

**Fairmont State University Board of Governors
POLICY NO. 9**

TITLE: SEXUAL HARASSMENT

SECTION 1. GENERAL

- 1.1 Scope – This rule defines sexual harassment, provides guidelines for filing sexual harassment complaints and explains what action will be taken against those found to have engaged in sexual harassment.
- 1.2 Authority West Virginia Code § 18B-1-6. A policy statement issued by the Office for Civil Rights of the U.S. Department of Education on the interpretation of the following: Title IX of the Education Amendments of 1972 and Equal Employment Opportunity Commission (EEOC) interpretative guidelines issued in March, 1980; and subsequent federal court decisions on the subject of sexual harassment.
- 1.3 Effective Date July 1, 2002

SECTION 2. POLICY

- 2.1 It is the policy of the Fairmont State University Board of Governors to maintain a work and educational environment free from all forms of sexual harassment of any employee, applicant for employment or student. Sexual harassment in any manner or form is expressly prohibited. It is the responsibility of Fairmont State University to provide educational opportunities to create this free environment and to take immediate and appropriate corrective action when sexual harassment is reported or becomes known. Supervisors at every level are of primary importance in the implementation and enforcement of this rule.

SECTION 3. DEFINITION

- 3.1 Sexual Harassment Definition – 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 unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive work or educational environment.

SECTION 4. FILLING of COMPLAINTS

- 4.1 Fairmont State University shall designate a formal grievance procedure for the handling of sexual harassment complaints and assure appropriate dissemination of information concerning it to faculty, staff, and students. The Director of Affirmative Action shall facilitate the proper resolution of complaints with the authority to investigate and report to the president. In cases involving the president, the complaint shall be filed with the chancellor of the Higher Education Policy Commission.
 - 4.1.1 Employees – Any employee who feels he or she is being sexually harassed should contact his or her immediate supervisor. If this is not appropriate, employees shall report such alleged misconduct to other designated personnel within that organization. Supervisors are to make every effort to ensure that such problems are resolved promptly and effectively.
 - 4.1.2 Students – Any student who feels he or she is being sexually harassed should contact the appropriate school chair or the Director of Affirmative Action.
- 4.2 Any student, supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the sexual harassment of another employee or a student will be subject to appropriate disciplinary action. Depending on the circumstances, sanctions may include termination or expulsion.