

Christopher Newport University

Policy: Discrimination and Harassment

Policy Number: 1005

Executive Oversight: Deputy Chief of Staff/Vice President for People and Strategy
Contact Office: Office of Institutional Compliance/Title IX
Frequency of Review: Annually

A. PURPOSE

This policy details how Christopher Newport University (CNU) addresses allegations of discrimination and harassment on the basis of legally protected characteristics or status in a fair and impartial manner in compliance with federal and state law¹.

B. POLICY

Christopher Newport University does not discriminate and prohibits **(a)** discrimination in employment, admissions, education programs and/or activities on the basis of **(b)** legally protected characteristics or status. CNU provides a process for the prompt and fair resolution of **(c)** reports that recognizes the rights of both **(d)** complainants and **(e)** respondents and complies with federal and state law. To report discrimination and/or **(f)** harassment on the basis of legally protected characteristics or status or **(g)** retaliation contact the **(h)** Office of Institutional Compliance/Title IX, Christopher Newport Hall 105, Newport News, VA., 23606, 757-594-8245, titleixic@cnu.edu. Reports may also be made to the [U.S. Department of Education](#) or the [U.S. Equal Employment Opportunity Commission](#). The policy on sexual misconduct may be found in Policy 1100 Sexual Misconduct. Christopher Newport University is an equal opportunity employer.

1. Definitions of Policy Terms

- a. **Discrimination**: Unlawful treatment based on an individual's protected characteristics or status that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in an educational program or activity. This includes failing to provide reasonable accommodations, consistent with state and federal law, to persons with disabilities.

¹ Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), the Americans with Disabilities Act of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Genetic Information Nondiscrimination Act of 2008; the Virginia Human Rights Act; and other applicable state and/or federal laws.

- b. **Protected Characteristics or Status:** Characteristics of an individual that are protected from discrimination in accordance with applicable law: age, color, disability, gender (including gender identity), genetic information (including family medical history), marital status, military status (including veteran status), national origin (including ethnicity or shared ancestry), parental status, political affiliation, pregnancy (including pregnancy related medical conditions and childbirth), race, religion, sex, sexual orientation.
- c. **Report:** Oral or written information submitted to the Office of Institutional Compliance/Title IX that describes an alleged instance of discrimination and/or harassment on the basis of protected characteristics or status, whether or not a complainant or respondent is identified by name. Anyone who has experienced, witnessed, or received a disclosure about an instance of discrimination and/or harassment on the basis of protected characteristics or status can submit a report to the Office of Institutional Compliance/Title IX at any time.
- d. **Complainant:** An individual who is alleged to be the victim of conduct that could constitute discrimination and/or harassment.
- e. **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute discrimination and/or harassment.
- f. **Harassment:** Unwelcome verbal, nonverbal, or physical conduct that is directed at an individual on the basis of the individual's protected characteristics or status and that meets at least one of the following criteria:

Term or Condition of Employment or Education (Quid Pro Quo). This type of harassment occurs when the terms or conditions of employment, educational benefits, academic grades, or opportunities, living environment, or participation in a CNU activity are conditioned upon, either explicitly or implicitly, submission to or rejection of the conduct on the basis of characteristics or status protected by law, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a CNU program or activity.

Hostile Environment: A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive in a manner that interferes with, limits, or denies the person the ability to participate in or benefit from the institution's education programs or activities, including employment access, benefits, or opportunities. Subjective offensiveness does not necessarily create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and objectively offensive, and thus creates a hostile environment, the following factors shall be considered: (1) the degree to which the conduct affected one or more individuals education or employment; (2) the nature, scope, frequency, duration, and location of the incident; (3) the identity, number, and relationship of the persons involved;

(4) the perspective of a reasonable person in the same situation as the person subjected to the conduct; and (5) the nature of higher education².

- g. Retaliation:** Adverse action(s) taken or threatened against a person for making a good faith report of discrimination or participating in, or not participating in, any proceeding under this policy. Retaliation includes intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this policy or law, or because the individual has made a report testified, assisted, participated, or did not participate in any manner in proceeding under this policy.
- h. Office of Institutional Compliance/Title IX:** The office responsible for receiving and responding to reports of discrimination and harassment and overseeing the informal and formal resolution process. The office is responsible for identifying any patterns or systemic problems revealed by such reports. The office serves impartially, including by avoiding prejudice of facts at issue, conflicts of interest, and bias. The office participates in the coordination of the institution's compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), the Americans with Disabilities Act of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Genetic Information Nondiscrimination Act of 2008; the Virginia Human Rights Act; and other applicable state and/or federal laws through tracking the university's compliance efforts and consulting and providing support to the university's administrators also tasked with coordinating such efforts. [Contact information for the Office of Institutional Compliance/Title IX is available on the office's website](#). Email for the Office of Institutional Compliance/Title IX is titleixic@cnu.edu. Concerns about how the Office of Institutional Compliance/Title IX is carrying out responsibilities under this policy may be directed within CNU to the Office of Institutional Compliance/Title IX or the Deputy Chief of Staff/Vice President for People and Strategy.

2. Applicability

This policy prohibits discrimination on the basis of legally protected characteristics or status within an **(a)** education program and/or activity of CNU. This policy also prohibits discrimination and harassment on the basis of legally protected characteristics or status occurring off campus, including outside the United States, involving complainants and respondents who are both actively accessing the program and activity of the University for employment and/or as participants in an education program of the University if such incidents may have continuing effects that create a hostile environment on campus. This policy applies to **(b)** students, **(c)** employees, and **(d)** third parties.

3. Definitions of Applicability Terms

² E.g. academic freedom or protected speech.

- a. **Education Program or Activity:** Locations, events, or circumstances over which CNU exercises substantial control over both the respondent and the context in which an alleged incident of discrimination and harassment on the basis of legally protected characteristics or status occurs, and also includes any buildings owned or controlled by a student organization that is officially recognized by CNU.
- b. **Student:** Any individual who has gained admission to CNU and participates in a CNU class, program, or activity, any individual registered or enrolled in courses through CNU, or any individual not enrolled for a particular term but has not officially separated from CNU.
- c. **Employee:** Any salaried or wage faculty or staff member, graduate student paid on assistantship, undergraduate student workers (including resident assistants [RA's]). Generally, incidents involving respondents who are student workers will be addressed using the procedures for incidents involving student respondents, since student is their primary role at the university.
- d. **Third Parties:** Any contractors, vendors, visitors, applicants for employment or admission, guests, or temporary employees.

C. POLICY STATEMENT

1. Confidentiality

CNU will respect and maintain confidentiality in carrying out procedures under this policy within the context of all applicable state and federal laws and university policies. This does not include required disclosures to law enforcement or information that must be disclosed in the investigation of reports. CNU does not restrict the First Amendment rights of participants in procedures under this policy.

2. Good Faith

CNU presumes individuals participating in procedures under this policy are acting in good faith. Good faith is defined as actions taken in the honest, sincere, and reasonable belief in the truth of the matters alleged and without any malice or desire to defraud or maliciously harm others. Failure to act in good faith in bringing allegations under this policy, failure to act in good faith in participating during the proceedings (i.e., intentionally providing false or misleading evidence), or in any other capacity concerning this policy constitutes a form of misconduct. Claims that a student (including student workers) has failed to act in good faith will be referred to the Center for Honor Enrichment and Community Standards (CHECS) using procedures laid out in the [Student Handbook](#) for addressing allegations of misconduct. Claims that an employee has failed to act in good faith will be handled under procedures laid out in respective handbooks including the [University Handbook](#) or [Virginia Department of Human Resources Policies](#) for addressing allegations of misconduct.

3. Academic Freedom and Freedom of Speech

This policy does not curtail academic freedom as described in the [University Handbook](#). This policy does not allow curtailment or censorship of constitutionally protected expression such as freedom of speech.

4. Prohibition on Retaliation

CNU prohibits retaliation against a group or individual exercising rights under and/or participating in, or not participating in, any procedures under this policy. Retaliation constitutes a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report made under this policy. Claims of retaliation will be adjudicated under procedures that are fair and equitable.

Claims of alleged retaliation by students (including student employees) will be referred to the Center for Honor Enrichment and Community Standards (CHECS), utilizing procedures laid out in the [Student Handbook](#) for addressing allegations of misconduct.

Claims of alleged retaliation by employees will be handled under procedures laid out in respective handbooks including the [University Handbook](#) or [Virginia Department of Human Resource Management policies](#) for addressing allegations of misconduct.

5. Reporting

There are multiple options for reporting discrimination and harassment on the basis of legally protected characteristics or status.

a. Reporting to CNU Office of Institutional Compliance/Title IX

Anyone who becomes aware of an incident of discrimination and harassment on the basis of legally protected characteristics or status may report it to the CNU Office of Institutional Compliance/Title IX as soon as possible. A report should contain as much information as possible about the alleged incident including but not limited to; the names, if known, of the complainant, respondent, and any witnesses, contact information, if known, for the complainant, respondent, and any witnesses, contact information for the individual who is making the report, the approximate date, time, and location of the incident, and a detailed description of what occurred. Reports can be made to the Office of Institutional Compliance/Title IX 24 hours a day, 7 days a week, via email titleixic@cnu.edu or via [online submission](#), by calling 757-594-8245, or mailing the report to Office of Institutional Compliance/Title IX, CNU, 1 Avenue of the Arts, Newport News, VA 23606. Reports may also be made in person at the Office of Institutional Compliance/Title IX, Christopher Newport Hall 105, during regular business hours and by appointment.

Though there is no time limit for reporting³ an incident to the Office of Institutional Compliance/Title IX, the breadth of options and resources available to the complainant may be impacted by the amount of time that has elapsed between when the alleged incident occurred and when it is reported. Such time lapses may also limit the University's ability to assess risk.

b. Interim Measures

The University offers appropriate, reasonably available, temporary interim measures for complainants, respondents, and other individuals involved in reports after receipt of a report and/or during an informal or formal resolution process. The Office of Institutional Compliance/Title IX collaborates with appropriate university offices in the implementation of interim measures. The Office of Institutional Compliance/Title IX and appropriate university offices reassess implemented interim measures on an ongoing basis. Interim measures may include but are not limited to restrictions on contact between parties or temporary changes to work schedule, location, or duties. Interim measures may also include temporary restrictions for students to programs and activities or administrative leave with or without pay for employees. Some interim measures may be implemented as remedies.

c. Office of Institutional Compliance/Title IX Report Intake

Upon receipt of a report, the Office of Institutional Compliance/Title IX shall review the report and gather relevant information for the following purposes:

- the applicability of Policy 1005 and referral to the appropriate party for review if the report describes conduct that may be prohibited under another university policy;
- the need to respond to any immediate physical health and safety risks that arise from the report.

The initial review is not the same as a formal resolution investigation, nor is its purpose to determine whether a policy violation has occurred.

The Office of Institutional Compliance/Title IX shall also contact the complainant to inform the complainant about:

- available resources and interim measures;
- CNU's prohibition on retaliation;
- the right to contact law enforcement or to decline to do so;
- contact information for the Office of Institutional Compliance/Title IX; and
- the options and procedures for resolving the report through informal resolution or formal resolution.

In situations where the complainant's contact information is not provided or is inaccurate, the University will attempt to obtain accurate contact information to conduct outreach.

³ Employees must promptly report incidents of discrimination and harassment to the Office of Institutional Compliance/Title IX without delay.

d. Reporting to and Utilizing Confidential Resources

Confidential resources are individuals and agencies that support the provision of counseling, mental health, or physical health services to individuals involved in incidents of discrimination and harassment on the basis of protected characteristics or status. At CNU, confidential on-campus resources are the [CNU Office of Counseling Services](#) and [University Health and Wellness Services](#). Confidential resources do not report incidents of harassment and discrimination on the basis of protected characteristics or status to the Office of Institutional Compliance/Title IX. Refer to the [Resources](#) page on the Office of Institutional Compliance/Title IX website for more information.

e. Anonymous Reporting

Students and third parties may report an incident without sharing their own name or the name of the parties involved. Employees shall share their own name and the name of the parties involved, if known, in any reports made. Reports that lack sufficient detail may limit the University's ability to assess risk and respond.

f. Reporting to Law Enforcement

Anyone who wishes to involve law enforcement should contact law enforcement directly, and at any time, irrespective of ongoing investigations or other coordination with the Office of Institutional Compliance/Title IX, and no one should dissuade individuals from exercising their right to do so. Involving law enforcement does not preclude individuals from also reporting to the Office of Institutional Compliance/Title IX. While individuals have the right to notify or decline to notify law enforcement, to preserve options, the University encourages immediate reporting to law enforcement. To contact:

- [CNU Police](#) call 757-594-7777 (for on-campus emergencies and non-emergencies)
- [Newport News Police Department](#) call 911 (emergencies off-campus in Newport News) or 757-247-2500 (non-emergencies off-campus in Newport News)

If individuals are unsure which police department to contact, they are encouraged to contact Christopher Newport University Police Department which will assist in determining which law enforcement agency has jurisdiction to respond to the report.

In situations where a report has been made to CNU Office of Institutional Compliance/Title IX and to law enforcement, the existence of criminal proceedings will not unnecessarily delay or interrupt procedures outlined in this policy, unless the law enforcement agency or prosecution advises that the Office of Institutional Compliance/Title IX procedures be suspended, in which case the University will determine whether and for how long to suspend its procedures. Evidence and

information gathered during the Office of Institutional Compliance/Title IX investigation of a report may be shared with law enforcement as permitted by law.

g. Employee Reporting Responsibilities

Employees should promptly report to the Office of Institutional Compliance/Title IX alleged incidents of discrimination and harassment that they receive while acting in their capacity as employees of the University as soon as possible after receiving the information. Employees should include in their report all relevant information about the incident that was freely disclosed to the employee such as the approximate date, time, and location of the incident, and the names of the complainant, respondent, and other individuals who could be potential witnesses. **The employee will not investigate allegations or pressure the complainant to provide information that is not freely given.** (Designated confidential resources are exempt from this reporting obligation). Referring an individual to confidential resources does not negate the employee's need to report to the Office of Institutional Compliance/Title IX. Reports of alleged discrimination and harassment can be made to the Office of Institutional Compliance/Title IX 24 hours a day, 7 days a week, via email titleixic@cnu.edu or via [online submission](#), calling 757-594-8245, or mailing the report to Office of Institutional Compliance/Title IX, CNU, 1 Avenue of the Arts, Newport News, VA 23606. During regular business hours, reports may be made in person and by appointment at the Office of Institutional Compliance/Title IX located in Christopher Newport Hall 105.

h. Exceptions to Employee Reporting

The reporting obligation does not apply to information disclosed at public events designed to raise awareness about discrimination and harassment on the basis of protected characteristics or status, personal accounts included in class assignments, Institutional Review Board (IRB) approved academic research, or other similar instances where circumstances of the employee's receipt of information would not be reasonably expected to require the employee's disclosure responsibility under this policy.

i. Clery Reporting Obligations

Campus Security Authorities (CSA's) have a responsibility to report Clery Act related crimes or offenses. For more information refer to [Policy 1065 Clery Act Compliance](#).

6. Dismissal of Reports

If the conduct alleged in the report, even if true, would not constitute discrimination and/or harassment under this policy the report will be dismissed pursuant to Policy 1005. If the alleged conduct may fall under a different university policy or process, the report will be forwarded to the appropriate party for review.

A report may also be dismissed for any of the following reasons:

- The respondent is no longer enrolled or employed at the University.
- The alleged conduct did not occur in connection with any level or area of university operations, programs, or activities.
- The complainant at any time during the formal resolution investigation process and prior to an outcome being determined withdraws the report or any allegations therein.
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the report or allegations therein.

If a report or a portion thereof, is dismissed pursuant to this section:

- The Office of Institutional Compliance/Title IX will send written notice of the dismissal, including the reason for the dismissal, to the individual who filed the report and other parties as applicable. Dismissal of a report is final and cannot be appealed.
- However, a party may refile a report if they believe there is additional information that should have been included and considered with the initial filing.

7. Informal Resolution

Informal resolution is an alternative process for resolving reports without a full formal resolution investigation. Informal resolution involves the implementation of individual and/or community remedies designed to address the allegations described in the report and prevent future occurrences. Pursuing informal resolution does not necessarily preclude use of the formal resolution process, unless a resolution is reached using the informal process. Informal resolution is not a prerequisite for the formal resolution process. Examples of informal resolution that may be pursued include mediation between parties facilitated by a trained professional who may be external to the University, educational coaching with the respondent, interventions such as educational programming or training, and/or other options identified during the informal process and approved by the Office of Institutional Compliance/Title IX. The University reserves the right to limit the use of informal resolution as a means of reaching an outcome for example, in situations where the alleged incident involved uses of weapons or acts of physical violence.

8. Formal Resolution

Formal resolution involves an investigation, a determination, and if applicable the imposition of sanctions and remedies. Formal resolution investigations are conducted in a fair and impartial manner with a presumption that no policy violation has occurred unless proven otherwise by a preponderance of the evidence. Preponderance of the evidence is the standard of proof used to evaluate all alleged policy violations of discrimination and harassment on the basis of protected characteristics or status in both the student and employee processes. Preponderance of the evidence means the decision maker is more likely than not (50.1%) sure that the individual violated university policy. The investigator is responsible for gathering relevant evidence, reaching the determination and if applicable recommending sanctions. Evidence is relevant if it has any tendency to

make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Generally, the University utilizes external investigators to conduct the formal resolution process.

The Office of Institutional Compliance/Title IX oversees and coordinates the formal resolution process but does not determine outcomes for formal resolutions. The formal resolution investigation is different from initial information gathering conducted by the Office of Institutional Compliance/Title IX upon receipt of a report. In a formal resolution investigation, a notice of formal resolution investigation is issued to parties before the assigned investigator undertakes the investigation, to provide the parties, defined as the complainant and respondent collectively, with a reasonable amount of time to prepare before their participation in the investigation would be expected. The complainant and respondent may have an advisor of choice present with them at any meetings and proceedings for the formal resolution process. An advisor of choice is defined as a person who the complainant or respondent chooses to provide support for them while they are participating in procedures under this policy. An advisor of choice may accompany the person they are supporting to any meetings and proceedings. An advisor of choice may be anyone the individual has selected including but not limited to attorneys. An individual who is serving as a witness or has another official role in a proceeding under this policy may not serve as an advisor of choice.

9. University Initiated Formal Resolution

In circumstances where it has been determined that there is an immediate health and safety risk that arises from a report for the complainant or others and the complainant has declined to initiate the formal resolution process, the University may determine that to protect the physical health and safety of the complainant and others, that the Office of Institutional Compliance/Title IX initiate the formal resolution process. In such cases, the Office of Institutional Compliance/Title IX does not serve in the role of complainant. The Office of Institutional Compliance/Title IX will inform the complainant that the formal resolution process is being initiated and that the complainant may participate in the proceedings. The University may determine it is necessary to initiate the formal resolution process even if the identity of a complainant is unknown. The Office of Institutional Compliance/Title IX provides notice of formal resolution investigation to complainants and respondents at the beginning of the formal resolution process, even if the formal process is initiated by the Office of Institutional Compliance/Title IX.

10. Sanctions

Sanctions for being found responsible for a violation of this policy will be determined in a fair and impartial manner and will be commensurate with the severity and/or frequency of the offense.

Sanctions for Students are listed in the [Student Handbook](#) and may include but are not limited to disciplinary probation, deferred sanction, restrictions, loss of and/or delay of

privileges, educational and reflective experiences, fees/fines and/or restitution, suspension, dismissal.

Sanctions for Instructional, Administrative Professional, and Adjunct Faculty are listed in the applicable section of the [University Handbook](#) and may include but are not limited to admonition, written warning, suspension, dismissal.

Sanctions for Classified and Wage staff are listed in t [Virginia Department of Human Resource Management Policy 1.60, Standards of Conduct](#) and may include, but are not limited to, verbal warning, written warning, suspension, dismissal.

11. Remedies

Remedies may be implemented as part of a resolution of a report. Remedies are measures that are designed to restore or preserve access to the University's education program or activity or employment for the complainant. The Office of Institutional Compliance/Title IX is responsible for determining remedies in consultation with appropriate institutional partners and overseeing and coordinating the provision of remedies. Remedies may be the same individualized services as interim measures.

12. Other Provisions

a. Assistance and Reasonable Accommodations

Anyone who needs assistance accessing the programs and services of the Office of Institutional Compliance/Title IX, including assistance with reporting may contact the Office of Institutional Compliance/Title IX directly. Alternatively, students who need reasonable accommodations for a disability in order to access the Office of Institutional Compliance/Title IX programs and services including assistance with reporting may contact [Accessibility and Care Team Support](#). Employees who need reasonable accommodations for a disability in order to access the Office of Institutional Compliance/Title IX programs and services including assistance with reporting may contact the [Office of Human Resources](#).

b. Transcript Notation

In cases where a student respondent is found responsible for discrimination and/or harassment on the basis of protected characteristics or status and suspended or dismissed, a notation will be placed on the student's transcript. If a student withdraws while under formal resolution investigation for an allegation of discrimination and harassment on the basis of legally protected characteristics or status a notation will be placed on the student's transcript. Such notations will read, as applicable:

- Dismissed for a violation of Policy 1005
- Suspended for a violation of Policy 1005
- Withdrew while under investigation for a violation of Policy 1005

Removal of transcript notations is governed by [Policy 9045 Transcript Notation Removal Policy](#).

c. Application of Policy 1005 and Policy 1100

In situations where a report describes alleged incidents that fall under this policy and Policy 1100: Sexual Misconduct, the procedures for investigation and adjudication of formal complaints filed under Policy 1100 will generally be used instead of the formal resolution procedures for reports made under Policy 1005. In some situations, the allegations may be handled separately according to the applicable policy and procedure.

d. Retention of Records

Records are maintained by the University for the period of time specified in applicable federal and state laws. Records and information will only be disclosed as permissible by law. The University may use any information obtained in carrying out procedures under this policy to defend itself against any claims, complaints, or allegations brought against it.

e. Training and Education

The Office of Institutional Compliance/Title IX provides education, training, and outreach to CNU students and employees on this policy and applicable procedures, reporting options, and employee reporting obligations. New employees receive training as part of their onboarding process.

D. PROCEDURES

1. Informal Resolution Procedures

See [Office of Institutional Compliance/Title IX Policy and Procedures](#) for informal resolution procedures.

2. Formal Resolution Procedures

See [Office of Institutional Compliance/Title IX Policy and Procedures](#) for full formal resolution investigation, determination, sanctioning, and appeal procedures.

E. APPROVAL AND REVISIONS

Approved By: Policy Committee, July 1, 2026