



NONDISCRIMINATION ANNUAL MANDATORY TRAINING

2024 - 2025

The Office of Risk and Compliance
Division of Legal, Audit, Risk and Compliance

NONDISCRIMINATION POLICIES

Fayetteville State University seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in public post-secondary education institutions, including Title IX.

The University ***does not discriminate*** against any employee, applicant for employment, student, or applicant for admission ***on the basis of any actual or perceived protected characteristic*** under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution or other agency.

UNIVERSITY STANDARDS

Fayetteville State University is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

The University has developed policies and procedures that provide for the prompt, fair and impartial resolution of reports of protected characteristic discrimination, harassment, and retaliation.

Fayetteville State University strives to balance the rights of the Parties in the resolution process.

OFFICE OF RISK AND COMPLIANCE

The Office of Risk and Compliance is responsible for providing comprehensive nondiscrimination **education and training**; coordinating the University's timely, thorough, and fair **response, investigation, and resolution** of all alleged prohibited conduct under the University's Nondiscrimination Policies; and **monitoring the effectiveness** of University's Nondiscrimination Policies and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

NONDISCRIMINATION TEAM

The University has appointed the following offices and/or individual(s), to coordinate compliance with federal, state, and local nondiscrimination laws, regulations and policies.

Discrimination and harassment allegations

The Office of Risk and Compliance

compliance@uncfsu.edu.

[Reporting Intake Form](#)

Sex-based discrimination and sex-based harassment allegations

Title IX Office

Elizabeth Hunt, J.D.

Chief Title IX Coordinator

titleix@uncfsu.edu

[Title IX \(uncfsu.edu\)](https://uncfsu.edu)

uncfsu.edu

DISABILITY & ACCOMMODATIONS

The University will provide reasonable accommodation due to a qualifying disability to ensure individuals have access to the University's education and employment opportunities.

Students should contact [Student Disability Services](#) (linked) for disability-related accommodation.

Employees should contact [Employee Relations](#) for disability-related accommodation.

Allegations of discrimination on the basis of an actual or perceived disability, grievances related to disability status and/or provision of accommodations are addressed using the University's Nondiscrimination Procedures.

NON-RETALIATION STATEMENT

The University strictly prohibits retaliation against individuals for reporting alleged violations of federal law or for cooperating in the University's investigation of alleged violations of federal law.

Retaliation includes threatening, intimidating, or coercive behaviors and materially adverse actions that would deter a reasonable person in the same or similar circumstances from reporting alleged violations of federal law or cooperating in the University's investigation of any such report, even if the behaviors do not ultimately have that effect.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjects to discrimination under and education program or activity receiving Federal financial assistance”.

- Title IX, Education Amendments of 1972

In May of 2024, the Department of Education issued a new **Final Rule** that drives the enforcement of Title IX.

As of August 1, 2024, these regulations are effective at Fayetteville State University.

NOTICE OF NONDISCRIMINATION

Effective Date: August 1, 2024

As required by the Department of Education 2024 Title IX Final Rule.

The University does not discriminate on the basis of sex and prohibits sex discrimination in any of its education programs or activities, including in admissions and employment.

[FSU Notice of Nondiscrimination](#)

[Title 9 Final Rule Summary](#)

PREGNANCY AND RELATED COND

The University does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions.

When a student, or a person who has a legal right to act on behalf of the student, informs **any University employee** of the student's pregnancy or related conditions (unless the employee reasonably believes that the Title IX Coordinator has been notified)

- ❖ **the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education programs or activity.**

REPORTS AND COMPLAINTS

Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

Give written or verbal Notice directly to any member of the Nondiscrimination Team. Such Notice may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Chief Title IX Coordinator or any other Nondiscrimination Team member.

Submit Online Notice using the [Nondiscrimination Intake Form](#). Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities.

Anonymous Notice may limit the University's ability to investigate, respond, and provide remedies. It may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.

SUPPORTIVE MEASURES

- The University will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation.
- Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter discrimination, harassment, and/or retaliation.
- The University will implement measures in a way that does not unreasonably burden any party.

CONFIDENTIAL RESOURCES

- If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with Confidential Resources.
- Reports shared with a Confidential Resource will not be disclosed, including to the University.
- Any individual may choose to seek support from confidential professionals on and off campus, including counselors, medical health providers, clergy, or rape crisis counselors.

CONFIDENTIAL EMPLOYEES

The professionals below can provide counseling, information, and support in a confidential setting. These Confidential Resources will not share information about an individual (including whether that individual has received services) without the individual's express permission, unless there is a continuing threat of serious harm or a legal obligation to reveal such information (*e.g.*, suspected abuse or neglect of a minor).

Student Health Services

- Phone: 910-672-1259
- Location: Spaulding Building
- healthservices2@uncfsu.edu

Counseling and Personal Development Center

- Phone: 910-672-1222
- Location: Spaulding Building
- counselingservice@uncfsu.edu

MANDATED REPORTERS

Any (non-confidential) employee who has the following authority or responsibility is considered a mandated reporter and is obligated to notify the Title IX Coordinator.

- **Authority** to take corrective action on behalf of the University.

OR

- Responsibility for **administrative leadership, teaching, or advising** in the University's education programs or activities.

DUTY TO REPORT

Mandated Reporters **must promptly report** all known details of actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately.

The University may offer supportive measures as the result of such disclosures, regardless of whether an individual files a complaint and/or requests formal University action.

Complainants should consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Chief Title IX Coordinator. Mandatory reporters are encouraged to inform potential complainants of their duty to report.

FAILURE TO REPORT

Failure of a Mandated Reporter to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of Fayetteville State University Policy and can be subject to disciplinary action for failure to comply/failure to report.

This includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under University Policy.

OTHER EMPLOYEES

All other (non-confidential) employees are obligated to either

- **Notify** the Title IX Coordinator.

OR

- **Provide the contact information** of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination.

RESOLUTION PROCEDURES

Reporting does not require an individual to initiate a Complaint.

When appropriate, the University will respect a Complainant's request not to initiate a resolution process. Circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, may require the University to initiate a resolution process.

- Complaints of sex-based harassment (previously referred to as Prohibited Sexual Conduct) will be resolved using the Complaint Resolution Procedures.

NONDISCRIMINATION PROCEDURES

- Allegations of all other forms of discrimination, harassment and related retaliation will be resolved using the Nondiscrimination Procedures.
- The University may consolidate reports or complaints when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.
- The University reserves the right to prioritize reports or complaints that allege conduct that presents a potential threat to the safety of the University, its employees or students.

DISMISSALS

The University may dismiss a Complaint if, at any time during the investigation or resolution process, one or more of the following grounds are met:

- 1) The University is unable to identify the Respondent after taking reasonable steps to do so.
- 2) The University no longer enrolls or employs the Respondent.
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the University declines to initiate a Complaint.
- 4) The University determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

INVESTIGATIONS

- An investigation is an official inquiry for the purpose of determining whether there has been a violation of University policy.
- An investigation requires an objective and impartial gathering and analysis of the evidence which will ensure that the final decision is as accurate as possible.
- The investigator is not an advocate for the complainant or the respondent. The investigator is a neutral fact finder.
- The investigator is not the decision maker.
- University investigators receive additional training and certification.

TITLE IX (2024)

PROHIBITED CONDUCT

- **Sex-Based Discrimination**
- **Sex-Based Harassment**
 - Quid Pro Quo
 - Hostile Environment Harassment
 - Sexual Assault
 - Rape
 - Sodomy
 - Fondling
 - Incest
 - Statutory Rape
 - Dating Violence
 - Domestic Violence
 - Stalking

CONSENT

Informed, freely and actively given, mutually understandable words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity.

In the absence of mutually understandable words or actions it is the responsibility of the initiator, that is, the person who wants to engage in the specific sexual activity, to make sure that they have consent from their partner(s).

Consent obtained through fraud or force, whether physical force, threats, intimidation, or coercion, is ineffective consent.

HEALTHY RELATIONSHIPS

Every person deserves to be safe and healthy in their relationships.

If you are concerned about your relationship, or possible dating/domestic violence, the Title IX Office can help.

[LovelsRespect](#) is also an online resource for evaluating your relationship and getting help.

FALSE ALLEGATIONS

Deliberately false and/or malicious accusations are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith.

Knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an investigation or resolution process can be subject to discipline.

CONFIDENTIALITY & PRIVACY

- The University makes every effort to preserve the Parties' privacy and will not share the identity of any party or any witness, except as permitted by law.
- Parties and Advisors are prohibited from unauthorized disclosure of information obtained by the University during the Resolution Process.
- It is also a violation of University Policy to publicly disclose such information or a party's personally identifiable information without authorization or consent.

AMNESTY

The University will consider granting amnesty by not filing charges against a student Complainant who may have violated the University's prohibition against visitation, having alcohol and drugs on campus, or under-age drinking at the same time of the reported incident.

Amnesty is a discretionary decision made by the University, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

PRESERVATION OF EVIDENCE

The preservation of evidence is critical and time sensitive.

Complainant should understand the importance of preserving evidence by taking appropriate actions, such as seeking medical attention, saving copies of messages, timestamped photographs of physical evidence and placing cloth items in a paper bag for forensic evaluation.

Complainants may contact the Police and Public Safety Department for further guidance regarding evidence and criminal proceedings.

CODE OF STUDENT CONDUCT

Resolution of allegations of sex-based harassment by a student Respondent will be comply with the applicable provisions of the Code of Student Conduct.

The Office of Student Conduct will facilitate a hearing to determine responsibility.

At the hearing, the Hearing Officer has the authority to hear and make determinations on all allegations. The Office of Student Conduct will implement sanctions under the Code.

DETERMINATION OF RESPONSIBILITY

Following a determination that sex-based harassment occurred, the University may impose disciplinary sanctions.

The Office of Student Conduct is responsible for the determination of sanctions for student respondents.

University administration is responsible for the determination of sanctions for employee respondents.

RESPONDENT RIGHTS

The University presumes that the Respondent is not responsible for the alleged sex discrimination until a determination of responsibility is made at the conclusion of the complaint resolution procedures.

The University must not impose disciplinary sanctions under Title IX on any person unless it determines at the conclusion of resolution procedures that sex discrimination for which the person was responsible has occurred.

Title IX Mandated Reporter Employee Training

Any nonconfidential employee with responsibility for **administrative leadership, teaching, or advising** is a mandated reporter.

YOUR RESPONSIBILITY

What is the purpose of a mandatory reporter?

Through your knowledge and application of University policy and state laws, you play an important role in:

- Protecting students, faculty and staff from incidents of sexual misconduct.
- Supporting sexual assault survivors.
- Helping the University maintain a safe environment by striving to eliminate, prevent, and address discrimination on the basis of sex, including sexual misconduct.

What are your primary responsibilities as a mandatory reporter?

The main responsibility of mandatory reporters is to report any Title IX violations to the University as soon as possible. You are required to report incidents you personally observe as well as incidents reported to you. You must report these offenses to the designated office on campus.

DUTY TO REPORT

Mandated Reporters **must promptly report** all known details of actual or suspected sex-based discrimination, including sexual misconduct.

Failure of a Mandated Reporter to report an incident of sex-based discrimination of which they become aware is a violation of Fayetteville State University Policy and can be subject to disciplinary action for failure to comply/failure to report.

RELEVANT OFFENSES

What is a reportable offense under Title IX?

As a Title IX mandatory reporter, you must report any instance of discrimination or unfair treatment on the basis of sex or sexual harassment.

Reportable offenses under Title IX are:

- **Sex-Based Discrimination**
- **Sex-Based Harassment**
 - Quid Pro Quo
 - Hostile Environment Harassment
 - Sexual Misconduct
 - Fondling
 - Rape
 - Incest
 - Statutory Rape
 - Dating Violence
 - Domestic Violence
 - Stalking

WHAT TO SAY


“The University takes sexual misconduct, sexual assault, dating violence, domestic violence, stalking, and all forms of sex discrimination seriously and are very concerned if this happens to someone in our community.

I am a mandatory reporter of the University and have an obligation to inform the Title IX Coordinator about an incident like this. There are campus resources that can provide confidential support and discuss options with you (or an alleged victim). Let me provide you with that information.”

- Share the contact information of the Title IX Office.
- Immediately notify the Title IX Office and provide all the information you have regarding the alleged act.

WHAT NOT TO DO

Mandatory Reporters are not required to confirm that the information is credible.



Do not initiate any type of investigation.



Title IX regulations requires the University to take specific actions to notify parties and investigation allegations of sex-based discrimination and harassment.



This is a function of the Title IX Office.

HOW TO REPORT

Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

Give written Notice directly to any member of the Nondiscrimination Team. Such Notice may be made at any time (including during non-business hours) or by email to the Chief Title IX Coordinator(TitleIX@uncfsu.edu).

Submit Online Notice using the [Nondiscrimination Intake Form](#).

Mandated Reporters must give written notice.

AFTER A REPORT

When the Title IX Office receives a report of prohibited sexual or related misconduct, we will contact the complainant, if known, or another individual reporting the prohibited conduct to offer Supportive Measures.



The individual will also be advised of the option to pursue a formal complaint, if such an option is available, and any other available reporting options and resources.

OTHER RESOURCES



FSU CAMPUS SAFETY RESOURCES

Police & Public Safety
(910) 672-1775

Clery Office
(910) 672-2462

Title IX Office
(910) 672-2325

Victim Assistance Program
(910) 672-2486

Student Conduct Office
(910) 672-1788

Student Affairs
(910) 672-1201

Housing & Residence
(910) 672-1884

Human Resources
(910) 672-1146

CONFIDENTIAL RESOURCES

Student Health Services
(910) 672-1259

**Counseling & Personal Development
Center**
(910) 672-1222

**Employees should contact HR's EAP
program for similar resources**
(866) 465-8933

University Ombuds
ombuds@uncfsu.edu
(910) 672-1474

*** Confidential Resources provide a
free, confidential place for students to
seek support, information, assistance,
and resources.*

Fayetteville State University is committed to providing a safe,
inclusive, and welcoming environment for all students, employees,
applicants, and visitors.

UNCFSU.EDU

uncfsu.edu



*Thank you for doing your part to
make our campus a safe place for
everyone.*