

**BLUEFIELD STATE COLLEGE  
BOARD OF GOVERNORS  
POLICY 3**

**TITLE: HARASSMENT**

**SECTION 1. GENERAL**

- 1.1 Scope: The purpose of this policy is to prescribe a work and educational environment where illegal harassment based on race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status, and protected activity (i.e., opposition to prohibited discrimination/harassment or participation in the complaint process) or status explicitly defined as protected under applicable state and federal law as well as nondiscriminatory hostile workplace harassment does not occur. This policy shall cover all Bluefield State College employees including executive, administrative, faculty, classified, non-classified, temporary, students, student workers, independent contractors, and volunteers.
- 1.2 Authority: West Virginia Code § 18B-1-6; Office for Civil Rights of the U.S. of the Department of Education on the interpretation of the following: Title IX of the Education Amendments of 1972 and US Equal Employment Opportunity Commission (U.S.-EEOC) interpretative guidelines issued in March, 1980; and subsequent federal court decisions on the subject of sexual harassment.
- 1.3 Effective date: August 20, 2015
- 1.4 Filing date: October 28, 2015
- 1.5 BSC Policy Monitor: Assistant to the President for Equity, Diversity, and Inclusion

**SECTION 2. POLICY**

- 2.1 It is the policy of the Bluefield State College Board of Governors that the work and educational environment will be free from all forms of harassment of any employee, student, applicant for employment, student workers or contracted employee. Illegal harassment in any manner or form is expressly prohibited.

**SECTION 3. RESPONSIBILITIES**

- 3.1 This policy extends to employees while engaged in any work-/service-related activity during the performance of Bluefield State College business. Work-/service-related activities include, but is not limited to, conducting work/service, representing the State or the agency, receiving awards, speaking as a State or agency representative, and participating in activities when invited as a result of Bluefield State College service.

It is the responsibility of Bluefield State College to provide educational opportunities to create this environment and to take immediate and appropriate action when alleged harassment is reported.

- 3.1.1 Further, this prohibition applies to independent contractors and volunteers while engaged in any Bluefield State College work-/service-related activity.
- 3.1.2 The college takes workplace harassment seriously.
  - 3.1.2.1 Any employee found to be in violation of this policy will be subject to appropriate disciplinary action up to and including termination of employment.
  - 3.1.2.2 Any student found to be in violation of this policy will be subject to appropriate disciplinary action up to and including expulsion.
  - 3.1.2.3 Any employee or student found to have knowingly and willfully made false accusations against another employee or student will be subject to appropriate disciplinary action up to and including termination of employment or expulsion.
- 3.2 Employees have the responsibility to:
  - 3.2.1 Refrain from all forms of harassment;
  - 3.2.2 Promptly report allegations or observations of harassment to their immediate supervisors or to the Office of Equity, Diversity, and Inclusion;
  - 3.2.3 Fully cooperate in and not interfere with any employer-authorized investigation;
  - 3.2.4 Not retaliate against those who participate in the complaint and/or investigation process;
  - 3.2.5 Ensure complaints are made in good faith and;
  - 3.2.6 Participate in required training.
- 3.3 Supervisors at every level are of primary importance in the implementation and enforcement of this policy and have the responsibility to:
  - 3.3.1 Monitor the work environment to ensure that it is free of harassment;
  - 3.3.2 Promptly refer allegations of harassment to the Office of Equity, Diversity, and Inclusion;
  - 3.3.3 Assist with any investigations as requested by the Office of Equity, Diversity, and Inclusion;
  - 3.3.4 Ensure that complainants, falsely accused individuals, and/or persons interviewed regarding complaints suffer no adverse impact in their employment;
  - 3.3.5 Ensure that all employees within their respective areas participate in appropriate training and;
  - 3.3.6 Communicate this policy to all of their respective employees.

#### **SECTION 4. DEFINITIONS**

- 4.1 “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, creed, political belief or

affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status.

- 4.2 Discrimination - Discrimination is conduct that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program or activity based upon an individual's race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status.
- 4.3 Workplace Harassment Definition - Workplace harassment is any unwanted or undesirable conduct that demeans or shows hostility toward another person at the workplace. Workplace Harassment may include but is not limited to:
- 4.3.1 Hostile Work Environment, which consists of harassment based on race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status, and protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process), or status explicitly defined as protected under applicable state and federal law.
- 4.3.2 Bullying, which consists of outrageous behavior that deliberately causes extreme physical and/or emotional distress. Such conduct involves the repeated unwelcome mistreatment of one or more employees/students often involving a combination of intimidation, humiliation, and sabotage of performance which may include, but is not limited to:
- a. Unwarranted constant and destructive criticism;
  - b. Singling out and isolating, ignoring, ostracizing, coercing, etc.;
  - c. Persistently demeaning, patronizing, belittling, and ridiculing; and/or;
  - d. Threatening, shouting at, and humiliating, particularly in front of others.
- 4.3.3 Cyber-bullying, which involves the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others.
- 4.4 Sexual Harassment Definition (EEOC: N-915-050) - Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
- 4.4.1 submission to such conduct is an explicit or implicit condition of employment;

- 4.4.2 submission to or rejection of such conduct is used as the basis for employment decisions; or
- 4.4.3 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.
- 4.4.4 Quid Pro Quo Sexual Harassment: Meaning “this for that” or “something for something,” a type of illegal sexual harassment in which the satisfaction of a sexual demand is used as the basis of a tangible employment action.
- 4.5 “Intimidation” means implied threats or acts that cause imminent fear of harm in another on the basis of actual or perceived membership in a Protected Category.
- 4.6 “Retaliation” means any adverse employment action taken against a person who complained about harassment, supported a complainant involving harassment, or who participated in the investigation of a claim of harassment because of that person’s participation in filing the complaint of harassment, supporting a complainant involving harassment, or for participating in the investigation of a claim of harassment.
- 4.7 “Hostile Environment” means an environment created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive and objectively offensive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities.

**SECTION 5. FILING OF COMPLAINTS**

- 5.1 The filing of complaints of workplace harassment should be directed to the Office of Equity, Diversity, and Inclusion. If the complaint is against the Office of Equity, Diversity, and Inclusion, the complaint should be directed to the Office of Human Resources.
- 5.2 The filing of complaints of harassment by or about students should be directed to the Office of the Vice President for Student Affairs and Enrollment Management.

**SECTION 6. ADDITIONAL RESOURCES**

- 6.1 While an individual alleging illegal harassment has a duty to promptly file complaints with their immediate supervisor and the Office of Equity, Diversity, and Inclusion, the individual also has the right to file such complaints with:
  - 6.1.1 The United States Department of Education Office of Civil Rights is responsible for enforcing Title IX. Additional information about Title IX and the Office of Civil Rights’ complaint procedure which may be utilized in addition to the procedures set forth in this policy, is available at:

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/>

- 6.1.2 Additional information about federal anti-discrimination/harassment/retaliation laws and complaint procedures may be directed to:

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/>

- 6.1.3 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.hrc.wv.gov/Pages/default.aspx>

- 6.1.4 Additional information on the prevention and elimination of unlawful employment discrimination in the state of West Virginia:

State of West Virginia Equal Employment Opportunity Office  
500 Dee Drive  
Charleston, WV 25311  
Telephone: 304-558-0400  
Fax: 304-558-3861  
<http://www.eeo.wv.gov/>