



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. III—Equal Employment Opportunity 4.0
SEC. IV— Equal Employment Opportunity 2.0

UNLAWFUL HARASSMENT AND DISCRIMINATION

ADMINISTRATIVE POLICY

1. POLICY STATEMENT

North Carolina Agricultural and Technical State University recognizes the rights of all members of the University community to learn and work in an environment free from unlawful harassment, discrimination, and retaliation. Any unlawful harassment, discrimination, or retaliation against students, employees, or vendors engaged in University business is prohibited. It is the shared responsibility of every member of the University community to strive to create an environment free of unlawful harassment, discrimination, and retaliation.

A prompt, thorough, and impartial investigation will be made of allegations, oral or in writing, of unlawful harassment, discrimination, or retaliation. Based upon the findings of the investigation, immediate and appropriate corrective action will be taken upon a determination that unlawful harassment, discrimination, or retaliation has occurred.

Allegations of sexual harassment or discrimination, including sexual misconduct, shall be investigated in accordance with the Student-on-Student Sexual Misconduct policy or the Sexual Misconduct: Discrimination, Harassment and Sexual Assault policy, as appropriate. Allegations

of any other form of harassment or discrimination shall be investigated in accordance with this policy.

2. DEFINITIONS

- 2.1 **University:** North Carolina Agricultural and Technical State University.
- 2.2 **Unlawful Harassment:** Unsolicited and unwelcomed conduct based upon race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status, where:
- enduring the offensive conduct becomes a condition of continued employment (employees) or participation in a school program or activity (students); or
 - the conduct is severe or pervasive enough to create a work or learning environment that a reasonable person would consider intimidating, hostile, or abusive.
- 2.3 **Unlawful Discrimination:** Discrimination based on consideration of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, genetic information, veteran status, or political affiliation, except where gender, age, or physical requirements are bona fide job related employment requirements.
- 2.4 **Retaliation:** Any adverse action taken against an individual for filing a discrimination charge, including a charge of unlawful harassment, or for testifying, or participating in any way in an investigation, proceeding, or lawsuit related to allegations of discrimination, including unlawful harassment, based on race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status, or because of opposition to employment or educational practices in violation of the unlawful harassment policy.
- 2.5 **Complainant:** The person making allegations of harassment, discrimination, or retaliation.
- 2.6 **Respondent:** The person alleged to have engaged in harassment, discrimination, or retaliation.
- 2.7 **Affirmative Action Officer/Title IX Coordinator:** The Director of Employee Relations/Affirmative Action Officer/Director of Title IX.

3. SCOPE

This policy applies to: (1) all applicants for employment; (2) all applicants for admission to the University; (3) University officers, faculty, staff, and students; (4) former employees subject to the State Human Resources Act (“SHRA”); (5) persons who serve the University as agents during a specified period of agency (e.g., volunteers); and (6) vendors.

With regard to SHRA (formerly SPA) employees, this policy applies to former employees as well as full-time or part-time SHRA employees with permanent, probationary, trainee, time-limited/permanent or temporary appointments.

4. COMPLAINT PROCESS

Any member of the University community who believes that he or she has been the victim of unlawful harassment, discrimination, or retaliation should make a complaint, preferably in writing, to:

Director of Employee Relations/Affirmative Action Officer/Director of Title IX
Division of Human Resources
North Carolina A&T State University
1020 East Wendover Ave.
Greensboro, NC 27405
336-334-7862

Complaints alleging sexual harassment or discrimination, including sexual misconduct, will be processed in accordance with either the Student-on-Student Sexual Misconduct policy or the Sexual Misconduct: Discrimination, Harassment and Sexual Assault policy, depending on the status of the complainant and respondent.

SHRA (formerly SPA) employees **must** make a complaint within **fifteen (15)** calendar days of the conduct giving rise to the complaint in order to preserve their rights under the SHRA Employee Grievance Policy. Timely complaints made by current and former SHRA employees against other employees will be processed in accordance with the SHRA Employee Grievance Policy.

All other complaints will be processed in accordance with this policy.

Complaints should be made within fifteen (15) calendar days of the conduct giving rise to the complaint to ensure a prompt and complete investigation; however, the University reserves the right to initiate investigations and take action at any time depending on the nature of the alleged conduct.

The Affirmative Action Officer/Title IX Coordinator and/or his/her designee shall investigate the complaint thoroughly and impartially within 45 calendar days of receiving the complaint. Upon completion of the investigation, the Affirmative Action Officer/Title IX Coordinator shall provide to the applicable Vice Chancellor a written report of key evidentiary findings and conclusions, including whether, using a preponderance of the evidence standard, this policy was violated. The report shall contain the Affirmative Action Officer/Title IX Coordinator's recommendation regarding what corrective action should be taken, including appropriate disciplinary action. The applicable Vice Chancellor shall be responsible for determining what, if any, disciplinary action is to be imposed. If the respondent is a student, the Vice Chancellor for Student Affairs shall proceed in accordance with the Student Handbook.

Upon completion of the investigation, the Affirmative Action Officer/Title IX Coordinator shall inform the complainant and the respondent in writing that the investigation is complete and of the final determination regarding whether the respondent violated the policy. That document shall set out the appeal rights of each person.

5. APPEALS

Either the complainant or the respondent may appeal the Affirmative Action Officer/Title IX Coordinator's findings and conclusions within fifteen (15) calendar days of receipt of the Affirmative Action Officer/Title IX Coordinator's written response. Appeals must be in writing and clearly state the basis for the appeal. Appeals must be directed to the Vice Chancellor for Human Resources, North Carolina A&T State University, 1020 East Wendover Ave., Greensboro, NC, 27405. The Vice Chancellor for Human Resources shall respond within thirty (30) calendar days of receipt of the appeal, and may uphold, overturn, or modify the findings and conclusions. No further appeal by either party of the Affirmative Action Officer/Title IX Coordinator's findings and conclusions shall be permitted.

Notwithstanding the above, any action taken against a respondent found to have violated this policy may be appealed by the respondent in accordance with the applicable policy governing appeals of such actions. The appeal right shall be set out in the Vice Chancellor's decision letter.

6. CONFIDENTIALITY

Information gathered in the course of investigations conducted under this policy will be given the full extent of confidentiality permitted by law to employee personnel records and student education records. Any person who, without authorization, reveals such information may be subject to disciplinary action. Disclosure of the content of complaints will be made on a "need to know" basis, depending on the type of investigation and remedial action required by the complaint. In all cases, the accused individual will be informed of the specific allegations in the complaint.

7. RETALIATION PROHIBITED

This policy seeks to encourage students, employees, and third parties to report concerns involving discriminatory or harassing conduct and, accordingly, retaliation is prohibited. Any act of reprisal or retaliation, including interference, restraint, coercion, penalty, discrimination, or harassment, whether overt or covert, against a student, employee, or third party for responsibly reporting under this policy violates this policy. Accordingly, individuals who violate this retaliation prohibition may be subject to prompt disciplinary action.

8. RELATED POLICIES

Equal Opportunity and Non-Discrimination Policy
Student-on-Student Sexual Misconduct
Sexual Misconduct: Discrimination, Harassment and Sexual Assault
SHRA Employee Grievance Policy

Repeal of Other Policies

This policy repeals Section III - Equal Employment Opportunity 3.0 - Racial Harassment, Section III - Equal Employment Opportunity 1.0 – Unlawful Workplace Harassment Prevention, and any other policy on the topic of harassment/discrimination that is not posted on the University’s “Approved Policies” website.

Date revised policy is effective: upon approval

Approved by the Chancellor

First approved: August 27, 2018

Revised: