



## **BOV POLICY # 04 (2017) Equal Opportunity**

<b>Policy Title:</b>	Equal Opportunity
<b>Policy Type:</b>	Board of Visitors
<b>Policy No.:</b>	BOV Policy # 4 (2017)
<b>Approval Date:</b>	March 19, 2021
<b>Responsible Office:</b>	Operations & Institutional Effectiveness
<b>Responsible Executive:</b>	Vice President for Operations & Chief Strategist for Institutional Effectiveness
<b>Applies to:</b>	University Community

### **POLICY STATEMENT**

The Board of Visitors of Norfolk State University (“NSU” or “University”) is committed to fostering a culture of inclusion, diversity and mutual respect for all members of the University community. The Board of Visitors is equally committed to maintaining and promoting equal access and opportunity in employment, admissions, programs and facilities for all members of the University community without regard to factors such as race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, veteran status, or against otherwise qualified persons with disabilities. BOV Policy # 05.02 (2016) Preventing and Addressing Discrimination and Harassment specifically prohibits discrimination based on any or all of these factors and retaliation consistent with the policies of the Commonwealth of Virginia, Governor’s Executive Order No. 1 (2018) *Equal Opportunity*, and in compliance with relevant Federal and State statutes.

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### DEFINITIONS

“**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.

“**Retaliation**” includes any adverse treatment which is reasonably likely to deter the complainant or others from filing a charge of discrimination/harassment or participating in a discrimination/harassment investigation. Retaliation can be verbal, written, graphic, electronic, or physical.

“**University Community**” includes all Board of Visitors members, administrators, faculty, staff, students, student employees, contractors, agents, visitors and volunteers of Norfolk State University.

### CONTACTS

The Executive Director for Institutional Equity and Title IX Coordinator officially interprets this policy and is responsible for matters pertaining to this policy as it relates to the University Community. The Vice President for Operations and Chief Strategist for Institutional Effectiveness 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 Office of Institutional Equity.

### POLICY CONTENTS

#### *Equal Opportunity Statement*

As a recipient of Federal financial assistance, Norfolk State University provides equal employment and educational opportunity for all persons without regard to race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, and for all otherwise qualified persons with disabilities in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, whether carried out directly or through a third-party, or any other entity with which Norfolk State University arranges to carry out its programs and activities. In accordance with Governor’s Executive Order No. 1 (2018) *Equal Opportunity*, this policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans.

Norfolk State University does not tolerate discrimination or harassment on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability. The prohibition against discrimination and harassment applies to all levels and areas of college 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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### *Reporting Complaints*

Allegations of violations of this policy shall be brought to the attention of the Office of Institutional Equity; any retaliatory action against persons making such allegations shall be investigated by the Office of Institutional Equity without delay.

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.

### **PROCEDURES**

Any applicant, employee, student, affiliate or visitor who feels that he or she has been the victim of discrimination or harassment by an employee, affiliate or visitor to the university may file a complaint about such discrimination or harassment with the Office of Institutional Equity.

The President is hereby directed to review and update annually all policies and procedures related to procurement, employment, student affairs, University programs and activities, and other relevant policies or areas to ensure full compliance with the non-discrimination mandates articulated by Federal and State statutes, and with Governor's Executive Order No. 1 (2018) Equal Opportunity. Any member of the University community found in violation of this policy shall be subject to appropriate disciplinary action.

### *Notice Requirement*

To comply with the requirements under Federal law protecting the rights of beneficiaries in programs or activities that receive financial assistance from the U.S. Department of Education, every effort shall be made to provide notice of the University's Equal Opportunity Statement in all Norfolk State University publications, including but not limited to the University catalog, student handbook, employee handbook(s), University website, program brochures, institutional materials, and student newspapers or periodicals:

*Norfolk State University does not discriminate against any person on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, veteran status, or against otherwise qualified persons with disabilities in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, whether carried out directly or through a third-party, or any other entity with which Norfolk State University arranges to carry out its programs and activities.*

All written materials, including but not limited to letterhead and notices shall include the following tagline in its footer: "Norfolk State University - An Equal Opportunity Employer."



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### **PUBLICATION**

This policy shall be widely published and distributed to the University community. To ensure timely publication and distribution thereof, the Responsible Executive or Office will make every effort to:

- Communicate the policy in writing, electronically or otherwise, to the University community within 14 days of Board approval;
- Submit the policy for inclusion in the online Policy Library within 14 days of Board approval;
- Post the policy on the Board's Website; and
- 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.

### **EDUCATION AND COMPLIANCE:**

Faculty and staff will have a mandatory obligation to take a series of training modules regarding policies in Equal Opportunity and Non-Discrimination in Blackboard. An assessment is given at the end of the session to test understanding of the rights and responsibility of the Norfolk State University as it pertains to equal access and discrimination.

A score of 80% or higher is required. Tracking will be utilized, and staff and faculty will have to complete the modules every other year and can be subject to disciplinary action for failure to comply. Individuals can also be referred to the President's Office by any NSU official for non-compliance.

To ensure conformity to the requirements of this policy, the Office of Institutional Equity will monitor for compliance with this policy and report violations to the Office of the President on a monthly basis. Continuous or unresolved violations of this policy will result in faculty or staff access to the university computer system and reported to the Vice President over the respective faculty or staff, Internal Audit and Compliance on a quarterly basis.

### **REVIEW SCHEDULE**

- Next Scheduled Review: March 2024
- Approved by, date: Board of Visitors, March 19, 2021
- Revision History: August 28, 2017, September 15, 2017; December 2020
- Supersedes: BOV Policy # 04 (2014) Equal Opportunity and Non-Discrimination



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### RELATED DOCUMENTS

- Commonwealth of Virginia Executive Order No. 1 (2014) Equal Opportunity <https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/eo-1equal-opportunity.pdf>
- Virginia Department of Human Resource Management Policy No. 2.05 Equal Employment Opportunity (rev. February 5, 2010; 2006; 2000). <http://www.dhrm.virginia.gov/hrpolicy/policy.html#eeo>
- [Norfolk State University Employee Code of Ethics](#)
- Norfolk State University Student Handbook <https://www.nsu.edu/student-handbook.aspx> Title VII of the Civil Rights Act of 1964 (Title VII)
- [Equal Pay Act of 1963 \(EPA\)](#)
- [Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
- [Title I and Title V of the Americans with Disabilities Act of 1990, as amended \(ADA\)](#)
- [Sections 501 and 505 of the Rehabilitation Act of 1973](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Title II of the Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- [Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq.](#)
- [Civil Rights Act of 1991; Title VI of the Civil Rights Act of 1964](#)
- Regulations of the U.S. Department of Health and Human Services issued pursuant to these statutes at Title 45 Code of Federal Regulations Parts 80, 84, and 91

### FORMS

- Online Student Incident Report: <https://surveys.nsu.edu/index.php/958274/lang-en>

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<sup>i</sup> This policy is adapted from Tidewater Community College Policy 1200 Rev: 1 Policies and Procedures February 13, 2014 Equal Opportunity and Nondiscrimination.