

FAYETTEVILLE STATE UNIVERSITY

UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION

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| Authority: | Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor. |
| Category: | General University Policies |
| Applies to: | <ul style="list-style-type: none"> <li style="margin-right: 20px;">● Administrators <li style="margin-right: 20px;">● Faculty <li style="margin-right: 20px;">● Staff ● Students |
| History: | 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 Complaints ● Unlawful Workplace Harassment (applicable only to SHRA employees) ● Equality of Opportunity in the University [The Code, Section 103] |
| Contact for Info: | Director of Compliance, Equity and Risk Management (910) 672-1043 General Counsel and Vice Chancellor for Legal, Audit, Risk and Compliance (910) 672-1145 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 and does not discriminate against applicants, students, or employees based on race, color, national origin, religion, sex, gender identity, sexual orientation, age, disability, genetic information or veteran status. Moreover, Fayetteville State University values diversity and actively seeks to recruit talented students, faculty, and staff from diverse backgrounds.

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. This Policy provides for the prompt and equitable resolution of reports of discrimination, harassment, and related misconduct.

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*.

Additionally, employees subject to the State Human Resources Act (SHRA) who allege unlawful discrimination, harassment, or retaliation must first file a report with the University's Equal

Employment Office (EEO) housed in the Office of Human Resources. Faculty and non-faculty employees exempt from the Human Resources Act (EHRA) must file reports with the Director of Compliance, Equity and Risk Management and not the EEO Office.

II. POLICY ADMINISTRATION

The Director of the Office of Compliance, Equity and Risk Management (CERM) has primary responsibility for administering this Policy and overseeing the University's investigation, response to, and resolution of all complaints alleging discrimination, harassment or retaliation, except for allegations of Prohibited Sexual Conduct. In the case of Prohibited Sexual Conduct reports, CERM shall only be responsible for investigating and responding to formal complaints originally filed with the Title IX Coordinator. Prohibited Sexual Conduct is defined as conduct involving relationship misconduct (dating violence, domestic violence, stalking), sexual harassment and/or sexual misconduct.

III. REPORTING

Reports of alleged violations of this Policy shall be submitted to the Director of Compliance, Equity and Risk Management (Director). To report an incident, or for questions concerning this Policy, individuals may contact the Director via any of the following mechanisms:

- Office Collins Building, Room 205
- Mailing Address Office of Compliance, Equity and Risk Management
1200 Murchison Road
Fayetteville, NC 28301
- Telephone (910) 672-1043
- Email ehunt6@uncfsu.edu

If the incident includes an allegation that a crime has been committed, the University may have an obligation to report to the University's Police and Public Safety Department.

IV. APPLICABLE PROCEDURES

CERM will contact the individual who reportedly experienced a violation of this Policy and discuss with the individual available accommodations, resources, and resolution options.

V. RETALIATION PROHIBITED

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 other 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.

VI. OTHER RIGHTS AND OBLIGATIONS

Nothing in this Policy shall be interpreted to infringe on rights protected by other laws and policies, including but not limited to the First, Fifth, and Fourteenth Amendments to the U.S. Constitution; academic freedom; and the Americans with Disabilities Act.