

# NONDISCRIMINATION IN EDUCATION AND EMPLOYMENT

**RESPONSIBLE OFFICIAL:** CHIEF HUMAN RESOURCES OFFICER

**EFFECTIVE DATE:** ~~XX/XX~~ 11/19/2025

**NEXT REVIEW DATE:** ~~XX/XX/2029~~

**~~PRESIDENTIAL~~** 12/31/2027

**BOARD OF REGENTS APPROVAL**

## **I. POLICY STATEMENT**

### **Commitment to Nondiscrimination**

Northern Kentucky University is committed to ensuring that its campus and programs are free of discrimination and harassment. This commitment is essential to achieving the institution's mission, to meeting its legal obligations, and to securing for all qualified individuals an equal opportunity to access the institution's educational programs and employment opportunities.

In keeping with that commitment, the University prohibits discrimination and harassment in connection with its educational and academic programs, its employment functions, and all other University activities based on age, color, disability, ethnicity, gender, gender identity and expression, genetic information, marital status, military and veteran status, national origin, parental status, pregnancy, race, religion, sex, sexual orientation, shared ancestry, and any other bases as required by applicable law (referred to herein as the "protected classes"). This protection applies based on a person's actual and perceived protected classes, even if the perception is incorrect.

The University does not discriminate based on protected classes in its employment functions, including hiring, promotion, compensation, discipline, termination, and other terms of employment, or in its academic and other programs and activities, including admissions and housing.

The University maintains separate policies regarding disability accommodations and discrimination and sexual harassment, given additional legal requirements in those areas. For more information, refer to the "Other Relevant Policies" section below.

### **Policy Applicability**

This policy applies to the University's operations, programs (including academic programs), activities, and events, both on campus and in other locations and circumstances in which the institution exercises substantial control or that result in a hostile education or employment environment at the institution based on protected class. The policy also applies to the University's employment-related processes, practices, and decisions.

The protections of this policy extend to all members of the University community, including its students, recognized student organizations, faculty, staff, administrators, all other employees, regents, and third parties engaging in or seeking to engage in a University program or activity, including applicants for admission and employment and visitors.

This policy also governs the conduct of all members of the University community in connection with institutional functions and activities, including its employees, regents, students, student government associations, recognized student organizations, and third parties when supporting an institutional function or activity, including contractors, vendors, volunteers, and visitors.

## Definitions

### Discrimination

Discrimination prohibited by this policy occurs when an individual's protected class is considered in or motivates, in any respect, any adverse action or allocation of a benefit with respect to University employment, including in hiring, promotion, compensation, disciplinary, and termination decisions, or participation in any University program or activity, including academic programs. Discrimination includes both intentional discriminatory treatment (differential treatment based on protected class) and use of policies or practices that have a disparate impact based on a protected class. Discrimination also includes failure to provide reasonable accommodations required by law for disability, pregnancy and related conditions, and religious belief, including accommodations that may be necessary for attire associated with religious belief.

### Harassment

Harassment prohibited by this policy includes unwelcome verbal and physical conduct that is directed toward an individual or group of individuals on the basis of protected class that:

- In the educational context, is so severe, pervasive, and objectively and subjectively offensive that it denies or limits a person's participation in or ability to benefit from the institution's educational programs or activities; and
- In the employment context, is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive; or where enduring the offensive conduct becomes a condition of continued employment.

### Hostile Environment

A hostile environment occurs when unwelcome discriminatory harassment based on protected class, based on the totality of the circumstances, is subjectively and objectively offense and is so severe and pervasive that it limits or denies a person's ability to participate in or benefit from the University's programs or activities.

### Shared Ancestry

Misconduct prohibited by this policy includes discrimination and harassment based on a person's shared ancestry, including antisemitic misconduct. Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism include those directed toward Jewish or non-Jewish individuals and/or their property and toward Jewish community institutions and religious facilities.

### Limited Exceptions

In specific and limited circumstances, the law allows or requires educational institutions to maintain sex-based and other distinctions in its programs and activities, including in making housing assignments, in the membership of fraternities and sororities, and in allocating certain resources for pregnancy and related conditions. The University may maintain these distinctions solely as and when permitted or required by law.

## Other Relevant Policies

The University maintains additional nondiscrimination policies pertaining to disability and sex, given the specific requirements that apply in those areas. Those policies contain more information regarding the University's nondiscrimination commitments in those areas, relevant complaint and investigation procedures, and accommodation processes where applicable:

- [Disability Accommodations and Nondiscrimination Policy](#)
- [Sexual Harassment Policy](#)

## Retaliation Prohibited

The University prohibits retaliation against any person on account of that person's reporting of suspected discrimination or harassment prohibited by this policy to a supervisor or appropriate University official(s), filing a complaint under federal or state law nondiscrimination law, participation in the investigation and complaint processes described in this policy, cooperation with the University in investigating such complaints, and opposition to practices that the person reasonably believes constitute prohibited discrimination and harassment. This protection extends to individuals who engage in good faith in one or more of these protected activities.

## First Amendment Protections

The University will not interpret or enforce this policy in a manner that infringes on the First Amendment rights of students, student organizations, employees, visitors, or any other individual or entity. Those rights include the right to free speech and expression, association, and the free exercise of religious belief.

The University must interpret and apply this policy in a manner consistent with the First Amendment, the Kentucky Campus Free Speech Protection Act, and other applicable federal and state law.

The University will not investigate or discipline any person or entity pursuant to this policy for speech or other activities that are protected by the First Amendment and related law.

## Enforcement and Interpretation

Employees who violate this policy are subject to discipline, including termination, in accordance with applicable due process requirements and University handbooks and policies.

Students and student organizations who violate this policy are subject to discipline, including suspension and expulsion, in accordance with the Code of Student Rights and Responsibilities, other University policies, and applicable due process requirements.

The University will interpret and apply this policy in a manner that is consistent with applicable law and binding legal authority, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation

Act of 1973, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, and the Kentucky Civil Rights Act, all as amended. However, the protections of this policy may extend beyond those afforded by law.

## II. REPORTING AND COMPLAINTS

### Where to submit complaints and report violations

**Students and Admissions Applicants:** Students and applicants for admission who wish to report a violation or submit a complaint regarding discrimination or harassment in violation of this policy should complete this [incident report form](#). Individuals also may contact the Dean of Students at deanofstudents@nku.edu.

**Employees and Job Applicants:** Employees and job applicants who wish to report a violation or submit a complaint regarding discrimination or harassment in violation of this policy should contact Human Resources at hr@nku.edu.

**All Others:** Any other individual may submit a complaint regarding discrimination or harassment to Human Resources at hr@nku.edu.

**Sexual Harassment:** Complaints regarding sexual harassment should be reported to the Title IX Coordinator. See the [Sexual Harassment policy](#) and [the webpage of the Office of the Title IX coordinator](#) for more information.

**Disability Discrimination:** Complaints regarding disability discrimination should be reported to the ADA Coordinator. Contact osa@nku.edu for more information.

Anonymous complaints and reports also may be submitted to the University via [this EthicsPoint webpage](#).

The University may initiate the investigation process when Human Resources, Student Affairs, or other offices responsible for the University's nondiscrimination compliance have a reasonable belief that prohibited discrimination or harassment may have occurred in a University function, program, or activity.

### Investigation of complaints

The University will diligently evaluate complaints and reports of prohibited discrimination and harassment, will investigate them thoroughly, and will resolve them promptly and fairly. Possible resolutions include a finding that the allegations are substantiated, a finding that the allegations are not substantiated, or referral to other appropriate authority for action. The standard applied to determine responsibility for violation of this policy is the preponderance of the evidence (more likely than not that a violation occurred).

Individuals who submit complaints should be prepared, if asked, to meet with University staff and to provide supporting information and records, so that the University may investigate and resolve the matter. A failure by the reporting individual to provide supporting material in a timely fashion may jeopardize the University's ability to investigate and resolve the matter.

Individuals who report or complain or prohibited discrimination and harassment are protected from retaliation, as provided in this policy.

Before initiating an investigation, the University will ensure compliance with KRS 164.2895, including the requirement to obtain a written authorization and certification from the General Counsel when necessary.

### **Cooperation by Employees**

University employees must cooperate with appropriate University offices charged with investigating and adjudicating complaints made under this policy, including by providing records and truthful information upon request.

University employees who receive complaints or reports of protected class discrimination and harassment should refer those requests to Human Resources, except for those employees acting within the scope of a professional privilege pursuant to licensing or statutory authority.

### **Confidentiality**

Information provided in a report or complaint of prohibited discrimination or harassment, including the identities of complaining individuals, will be kept confidential to the extent possible. However, such information will be shared with University offices as necessary to meet the University's legal obligations, conduct investigations, perform other appropriate University functions, and in accordance with applicable law, including the Family Educational Rights and Privacy Act. When an investigation is undertaken by the University that may result in discipline against an employee or student, then the identity of the reporting individual and supporting material may be provided to the responding person, to allow that person to respond to the allegations and to satisfy the University's due process requirements.

### **Complaints to External Authorities**

At any time, individuals may file a complaint regarding prohibited discrimination or harassment occurring within the University's programs and activities with appropriate government agencies including the following:

United States Department of Education  
Office for Civil Rights  
LBJ Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
800-421-3481  
ocr@ed.gov

Equal Employment Opportunity Commission  
Cincinnati Area Office  
John W. Peck Federal Office Building  
550 Main Street, Suite 10-191  
Cincinnati, OH 45202  
513-914-6011

[EEOC online complaint webpage](#)

Kentucky Council on Postsecondary Education  
100 Airport Road, Second Floor  
Frankfort, KY 40601  
502-573-1555

[CPE online complaint webpage](#)

Kentucky Commission on Human Rights  
312 Whittington Parkway  
Louisville, KY 40222  
502-595-4024  
kchr.mail@ky.gov

[Kentucky Commission on Human Rights online complaint webpage](#)

### III. REFERENCES AND RELATED MATERIALS

#### Related Policies

[Sexual Harassment Policy](#)

[Disability Accommodations and Nondiscrimination Policy](#)

#### Revision History

| REVISION TYPE                                                                                            | MONTH/YEAR APPROVED                |
|----------------------------------------------------------------------------------------------------------|------------------------------------|
| Revised Policy, replacing Equal Opportunity and Nondiscrimination policy and Harassment Avoidance policy | <del>XX-XX</del> November 19, 2025 |
|                                                                                                          |                                    |