



Authority <b>Board of Trustees</b>
Title <b>Sexual Harassment Policy</b>
Responsible Office <b>Human Resources</b>
Subject <b>Non-Discrimination</b>
Applies to <b>Faculty, Staff and Students</b>

**History:** Last revised: May 27, 2008; September 22, 2008

**Additional References:** UNC Code: Appendix I.C. (Personnel) and XII (Students), Unlawful Workplace Harassment Policy

**Related Policies:** Improper Relationships between Students and Employees Policy, Unlawful Workplace Harassment Policy

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## 1. POLICY STATEMENT

All employees and students shall be free from sexual harassment from any University employee, student or contractor in connection with any University relationship or activity. No academic or personnel decisions shall be made on the basis of a granting or denial of sexual favors. All employees and students have the right to work and/or study in an environment free from sexual harassment.

The University shall take steps to assure that all students and employees are aware of this policy and that sexual harassment will not be condoned and will be met with swift and appropriate discipline. Furthermore, all students and employees will be made aware of their right to raise the issue of harassment, free from retaliation or reprisal, and of the procedures for filing a complaint.

## 2. DEFINITIONS

**Sexual harassment** is defined as deliberate, unsolicited and unwelcome verbal, non-verbal and/or physical conduct of a sexual nature.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic or student status, or

- Submission to or rejection of such conduct by an individual is used as the basis for employment, academic or other institutional decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, academic activities or student experience or of creating an intimidating, hostile or offensive working, academic or student life environment.

### **3. COMPLAINT PROCEDURES**

The employees designated to coordinate the University's compliance with regard to sexual harassment are the Affirmative Action Officer and the Vice Chancellor for Human Resources. Employees or students with a concern about sexual harassment may contact either of these individuals to discuss options for handling the situation including filing a complaint. Employees or students may also contact their department head or other appropriate university administrator for assistance. Supervisors or university administrators must promptly contact the Affirmative Action Officer when notified of a concern involving sexual harassment at the address and phone number below:

Linda R. McAbee  
Vice Chancellor for Human Resources  
and  
Robert Ussery  
Affirmative Action Officer  
Division of Human Resources  
1020 East Wendover Avenue  
Greensboro, NC 27411  
336-334-7862

The Affirmative Action Officer shall be responsible for receiving and processing any and all complaints of alleged sexual harassment. Any member of the University community (including, but not limited to students, prospective students, employees, prospective employees and persons entitled to the services of the University) may file a complaint. Complaints may be formal or informal and may be made known either orally or in writing. Informal complaints may be made orally to the Affirmative Action Officer, whereas formal complaints shall be filed on the Sexual Harassment Complaint Form available from the Division of Human Resources or the website: <http://facultypages.ncat.edu/hr/>

SPA employees may choose to file a grievance under the Unlawful Workplace Harassment Prevention Policy, the SPA Grievance Policy and Procedure, or proceed under this internal sexual harassment complaint procedure. The Unlawful Workplace Harassment Prevention Policy and the SPA Grievance Policy and Procedure may be found at <http://facultypages.ncat.edu/hr/> and by clicking the button entitled Employee Relations on the left side of the webpage, each of the policies will be listed. Use of the

Workplace Harassment Prevention Policy is a required procedure for SPA complainants who want to maintain their appeal rights to the State Personnel Commission. To use this procedure, the SPA employees must submit a written complaint to Human Resources within thirty (30) calendar days of the alleged harassment.

Alternatively, all of the above listed policies allow an employee who chooses to bypass the University's internal procedures to appeal directly to the State Personnel Commission within 30 days of notice of the alleged discriminatory action.

All employees and students retain the option of taking a complaint directly to the Equal Employment Opportunity Commission.

#### **4. INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS**

The Affirmative Action Officer shall have five (5) business days within which to resolve the complaint informally through confidential discussion. Should the facts warrant, the Affirmative Action Officer may extend the time for informal resolution for five (5) business days by notifying all parties.

If, at the end of five (5) business days (or ten (10) business days in the cases of extension), the Affirmative Action Officer has been unable to reach an informal resolution of the complaint, the Complainant shall have the option of filing a formal complaint with the Affirmative Action Committee.

Depending on the circumstances, and even when concerns have been raised through the informal process, the university may initiate a formal complaint into concerns involving alleged harassment in the absence of a written complaint.

#### **5. FILING A FORMAL COMPLAINT**

The complainant shall complete the Sexual Harassment Complaint Form and submit the signed form to the Division of Human Resources. The form may be requested from the Division of Human Resources at the number listed in this Policy. The written complaint shall set forth in detail the nature of the complaint and the person(s) against whom the grievance is directed. Formal complaints must be filed within thirty (30) calendar days of the alleged harassment. Occasionally, extenuating circumstances may exist that delay a complainant from bringing forth a complaint within thirty (30) calendar days; the reasons for such a delay in reporting must be shared with the Affirmative Action Officer, and the Affirmative Action Officer, at his/her sole discretion, may extend the time limit based on extenuating circumstances.

The Affirmative Action Officer shall forward the complaint within three (3) business days to the Affirmative Action Committee for recommended action.

## **6. THE AFFIRMATIVE ACTION COMMITTEE**

The Affirmative Action Committee is authorized to review, investigate, and advise with respect to the adjustment of complaints related to sexual harassment filed by any member of the University community. The Committee members and Chair shall be appointed by the Chancellor and shall be broadly representative of the University community.

The Affirmative Action Committee is authorized to meet with the complainant, the accused, and any witnesses in order to determine the facts regarding the allegation. Meetings with the parties to the complaint should be conducted individually and should not take the form of a hearing. These meetings may be done by the Committee as a whole or by members designated by the Chair.

An accurate record of all meetings and interviews shall be made by the secretary for the Committee. This record shall be made available under the supervision of the Affirmative Action Officer to all parties to the complaint. These records shall be maintained for a minimum of three years and for as long as any of the parties is associated with the University.

The Affirmative Action Committee shall complete its review within thirty (30) days of receiving the complaint. Upon completion of its review, the Committee shall make a report to the Vice Chancellor administratively responsible for the accused within five (5) business days. The report shall consist of a summary of the findings, including a statement of the charges and the evidence presented and a recommendation of the Committee and the reasons therefore.

In the event that the Affirmative Action Committee determines that discriminatory conduct, in the form of sexual harassment, has taken place, it will be the responsibility of the Committee to make recommendations to the Vice Chancellor for appropriate redress for the complainant and disciplinary action for the offender. Contingent upon the nature of the offense, remedial action may range from a formal reprimand to termination of employment or expulsion. These recommendations shall be included in the Committee's report to the Vice Chancellor. The Vice Chancellor shall have the authority for implementing recommendations for remedial action.

## **7. VICE CHANCELLOR'S DECISION**

Final authority for the implementation of the recommendation for corrective action shall be with the Vice Chancellor. (S)he may accept, reject or modify the decision of the Affirmative Action Committee. The Vice Chancellor shall have fifteen (15) calendar days within which to decide the matter. Parties shall be mailed notice of the Vice Chancellor's decision within twenty (20) calendar days following receipt of the report. The decision of the Vice Chancellor shall be the final step in the informal complaint review process. The Vice Chancellor issues the final decision in a formal complaint.

## 8. APPEAL

A complainant who is dissatisfied with the decision of the Vice Chancellor may file a grievance under the appropriate grievance procedure, provided that the filing is done in accordance with the time frames established in the relevant procedure. The time period for filing a grievance under the appropriate procedure begins to run upon the complainant's receipt of written notice of the final decision from the Vice Chancellor. The record of the Affirmative Action Committee's review and recommendations and the decision of the respective Vice Chancellor become a part of any such grievance.

Approved:



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Linda R. McAbee, Vice Chancellor for Human Resources

Date: September 22, 2008



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Stanley F. Battle, Chancellor

Date: 9/22/08