

**Policy Number: 1090**

**Policy Name: Policy Prohibiting Discrimination, Harassment and Retaliation**

**Responsibility for Maintenance: Director of Human Resources**

**Effective Date: August 21, 2020**

**Last Updated: August 15, 2023**

### **A. Policy Statement**

Richard Bland College (RBC or College) is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.

Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among everyone on campus. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy. This policy also addresses complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy.

RBC does not discriminate in admission, employment, or any other activity on the basis of race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, veteran status, political affiliation, or any other status protected by law.

RBC, an Equal Opportunity Employer, is fully committed to access and opportunity for all persons.

### **B. Reason for Policy**

Our community of trust requires that its members treat one another with respect, dignity, and fairness. This policy is designed to ensure a safe environment for the members of the Richard Bland College community.

This policy prohibits discrimination and harassment on the basis of age, color, race, disability, marital status, national and ethnic origin, religion, sexual orientation, gender identity or expression, veteran status, family medical or genetic information, as well as other forms of sex discrimination not covered by the [Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#).

Additionally this policy is based on federal and state law and policy, 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. Additionally, this policy helps RBC comply with federal and state laws which prohibits discrimination on the basis of sex (including sexual violence) in education programs or activities. It also helps RBC comply with the

Violence Against Women Reauthorization Act of 2013 (VAWA), which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act), the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Higher Education Opportunity Act (HEOA) relating to military and veterans' issues.

### C. Definitions

1. **Complaint:** Allegation(s) of discrimination, harassment and/or retaliation, filed in good faith and in accordance with this policy.
2. **Discrimination:** Inequitable treatment of a person based on one or more of that person's protected characteristics or statuses, excepting any treatment permitted or required by law. — 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 accommodation, consistent with state and federal law, to persons with disabilities.
3. **Protected Characteristics/Statuses:** Age, color, disability, gender identity or expression, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family medical or genetic information.
4. **Harassment:** 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.
5. **Supervisor:** 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.
6. **Retaliation:** Retaliation is intimidation, threats, harassment, and other adverse action taken or threatened against (1) any Reporting Party or person reporting or filing a complaint alleging Prohibited Conduct or (2) any person cooperating in the investigation of an allegation of Prohibited Conduct including testifying, assisting, or participating in any manner in an investigation pursuant to this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of Prohibited Conduct.
7. **Sexual Harassment:** Sexual Harassment is 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 but not limited to: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); nonverbal (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); physical (e.g. touching, pinching, brushing the body, any unwelcome or coerced sexual activity including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment also may include sex-based harassment directed towards stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes.

8. **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 that it interferes with, limits, or denies the ability of an individual to participate in or benefit from educational programs, services, opportunities, or activities or the individual's employment access, benefits, or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and thus creates a hostile environment.
9. **Sexual misconduct:** Prohibited conduct includes sexual violence, sexual assault, non-consensual sexual contact, sexual exploitation, dating violence, domestic violence, and stalking.

#### **D. Applicability of the Policy**

This policy applies to **on-campus** conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, students participating in camp programs, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Richard Bland College), and contractors working on campus who are not Richard Bland College employees, and to students, visiting students, employees, faculty, and staff participating in Richard Bland College-sponsored activities **off-campus**. This policy is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus. This policy also is applicable regarding the College's various technological resources.

#### **E. Related Documents**

[RBC Policy 1040 Equal Employment Opportunity Policy](#)

[RBC Policy 1060 Americans With Disabilities Act Policy](#)

[RBC Policy 1070 Employee Reasonable Accommodation Policy and Procedure](#)

[RBC Policy 1091 Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence](#)

[RBC Student Handbook](#)

[RBC Student Code of Conduct](#)

[Department of Human Resource Management \(DHRM\), Policy 2.05, Employment Opportunity](#)

[Department of Human Resource Management \(DHRM\), Policy 2.35, Civility in the Workplace](#)

#### **F. General Provisions**

This policy supersedes portions of the College’s former Discrimination, Harassment, Sexual Misconduct and Retaliation Policy (which is now retitled Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence), any and all previously adopted policies or procedures for the handling of discrimination, harassment, some forms of sexual misconduct, not covered the College’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

All allegations of discrimination, harassment, retaliation, or failures to comply with any of the laws indicated above or other applicable federal or state laws, regulations, or policies relating thereto are governed by this policy.

Allegations of discrimination, harassment, retaliation, either on-campus or off-campus violations of this policy that involve a student should be reported to the Office of Student Success. Allegation of discrimination, harassment, retaliation, either on-campus or off-campus violations of this policy that involve a student should be reported to the Office of Human Resources. Any allegation of sexual misconduct will should be reported to the Title IX Coordinator’s office so that an assessment can be determined of whether the allegations fall within the purview of the College’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence. Allegations of harassment occurrences through the use of campus or personal technology depending on subject matter, should be reported as described above.

For allegations of sexual misconduct or harassment, the College, through its representatives, may utilize supportive measures, sanctions, and community resource referrals as detailed in the College’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.

Any form of discrimination, harassment, or retaliation mentioned in this policy is Prohibited Conduct and is strictly forbidden and subject to investigation and sanctions. Students who violate this policy may receive sanctions up to and including permanent removal from the residence halls and expulsion from Richard Bland College. Employees who violate this policy may receive sanctions up to and including employment termination.

## I. Contacts

OFFICE	TITLE	TELEPHONE NUMBER	EMAIL
Human Resources	Director of Human Resources	(804) 862-6100, ext. 6409	rbchr@rbc.edu
Student Success	Student Success Manager	(804) 862-6100, ext. 9041	studentsuccess@rbc.edu