



BOV POLICY # 05.02 (2017) PREVENTING AND ADDRESSING DISCRIMINATION AND HARASSMENT

Policy Title: Preventing and Addressing Discrimination and Harassment
Policy Type: Board of Visitors
Policy No.: BOV Policy # 05.02 (2017)
Responsible Office: Office of the President
Approval Date: June 22, 2020
Responsible Executive: Title IX Coordinator
Applies to: University Community

POLICY STATEMENT

Norfolk State University (NSU) is committed to fostering a culture of inclusion, diversity and mutual respect for all members of the University community and providing a workplace and educational environment, programs, and activities free of discrimination and harassment. This policy does not allow curtailment or censorship of constitutionally-protected expression.

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CONTACTS

The Title IX Coordinator officially interprets this policy and is responsible for matters pertaining to this policy as it relates to the University Community. The President’s Office is responsible for obtaining approval for any revisions as required by [BOV Policy # 01 Creating and Maintaining Policies](#) through appropriate governance structures. Questions regarding this policy should be directed to the Title IX Coordinator.



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DEFINITIONS

“Complaint” means allegation(s) of discrimination, harassment and/or retaliation, filed in good faith and in accordance with NSU's Preventing and Addressing Discrimination, Harassment and Retaliation Complaint Procedures.

“Discrimination” means inequitable treatment by NSU of a person based on one or more of that person's protected characteristics or statuses, excepting any treatment permitted or required by law.

“Protected Characteristics/Statuses” means age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family medical or genetic information.

“Harassment” means unwelcome conduct directed against a person based on one or more of that person's protected characteristics or statuses, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in University programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

“Supervisor” refers to any person who has authority to undertake or recommend tangible employment decisions affecting an employee or academic decisions affecting a student; or to direct an employee's work activities or a student's academic activities. Examples include faculty members to whom work-study students report and team lead workers who, from time to time, monitor other employees' performance or direct their work.

“University” refers to Norfolk State University, including its Daycare Center, and includes all Board of Visitors members, administrators, faculty, staff, students, student employees, contractors, agents, visitors and volunteers of Norfolk State University.

“Title IX Coordinator” as used in this Policy, the term “Title IX Coordinator” means the appointed Title IX Coordinator, a Deputy Title IX Coordinator, a Title IX Investigator, or another person designated by the appointed Title IX Coordinator, unless under context it is clear that reference is to the appointed Title IX Coordinator.

TO WHOM THIS POLICY APPLIES

The prohibition against discrimination and harassment applies to all levels and areas of university operations and programs, to students, faculty, staff, volunteers, vendors, and contractors, and the Board of Visitors. This policy does not permit or require alteration of *bona fide* job requirements, performance standards, or qualifications to give preference to any state employee or applicant for state employment.



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This policy is based on federal and state laws, including [Executive Order 11246](#), [Titles VI and VII of the Civil Rights Act of 1964](#), the [Age Discrimination in Employment Act of 1967](#), [Title IX of the Education Amendments of 1972](#), the [Rehabilitation Act of 1973](#), the [Americans with Disabilities Act of 1990](#), as amended, the [Virginia Human Rights Act](#), and the [Genetic Information Nondiscrimination Act of 2008](#), as well as state policy, including the [Governor's Executive Order One](#), the Commonwealth's [Department of Human Resource Management \(DHRM\) Policy 1.60 - Standards of Conduct](#), [DHRM Policy 2.05 - Equal Employment Opportunity](#), and [DHRM Policy 2.30 - Workplace Harassment](#).

NSU will not tolerate discrimination or harassment in the workplace, academic setting or in its programs or activities based on age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, or family medical or genetic information.

This Policy does not address sexual assault, sexual exploitation, intimate partner violence, stalking, or sexual or gender-based harassment. Those categories of Prohibited Conduct are governed by [BOV Policy # 05 \(2017\) Title IX; Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#) ("SGBHV policy"), which also establishes separate procedures that outline reporting options and explain how NSU assesses, investigates and resolves reports of such prohibited conduct against students and employees as found in the [Title IX Handbook for Students and Employees](#) (Title IX Handbook). The SGBHV policy and related procedures supersede any conflicting information contained in this Policy or the Title IX Handbook with respect to the conduct the SGBHV policy specifically prohibits.

Training

All members of management, supervisors, faculty and NSU classified and Daycare Center staff are responsible for successfully completing the NSU's non-discrimination, anti-harassment, and anti-retaliation training at least every two years.

In addition, supervisors are responsible for:

- knowing and understanding this policy;
- explaining this policy to persons under their supervision;
- taking appropriate action to prevent discrimination and harassment; being receptive to concerns and complaints of discrimination and/or harassment;
- taking appropriate action (in consultation with Human Resources) when they become aware of potential violations of this policy; and
- following up with persons who make complaints of discrimination or harassment to assure



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them that their complaints were investigated and to determine whether any remedial actions were successful.

Supervisors who do not fully perform their responsibilities under this policy will be rated unfavorably on their performance evaluations and may be subject to disciplinary action, up to and including termination.

Procedures

A complaint may be filed with the Title IX Coordinator by any present or former employee of NSU, student, applicant for admission or employment, or participant in a University program or activity, who believes he/she has been discriminated against or harassed in violation of this policy. Any such complaint must be filed within 300 calendar days of the incident.

This policy as well as the Preventing and Addressing Discrimination, Harassment and Retaliation Complaint Procedures in the [Title IX Handbook for Students and Employees](#) shall be made available online and in print format across the campus.

Knowingly filing a false complaint of discrimination/harassment or of retaliation is a violation of this policy and may be pursued using the steps followed for a complaint of discrimination/harassment. If a false complaint is found to have occurred, such conduct will result in disciplinary action that may include termination or expulsion.

PUBLICATION

This policy will be widely published and distributed to the NSU community. To ensure timely publication and distribution thereof, the Office of the President shall:

- Communicate the policy in writing, electronically or otherwise, to the NSU community;
- Post the policy on the Board of Visitors and University Websites; and
- Direct appropriate offices to educate and train all stakeholders and appropriate audiences on the policy's content, as necessary.

Failure to satisfy procedural requirements does not invalidate this policy.

RELATED POLICIES AND DOCUMENTS

IN GENERAL

- [Title IX Handbook for Students and Employees](#)
- [BOV Policy # 04 \(2014\) Equal Opportunity](#)



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STUDENTS

- [Code of Student Conduct](#)
- Rights of Students at Norfolk State University Pursuant to the [Family Educational Rights and Privacy Act](#) (FERPA)

EMPLOYEES

- [Reporting Policy: BOV Policy # 05.01 \(2017\) Reporting by University Employees of Disclosures to Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence](#)

EMPLOYEES AND THIRD PARTIES

- [BOV Policy # 05 \(2017\) Title IX: Sexual and Gender-based Harassment and Other Forms Interpersonal Violence](#)
- [BOV Policy # 05.01 \(2017\) Reporting by University Employees of Disclosures Relating to Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence](#)
- [BOV Policy # 05.03 \(2017\) Preventing and Addressing Retaliation](#)

REVIEW SCHEDULE

- Next Scheduled Review: Annually in October
- Approved date: June 22, 2020
- Revision History: BOV Policy # 05.02 (2017) Preventing and Addressing Discrimination and Harassment, (as amended September 15, 2017); Sexual Violence, Discrimination, Harassment and Retaliation, (as amended December, 2015); BOV Policy # 05 (2014) Sexual Violence, Discrimination, Harassment and Retaliation, (as amended December, 2015); BOV Policy # 05 (2014) Sexual Misconduct; and NSU Policy #27.004 Sexual Assault Policy (2011)
- Supersedes: BOV Policy # 04 (2014) Equal Opportunity and Non Discrimination