

GLENVILLE STATE COLLEGE POLICIES

PERSONNEL POLICY 13

SEXUAL HARASSMENT POLICY

13.1. General.

1.1. Scope – This policy sets forth the Glenville State College Personnel Policy regarding sexual harassment.

1.2. Authority - W. Va. Code §18B-1-6, §18B-2A-4; Sexual harassment is prohibited by:

- The 1980 Equal Employment Opportunity Commission (EEOC) interpretive guidelines on Title VII of the Civil Rights Act of 1964;
- The Office of Civil Rights policy statement interpreting Title IX of the Educational Amendments of 1972; and
- The West Virginia Human Rights Act.

1.3. Effective Date: April 13, 2011

13.2. Policy Statement.

2.1. The Glenville State College Board of Governors is committed to providing students, faculty, staff and applicants for employment with a work and educational environment free from all forms of sexual harassment. Therefore, sexual harassment, in any manner or form, toward GSC students, faculty, staff, or applicants for employment is a violation of this policy and is expressly prohibited.

2.2. All Glenville State College students, faculty and staff are expected to:

- Engage in conduct that meets professional standards;
- Remain sensitive to the effect of their actions and words on others;
- Take appropriate action to prevent sexual harassment;
- Avoid behavior that might be construed as sexual harassment; and
- Acquaint themselves with this policy.

Those in supervisory positions have a special responsibility to discourage sexual harassment as well as to implement and enforce this policy.

13.3. Sexual Harassment Definition.

3.1. Sexual harassment is intended to be defined consistent with EEOC and United States Department of Education guidelines. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

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

3.1.2. Submission to or rejection of such conduct is used as the basis for employment decisions; or

3.1.3. Such conduct has the purpose or effect of:

3.1.3.1. Unreasonably interfering with an individual's work or educational performance; or

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

3.2. Consensual relationships include amorous or romantic relationships and conduct that is not part of a typical platonic relationship.

13.4. Requirements.

4.1. General - The Glenville State College Board of Governors prohibits sexual harassment by any student, faculty member, or staff member. The Board is committed to creating and maintaining a work environment free of inappropriate, disrespectful conduct and communication of a sexual nature. The Board will not tolerate sexual behavior that interferes with an individual's work performance or that creates an intimidating, hostile or offensive work or learning environment.

In determining whether alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of the circumstances, including the nature of the incident and the context in which the alleged incident(s) occurred.

Sexual harassment may occur between faculty members and students, supervisors and employees, students and students, faculty members and faculty members, staff members and staff members, or any other combination of people. It may occur between people of the same sex or people of different sexes.

Examples of conduct that may be considered sexual harassment include the following:

- Subtle or overt pressure for sexual favors, accompanied by implied or overt threats concerning one's job, grades, letters of recommendation, or physical well-being;
- Insults, humor, jokes and/or anecdotes that belittle or demean an individual's or a group's sexuality or sex;
- Unwelcome sexual comments or inquiries about an individual's or a group's sexuality or sex;
- Inappropriate displays of sexually suggestive objects or pictures, which may include but not be limited to posters, pin-ups, calendars and computer screen savers;
- Unauthorized entering of restrooms and other locations reserved for the exclusive use of the opposite sex;

- Unnecessary and unwelcome touching, such as patting, pinching, hugging or repeated brushing against an individual's body; and
- Sexual assault
- Specifically, creation of a hostile environment.

4.2. Consensual Relationships - Although the Board acknowledges that consensual relationships are within the purview of individual privacy, such relationships that occur between persons of different ranks, including those between supervisors and their employee-reports or faculty and students, may lead to circumstances that result in sexual harassment.

These types of consensual relationships also may result in a hostile or offensive environment affecting other employees or students. For example, others may perceive a person involved in the consensual relationship as receiving favorable treatment in employment or educational decisions and actions.

4.3. Teacher-Student Relationships - It is a violation of Glenville State College policy for a faculty member to engage in an amorous, dating or sexual relationship with a student whom the faculty member instructs, evaluates, supervises or advises.

Where there is a pre-existing amorous, dating or sexual relationship, the individual with the status advantage shall notify his or her immediate supervisor. The supervisor shall be responsible for making arrangements to eliminate or to mitigate a conflict, or potential conflict, the consequences of which might prove detrimental to the institution, the Board or to either party in the relationship.

4.4. Confidentiality - The confidentiality of all parties involved in a sexual harassment charge shall be strictly respected insofar as it does not interfere with the Board's obligation to investigate misconduct allegations and to take corrective action.

4.5. Dishonest or Frivolous Complaints - If sexual harassment allegations are not substantiated, all reasonable steps shall be taken to protect the reputation of the accused. Moreover, if the complainant is found to have intentionally or maliciously been dishonest or frivolous in making the allegations, the complainant shall be subject to appropriate disciplinary action.

13.5. Filing of Complaints.

5.1. Sexual Harassment Complaint Procedure Guidelines - Any student, current or former employee or applicant for employment or admission to Glenville State College who believes he or she has been sexually harassed ("complainant") may file a sexual harassment complaint.

Complaints must be filed with the Office of Human Resources within a reasonable time following the alleged sexual harassment or the date on which the complainant knew of the alleged act.

A complaint may be filed with the Office of Human Resources without prior discussions of the issue with any other College official. However, individuals are encouraged to attempt to

resolve the complaint by first bringing the issue to their immediate supervisor or next level supervisor.

5.2. Extension of Time Limits - All of the time limits contained within this complaint procedure may be extended with the approval of the Director of Human Resources or his/her designee.

5.3. Complaints Filed With Other GSC Departments or Units - Any complaint of sexual harassment that is filed with another GSC department or unit shall be referred to the Office of Human Resources within 24 hours or the next working day. The Director of Human Resources reserves the right to waive this requirement.

5.4. Responsibilities - When sexual harassment is alleged or suspected, the following persons have the following responsibilities:

5.4.1. The student, employee or job applicant who believes he or she has been subjected to sexual harassment is responsible for:

- Whenever possible, attempting to resolve complaints through an immediate supervisor or next level supervisor. If such discussions fail to resolve the complaint, the complainant may seek a review of his/her complaint in accordance with the above complaint procedure;
- Contacting the Office of Human Resources for advice and/or counseling; and
- Filing a sexual harassment complaint with the Office of Human Resources if the situation remains unresolved.
- If anyone is aware of a sexual harassment complaint and fails to follow proper procedures, the employee/student should be subject to disciplinary action.

5.4.2. The Office of Human Resources is responsible for:

- Receiving a complaint and assisting the complainant in defining the charge and completing the complaint form;
- Apprising the person(s) named in the complaint ("respondent") and his/her administrative office of the allegation and notifying them that retaliation is prohibited;
- Assisting the individual(s) named in the complaint in interpreting the charge;
- Obtaining a response to the charge from the respondent within 10 working days;
- Upon receipt of the response from the respondent named in the complaint, investigating the complaint further if necessary and appropriate. The Office of Human Resources shall have access to all necessary documents, the right to interview witnesses and the ability to bring together the complainant and respondent, if beneficial;
- Upon completion of the investigation, issuing a finding on the case to all individuals named in the complaint within 20 working days. If there is no evidentiary basis for a charge of sexual harassment, the Office of Human Resources shall indicate this conclusion to the complainant and advise him/her that the case is closed;

- Making recommendations for the resolution of the complaint if unlawful sexual harassment is found; and
- Monitoring the recommendations for implementation, and ensuring that appropriate disciplinary action is taken.

5.4.3. The respondent is responsible for:

- Providing a response to the charge within 10 working days after receipt of the charge; and
- Taking no retaliation or reprisal against the complainant, others related to the complainant, or persons involved in the complaint investigation. Any retaliation and/or reprisal is subject to disciplinary action to include loss of tenure and/or loss of job.

5.4.4. The respondent's supervisor is responsible for:

- Providing a response to the Office of Human Resources within 7 business days of the action taken with reference to the recommendations of the Office of Human Resources; and
- Taking no retaliation or reprisal against the complainant, others related to the complainant, or persons involved in the complaint investigation.

13.6. Action to be Taken Against Perpetrators.

6.1. Violators of this policy are subject to disciplinary action that may include sanctions as severe as discharge of an employee or expulsion of a student. In addition, sexual harassment that constitutes sexual assault or other criminal law violation will be referred to the appropriate authorities for prosecution.

Approvals:

President

Date

Chair of the Board

Date