



Authority State Personnel Commission
Title Unlawful Workplace Harassment Prevention Policy
Responsible Office Human Resources
Subject Non-Discrimination
Applies to Faculty, Staff and Students

History: First issued: August 1, 2007; May 27, 2008; September 22, 2008

Additional References: Title VII of the Civil Rights Act of 1964 as amended
G.S.168A-3, OSP Unlawful Workplace Harassment Policy

Related Policies: Sexual Harassment Policy, Racial Harassment Policy

1. POLICY STATEMENT

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1. POLICY STATEMENT

North Carolina A&T State University recognizes the rights of all members of the University community to learn and work in an environment free from unlawful harassment and/or retaliation. Any unlawful harassment against employees or vendors engaged in University business is prohibited.

A prompt and impartial investigation will be made of all allegations, oral or in writing, of unlawful workplace harassment based on presented facts surrounding the misconduct. Such an investigation shall be made in accordance with this policy.

Any interference, coercion, restraint or reprisal of any person complaining of unlawful workplace harassment is prohibited.

The University shall take steps to assure that all employees are aware of this policy including distributing a copy of this policy to all new University employees at their orientation. In addition, the policy will be made available on the web at:

http://facultypages@ncat.edu/hr/HR_Policies_2008.htm

2. DEFINITIONS

Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based upon age, sex, race, color, creed, religion, national origin, or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

A Hostile Work Environment is one that the particular person who is the object of the harassment perceives to be hostile or abusive **and** one that a reasonable person would find hostile or abusive. The existence of a hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

Quid Pro Quo Harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

3. EMPLOYEE RIGHTS AND RESPONSIBILITIES

Individually, all University employees have a responsibility to comply with the guidelines stated herein.

Any University employee who feels that he or she has been the victim of unlawful harassment in the workplace should bring the matter, either orally or in writing, to the attention of a University administrator at any time and the matter will be investigated in accordance with this paragraph and Sections 4 and 5 of this Policy. A University administrator includes the Affirmative Action Officer as described herein and any other employee in a supervisory position. For a formal resolution, the employee must file a written complaint with the University Affirmative Action Officer within thirty (30) calendar days of the alleged harassing action at the address and phone number below:

Robert Ussery
Affirmative Action Officer

Division of Human Resources
1020 East Wendover Avenue
Greensboro, NC 27411
336-334-7862

A formal resolution includes a subsequent investigation and response detailing the University's findings in writing in accordance with Sections 4 and 5 of this Policy. The University will respond to complaints and seek to prevent and correct sexual harassment whether or not the complainant elects to pursue a formal resolution.

Employees have the right to bypass any step in the grievance process that would involve a review of or decision by the alleged harasser. 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. In addition, an employee may promptly file a complaint with the EEOC under Title VII of the Civil Rights Act and in accordance with the provisions of N.C.G.S §7A-759.

4. UNIVERSITY RESPONSIBILITY

The Chancellor has delegated the responsibility for executing the provisions of this plan to prevent and correct unlawful workplace harassment to each department head, supervisor, and the Affirmative Action Officer.

The Affirmative Action Officer is responsible for:

- developing and communicating the policy statement to new and existing University employees,
- providing training on unlawful workplace harassment, developing methods to evaluate program effectiveness,
- coordinating related activities,
- investigating and obtaining any information on cases alleging unlawful workplace harassment needed to complete documentation in the file,
- advising as appropriate and necessary all parties involved in cases alleging unlawful workplace harassment to include supervisors, grievants, and alleged harassers,
- monitoring procedures and disciplinary action of all alleged cases, and
- serving as resource person to all University employees.

Supervisors are responsible for:

- administering the University's policy,
- preventing and correcting any identifiable discrimination and/or unlawful workplace harassment,
- counseling of employees when appropriate to prevent and correct unlawful workplace harassment, and

- creating and maintaining a work environment free of unlawful workplace harassment and retaliation.

Employees are responsible for:

- reporting illegal discrimination and unlawful workplace harassment, and
- maintaining a work environment free of unlawful workplace harassment and retaliation.

5. INVESTIGATION AND RESOLUTION PROCEDURE

The University's procedure for handling complaints of unlawful harassment of a University employee can be found in the SPA Employee Grievance and Appeal Procedure. Each of these policies may be found on the website 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. For applicable forms to be utilized, a complainant may contact the Human Resources Division for the specific complaint form at the number listed within this policy.

The University also has additional mechanisms available for addressing sexual or racial harassment complaints found in the Sexual Harassment Policy and the Racial Harassment Policy, also found on the above links.

In allegations of unlawful workplace harassment, the University will review the totality of the circumstances to determine whether the alleged conduct constituted unlawful workplace harassment. All interviews, statements and materials obtained during the complaint and investigation process of alleged sexual harassment shall be kept confidential and will not be distributed or used for any purpose unrelated to the investigation and resolution of the complaint except as permitted by law.

The University shall respond in writing to the complainant within sixty (60) calendar days from receipt of the complaint, unless the complainant waives the 60-day period. The waiver shall be in writing and shall allow the employee to bypass the internal process and take his or her complaint directly to the Office of Administrative Hearings.

6. PREVENTION ACTIVITIES

The University is committed to offering group training and individual counseling sessions with all employees regarding what is and is not harassment, means of preventing unlawful behaviour, and appropriate resources on campus for information and assistance, inclusive of the Employee Assistance Program.

Specifically, the University will offer training for supervisors on:

- the university policy on unlawful workplace harassment,

- related grievance procedures and corrective steps,
- State and Federal laws, and
- appropriate disciplinary actions for violations.

In addition, the University will offer training for employees on:

- discrimination and unlawful workplace harassment
- the university policy on unlawful workplace harassment
- employee rights,
- grievance procedures,
- State and Federal laws, and
- Appropriate disciplinary actions for violations.

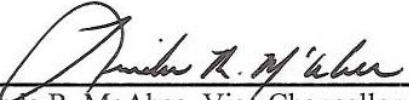
7. APPROPRIATE DISCIPLINARY ACTIONS

Disciplinary actions shall be consistently and fairly applied, and any disciplinary action taken should be corrective rather than punitive. However, in determining whether alleged conduct constitutes unlawful harassment and what, if any, appropriate remedial action should be taken, the University representative must consider the record as a whole, as well as the totality of the circumstances, such as the nature of the alleged conduct and the context in which it occurred.

8. PROHIBITION OF RETALIATION


Any act by a University employee, vendor or agent of reprisal, interference, restraint, penalty, discrimination, coercion or harassment – overtly or covertly – against a University employee for responsibly using the Unlawful Workplace Harassment Policy shall not be condoned. Such acts violate this Policy and are grounds for prompt and appropriate disciplinary action.

Approved:



Linda R. McAbee, Vice Chancellor for Human Resources

Date: September 22, 2008



Stanley F. Battle, Chancellor

Date: 9/22/08