

FAYETTEVILLE STATE UNIVERSITY

UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION

Authority:	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.			
Category:	Non-Discrimination			
Applies to:	●Administrators	●Faculty	●Staff	●Students
History:	Revised – April 23, 2026 Revised – August 9, 2022 Revised – February 3, 2015 Revised – September 1, 2009 Revised – June 1, 2009			
Related Policies:	<ul style="list-style-type: none"> ●Code of Student Conduct ●Prohibited Sexual Conduct ●Title IX ●Unlawful Workplace Harassment (applicable only to SHRA employees) ●Equality of Opportunity in the University [The Code, Section 103] 			
Contact for Info:	Assistant General Counsel for Risk and Compliance (910) 672-1041 Associate Vice Chancellor for Human Resources (910) 672-1146 Director of Student Conduct (910) 672-1201			

I. PURPOSE

Fayetteville State University (University) is committed to equality of educational opportunity and employment that is free from discrimination based on protected characteristics, harassment, and retaliation. No person, on the basis of protected status, shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination, harassment, or retaliation under any University program or activity. This ensures that only relevant factors are considered, and that equitable and consistent standards of conduct and performance are applied.

To ensure compliance, the University has developed this policy (Policy) and other policies and procedures that provide for the prompt and equitable resolution of reports of unlawful discrimination, harassment, and retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of all parties in the resolution process.

This policy (Policy) is not applicable to reports of conduct that meet the definition of Prohibited Sexual Conduct under the *Prohibited Sexual Conduct* policy. Such conduct will be addressed solely in accordance with the *Prohibited Sexual Conduct* policy and its *Complaint Resolution Procedures*.

II. KEY TERMS

- A. **Discrimination** constitutes any unlawful distinction, preference, or detriment to an individual as compared to others that is based on one of the characteristics protected by federal and state law or university policy, as listed in the University's *Policy Statement on Non-Discrimination*. Those protected characteristics include race, religion, color, national origin (including shared ancestry or ethnic characteristics), ethnicity, sex, pregnancy, childbirth or other related medical conditions, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information (including family medical history), or disability.
- B. **Harassment** is a type of Discrimination that occurs when unwelcome verbal, physical, electronic, or other conduct based on protected characteristics is severe or pervasive enough to interfere with an individual's: (1) educational environment (e.g., admission, academic standing, grades, assignment); (2) work environment (e.g., hiring, advancement, assignment); (3) participation in a University program or activity (e.g., campus housing); or (4) receipt of legitimately-requested services (e.g., disability, pregnancy, religious accommodations), thereby creating Hostile Environment Harassment.
- C. **Retaliation** is any adverse action or attempted adverse action that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's actual or perceived: 1) participation in the reporting, investigation, or resolution of an alleged violation of this Policy; (2) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or (3) requests for accommodations on the basis of religion, pregnancy or related medical conditions, or disability

III. POLICY ADMINISTRATION

The Office of Risk and Compliance has primary responsibility for administering this Policy and overseeing the University's investigation, response to, and resolution of all reports or complaints alleging unlawful discrimination, harassment or retaliation. Investigations will be conducted in an impartial, prompt, and fair manner.

IV. REPORTING

A. **Unlawful Discrimination, Harassment or Retaliation**

Allegations of unlawful discrimination, harassment or retaliation should be reported to the Office of Risk and Compliance within 45 calendar days from the day of the last incident; however, there are limited circumstances that allow the Office of Risk and Compliance to extend this deadline. Individuals may report such allegations via email at compliance@uncfsu.edu or by completing the [Reporting Intake Form](#). The University may consolidate reports when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

B. **Refusal to Provide an Accommodation**

Reports regarding a refusal to provide approved accommodation shall be addressed as follows:

1. **ADA/Disability-Accommodation Complaints**

Reports related to discrimination on the basis of an actual or perceived disability or disability status shall be addressed as follows:

- a. **Student Approved Accommodations.** Reports of failures to comply with approved student disability accommodations will be referred to the University's Student Disability Services Office and the Office of the Provost (for academic accommodations) for initial assessment and resolution. When the initial assessment indicates a failure to comply with an approved student accommodation, an investigation will be conducted by the Office of Risk and Compliance.
- b. **Employee Approved Accommodations.** Reports of failures to comply with approved employee accommodations will be referred to the Office of Human Resources for initial assessment and resolution. When the initial assessment indicates a failure to comply with an approved employee accommodation, an investigation will be conducted by the Office of Risk and Compliance.

2. **Pregnancy and Pregnancy-Related Conditions**

Disclosure of a pregnancy is voluntary. The University is required to provide reasonable accommodations or modifications to ensure that individuals who are pregnant or have a pregnancy-related condition have equal access to educational programs and activities, including in the work environment. Reports related to discrimination on the basis of a pregnancy or pregnancy related condition will be investigated by the Office of Risk and Compliance.

V. **TIMELINE**

Though the Office of Risk and Compliance strives to investigate and resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. The timeline for a case may be affected by breaks in the academic calendar, availability of the parties and witnesses (including due to leave of absence), scope of the investigation, need for interim actions, and unforeseen or exigent circumstances. The Office of Risk and Compliance will inform the parties if a delay becomes necessary.

VI. **PRIVACY/CONFIDENTIALITY**

The University will make reasonable and appropriate efforts to preserve an individual's privacy and to protect the confidentiality of information. For the purpose of this Policy, Privacy and Confidentiality have distinct meanings.

- **Privacy** means that information related to a report will be shared with a limited number of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), and the privacy of employee records will be protected in accordance with state law and University policy.

- **Confidentiality** exists in the context of laws that protect certain relationships. The University has designated individuals who have the ability to have privileged communications as Confidential Resources.

VII. FALSE CLAIMS

An individual who knowingly makes materially false allegations or who knowingly provides materially false information in an investigation or proceeding, shall be subject to disciplinary action, up to and including dismissal, expulsion, or discharge.

VIII. RETALIATION PROHIBITED

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

IX. OTHER RIGHTS AND OBLIGATIONS

Nothing in this Policy shall be interpreted to infringe on rights protected by other laws and policies.