

FAYETTEVILLE STATE UNIVERSITY

TITLE IX

Authority:	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
Category:	University-Wide
Applies to:	●Administrators ●Faculty ●Staff ●Students
History:	Revised – September 28, 2015 Approved – August 8, 2012
Related Policies/Laws:	● <i>Sexual Harassment</i> ● <i>Sexual Misconduct</i> ● <i>Title IX, Education Amendments of 1972</i> [Title 20 U.S.C. Sections 1681-1688]
Contact for Information:	Title IX Coordinator (910) 672-2325 Office of Legal Affairs (910) 672-1145

I. INTRODUCTION

Title IX of the Education Amendments of 1972 (Title IX) is a comprehensive federal law that prohibits educational institutions from discriminating on the basis of sex in educational programs or activities. Title IX also requires such institutions to adopt and publish grievance procedures to resolve student and employee complaints alleging discrimination prohibited by Title IX.. To ensure compliance with Title IX and in an effort to ensure that employees and students receive prompt and equitable resolution of complaints involving sex discrimination, Fayetteville State University (University) has implemented policies and procedures that address complaints of sex discrimination. This document summarizes the policies and procedures applicable to Title IX..

II. TITLE IX COORDINATOR

The University's Title IX Coordinator has ultimate oversight responsibility for coordinating the University's Title IX compliance efforts. This includes, but is not limited to conducting and/or coordinating investigations of complaints (i.e., sexual harassment) received pursuant to Title IX; ensuring a fair and neutral process for all parties; and monitoring all aspects of the University's Title IX compliance program. Individuals with questions or concerns about Title IX, and/or those who wish to file a complaint, may contact the Title IX Coordinator. Contact information for the Title IX Coordinator is as follows:

Ms. Patricia Bradley
Title IX Coordinator
Barber Building, Room 242
(910) 672-2325
TitleIX@uncfsu.edu

III. COMPLAINTS RELATED TO EMPLOYMENT, BENEFITS AND SERVICES

The University is committed to equality of educational opportunity and employment and does not discriminate based upon sex in its programs and activities. Thus, these complaint procedures are to be used to address complaints made by students or employees who believe they have been discriminated against because of their sex in matters involving employment, benefits and services. For employees, such may include, but not be limited to issues involving recruitment and hiring, rate of compensation, benefits, and training. For students, such may include, but not be limited to issues involving academic and academic support programs, financial aid, housing and athletics.

A student or employee who believes that s/he has been discriminated against as it relates to employment, aids, benefits or services should consult with the Title IX Coordinator.

IV. COMPLAINTS RELATED TO SEXUAL HARASSMENT OR SEXUAL MISCONDUCT

A. Sexual Harassment

The University is committed to taking effective action to prevent and correct sexual harassment by or against members of the University community. Sexual harassment is defined as follows:

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic or student status, or
- submission to or rejection of such conduct by an individual is used as the basis for employment, academic or other institutional decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, academic activities or student experience, or creating an intimidating, hostile or offensive working, academic or student life environment.

Individuals who believe they have been the victims of sexual harassment and/or who wish to file a complaint regarding an issue of sexual harassment should consult the University's *Sexual Harassment* policy. Such complaints shall be reviewed, investigated and resolved in accordance with that policy.

B. Sexual Misconduct

The University is committed to fostering a safe campus environment where sexual misconduct is unacceptable and is not tolerated. Sexual misconduct is defined as any act of a sexual nature perpetrated against an individual without effective consent or when an individual is unable to freely give consent. Sexual misconduct includes, but is not limited to the following:

- Attempted or completed intercourse or penetration (anal, oral or vaginal);

- Sexual touching (including disrobing or exposure);
- Sexual exploitation; or
- Sexual intimidation.

Allegations of sexual misconduct made by a student against a student should be reported to the Title IX Coordinator in accordance with the University's *Sexual Misconduct* policy.

Allegations of sexual misconduct made by a student or employee against a University employee or a third party should be reported to the Title IX Coordinator in accordance with the University's *Sexual Harassment* policy. Also, allegations of sexual misconduct by an employee against a student should be reported to the Title IX Coordinator in accordance with the University's *Sexual Harassment* policy. Such allegations shall be reviewed, investigated and resolved in accordance with the applicable policy.

V. **CONFIDENTIALITY**

The University recognizes the importance of confidentiality. The Title IX Coordinator and others involved in the investigatory process shall respect the confidentiality and privacy of individuals reporting or subject to allegations of sex discrimination. Confidentiality may not be able to be maintained in circumstances where the law requires disclosure of information or when disclosure required by the University outweighs protecting the rights of others.

VI. **RETALIATION**

Retaliation against an individual who reports or complains of sexual discrimination or who provides information in such investigations or proceedings is prohibited. Alleged retaliation shall be subject to investigation and may result in disciplinary action.

VI. **FALSE CLAIMS**

An individual who knowingly makes false allegations of sex discrimination, or who knowingly provides false information in a sex discrimination investigation or proceeding, shall be subject to disciplinary action.