

Title: #IV-21A. Institutional Policy and Procedures on Sexual Harassment November 27, 2000

I. POLICY STATEMENT

West Virginia University at Parkersburg is committed to providing faculty, staff, and students with a work and educational environment free from all forms of sexual harassment. Therefore, sexual harassment, in any manner or form, toward WVU at Parkersburg faculty, staff, and students, is a violation of University policy and expressly prohibited.

All University faculty, students, 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 to enforce this policy. 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 violations will be referred to the appropriate authorities for prosecution.

II. LEGAL BASIS

Sexual harassment is prohibited by:

- 1980 Equal Employment Opportunity Commission interpretive guideline of 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.
- The West Virginia Human Rights Act, and
- [Series 9](#) of the University's governing board: *Policy Regarding Sexual Harassment*.

III. ACCOUNTABILITY

Under the WVU President, the Executive Officer for Social Justice/Director of Affirmative Action and Equal Opportunity in Morgantown shall ensure compliance with this policy. The Executive Officer for Social Justice/Director of Affirmative Action and Equal Opportunity, in conjunction with the Campus President of WVU at Parkersburg, shall implement this policy.

IV. DEFINITIONS

A. Sexual Harassment:

Consistent with Board of Trustees Series 9 and guidelines promulgated by the United States Department of Education, West Virginia University at Parkersburg uses the EEOC definition of sexual harassment:

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Consistent with Board of Trustees Series 9 and guidelines promulgated by the United States Department of Education, West Virginia University at Parkersburg uses the EEOC definition of sexual harassment:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is an explicit or implicit condition of employment;
2. submission to or rejection of such conduct is used as the basis for employment decisions; or
3. such conduct has the purpose or effect of:
 - a. unreasonably interfering with an individual's work or educational performance; or
 - b. creating an intimidating, hostile, or offensive work or educational environment.

B. Consensual Relationships:

These may include amorous or romantic relationships and conduct that is beyond a platonic relationship

V. POLICY

A. REQUIREMENTS:

1. WVU at Parkersburg prohibits sexual harassment by any faculty, staff, or student. For all University personnel and students the University is committed to creating and maintaining a work environment free of inappropriate, disrespectful conduct and communication of a sexual nature. The University 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.
2. 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 sexual advances and the context in which the alleged incident(s) occurred.

3. Listed below are examples of verbal and physical conduct that may constitute sexual harassment. Such conduct may occur not only between faculty/students and supervisor/employee of a different sex, but also between student/students, faculty/faculty, staff/staff and people of the same sex. 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.

B. CONSENSUAL RELATIONSHIPS

1. Although the University acknowledges that consensual relationships are within the realm of individual privacy, it is necessary to advise that these relationships, particularly those occurring between supervisors and staff members or between faculty and students, can lead to circumstances that can be interpreted as sexual harassment.
2. Consensual relationships can also be interpreted as causing a hostile or offensive work environment when other staff members or students believe that the person(s) is/are receiving favorable treatment in employment/educational decisions and actions.

C. STUDENT-TEACHER RELATIONSHIPS

It is a violation of University 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 power of status advantage shall notify his or her immediate supervisor. The supervisor shall have the responsibility for making arrangements to eliminate or to mitigate a conflict whose consequences might prove detrimental to the University or to either party in the relationship.

D. SUPERVISOR-EMPLOYEE RELATIONSHIPS

The University views as inappropriate any amorous relationship involving an executive, manager, or supervisor and a staff employee. Typically, the superior has authority, influence, or responsibility with regard to that employee. Persons engaging in such conduct may be subject to disciplinary action.

E. CONFIDENTIALITY

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

F. 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.

VI. COMPLAINT PROCEDURES

A. Requirement for Filing Complaints

1. Any current or former employee or applicant for employment, or any student or student applicant, (herein referred to as complainant) at WVU at Parkersburg may file a discrimination complaint with the campus Affirmative Action Officer who will immediately notify the Social Justice office in Morgantown; or

A complaint may be filed with the Social Justice office without first discussing the issues with any other University official. However, it is encouraged that individuals first attempt to resolve the complaint by bringing the issue to their supervisor or next level supervisor; or, in the case of students, the Dean of Students.

2. A complaint should be filed by the complainant within 30 days following the alleged discriminatory act, or the date on which the complainant knew or reasonably should have known of said act.
3. Any complaint relating to discrimination on the basis of age, color, disability, national origin, race, religion, sex (including sexual harassment), sexual orientation, or veteran status that is filed with the WVU at Parkersburg Affirmative Action Officer shall be referred to the Social Justice Office in Morgantown within twenty-four hours, or the next working day.

B. Further Provisions on Time Limits

All of the time limits contained within this complaint procedure may be extended with the approval of the Affirmative Action Officer, or his/her designee.

VII. RESPONSIBILITIES

A. The employee, job applicant or student is responsible for:

1. Bringing questions about procedures, seeking informal advice, or presenting a complaint if alleged sexual harassment has occurred or is suspected to his/her immediate supervisor and/or the campus Affirmative Action Officer. A student may approach first an instructor, advisor, counselor, or Dean of Students for assistance.
2. 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 steps outlined below.

3. Contacting the Affirmative Action Officer for advice and/or counseling if there is a concern about being discriminated against or harassed, and
 4. Filing a discrimination complaint with the Affirmative Action Officer if the situation remains unresolved.
- B. The Affirmative Action Officer in Parkersburg is responsible for:
1. Receiving a complaint and assisting the complainant in defining the charge and completing the complaint form.
 2. Referring the complaint to the Social Justice Office in Morgantown for follow-up action.
- C. The Social Justice Office in Morgantown is responsible for:
1. Acting as a sounding board for the campus's plan of action or advising the supervisor on appropriate resolutions within the reporting department or unit.
 2. Providing advice and guidance in response to oral inquiries regarding possible sexual harassment.
 3. Investigating formal complaints involving sexual harassment and reporting findings and recommending solutions and/or disciplinary action to the person responsible for the department in which the harassment occurred.
 4. Apprising the person(s) named in the complaint (herein referred to as the respondent) and his/her administrative office of the allegation and notifying them that no retaliation may occur.
 5. Assisting the individuals named in the complaint in interpreting the charge.
 6. Obtaining a response to the complaint within ten (10) working days after receipt of the allegations.
 7. Upon receipt of the response from the respondent named in the complaint, investigating the complaint further if necessary and appropriate. The Social Justice Office shall have access to all necessary documents, the right to interview witnesses, and the ability to bring together the complainant and respondent, if desirable.
 8. Upon completion of the investigation, issuing a finding on the case to all individuals named in the complaint within twenty (20) working days. If the evidence supports a finding that there is no basis for a charge of illegal discrimination, the Social Justice Office shall indicate this conclusion to the complainant and advise him/her that the case is closed.
 9. Making recommendations for the resolution of the complaint if unlawful discrimination is found, and
 10. Monitoring the recommendations for implementation, and insuring that appropriate action is taken without retaliation against the complainant or respondent.

D. The respondent is responsible for:

1. Providing a response to the charge within ten (10) working days after receipt of the charge.
2. Taking no retaliation or reprisal against the complainant, others related to the complainant, or persons involved in the complaint investigation.

E. The respondent's supervisor is responsible for:

1. Providing a response to the Social Justice Office within seven (7) business days of the action taken with reference to the Social Justice recommendations.
2. Taking no retaliation or reprisal against the complainant, others related to the complainant, or persons involved in the complaint investigation.

This policy does not prohibit the employer from taking disciplinary action in appropriate circumstances.

F. The director, manager or supervisor is responsible for:

1. Consulting with the appropriate Social Justice staff (campus Affirmative Action Officer, Dean of Students, or Executive Officer for Social Justice in Morgantown) before taking any action and within 24 hours or the next working day after knowledge of the situation when he/she is aware of a problem where sexual harassment is suspected or alleged.

Even if the nature or gravity of the alleged sexual harassment is not entirely clear to the supervising authority, it nevertheless must be reported. The report may be verbal but must include:

- the names of the complainant and alleged harasser,
 - date of incident(s)
 - the nature of harassing actions and,
 - the department(s) in which the parties are located.
2. Taking no action on an alleged sexual harassment problem without prior consultation with the Social Justice Office except in situation which may require immediate actions.
 3. Reporting a sexual harassment problem requiring immediate intervention by the University to the Social Justice Office that same day. In the case of evenings, holidays or weekends, the Social Justice Office is to be advised on the next working day.