonic, electronic, or other forms of communication – anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten;

3.5. "Dating Violence" is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

3.5.1. The length of the relationship;

3.5.2. The type of relationship; and

3.5.3. The frequency of interaction between the persons involved in the relationship

3.6. “EEO/Equity/AA/ADA/504 Coordinator” means the Chief Human Resources Officer, who serves as the Equal Employment Opportunity/Equity/Affirmative Action Coordinator and the Americans with Disabilities Act/504 Coordinator and oversees implementation of Glenville State College’s Affirmative Action and Equal Opportunity plan, disability compliance, and Glenville State College’s policy on discrimination and harassment.

3.7. “Hazing” means acts likely to cause physical or psychological harm or social ostracism to any person within the Glenville State College 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.

3.8. “Hostile Environment” based on race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation exists when :

3.8.1. The harassment is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person’s ability to participate in or benefit from the College’s programs, services, opportunities, or activities ; or

3.8.2. Conduct has the purpose or effect of unreasonably interfering with an individual’s employment.

Harassment that creates a hostile environment (“hostile environment harassment”) violates this policy. A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, coaches, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

3.8.3. The degree to which the conduct affected one or more students’ education or individual’s employment;

3.8.4. The nature, scope, frequency, duration, and location of incident or incidents;

3.8.5. The identity, number, and relationships of persons involved;

3.8.6. The nature of higher education.

3.9. “Intimidation” and “intimidate” mean implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a Protected Category.

3.10. “Non-Consensual Sexual Contact” means any intentional Sexual Touching, however slight, with any object or body part, by a person upon another person, that is without consent and/or by force.

3.11. “Non-Consensual Sexual Intercourse” means any Sexual Penetration or intercourse (anal, oral or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Nonconsensual Sexual Intercourse may commonly be referred to as rape and/or or sexual assault.

3.12. “Protected Category” means a category under which an individual falls or is perceived to fall that is protected under federal, state, or local anti-discrimination laws, including race, color, religion, sex (including pregnancy), sexual orientation, national origin, age, marital status, veteran or military status, disability, or genetic information.

3.13. “Retaliation” includes intimidation, threats, harassment, and other adverse action threatened or taken against any individual reporting an incident or participating in the hearing or investigation process, including providing information as a witness, of a complaint filed pursuant to this policy. Retaliation should be reported promptly to the Title IX Coordinator.

3.14. “Sexual Exploitation” means a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact. The term includes, but is not limited to, the following situations:

3.14.1. Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent, such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent;

3.14.2. Non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;

3.14.3. Prostituting another person;

3.14.4. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection; and

3.14.5. Administering alcohol or drugs (such as date rape drugs) to another person without his or her knowledge or consent for the purpose of engaging in sexually-related activity with that person.

3.14.6. Sexual voyeurism, such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed;

3.14.7. Using intimidation to force others to engage in acts of sexual misconduct.

3.15. Harassment and discrimination are intended to be defined consistent with guidelines established by the United States Equal Opportunity Commission, the West Virginia Human Rights Commission and the United States Department of Education.

Harassment is generally defined as unwanted physical, verbal, or written conduct relating to a person's protected status, including race, national origin, gender, sexual orientation, age, religious creed, disability, medical condition, or other status protected by law, and which results in one or more of the following:

3.15.1. The creation of intimidating, hostile, or offensive working, living, or academic environment; or

3.15.2 Substantial or unreasonable interference with an individual's work, living, or academic performances; or

3.15.3 The development of an adverse effect on an individual's employment or academic opportunities.

3.15.4 Unjustified inequitable treatment that results in the above consequences also qualifies as harassment. This inequitable treatment may manifest itself in a number of ways including but not limited to the provision of differential help to students, arbitrarily denying requests for services, and otherwise indirectly creating a hostile environment.

3.16. *Harassment* is covered under this policy if it is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment as defined by this policy, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes. Harassment violates this policy when it creates a hostile environment, as defined in by this policy.

3.17. Sexual Harassment can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

3.17.1. Tangible Employment or Educational Action. This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a College activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a College program or activity. Generally, perpetrators will be agents or employees with some authority from the College.

3.17.2. Sexual harassment that creates a hostile environment as defined by this policy.

3.18. "Sexual Misconduct" means Sexual Harassment, as defined by this policy, Non-Consensual Sexual Intercourse; Non-Consensual Sexual Contact; Sexual Exploitation and Relationship Violence. Acts of sexual misconduct may be committed against a person regardless of the sex, gender, sexual orientation and/or gender identity of those involved.

3.19. "Sexual Penetration" means vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

3.20. "Sexual Touching" means any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

3.21. "Stalking" means a course of conduct (i.e., repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of another) directed at a specific person that is unwelcome and would cause a reasonable person to feel fear. Stalking does not have to be based on a protected class to be covered by this policy.

3.22. "Incapacitation" means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol (or other drug) is involved, one does not have to be intoxicated, drunk or high to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.¹ The question is whether the accused student knew, or a sober, reasonable person in the position of the accused student should have known, that the complainant was incapacitated. Because Incapacitation may be difficult to discern, you are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give effective consent.

6A.4. Prohibited Conduct

Discrimination, harassment, creating a hostile work environment, bullying, sexual misconduct, including sexual harassment and hazing that are all based upon a protected class are prohibited by this policy. Retaliation as defined in this policy is also prohibited by this policy.

Knowingly providing false information 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.

6A.5. Application of This Policy to Off-Campus Conduct

5.1. This policy applies to behaviors that take place on the campus, at school/college--sponsored events and may also apply off--campus or outside of school when the administration determines in its discretion that the off-campus or outside-of-school conduct affects a substantial school/university interest. A substantial school/college interest includes but is not limited to:

¹ J Sokolow, Brett A., Lewis, W. Scott, Schuster, Sandra K., *NCHERM II/Smille on Responding 10 Campus Sexual Misconduct*. 2010, p. 49.

5.1.1. Any action that could constitute a criminal offense as defined by federal or state law even if no law enforcement investigation has been initiated. This includes but is not limited to: allegations of single or repeat violations of any local, state or federal law in the municipality/city/town where the school/university is located;

5.1.2. Any situation that significantly disrupts the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or

5.1.3. Any situation where it appears that the student may present a danger or threat to the health or safety of him/herself or others. (Source: ATIXA/Penn State University)

6A.6. Mandatory Employee Reporting of Sex-based Discrimination, Sexual Harassment and Sexual Misconduct Involving Students and Individuals Under the Age of 16

West Virginia Law (WV Code 49-6A-2) mandates that any person over the age of eighteen who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately and not more than forty eight hours, report the circumstances or cause a report to be made to the Department and the State Police or other law-enforcement agency having jurisdiction to investigate the report. If the reporter feels that reporting the alleged sexual abuse will expose themselves, the child, the reporter's children or other children in the subjects household to an increased threat of serious bodily injury, the individual may delay making the report while he or she undertakes measures to remove themselves or the affected children from the perceived threat of additional harm. The individual must make the report as soon as practical after the threat of harm has been reduced. The law enforcement agency that receives a report regarding sexual abuse must report the allegations to the West Virginia Department of Health and Human Resources.

West Virginia Law also mandates that in any case where a mandated reporter believes that the child suffered serious physical abuse, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint.

In addition to the above requirements, in order to enable the College to respond effectively and to stop instances of sex-based discrimination, sexual harassment and sexual misconduct involving students or individuals under the age of 16, at the College proactively, all College employees must, within 24 hours of receiving the information, report information they have about alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct involving students or individuals under the age of 18 to the Title IX Coordinator and report it to local law enforcement. Employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including licensed health-care professionals. Please note that this policy does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

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 College's Discrimination Grievance Procedures, as well as available health and advocacy resources and options for criminal reporting.

6A.7. Sanctions and Corrective Action

Violations of this policy will be addressed through the Discrimination Grievance Procedures. Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. Sanctions and Corrective Action could include: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, a reprimand, a no-contact order, denial of a merit pay increase, reassignment, academic or employment suspension, expulsion, employment termination and revocation of computer use privileges. The severity of sanctions or corrective action will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct. A finding of discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual misconduct may be cause for disciplinary action, up to and including the discharge of employees and the expulsion of students, in accordance with applicable College procedures and collective bargaining agreements. The College may also take appropriate action if it does not find discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, but (a) the College found that the respondent engaged in disruptive behavior or (b) to prevent the creation of a hostile environment. The employment of any employee, including but not limited to, classified employees, tenured faculty members and tenure track faculty members, may be terminated without progressive discipline for violations of this policy depending upon the totality of the circumstances. Other reasons for termination without progressive discipline are set forth in College and HEPC rules and/or in employee handbooks if applicable. The employment status of will and pleasure employees is in no way altered by this provision.

6A.8. Amnesty for Drug or Alcohol Possession and Consumption Violations

The College strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by the College for any violation of the College's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

6A.9. Free Speech and Academic Freedom

Glenville State College has a long tradition of, and a deep commitment to, academic freedom. The welfare and strength of the College and of society at large depend upon the ability to engage in free expression in the search for meaning. To this end, Glenville State College 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.

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 college environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. In addressing all complaints and reports under this policy, the College 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 College will vigilantly protect students' and employees' rights against sex discrimination 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.

6A.10. Consensual Relationships

10.1. 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:

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

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

10.1.3. 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.

10.2. 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.

10.3. Issues may also arise in the educational setting or workplace from romantic or intimate relationships between students or applicants for admission and College employees or between College 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.

10.4. 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.

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

10.6. 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 College, as applicable.

6A.11. Relation to Board of Governors Policy 36, Student Rights and Responsibilities

Although conduct that is prohibited by this policy is also prohibited by Section 5.6 of Policy 36, the procedure for the filing and investigation of complaints filed against students are addressed by this Policy's Grievance Procedures, not by the procedures established pursuant to Sections 4.6 and 6.3 of Policy 36.

6A.12. External Complaints

If you filed a complaint with the Title IX Coordinator and believe the College's response was inadequate, or you otherwise believe you have been discriminated against by the College on the basis of race, color, genetic information, veteran's status, national origin, sex, including sexual harassment, disability, age, or retaliation, you may at any time file a complaint with the following:

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/>

Additional information about State anti-discrimination/harassment and retaliation laws and complaint procedures is available from:

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/>

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: www.pegb.wv.gov.

6A.13. Accommodation of Disabilities

13.1. Glenville State College is committed to compliance with the Americans With Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself. All reasonable accommodation decisions are made by the College.

13.2. The EEO/Equity/AA/ADA/504 Coordinator is responsible for coordinating efforts to comply with the disability laws set forth in Section 10.1, including investigation of any employee or student complaint alleging noncompliance filed in accordance with the [Discrimination Grievance Procedures](#).

13.3. Students with Disabilities

13.3.1. Pursuant to the ADA, Glenville State College 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 College.

13.3.2. Students are required to self-identify with Disability Services. All accommodations are made on a case-by-case basis by the Disability Services. Disability Services will review documentation provided by the student and other appropriate resources including but not limited to the course instructor, to determine which accommodation, if any, is appropriate to the student’s particular needs and programs.

13.3.3. Students requesting accommodation 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.

13.4. Employees with Disabilities

13.4.1. Pursuant to the ADA, Glenville State College 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 or would result in undue hardship.

13.4.2. 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.

13.4.3. 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.

6A.14. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that Glenville State College administrators must issue timely warnings to the College community for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. No such warning will identify a victim or contain information that could do so unless permitted by the victim.

6A.15. Affirmative Action Manual

Glenville State College subscribes to the principles and regulations pertaining to equal opportunity and affirmative action. In compliance with these regulations, the College shall maintain an affirmative action manual in the Office of Human Resources.

6A.16 Procedures

The President or his/her designee(s) is/are authorized to promulgate administrative procedures to implement this policy including but not limited to creating Discrimination Grievance Procedures and reasonable accommodation request procedures and supplementing definitions if necessary.

Approvals:

President

Date

Chair of the Board

Date