

## NOVA SOUTHEASTERN UNIVERSITY POLICY

# Equal Employment And Nondiscrimination Policies



**Issue Date:** January 19, 2011

### Overview

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Nova Southeastern University (NSU) is committed to a work environment in which all individuals are treated with respect and dignity. Individuals have the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. All relationships among individuals in the workplace are to be business-like and free of bias, prejudice, and harassment.

These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation, whether engaged in by fellow employees, by supervisors, or by someone not directly connected to NSU (e.g., outside vendors, consultants, or customers).

Conduct prohibited by these policies is unacceptable regardless of venue.

### Content Summary

The nondiscrimination and anti-harassment policies consist of the following:

- 1) Equal Employment Opportunity; and
- 2) Sexual and Other Unlawful Harassment Policies and Procedures.

## 1. Equal Employment Opportunity

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### Policy Statement

It is the policy of NSU to ensure equal employment opportunity without discrimination.

### Policy Application

NSU prohibits and will not tolerate any discrimination on the basis of race, color, creed, pregnancy, religion, sex, national origin, age, disability, veteran status, marital status, sexual orientation, genetic information (GINA), or other characteristics protected by law.

### Responsibilities

NSU requires anyone in a supervisory or managerial capacity to report all incidents or suspected incidents of discrimination or retaliation, regardless of the offender's identity or

position. Individuals who believe they have experienced or witnessed conduct which is contrary to NSU's policy, should report and/or file a complaint with their supervisor, senior management, and/or the Office of Human Resources. Individuals are not obligated to file a complaint with their immediate supervisors first before bringing the matter to the attention of one of the other NSU designated representatives identified above. Supervisors/employees must report allegations to the Office of Human Resources.

## **2. Harassment Policies and Procedures**

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### **Policy Statement**

NSU has established the following policy in order to promote an environment free from sexual and other harassment. NSU's sexual and other harassment policies and procedures are designed to encourage confidentiality, to protect individuals filing complaints from retaliation, and to ensure that fair and appropriate action is taken.

For purposes of this policy, sexual harassment is a form of sex discrimination involving any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- submitting to such conduct is made either explicitly or implicitly a term or condition of employment or academic decisions;
- submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee or student;
- such conduct has the purpose or effect of substantially interfering with an individual's work performance or objectively creates an intimidating, hostile, or offensive working or learning environment.

For purposes of this policy, other forms of prohibited harassment include verbal or physical conduct, based on a legally protected category, which has the purpose or effect of substantially interfering with individuals' work performances or objectively creates an intimidating hostile or offensive environment. Protected groups under NSU policies are: race, color, creed, pregnancy, religion, sex, national or ethnic origin, age, marital status, disability, sexual orientation, genetic, veteran status and any other legally protected category.

### **Policy Application**

The key to making the determination that behavior is sexual harassment is whether the conduct is objectively offensive and unwelcome. Sexual harassment may include, but is not necessarily limited to:

- physical contact, including touching or gesturing;

- verbal conduct, including requests for sexual favors, lewd remarks or sounds, or repeated and unwelcome requests for dates; or
- visual acts, including exposure to sexual images.

Sexual harassment is one type of prohibited harassment. Examples of other types of harassment include, but are not limited to, racial harassment or harassment based on other legally protected categories, such as:

- telling racial or ethnic jokes, whether in verbal or written or graphic form;
- slurs or negative stereotyping based on race, religion, national origin, citizenship, age, marital status, disability, sexual orientation, veteran status or any other legally protected category;
- inappropriate gestures; or
- insensitive comments targeting membership in a protected category.

### **Responsibilities**

Members of the NSU community who feel they may have been harassed are to report the incident(s) to their supervisor and/or OHR. Complaints will be investigated as promptly as feasible. All employees (e.g. complaint handlers, investigators, complainant, witnesses) must protect and adhere to the confidentiality of the complaint process, the investigation and as to any corrective action

Written or oral complaints of harassment may be made by the individual experiencing harassment, by an individual on behalf of the person experiencing harassment, or by an individual otherwise concerned about the harassing behavior.

Faculty and staff who receive direct reports of sexual or other unlawful harassment from the victim and who are not legally bound by a client-counselor/ patient-psychiatrist/ patient-doctor privilege, have the obligation to immediately forward the complaint to the appropriate dean or to the OHR.

### **3. Retaliation Policies and Procedures**

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NSU has zero tolerance for retaliation against any person for:

- opposing any unlawful discriminatory practice or conduct on the basis of a legally protected category or because he or she has made a charge, testified, assisted, or participated in any manner in an investigation, or proceeding into a complaint or charge of unlawful discrimination;

- consulting or communicating with supervisors, managers, senior management, executive management, or with the Office of Human Resources about possible violation(s) of any NSU employee policies; and
- utilizing NSU's compliance hotline.

Individuals are not obligated to consult or file a complaint with their immediate supervisors before bringing the matter to the attention of one or more of the NSU designated representatives identified above. Regardless of the designated representative who receives an employee complaint or inquiry about possible retaliation, the matter must be reported to the Office of Human Resources.