

Vice President for Human Resources, Diversity,
Equity, and Inclusion
August 8, 2022

A. PURPOSE

It is the policy of the Commonwealth to foster a culture that demonstrates the principles of civility, diversity, equity, and inclusion. The purpose of this policy is to uphold this commitment by ensuring that workplace harassment

person's protected class (e.g., using prejudicial stereotyping or references based on the targeted person's characteristics or affiliation with a group, class, or category to which that person belongs, or targeting people because they are in a protected class) determining whether conduct is severe, persistent, or pervasive, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; and (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation.

Classified Staff- A salaried employee whose terms and conditions of employment are subject to the [Virginia Personnel Act, Code of Virginia Section 2900 et seq. as amended](#) and who is employed in a classified position.

Complainant- A University community member or visitor who files a complaint under this policy.

Complaint- The written document or verbal statement of alleged facts used to initiate action under this policy.

Complaint Commencement Date- The date on which the complainant provides a written complaint or a verbal statement that includes a statement of alleged facts describing the offense.

Cyberbullying- Using technology to intentionally harm others through hostile behavior, threatening, disrespectful, or intimidating messages. Bullying that occurs via the Internet, cell phones, or other devices (e-mails, IMs, text messages, blogs, pictures, videos, posts on social media, etc.). Pretending to be the victim or spreading rumors or visual images online in order to denigrate or marginalize the targeted person. Behaviors may be discriminatory if they are discriminatory on the targeted person's protected class (e.g., using prejudicial stereotyping or references based on the targeted person's characteristics or affiliation with a group, class, or category to which that person belongs, or targeting people because they are in a protected class). In determining whether conduct is severe, persistent, or pervasive, the following factors will be

it creates a hostile environment, as defined below, or when enduring the conduct becomes a condition of continued employment.

Sexual Harassment A form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendos, sexually suggestive comments or a sexual nature, sexual propositions, or sexual threats); verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of gender identity or a failure to conform to those gender stereotypes.

The types of sexual harassment prohibited by this policy are:

- (1) Quid Pro Quo Term or condition of employment, which occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment,

person subjected to the conduct. Petty slights, annoyances, and isolate incidents (unless extremely serious) will not rise to the level of a violation.

Refer to the [Policy Guide Prohibited Conduct/Behaviors](#) for more information.

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General Policy Provisions

Application

How to File a Complaint

Discriminatory Harassment

[Harassment Illegal under Equal Employment Laws]

[Discrimination Complaint Policy and Procedures](#)

Complaints of discrimination and harassment should be made to the Office of Institutional Equity and Diversity (OIED). The OIED is responsible for overseeing the investigation of all complaints and reports of alleged discrimination, and harassment and retaliation and is trained to help individuals who file complaints find resources, investigate, and informally resolve matters as appropriate. Discriminatory workplace harassment complaints under this policy can be filed as per the procedures set forth in [University Policy #1005 Discrimination Policy](#)

The OIED serves as an impartial resource for the resolution of concerns and complaints under this policy. Therefore, the OIED does not serve as an advocate for either the complainant or the respondent. The OIED will explain to all identified parties the procedures outlined below, including confidentiality. The OIED will provide all identified parties with information regarding the complaint procedure, including the availability of informal resolution options.

Workplace Complaints

Complaints of workplace harassment should be made to the appropriate receiving area. This area will be responsible for overseeing the investigation of all non-discriminatory complaints and reports of workplace conflict, workplace bullying, and cyberbullying. Designated contacts are trained to investigate individuals who file complaints find resources, and informally resolve matters as appropriate.

Complaints made to the Department of Human Resources under this policy can be filed by using the online [Non-Discriminatory Workplace Incivility](#) form.

The Department of Human Resources serves as an impartial resource for the resolution of concerns and complaints under this policy. Therefore, the HR does not serve as an advocate for either the complainant or the respondent. HR will explain to all identified parties the procedures outlined below, including confidentiality. HR will provide all identified parties with information regarding the complaint procedure, including the availability of informal resolution options.

Informal Workplace Complaint Procedure

1. Informal Discussion: The Department of Human Resources shall encourage an employee who has a complaint of non-discriminatory workplace harassment to discuss the complaint with the supervisor and/or individual who took the action that is the basis for the complaint.
2. Informal Resolution: Both parties to the complaint shall attempt to effect resolution of the complaint through informal discussions where applicable. The Department of Human Resources may advise parties of informal resolution options (such as mediation) and may facilitate resolution of the complaint or report if appropriate.

- a. In the case of an AP Faculty, classified staff, and/or wage/hourly employee, once the investigation is completed, the investigation report shall be provided to the respective Vice President or designee for evaluation and determination of responsibility.
 - b. In the case of an instructional faculty member respondent, once the investigation is completed, the investigation shall be provided to the Provost or designee for evaluation and determination of responsibility. Sanctions for teaching and research faculty will be determined by the Provost in accordance with the [Teaching and Research Faculty Handbook](#). Possible sanctions include, but are not limited to, mandatory counseling, written reprimand, training, or the initiation of termination proceedings.
8. Determinations of responsibility under this policy shall be made using the preponderance of the evidence standard. Preponderance of the evidence means that it is more likely than not, or greater than 50%. The parties will be informed in writing of the determination within 15 business days from the issuance of the investigation report. The written determination should include a rationale explaining the reason(s) for the decision. The Department of Human Resources and/or Academic Affairs shall be provided a copy of the written determination.

Anonymous Complaints

Anonymous complaints may also be filed by using the online complaint form, which can be completed online, or hand delivered.

The receiving area may be limited in the ability to investigate an anonymous complaint unless sufficient information is furnished to enable the ability to conduct a meaningful and fair investigation.

/s/ JaRena Whitehead
Responsible Officer

August 3, 2022
Date

/s/ Donna W. Meeks
Chair, Policy Review Committee (PRC)

May 3, 2022
Date

/s/ September Sanderlin
Responsible Oversight Executive

August 3, 2022
Date

/s/ Allen T. Wilson
University Counsel

August 4, 2022
Date

/s/ Brian O. Hemphill, Ph.D.
President

August 8, 2022
Date

August 8, 2022

August 8, 2027