



## RESPONDENT INFORMATION

### DISCRIMINATION/HARASSMENT/SEX DISCRIMINATION/ SEXUAL HARASSMENT/RETALIATION COMPLAINT

The individual filing the complaint is referred to as the “Complainant”.

The accused is referred to as the “Respondent”.

#### General Information

Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 (Title VII), The Pregnancy Discrimination Act of 1978, The Equal Pay Act of 1963 (EPA), The Age Discrimination in Employment Act of 1967 (ADEA), The Older Workers Benefit Protection Act of 1990 (OWBPA), Title I of the Americans with Disabilities Act of 1990 (ADA), Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, the Genetic Information Act of 2008 and the West Virginia Human Rights Act are Federal and State laws that protect fundamental rights of nondiscrimination and health information privacy. Glenville State College is an Equal Opportunity/Affirmative Action Institution that does not discriminate on the basis of race, sex, age, disability, veteran status, religion, color, ancestry, marital status, gender, or national origin in the administration of any of its educational programs, activities, or with respect to admission or employment. Glenville State College also does not discriminate based upon genetic information in the areas of employment or employee health insurance benefits. Glenville State College is committed to providing an environment that is supportive and comfortable for you to discuss your concerns regarding individual treatment in the workplace, equal employment opportunity, and diversity. Every effort will be made to ensure the fair and equal treatment of all involved parties during the complaint investigation process. Responses to complaints are filed with:

Krystal Smith  
Title IX/Affirmative Action/Equal Opportunity Coordinator  
Americans with Disabilities Act Compliance Officer  
Glenville State College  
200 High St.  
Glenville State College 26351

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*Please mail or fax the completed form only to:*

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Americans with Disabilities Act Compliance Officer  
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200 High St.  
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Telephone: (304) 462-6193  
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If the complaint is against the Title IX/Affirmative Action/Equal Opportunity Coordinator Americans with Disabilities Act Compliance Officer (Coordinator) or if the Coordinator is unavailable, complaints and responses to complaints are filed with:

Teresa Sterns, Title IX Co-Coordinator  
Office of the President – Second Floor  
Harry B. Heflin Administration Building  
Mailing Address:  
200 High Street  
Glennville, WV 26351  
(304) 462-6102  
[Teresa.Sterns@glennville.edu](mailto:Teresa.Sterns@glennville.edu)

During the investigation process, Glennville State College is required to: (a) provide an adequate, reliable, and impartial investigation, including the opportunity for both parties to present witnesses and other evidence; (b) designate reasonable prompt timeframes for the major stages of the complaint process; (c) provide notice to the parties of the outcome of the complaint investigation and disposition and the opportunity for the parties to appeal the findings; and (d) assure that the appeal will be conducted in an impartial manner by an impartial decision-maker.

If you are a Respondent to a complaint, the Title IX/AA/EEO Coordinator will:

- Walk you through the complaint process
- Ask you to complete the Respondent FROM or provide a signed, written statement about the incident (s)
- Provide an opportunity for you to identify witnesses or individuals who will support your response
- Investigate the allegations of the complaint (A typical investigation should be completed within sixty (60) calendar days but depending upon the circumstances, may extend beyond sixty (60) days)
- Keep you informed of the progress of the investigation
- Advise you of the outcome of the investigation
- Direct the findings of the investigation to appropriate institution personnel for review and appropriate action

During the investigation process, and in accordance with existing policies and laws, Glennville State College will make every reasonable effort to protect the privacy of all parties involved in the investigation, and to keep the information confidential to the extent required by law. However, Glennville State College cannot guarantee that any or all of the information will remain confidential.

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You are permitted to have a representative of your choice including legal counsel (paid for at your own expense) at any stage of the investigation process.

Anyone accused of discrimination or harassment is presumed not responsible for the alleged conduct.

Generally, an investigation will result in a written report that, at a minimum, includes a statement of the allegations and issues, a summary of the information considered, findings of fact, and a determination by the investigator as to whether the institution's policy has been violated. For allegations of discrimination or harassing behavior, there are three possible findings:

- a. **Substantiated:** It is more likely than not that the allegation is true. (preponderance of the evidence standard)
- b. **Unsubstantiated:** It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.
- c. **Unfounded:** It is more likely than not that the allegation, while made in good faith, is untrue. A finding that the allegations are unfounded does not indicate that the complaint was improper or knowingly false.

The report, the complaint, the response and any other evidence obtained during the investigation of the complaint may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

The report also may contain recommendation for actions to resolve the complaint, including but not limited to educational programs, counseling/coaching, mediation, remedies for the complainant, and a referral to institutional disciplinary procedures, as appropriate.

The complainant and the respondent shall be concurrently informed in writing of the completion of the investigation and the outcome of the investigation. The complainant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant. The complainant shall not be informed of the details of any recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint and shall be notified generally of referrals for disciplinary action and recommended action.

You are permitted to have a representative of your choice including legal counsel (paid for at your own expense) at any stage of the investigation process.

### **Retaliation**

***Various State and Federal laws, including but not limited to Title IX and Glenville State College prohibit retaliation against any individual who files or participates in the***

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***investigation of a discrimination, harassment or sexual harassment complaint. The Title IX/AA/EEO Coordinator will investigate retaliation complaints and report the findings to appropriate Glenville State College personnel for review and applicable action.***

### **Geography**

The institution's discrimination and harassment complaint procedures apply to an allegation of sexual misconduct regardless of where the alleged incident occurred. Although there is no geographical limitation to invoking the complaint procedure, sexual misconduct that is alleged to have occurred at a significant distance from the institution may be more difficult to investigate. In addition, with respect to *any* complaint: (a) by a person who is not a member of the College community; and (b) relating to non-college Conduct, the College reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the College community to warrant processing the complaint.

### **Alcohol or Drug Use**

Alcohol or drug use by the accused and/or the complainant are not defenses to discrimination or harassment, sex discrimination or sexual harassment (including acts of sexual violence). Use of drugs or alcohol may, however, affect the alleged victim's and/or accused's memory which may impact the investigation and final outcome of a complaint.

### **Criminal Conduct**

Acts of discrimination, harassment and retaliation, including but not limited to acts of sexual violence, may also constitute criminal conduct. Any individual may report an incident alleging criminal conduct by calling 9-1-1 in an emergency or by contacting the Glenville State College Department of Public Safety at: (304) 462-6450. The Glenville State College Department of Public Safety and/or other law enforcement authorities may be notified if a complaint contains allegations of criminal conduct.

Pursuant to the federal law known as the *Jeanne Clery Act* (20 USC § 1092(f)), any campus security or law enforcement personnel or any Glenville State College or university employee who has significant responsibility for student and campus activities (including but not limited to faculty advisers to student groups, coaches and a student activities director) 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 or a hate crime, whether a criminal or administrative complaint has been filed, must:

- a. follow Glenville State College procedures for making a report for the annual crime statistics report; and

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- b. notify the Title IX/AA/EEO Coordinator so that any applicable administrative, investigative or other resolution procedures may be initiated.

Employees may be obligated to report to law enforcement the fact that an alleged sex offense or hate crime has been reported, but the name or other personally identifiable information about the complainant will be provided only with the consent of the complainant, except as may be required or otherwise permitted by law.

The administrative investigation of complaints filed with the Title IX/AA/EEO Coordinator is different from a law enforcement investigation. The technical rules of evidence and procedure do not apply. A law enforcement investigation will not take the place of an investigation or disposition of a complaint filed with the Title IX/AA/EEO Coordinator and the results of a law enforcement investigation or adjudication are not determinative of whether an individual is responsible for discriminatory/harassing/retaliatory conduct. An investigation by the Title IX/AA/EEO Coordinator may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Glenville State College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and such cooperation may require the institution to temporarily suspend the fact-finding aspect of the administrative investigation while the law enforcement agency is in the process of gathering information. The Glenville State College will promptly resume its administrative investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process.

Acts of sex discrimination or sexual harassment, including but not limited to acts of sexual violence, 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 the Glenville State College Department of Public Safety at: (304) . The Glenville State College Department of Public Safety and/or other law enforcement authorities may be notified if a complaint contains allegations of criminal conduct.

### **Interim Measures**

Glenville State College may at any point in the complaint process elect to place the respondent on investigative leave, reassignment, temporary suspension from classes or authorize other types of temporary measures while an investigation is pending, including but not limited to "no contact" orders.

When the Title IXAA/EEO Coordinator receives a report of harassment or discrimination, s/he will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant, the campus community and to avoid retaliation against the victim(s) before the final outcome of the investigation or full implementation of the complaint process. Interim measures may be implemented without prior notice to the accused whenever there is reason to believe, based on available facts, that the continued presence of the student poses a substantial threat to himself/herself, to others, to college property, or to the stability and continuance of normal

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college functions. If the allegation constitutes a sex offense as defined by the Clery Act, the College *will* change the victim's academic and living situations after an alleged Clery Act sex offense if those changes are requested by the victim and are reasonably available. Options may include the release of the alleged victim from his/her housing contract so that the alleged victim may seek off campus housing, room reassignment or assignment to a different residence hall.

When taking steps to separate the complainant and the accused, the Title IX/AA/EEO Coordinator will seek to minimize unnecessary or unreasonable burdens on either party; provided, however, that every reasonable effort will be made to allow the complainant to continue in his or her academic, institution housing, and/or campus employment arrangements. Violation(s) of the Title IX/AA/EEO Coordinator's directive and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

Interim measures that may be implemented include but are not limited to:

- Temporary suspension of an employee's employment as well as denial of the employee's access to Institution facilities or property including but not limited to institution housing;
- Temporary suspension or limitation of an individual's eligibility to enjoy certain privileges, or participate in or attend certain events (or certain kinds of events) without the suspension of employment or enrollment. This action may prohibit an individual's presence on institution property or in certain facilities, or impose conditions that must be met in order for the individual to enjoy certain privileges, participate in activities, or attend events;
- Issuance of a no-contact order;
- Temporary suspension of a student's eligibility for enrollment or attendance, as well as denial of access to facilities or property including but not limited to housing
- Implementation of a "no contact order"

### **Related Conduct**

The Title IX/AA/EEO Coordinator is empowered to hear allegations of, and to recommend sanctions for, conduct that violates any institution rule regulation or policy including but not limited to employee handbooks and/or any student conduct code directly related to the alleged discriminatory/harassing/retaliatory conduct. The Title IX/AA/EEO Coordinator may refer the complaint to other college departments for disposition pursuant to other disciplinary procedures if the conduct does not rise to the level of discrimination or harassment but does violate other institutional rules, regulations or policies.

### **Counseling Information**

Glennville State College offers the services of an on campus licensed professional counselor:

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Timothy J. Underwood  
Counseling Center  
143 Alan B. Mollohan Campus Community Center  
[Timothy.Underwood@glenville.edu](mailto:Timothy.Underwood@glenville.edu)  
304-462-6432

### **Additional Information**

Additional information regarding the enforcement of State and Federal anti-discrimination/ harassment/retaliation laws and complaint procedures may be obtained from the following agencies:

**Office of Civil Rights  
Commission**

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](mailto:OCR.Philadelphia@ed.gov)  
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

**The West Virginia Human Rights**

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/>

**Employees Only:**

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/>

Any individual is at all times free to pursue a complaint with the Equal Employment Opportunity Commission, the West Virginia Human Rights Commission, the United States Department of Education Office for Civil Rights (responsible for enforcing Title IX), the United States Department of Labor (Office of Federal Contract Compliance Programs), or by consulting a labor/employment attorney at her or his own expense.

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