

INSTITUTIONAL POLICY: GA-14

CATEGORY: General Administration

SUBJECT: Sexual Harassment

EFFECTIVE DATE: January 10, 1998

LAST REVISION DATE: December 14, 2005

I. Introduction

A. Scope – This interpretive policy defines sexual harassment, provides guidance for filing sexual harassment complaints and explains what action will be taken against those found to have engaged in sexual harassment at WVSOM.

B. Authority

1. Title IX of the Education Amendments of 1972 to the United States Code prohibits discrimination on the basis of sex in education programs and activities receiving Federal assistance. See Publication EC 0055P, published December 29, 1998.
2. Title 29, Volume 4, Part 1604 of the Federal EEOC regulations, revised as of July 1, 2002, provides guidelines to define sexual harassment as it applies to employees and the application of vicarious liability to supervisors for sexual harassment.

II. Policy Statement

The West Virginia School of Osteopathic Medicine prohibits sexual harassment by all faculty, staff and students. Further, the School is committed to creating and maintaining a working environment for all students, school personnel and applicants for employment that is free of objectionable and disrespectful conduct of a sexual nature. Sexual harassment in any manner or in any form is expressly prohibited.

III. Definition of Sexual Harassment

Sexual harassment is intended to be defined in a form consistent with guidelines of the Equal Employment Opportunity Commission, the United States Department of Education and prevailing federal and state case law. “Sexual harassment” includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is an explicit or implicit condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions, or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile or offensive work environment.

IV. Filing of Complaints

The following formal grievance procedure is established for the handling of sexual harassment complaints.

The employee or student will, in writing, inform either the Director of Human Resources or the Associate Dean for Student Affairs of the conduct of the harasser. Should the charge of harassment be against the President of WVSOM, the complaint should be filed with the Chair of the WVSOM Board of Governors, who will immediately designate a person to begin an investigation consistent with this policy. Records should be kept of the incidents and complaints so as to assist with the investigation that will follow.

The Director of Human Resources or the Associate Dean for Student Affairs will, upon notification of a complaint, immediately begin an investigation and upon completion of the investigation recommend any necessary action to correct the situation.

The individual(s) filing the complaint will be informed, on an ongoing basis, of the status of the investigation and of the final recommendation for resolution. The complainant(s) will also be notified if resolution of the complaint cannot be completed within the statutory guidelines for filing complaints with appropriate State or Federal agencies.

V. Action to Be Taken Against Perpetrators

Any supervisor, agent, employee or student who is found, after appropriate investigation, to have engaged in sexual harassment of another employee or student will be subject to appropriate disciplinary action, which could include termination or dismissal, depending on the circumstances.