



Equal Employment Opportunity & Affirmative Action Office

NCCU Orientation Manual

A Reference for Policies and Procedures Applicable to NCCU



James E. Shepard, Founder

North Carolina Central University is committed to equal employment opportunity for all individuals and supports protection that is available for applicants and employees under Federal law. The University will not practice or permit discrimination in employment on the basis of race, religion, color creed, national origin, sex, age, disabling condition, political affiliation, or sexual orientation.

"It Matters To Us, Because It Makes A Difference For You!"



Equal Employment Opportunity & Affirmative Action Office

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Equal Employment Opportunity & Affirmative Action Office

WELCOME

Welcome to North Carolina Central University! The Equal Employment Opportunity and Affirmative Action Office is pleased that you have joined our NCCU family. Our EEO/AA Office is dedicated to upholding policies and principles relative to equal employment opportunity and in assisting NCCU with providing optimal employment and educational experiences for the University. We are also charged with the responsibility of ensuring that you are promptly trained regarding the University's EEO/AA policies and procedures.

This manual, a component of the EEO/AA training program, is presented to you today as a participant in the new employee orientation session. It contains policies, procedures, and reference materials relative to EEO/AA.

Please carefully review and retain the document and the enclosed EEO/AA brochures for future reference. They are resources of relevant policy information and departmental procedures to protect you and the University from unlawful discrimination and harassment complaints. If you have questions, please contact your EEO/AA Director, Andria Knight, at 530-7070.

NAME _____ DATE _____



Equal Employment Opportunity & Affirmative Action Office

EEO/AA POLICY STATEMENT

North Carolina Central University emphatically states that it will provide equal employment opportunities to all persons and prohibits employment decisions on the basis of race, religion, color, creed, national origin, sex age, disabling condition, political affiliation or sexual orientation. All selection, hiring, and promotion decisions will be based on valid job related requirements consistent with performance of the essential functions of the position. This policy is in keeping with Executive Order 11246, as amended, Titles VI and VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, the Equal Pay Act of 1963, Sections 503 and 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Vietnam Veterans Readjustment Assistance Acts, N.C.G.S. §126-16, and other applicable federal and state laws.

In furtherance of this policy, North Carolina Central University prohibits any individual from creating a hostile or intimidating work environment. Personnel policies and practices are to be conducted in a work environment that is fair, free from discrimination and free from harassment based on race, religion, color, creed, national origin, sex age, disabling condition, political affiliation or sexual orientation. Moreover, retaliatory action of any type exercised by any employee(s) of the University against another employee or applicant for employment because the individual filed a charge, testified, assisted, or participated in any manner in a hearing, proceeding, or investigation of employment discrimination is prohibited.

The principle of equal employment opportunity shall apply with respect to all incidents of an employment relationship, including, but not limited to: (1) recruitment, including advertising or solicitation for employment; (2) job selection, hiring, and placement; (3) treatment during employment and probation period including compensation, promotion and upgrading; (4) evaluation of work performance; (5) administration of all forms of pay and other compensation; (6) selection for training and other professional development opportunities including trainee, work-against, intern and apprenticeship opportunities; (7) other career development opportunities; and (8) transfer, demotion, layoff, termination, and reduction-in-force.

In addition, the University will provide reasonable accommodations for applicants and/or employees with disabilities in an effort to enable them to successfully perform essential functions of the job or benefit from training.

To ensure equal employment opportunity exists throughout the University, a results oriented program will be implemented to overcome the effects of past discrimination. It will also eliminate artificial barriers to employment opportunities for all qualified individuals that may exist in any of our programs.

This program encourages greater utilization of all individuals by identifying underutilized groups in the workforce. Once identified special efforts are initiated to increase the group's participation in recruitment, selection, training and development, upward mobility programs, and other term, condition, or privileges of employment.

Program objectives and timelines will be established to reduce or eliminate underutilization through the Equal Employment Opportunity plan and program. Responsibility for the development of this plan is assigned to the Equal Opportunity Officer. However, the implementation of, and compliance with this plan and its program objectives will be shared by all administrators and supervisors.

NCCU's Equal Employment Opportunity Program will be evaluated and monitored continuously. The Equal Opportunity Officer will present periodic reports relative to the progress of this program to the Chancellor. Our Chancellor is committed to this program and is aware, that with its implementation, positive benefits will be the outcome of the increased utilization, growth and development of previously underutilized human resources.

Adopted this the 1st day of March 2002

Revised the 27th day of December 2006



Equal Employment Opportunity & Affirmative Action Office

EEO/AA STATEMENT OF COMMITMENT

North Carolina Central University is committed to Equal Employment Opportunity. Therefore, university policy and employment practices operate to prevent discrimination affecting any employee or prospective employee on the basis of race, color, creed, national origin, sex, age, disabling condition, political affiliation or sexual orientation.

The principle of equal employment opportunity applies with respect to all incidents of the employment relationship, including: recruitment comprising of advertising or solicitation for employment; job selection, hiring and placement; treatment during employment and probation period; promotion and advancement; compensation and fringe benefits; selection for training and other professional development opportunities; transfer, demotion, layoff, termination and reduction-in-force; formulation and application of personnel rules and regulations, access to facilities, and reasonable accommodations for applicants and/or employees with disabling conditions to facilitate job performance and training.

To ensure equal employment opportunity exists university-wide, EEO and Affirmative Action Plans are implemented to overcome the effects of past discrimination. Plans also eliminate artificial barriers to employment opportunities for all qualified individuals that may exist in our programs. In addition to Vice Chancellors, Deans, Department Heads and Chairpersons having copies or summary copies of these plans, reference copies are located in the Office of the EEO/AA Director, Shepard Library, and in the Department of Human Resources.

Chancellor Charlie Nelms, as the head of the university, is ultimately responsible for the EEO/Affirmative Action Programs. Mark Steelman is the Associate Vice Chancellor for Human Resources and EEO Officer and he may be reached at extension 5214, Suite 213-C Hubbard-Totton Building. Atty. Andria Knight is the Director of EEO/AA. She may be reached at extension 7070, Suite 304-L Hubbard-Totton Building.



Equal Employment Opportunity & Affirmative Action Office

THE EEO/AA ORGANIZATION

DEPARTMENT OF HUMAN RESOURCES

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Mission:

To assist management in creating and maintaining a workplace that is free from discrimination while concurrently improving opportunities for members of groups who previously have experienced disadvantages in employment.

Sexual Harassment Prevention Policy

POLICY FOR EMPLOYEES

Sexual harassment is a form of sex discrimination prohibited by N.C.G.S. §126-16. Harassment on the basis of sex is also a violation of §703 of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is defined as deliberate, unsolicited, and unwelcomed verbal and/or physical conduct of a sexual nature or with sexual implications by a supervisor or co-worker that has or may have direct employment consequences resulting from the acceptance or rejection of such conduct. Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;

EXAMPLE 1: A probationary status employee, "A", is approached by her supervisor who asks her out for a drink. When she refuses, the supervisor reminds her that it would be to her advantage to be nice to him since she is a probationary status employee and that she can be terminated for any reason.

EXAMPLE 2: An adjunct instructor, "B", is invited by the chairperson of his department to meet with her at a hotel one evening. When "B" states that he is not interested, the chairperson informs "B" that she has changed her mind about hiring him to teach the next semester.

- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

EXAMPLE 1: An SPA employee, "C", is approached by his supervisor who informs him that there are ways he can improve his performance. He suggests that they meet at his apartment later that week. When "C" arrives, his supervisor begins to tell him that he is attracted to "C". "C" resists the supervisor's advances and later receives a negative evaluation even though he had not received any previous criticisms about his work.

EXAMPLE 2: A junior faculty member, "D", requests a letter of recommendation for a fellowship from her department chairperson. He asks "D" to come to his house so that they can work on the letter. When "D" arrives, he has arranged a romantic dinner by candlelight. "D" states that she is uncomfortable and leaves. The chairperson thereafter refuses to write the letter of recommendation.

Sexual Harassment Prevention Policy

POLICY FOR EMPLOYEES CONT'D

- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

EXAMPLE 1: "E" is an employee in the physical plant. The walls of the office are adorned with sexually suggestive posters. In addition, the male employees frequently sit around the office and tell sexual jokes loud enough that "E" cannot help but hear them. She does not appreciate this behavior and complains to the supervisor. His response is that men have behaved like that for years and they are just being men.

EXAMPLE 2: A senior professor, "F", regularly approaches a junior professor, "G", in the faculty lounge and pats her buttocks. This behavior makes "G" uncomfortable, and she tries to avoid him as much as possible. She starts going to another department's lounge.

No employee of North Carolina Central University may engage in conduct that constitutes sexual harassment as defined above. No personnel decisions shall be made on the basis of granting or denying sexual favors. The University shall make every reasonable effort to provide an environment free from sexual harassment.

Sexual harassment does not include normally welcomed personal compliments, social interaction, or relationships freely entered into by University employees, prospective employees, students, or student applicants. However, it is misconduct subject to disciplinary action, for a University employee, incident to any instructional, research, administrative, or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law, or marriage.

Further, it is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years. In addition, amorous relationships between University employees and students in a supervisory relationship may be viewed as exploitative and in violation of professional ethics. Therefore, it is important that University employees give careful consideration before entering into amorous relationships with students.

To knowingly file a false or malicious complaint of harassment or of retaliation is a violation of the Sexual Harassment Prevention Policy. Such conduct may be addressed following the procedures designated for a Complaint of Harassment. A complaint under this provision shall not constitute retaliation.

Sexual Harassment Prevention Policy

POLICY FOR STUDENTS

Sexual harassment is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. No University employee may engage in conduct that constitutes sexual harassment of students or student applicants. No decisions on the status of a student shall be made on the basis of granting or denying sexual favors. The University shall make every reasonable effort to provide an academic environment free from sexual harassment.

Sexual harassment is defined as deliberate, unsolicited, and unwelcomed verbal and/or physical conduct of a sexual nature or with sexual implications that has or may have direct academic or student-status consequences resulting from the acceptance or rejection of such conduct. Sexual harassment is also defined as student-to-student or student-initiated deliberate, unsolicited, and unwelcomed verbal and/or physical conduct of a sexual nature, or with sexual implications. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature shall constitute sexual harassment when:

- A. Submission to such contact is made explicitly or implicitly a term or condition of admission, academic advancement, retention, or dismissal.

EXAMPLE 1: Student "A" is an undergraduate who has received notice from the dean that she has been suspended and cannot re-enroll in the university the following Fall Semester unless she improves her grade point average by attending summer school. She meets with her advisor to discuss her situation. Her advisor encourages her to attend summer school and enroll in the two courses that he will teach. He tells her, as he strokes her leg, that if she is fully cooperative she will make good grades, thus assuring her reinstatement for the Fall Term.

EXAMPLE 2: Student "B" is a graduate student who is conducting research and working on her thesis under the supervision of her advisor. Her advisor often talks about how he can use his influence to help her get into a Ph.D. program if only she will go out with him.

- B. Submission to or rejection of such conduct by an individual is used as the basis for making decisions affecting grades, participation in university activities, financial assistance, job placements, or other privileges granted by the University.

EXAMPLE 1: Student "C" applies for a graduate assistantship and interviews with the department chairperson. During the private interview, the chairperson asks her to have an intimate dinner that evening and implies this as a necessary step if she is to receive the job. She declines and later receives a letter stating that someone else was given the job.

Sexual Harassment Prevention Policy

POLICY FOR STUDENTS

EXAMPLE 2: Student "D" meets with her English professor to discuss her first essay. The professor tells her that she can probably pass the course only if he tutors her privately once a week, and he fondles her breast. She refuses and subsequently makes an F on her next essay. She has a close friend in the class who is making A's and B's. She asks her friend to exchange essays the next time before turning them in for grading. Student "D" receives an F on her friend's essay, and her friend receives a B on the essay written by Student "D". Student "D" concludes that her grades are based on her rejection of the sexual overtures of the professor.

- C. Such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile, or offensive academic environment.

EXAMPLE 1: Student "E" is a nursing student who is supervised in the hospital by a male clinical professor. He repeatedly whispers in her ear comments about her body as she is working with patients; for example, "I can see the outline of your well-formed breasts through your white uniform". She tries to ignore the comments but finds that her work with her patients is adversely affected as she tries to escape his attention.

EXAMPLE 2: Student "F" is the only female on the student newspaper staff, which is supervised by an employee of the Division of Student Affairs. The male students have posters of nude women on the office wall, and jokes of a sexual nature are routinely exchanged among the students and with the supervisor. Student "F" feels very uncomfortable and spends less and less time in the office. As a result, she is given fewer good assignments and doesn't get the job as newspaper editor.

EXAMPLE 3: Student "G" is a female student in a mixed physical education class. The male professor periodically refers to her large hips and makes comments in class about women with large hips. She and other full-figured female students feel uncomfortable in class. She often dresses out late to avoid the crowded dressing room.

Sexual harassment does not include normally welcomed personal compliments, social interaction, or relationships freely entered into by University employees, prospective employees, students or student applicants. It is however misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative, or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the

Sexual Harassment Prevention Policy

POLICY FOR STUDENTS CONT'D

institution with whom he or she has an amorous relationship, or to whom he or she is related by blood, law or marriage.

Further, it is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.

In addition, amorous relationships between University employees and students in a supervisory relationship may be viewed as exploitative and in violation of professional ethics. Therefore, it is important that university employees give careful consideration before entering into amorous relationships with students. Any student or student applicant of the University who feels that he/she has been sexually harassed in violation of this policy may:

1. File a grievance through the grievance procedure described in the Grievance Section below; or
2. If the grievance constitutes a violation of Title IX of the Education Amendments of 1972 (20 USC Section 1681 et seq.), the student has the option of filing a grievance pursuant to Title IX.

For procedures applicable to student-student or student initiated sexual harassment, refer to the NCCU Student Code of Conduct. This document is located in the Office of the Vice Chancellor for Student Affairs.

To knowingly file a false or malicious complaint of harassment or of retaliation is a violation of the Sexual Harassment Prevention Policy. Such conduct may be addressed using the procedures followed for a complaint of harassment. A complaint under this provision shall not constitute retaliation.

DISCIPLINARY CATEGORIES

- A. **"Class A":** It is a "Class A" violation when after investigation, it is determined that an intentional breach of confidentiality has occurred, or that harassment occurred and included one of the following actions or equivalent actions:
1. Verbal harassment of a sexual nature
 2. Unnecessary physical contact
 3. Promise of special consideration in return for sexual favors
 4. Conduct that has the purpose or effect of unreasonably interfering with an employee's job performance, by creating an intimidating or offensive work environment, or a student's

Sexual Harassment Prevention Policy

DISCIPLINARY CATEGORIES

academic performance by creating an intimidating or offensive learning environment. Off-campus activities and programs sponsored by the University are inclusive and covered by this policy.

B. **"Class B"**: It is a "Class B" violation when, after investigation, it is determined (a) that a claimant knowingly filed a false or malicious complaint of harassment or (b) that harassment occurred and included one of the following actions or equivalent actions:

1. The accused demanded favors through overt or implied intimidation or coercion as a term or condition of employment-related decisions for employees;
2. The accused gave special employment-related consideration or benefits in return for sexual favors;
3. The submission to or rejection of the conduct described in #1 or #2 above is used as a basis for any employment-related decision affecting the individual employee;
4. In the case of students, the submission to or rejection of the conduct described in #1 or #2 above is used as the basis for making decisions affecting grades, financial assistance, participation in University activities, job placement, or other privileges granted by the University; or
5. Actions that are so blatantly sexual in nature that they tend to cause an immediate disruption of the work or academic environment.

C. Disciplinary Actions

1. A "Class A" violation can result in a written reprimand or dismissal with cause.
2. A "Class B" violation is grounds for dismissal with cause.

GRIEVANCES

- A. **Initiation of a Complaint**: The claimant initiates the process verbally or in writing by notifying the EEO Officer of the accused's conduct. The complaint must be reported within 30 calendar days of the most recent alleged conduct. In the instance of student complaints, vacation days are excluded from the 30-day time frame. However, if a claimant, for

Sexual Harassment Prevention Policy

GRIEVANCES

whatever reason, prefers not to utilize the informal procedure, she/he may select the formal procedure as outlined in the section titled Formal Resolution Process.

- B. The Equal Opportunity Officer will hear the claimant's appeal and make a decision on probable cause within seven days of hearing the complaint. If the Equal Opportunity Officer determines that there is probable cause to pursue the complaint, the Equal Opportunity Officer initiates the informal resolution phase and serves as the mediator for that phase. If the Equal Opportunity Officer determines there is no probable cause, she/he notifies the claimant in writing within seven days of hearing the complaint. The claimant may then appeal to the Chancellor for a determination of probable cause.
- C. If the Chancellor determines there is probable cause to pursue the complaint, she/he will initiate the informal resolution phase and select a mediator to facilitate a mediation session. The decision of the Chancellor as to whether probable cause exists is final.

INFORMAL RESOLUTION PROCESS

Upon determination of probable cause, the mediator brings the claimant and the accused together in a mediation session in an effort to resolve the matter. In order to mediate, the mediator must verbally inform the accused of the claimant's accusation and arrange a mediation session with the parties within seven calendar days following the probable cause determination. The mediator must also submit a written report of the complaint to the Equal Opportunity Officer for the purpose of statistical recordkeeping only. If the matter is not satisfactorily resolved using the informal procedure, the claimant will then have the option of filing a formal complaint against the accused.

FORMAL RESOLUTION PROCESS

Any person who believes that he or she has been a victim of discrimination or other proscribed activities under these rules and regulations may initiate a grievance by filing a letter with the Equal Opportunity Officer.

The letter of grievance must be delivered to the Equal Opportunity Officer within:

1. 10 working days from the date of the failure of the informal resolution phase or
2. 30 calendar days of the most recent alleged conduct. In the case of student complaints, official vacation days are excluded from both the

Sexual Harassment Prevention Policy

FORMAL RESOLUTION PROCESS

10-day and 30-day time frames.

The Equal Opportunity Officer or his/her agent shall provide a written acknowledgment to the claimant stating the time and date the letter of grievance was received by the Equal Opportunity Officer or his/her agent.

The letter of grievance shall state:

1. the specific conduct that has given rise to the grievance or violation under these rules;
2. the specific date or dates on which the alleged conduct occurred;
3. the name or other identification of the accused who allegedly violated the rights of the claimant;
4. the location(s) where the alleged offense(s) occurred; and
5. the names and addresses, if known, of any witnesses who might have heard or seen the alleged conduct of the accused that gave rise to the grievance.

The formal hearing shall be held before a panel of five persons selected from the Sexual Harassment Grievance Board by the Equal Opportunity Officer. Each party may exercise two peremptory challenges to remove proposed members of the panel for cause, such as conflict of interest, or familiarity with the parties or the facts.

If the claimant fails to appear at the designated time and place of the hearing, the grievance will be dismissed and no further internal appeals will be available through the University. If the accused fails to appear, the hearing will proceed and the accused will be deemed to have waived his/her right to rebut the evidence of the claimant. If both parties fail to appear, the complaint will be dismissed and no further internal appeals will be available through the University.

The process is as follows:

1. Once the panel of five has been established, the Equal Opportunity Officer will select a chairperson.
2. The Chairperson of the panel shall make all final rulings concerning the admissibility of evidence at the hearings.

Sexual Harassment Prevention Policy

**FORMAL
RESOLUTION
PROCESS
CONT'D**

3. The Committee Chair shall have the authority to conduct the hearing including, but not limited to, the following powers:
 - i. determining the order of witnesses;
 - ii. interrupting testimony to ask questions;
 - iii. excluding testimony as unduly repetitious or irrelevant;
 - iv. sequestering witnesses;
 - v. conducting an independent investigation or reviewing evidence where warranted; and
 - vi. making rulings on other procedural or evidentiary questions where appropriate.
4. The claimant and the accused may be represented at the formal hearing by legal counsel.
5. Each party is responsible for notifying his or her own witnesses of the date, time and place of the hearing, and for insuring their presence at the hearing. Witnesses will not be sworn in.

Note: *The appearance and testimony of witnesses are not subject to subpoena.*
6. Employees shall be released from job duty, as necessary, to appear as voluntary witnesses for the claimant or the accused.
7. The North Carolina Rules of Evidence will not be applied in determining the admissibility of evidence. The rules of privilege and doctor/patient privilege shall apply.
8. The claimant shall have the burden of establishing by the preponderance of the evidence that the accused committed the alleged act.
9. At the formal hearing, the claimant will proceed initially to call witnesses and present evidence. If the claimant established a prima facie case, the accused may call witnesses and introduce evidence rebutting claimant evidence.
10. If a hearing is not judicial or quasi judicial, it is an administrative investigative proceeding. It is confidential in nature, therefore only

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FORMAL RESOLUTION PROCESS CONT'D

individuals listed in the notice of hearing or otherwise approved by the Committee Chair will be granted admission to the hearing.

11. Each party may cross-examine the witnesses of the other party.
12. A stenographer will record the formal hearing and provide a transcript of the formal hearing proceedings.
13. At the close of presentation of the evidence, the members of the hearing panel will deliberate and render a formal written recommendation to the Chancellor within 15 working days. The written recommendation will include the findings of fact, conclusions, and recommendations to the Chancellor concerning the disposition of the grievance. Copies of the written recommendation and the transcript will be provided to the claimant, the accused and the Equal Opportunity Officer.

FINAL DECISION SUBJECT TO APPEAL

Upon receiving the recommendation of the panel, the Chancellor will take immediate action to impose appropriate disciplinary action and shall notify the parties in writing of his/her decision within seven working days following receipt of the recommendations of the panel and the accompanying transcript. Copies will be provided to the Equal Opportunity Officer. Appeal of the Chancellor's decision shall be in accordance with the procedures set forth for EPA employees in Section 501C (4) of the Code of the University of North Carolina system and the laws of the State of North Carolina. SPA employees who allege discrimination based on sex shall have the right to appeal directly to the State Personnel Commission.

TRAINING AND MAINTAINING CONFIDENTIAL RECORDS

The EEO/AA Office or the University shall develop training and other communications resources and methods to prevent sexual harassment. Such training methods will include informing employees and students of their rights and how to initiate the issue of harassment under Title VII and Title IX, respectively. Training activities to increase sensitivity among University employees and students will also take place. The Equal Opportunity Officer shall also maintain a confidential record of all complaints, both formal and informal, hearings, outcomes, and disciplinary actions invoked pursuant to the Sexual Harassment Prevention Policy.

Sexual Harassment Prevention Policy

IMPLEMENTATION

A. Responsibilities:

It is the responsibility of University administrators and supervisors to provide a workplace free of sexual harassment. Administrators and supervisors with knowledge of conduct involving sexual harassment must take immediate and appropriate corrective action to ensure offensive activities cease. The University administration is also responsible for taking positive steps to sensitize employees with respect to this issue.

B. Responsible Parties:

1. Equal Opportunity Officer: The Equal Opportunity Officer will have the authority, financial resources, and staff to carry out his/her role effectively. The Equal Opportunity Officer is responsible for monitoring and documenting all charges of sexual harassment and for informing supervisors and other appropriate administrators of the status of the complaint or its resolution. In addition, the Equal Opportunity Officer is responsible for educating the university community and for providing training to supervisors, administrators, and the hearing panel members on matters of sexual harassment. The Equal Opportunity Officer is responsible for disseminating current policies, guidelines, and other materials on an on-going basis to the various unit heads for distribution.
2. The Sexual Harassment Grievance Board shall hear all formal complaints of sexual harassment. The Board shall consist of hearing officers appointed by the Equal Opportunity Officer. Hearing Officers will be selected in accordance with the procedure outlined in Education and Training, C. Hearing Officers of this policy. A hearing officer shall hear only cases involving parties not in her/his department. Hearing officers will serve two-year terms. Vacancies on the Board shall be filled in the same manner as hearing officers are selected. An officer appointed to fill a Board vacancy shall serve the remaining term of the hearing officer being replaced.
3. Administrators and Supervisors are responsible for disseminating up-to-date policies and other materials relative to sexual harassment matters to individuals within their respective units. They are also responsible for attending training workshops and

Sexual Harassment Prevention Policy

IMPLEMENTATION CONT'D

seminars to familiarize themselves with and understand sexual harassment policies and procedures. In addition, they are accountable for reporting to the Equal Opportunity Officer any sexual harassment grievances brought to their attention and for advising the claimant of the procedures to be followed.

EDUCATION AND TRAINING

The Chancellor shall establish a mechanism for educating the entire University community (administrators, faculty, staff, and students) regarding the Sexual Harassment Prevention Policy. The Chancellor may assign the overall responsibility of education and the implementation of the policy to a full-time Equal Opportunity Officer. Each official of the University shall be responsible for carrying out the intent and provision of the Policy in all segments of her/his area of responsibility and to assist in providing opportunities to every chairperson and supervisor under her/his direction to become familiar with the policy.

The policy should not be viewed as a finished product, rather a written indication of an on-going process, which shall be continuously monitored and revised to ensure the University provides a safe, knowledgeable, and sexual harassment-free environment.

- A. Internal Dissemination Schedule of the Sexual Harassment Prevention Policy. The Equal Opportunity Officer will:
 1. Include Statement of Policy in the Faculty Handbook, Equal Opportunity Plan, General Catalog, and Student Code of Conduct. (Continual)
 2. Develop brochures and posters for display in highly visible locations campus-wide. (Continual)
 3. Conduct meetings with Vice Chancellors and Directors to explain the intent of implementing the policy and reiterate the Chancellor's commitment. (Continual)
- B. General Campus Training and Education: Administrator, faculty, staff and student workshops should be offered. In addition to facilitating thorough discussions of the Policy among these groups, administrative workshops will be designed to focus on the University's guidelines for administrative conduct in the handling of a complaint involving sexual harassment.

Sexual Harassment Prevention Policy

EDUCATION AND TRAINING CONT'D

The Chancellor requires all administrators to attend at least one of several administrative workshops per academic year. Therefore, it shall be the responsibility of all immediate supervisors to require their personnel to attend the informational workshops.

The Faculty and Staff Institutes may serve as educational vehicles for all administrators, faculty, and staff by conducting Sexual Harassment Prevention Policy sessions each year. As part of the new employees' orientation, the Policy shall be explained and discussed.

- C. Hearing Officers: Hearing Officers are appointed by the Equal Opportunity Officer. The appointment letter will stipulate that prior to serving each person will undergo an intensive training process. The training will focus on, but is not limited to, the following areas:
1. The definition of sexual harassment;
 2. What constitutes sexual harassment under the law;
 3. How to resolve matters on the credibility of witnesses;
 4. A definition of the standard of proof;
 5. Admissibility of evidence; and the need for objectivity.

MISCELLANEOUS

- A. Dissemination of Policy Statement: Immediately following each policy revision, the University shall publish and disseminate the latest release of the Sexual Harassment Prevention Policy to the University.
- B. Prohibition against reprisals: Any person engaging in retaliation against any individual complaining of alleged sexual harassment shall be subject to disciplinary action under appropriate University policies, rules, and regulations.
1. Reprisals against the claimant: It is a violation of this policy to retaliate against a claimant for filing a charge of harassment. When necessary, the appropriate dean or other University officer will monitor activities regarding student grading, faculty/staff reappointments, tenure, promotion, merit review, additional work assigned or other decisions to ensure a process free of retribution.

Sexual Harassment Prevention Policy

**MISCELLANEOUS
 CONT'D**

2. Reprisals against the accused: Lodging a complaint of harassment is not proof of prohibited conduct. A complaint shall not be considered while deliberations on reappointment, tenure, promotion, merit, or other evaluation or review are underway, unless a final determination has been reached that the University's Sexual Harassment Prevention Policy has been violated.
- C. Intentional Breaches of Confidentiality: All participants in the harassment complaint resolution process including the claimant, the accused, witnesses, hearing officers and others, shall respect the confidentiality of the proceedings.
1. Breaches of confidentiality jeopardize conditions necessary for the progression of internal procedures to resolve claims of harassment.
 2. A complaint alleging an intentional breach of confidentiality may be pursued following the process outlined for a harassment complaint. Such a breach may possibly constitute an act of retaliation. A breach of confidentiality may possibly negate the outcome of previously agreed upon resolution to a complaint.

NOTE: This policy is intended to provide steps for consistent application of the Sexual Harassment Prevention Policy throughout the North Carolina Central University workforce.

<i>Authority</i>	NCCU Chancellor
<i>Title</i>	Sexual Harassment Prevention Policy
<i>Classification</i>	Equal Employment Opportunity & Affirmative Action
<i>PRR Subject</i>	Discrimination and Harassment
<i>Contact Info</i>	Equal Employment Opportunity/AA Office – (919) 530-7070

Unlawful Workplace Harassment Policy and Prevention Plan

POLICY

It is the policy of North Carolina Central University that no employee may engage in speech or conduct defined as unlawful workplace harassment. All current and former employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation.

DEFINITIONS

The State defines unlawful workplace harassment as unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or disabling condition as defined by N.C.G.S. § 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

Advisory Notes:

Sexual harassment does not include personal compliments welcomed by the recipient, or social interaction or relationships freely entered into by State employees or prospective employees.

The U.S. Supreme Court recently held “that nothing in Title VII necessarily bars a claim of discrimination ‘because of ...sex’ merely because the grievant and the alleged harasser “are of the same sex.”

Hostile includes offensive, aggressive, antagonistic, belligerent, and/or contentious behavior involving unlawful workplace harassment based on age, sex, race, color, national origin, religion, creed, or disabling condition as defined by N.C.G.S. §168A-3. A hostile work environment is determined by looking at the following: (1) whether the environment is objectively offensive in the eyes of a reasonable person, (2) whether the environment is subjectively offensive in the eyes of the person who is the object of the alleged harassment, and (3) the nature of the alleged hostility.

Examples of quid pro quo unlawful workplace harassment include: (1) a supervisor promises an employee a promotion if the employee acquiesces to sexual advances; (2) a supervisor begins each staff meeting with a prayer session conducted by a Christian minister; and a Jewish employee refuses to participate in the prayer session and is terminated because of this refusal.

Unlawful Workplace Harassment Policy and Prevention Plan

DEFINITIONS CONT'D

Unlawful Workplace Harassment is unwelcomed or unsolicited speech or conduct based upon race, color, creed, national origin, sex, age, disabling condition, political affiliation or sexual orientation as defined by N.C.G.S. §168A-3 that creates a hostile work environment or circumstances involving quid pro quo.

Hostile Work Environment is one that a reasonable person would find hostile or abusive and that the person who is the object of the harassment perceives to be hostile or abusive. A hostile work environment is determined by looking at all 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 unwelcomed 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 that occurs because of opposition to unlawful workplace harassment.

COVERAGE

This policy applies to any former SPA employee as well as to any full-time or part-time SPA employee with either a permanent, probationary, trainee, time-limited permanent or temporary appointment.

Advisory Note:

Applicants, while not covered under the state statute, (SB78), are covered under other State and Federal Civil Rights Acts.

Unlawful Workplace Harassment Policy and Prevention Plan

GRIEVANCE PROCEDURE AND APPEALS

Refer to the ‘Grievance Procedure and Appeals Policy’ located in the EEO/AA University Policies and Procedures Manual for process details.

RETALIATION PROHIBITED

A prompt and impartial investigation will be made of all cases alleging unlawful workplace harassment based on presented facts surrounding the alleged misconduct. Any interference, coercion, restraint, retaliation or reprisal against any person complaining of unlawful workplace harassment is prohibited. For more information, contact the University’s EEO/AA Officer at 530-7070 or the Department of Human Resources at 560-6334.

RESPONSIBLE PARTIES

Although the ultimate responsibility for this plan and setting forth steps to prevent and correct unlawful workplace harassment is assigned to the Chancellor, all employees have a role in ensuring a workplace free of unlawful harassment. Duties and responsibilities are specified as follows.

- A. Equal Employment Opportunity (EEO) Officer will:
1. Develop the University’s policy statement.
 2. Communicate the policy and plan to new and existing employees.
 3. Schedule workshops on unlawful workplace harassment.
 4. Develop methods to evaluate program activities.
 5. Coordinate related activities.
 6. Investigate cases alleging unlawful workplace harassment and obtaining any additional information needed to complete documentation of the file.
 7. Advise all parties involved in cases alleging unlawful workplace harassment as necessary including supervisor, Grievant and alleged harasser.

Unlawful Workplace Harassment Policy and Prevention Plan

RESPONSIBLE PARTIES CONT'D

8. Monitor procedures and disciplinary action of all alleged cases.
 9. Serve as resource person to all employees.
- B. Supervisors will:
1. Administer the agency's policy.
 2. Prevent and correct any identifiable discrimination and/or unlawful workplace harassment.
 3. Counsel employees when appropriate to prevent and correct unlawful workplace harassment.
 4. Create and maintain a work environment free of unlawful workplace harassment.
- C. Employees will:
1. Adhere to the unlawful workplace policy.
 2. Report illegal discrimination and unlawful workplace harassment.
 3. Maintain a work environment free of unlawful workplace harassment and retaliation.

TRAINING

The University has the responsibility of taking appropriate steps to prevent and correct unlawful workplace harassment and retaliation. One step in this process is training supervisors and employees to sensitize them to the subject. The training program will be designed by the Office of State Personnel in conjunction with the University and will include the following components:

- A. **Training for supervisors on:**
1. State policy
 2. Unlawful workplace harassment
 3. Unlawful workplace harassment grievance procedures

Unlawful Workplace Harassment Policy and Prevention Plan

TRAINING CONT'D

4. Illegal discrimination and unlawful workplace harassment
5. Corrective steps
6. State and federal laws
7. Appropriate disciplinary actions
8. The University's policy and grievance procedures

B. Training for employees on:

1. Discrimination and unlawful workplace harassment
2. State policy
3. Employee rights
4. Grievance procedures
5. State and federal laws
6. Disciplinary actions
7. The University's policy and procedures

COUNSELING

Unlawful workplace harassment can be damaging to the employee both physically and mentally. Counseling is available through the State Health Plan for employees experiencing personal or work related problems resulting from unlawful workplace harassment.

DISCIPLINE

Allegations of unlawful workplace harassment will be reviewed on a case-by-case basis on presented facts. Speech or conduct determined to constitute unlawful workplace harassment will be considered unacceptable personal conduct. Also, employee conduct towards an outside vendor or contractor that would constitute unlawful workplace harassment toward an employee could constitute unacceptable personal conduct. Employees may be warned, suspended without pay, demoted or dismissed without any prior active disciplinary actions on the basis of unacceptable personal conduct. However, no employee may be demoted, suspended without pay or dismissed without a pre-disciplinary

Unlawful Workplace Harassment Policy and Prevention Plan

DISCIPLINE CONT'D

Conference. Further, any disciplinary action issued by the University shall be fair, impartial and without regard to race, color, creed, national origin, sex, age, disabling condition, political affiliation or sexual orientation.

Complete procedures for issuing of a disciplinary action for unacceptable personal conduct may be found in the Department of Human Resources Policies and Procedures Manual.

DISSEMINATION

It is the responsibility of all University administrators, department chairpersons, supervisors, faculty, staff and students to be aware of and to follow the procedures established in this policy and plan. Administrators and supervisors are required to disseminate a copy of the policy and plan to every employee under his/her jurisdiction and share it with all new employees in the future. As a part of every new employee's orientation, the policy and plan shall be explained and discussed. All employees will be required to acknowledge receipt and understanding of the University's Unlawful Workplace Harassment Policy and Plan. The Policy Statement will be included in the Faculty Handbook, the General Catalog, the Academic Administrator's Handbook and the Student Handbook.

EVALUATION

Annually, the EEO Officer will review data collected from the operation of the policy and evaluations from persons involved in the grievance process (i.e., grievants, respondents, hearing panelists, vice chancellors, special/executive assistants, etc.) to determine necessary revisions and/or enhancements to the policy. The data collected will also be used to develop objectives for the subsequent year.

The Assistant HR Director for Employee Services will revise the current grievance tracking process to include unlawful workplace harassment complaints. All complaints will be reported through established grievance reporting mechanisms in the Personnel Management Information System (PMIS).

Unlawful Workplace Harassment Policy and Prevention Plan

EVALUATION CONT'D

In addition, if an unlawful workplace harassment complaint is settled between the grievant and the University, the University shall report the disciplinary action and/or remedial action, if any, that was taken by the University to the State Personnel Commission. Disciplinary action, if appropriate, can lead up to and include dismissal.

The Commission may order the Office of State Personnel to conduct an investigation into the sufficiency of the University's actions. The Office of State Personnel will report to the Commission the conclusion(s) of the investigation and, if appropriate, may then report the Office of State Personnel's findings with regard to the disciplinary action and/or remedial action to the Chancellor.

NOTE: This policy is intended to provide steps for consistent application of the Unlawful Workplace Harassment Policy and Prevention Plan throughout the North Carolina Central University workforce.

<i>Authority</i>	NCCU Chancellor
<i>Title</i>	Unlawful Workplace Harassment
<i>Classification</i>	Equal Employment Opportunity & Affirmative Action
<i>PRR Subject</i>	Workplace Harassment
<i>Contact Info</i>	Equal Employment Opportunity/AA Office – (919) 530-7070

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

PURPOSE

It is the goal of North Carolina Central University that an effective grievance procedure is available for any employee who feels he/she has been unlawfully harassed in the workplace. Grievances that fall under the Unlawful Workplace Harassment Policy will be governed by the following:

1. Every employee has the right to present a grievance or appeal free from interference, restraint, coercion, discrimination or reprisal. In addition, every employee is protected/safeguarded from penalty or reprisal for having participated in a grievance or appeal under this procedure.
2. In accordance with the authority delegated to them, it shall be the responsibility of all university employees involved in the grievance process to ensure that all parties receive a fair and impartial hearing.
3. In determining whether the alleged conduct constitutes unlawful workplace harassment, the University will review the totality of the circumstances.

Note: Employee conduct towards an outside vendor or contractor that would constitute unlawful workplace harassment toward an employee, could constitute unacceptable personal conduct.

4. Any grievant shall have the right to bypass any step in the grievance procedure involving review of or decisions by the alleged harasser.

PROCEDURES

Summary of Grievance Procedure:

The grievance process is summarized below, but should not be considered the grievance procedure in its entirety.

1. The grievance is filed with the Assistant HR Director for Employee Services.
2. Any employee, covered by this plan who feels that he or she has been unlawfully harassed in the workplace

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

PROCEDURES CONT'D

as defined above, must submit a written complaint using the PD-505 Form to the University's Assistant HR Director for Employee Services within thirty (30) calendar days of the alleged harassing action.

- a. The Assistant HR Director for Employee Services reviews grievance to determine if grievance is deficient as to either timeliness or statement of a grievable issue under the Unlawful Workplace Harassment Policy.
- b. Within five (5) calendar days of receipt, the Assistant HR Director for Employee Services shall:
 - i. Inform the grievant in writing if the complaint is deficient; or
 - ii. Determine if the complaint meets all requirements, forward the complaint to the appropriate Vice Chancellor, or Special and/or Executive Assistant to the Chancellor; or
 - iii. Ascertain if the Vice Chancellor or Special/Executive Assistant is directly involved in the harassment, and forward the complaint to the Chancellor through the Grievance Committee.
3. Fact Finding, Review and Hearing by the Vice Chancellor or Special/ Executive Assistant
 - a. Upon receipt of the complaint, the appropriate Vice Chancellor or Executive/Special Assistant may review the matter personally or delegate it to other suitable person(s) for review. The employee shall be offered a chance to present his/her grievance orally.

The Vice Chancellor/Executive/Special Assistant has ten (10) calendar days from receipt of the complaint to respond in writing to the grievant. The decision shall be sent by certified mail to

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

PROCEDURES CONT'D

Appeal rights of the employee shall be included in the written response.

- b. If the grievant is not satisfied with the response at Step 2, or if the response is not received within ten (10) calendar days, he/she may request review by the Chancellor through the Grievance Committee.

4. Appeal to the Chancellor through the Grievance Committee:

- a. Any request for appeal shall be made to the Employee Services Officer within five (5) calendar days of receipt of the Step 2 response. The request shall be in writing using a PD-505 Form.
- b. The Employee Services Officer shall convene the Grievance Committee to hear the grievance within fifteen (15) calendar days of receipt. The Employee Services Officer and the EEO Officer will serve as advisors to the committee.
- c. At the close of the presentation of the evidence, the committee shall meet in closed session to consider the grievance. The committee shall render a formal written recommendation to the Chancellor within five (5) calendar days after the conclusion of the hearing. The recommendation will include findings of facts, conclusions and recommendations to the Chancellor concerning the disposition of the grievance including disciplinary action if warranted.
- d. The Chancellor will render the final decision for the University either by upholding, modifying or rejecting the recommendations of the hearing panel within ten (10) calendar days of receipt of the recommendation.
- e. The University shall respond with appropriate remedial action within sixty (60) calendar days from receipt of the written complaint of unlawful

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

PROCEDURES CONT'D

harassment on the basis of age, sex, race, color, creed, age, religion, national origin or disabling condition, unless the sixty (60) day period has been waived and the grievant has acknowledged such waiver. The waiver and acknowledgment shall be in writing.

- f. The University shall provide a written response to the grievant when the University has determined what action, if any, will result from the grievant's written complaint. The decision shall be sent by certified mail to provide certification of the date it was received by the grievant. Appeal rights of the employee shall be included in the written response.
5. Appeal made to Office of Administrative Hearings and the State Personnel Commission
- a. After the University's sixty (60) calendar day (or less, if waived) response period has expired, the grievant may appeal directly to the Office of Administrative Hearings and the State Personnel Commission within thirty (30) calendar days if not satisfied with the University's response to the complaint.
 - b. Such appeal may be made to the State Personnel Commission by filing a petition for a contested case hearing with the Office of Administrative Hearings (OAH), Post Office Drawer 27447, Raleigh, NC 27611-7447.

Advisory Notes:

1. *Grievants may file a simultaneous complaint under Title VII of The Civil Rights Act of 1964, as amended, with the Equal Employment Opportunity Commission (EEOC).*
2. *The University will review its current grievance policy and procedure and will propose any necessary revisions to ensure consistency with the Unlawful Workplace Harassment Policy.*

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

PROCEDURES CONT'D

- 3. The University will review the time frames expressed in SB78 to determine the need for modifications to other existing policy governing employee grievances.*

DISCIPLINE

Allegations of unlawful workplace harassment will be reviewed on a case-by-case basis on presented facts. Speech or conduct determined to constitute unlawful workplace harassment will be considered unacceptable personal conduct. Also, employee conduct towards an outside vendor or contractor that would constitute unlawful workplace harassment toward an employee could constitute unacceptable personal conduct. Employees may be warned, suspended without pay, demoted or dismissed without any prior active disciplinary actions on the basis of unacceptable personal conduct. However, no employee may be demoted, suspended without pay or dismissed without a pre-disciplinary conference. Further, any disciplinary action issued by the University shall be fair, impartial and without regard to race, color, creed, national origin, sex, age, disabling condition, political affiliation or sexual orientation.

Complete procedures for issuing of a disciplinary action for unacceptable personal conduct may be found in the Department of Human Resources Policies and Procedures Manual.

DISSEMINATION

It is the responsibility of all University administrators, department chairpersons, supervisors, faculty, staff and students to be aware of and to follow the procedures established in this policy and plan. Administrators and supervisors are required to disseminate a copy of the policy and plan to every employee under his/her jurisdiction and share it with all new employees in the future. As a part of every new employee's orientation, the policy and plan shall be explained and discussed. All employees will be required to acknowledge receipt and understanding of the University's Unlawful Workplace Harassment Policy and Plan. The Policy Statement will be included in the Faculty Handbook, the General Catalog, the Academic Administrator's Handbook and the Student Handbook.

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

EVALUATION

1. The EEO Officer and the Associate EEO/AA Officer will annually review data collected from the operation of the policy and evaluations from persons involved in the grievance process (i.e., grievants, respondents, hearing panelists, vice chancellors, special/executive assistants, etc.) to determine the necessary revisions and/or enhancements to the policy. The data collected will also be used to develop the objectives for the subsequent year.
2. The Assistant HR Director for Employee Services will revise the current grievance tracking process to include unlawful workplace harassment complaints. All complaints will be reported through established grievance reporting mechanisms in the Personnel Management Information System (PMIS).
3. In addition, if an unlawful workplace harassment complaint is settled between the grievant and the University, the University shall report the disciplinary action and/or remedial action, if any, that was taken by the University to the State Personnel Commission. Disciplinary action, if appropriate, can be up to and including dismissal.
4. The Commission may order the Office of State Personnel to conduct an investigation into the sufficiency of the University's actions. The Office of State Personnel will report to the Commission the conclusion(s) of the investigation and, if appropriate, may then report the Office of State Personnel's findings with regard to the disciplinary action and/or remedial action to the Chancellor.

NOTE: This policy is intended to provide steps for consistent application of the Grievance Procedure and Appeals Policy process throughout the North Carolina Central University workforce.

Grievance Procedure and Appeals Policy for Unlawful Workplace Harassment

<i>Authority</i> NCCU Chancellor
<i>Title</i> Grievance Procedure and Appeals Policy
<i>Classification</i> Equal Employment Opportunity & Affirmative Action
<i>PRR Subject</i> Unlawful Workplace Harassment
<i>Contact Info</i> Equal Employment Opportunity/AA Office – (919) 530-7070

Improper Relationships Between Students and Employees

PURPOSE

On March 15, 1996, the University of North Carolina Board of Governors adopted a system-wide policy that prohibits amorous or sexual relationships between employees and (1) students they evaluate or supervise by virtue of their teaching, research, administrative or other employment responsibility or (2) students who are minors, as defined by North Carolina law. The policy also states that employees may not supervise or evaluate students to whom they are related by blood, law or marriage.

Rationale For Policies Prohibiting Amorous Relationships Between Faculty or Staff Employees and Students They Evaluate or Supervise

The university's educational mission is promoted by professionalism in employee relationships with students they evaluate or supervise. Moreover, professionalism is fostered by an atmosphere of mutual trust and respect. Actions of employees that harm this atmosphere undermine professionalism and hinder fulfillment of the educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power.

Employees who supervise or evaluate students exercise power over them, whether in giving them praise and criticism, evaluating their work, making recommendations for their further studies or future employment, or conferring other benefits on them. Inasmuch as it may easily involve or appear to involve a conflict of interest, an amorous or sexual relationship between an employee and student presents serious ethical concerns when the employee has professional responsibility for the student.

Voluntary consent by the student in such a relationship is difficult to determine with certainty, given the fundamentally asymmetric nature of the relationship. Given the complex and subtle effects of that power differential, relationships may well be less consensual than the individual whose position confers power believes, and the employee bears a special burden of accountability in any such involvement.

Further, amorous relationships in which one person is in a position to review the work or influence the career of another may provide grounds for complaint by those outside of the relationship when it appears to give undue access or advantage to the individual student involved in the relationship, or to restrict opportunities or create a

Improper Relationships Between Students and Employees

PURPOSE (CONT'D)

hostile, unacceptable environment for those outside the relationship. Other students and employees may be affected by behavior that places the employee in a position to favor or advance one student's interest at the expense of others' interests and implicitly makes or appears to make obtaining benefits contingent on amorous or sexual favors.

Amorous Relationships Within The Instructional Context

The *Board of Governor's Policy Concerning Improper Relationships Between Students and Employees* and *North Carolina Central University's Sexual Harassment Prevention Policy* prohibit employees from being involved in amorous relationships with any student that they are in a position to evaluate or supervise by virtue of their teaching, research, or administrative responsibilities.

Friendships or mentoring relationships between employees and students are not proscribed, nor is it the intent of the university that such non-amorous relationships be discouraged or limited in any way.

Amorous Relationships Outside the Official Supervisory or Evaluative Context

Amorous relationships between employees and students occurring outside of an official supervisory or evaluative context may also lead to difficulties. Particularly when the individual and the student are in the same academic or non-academic unit or in units that are allied, relationships that the involved parties view as consensual may be disruptive to unit activities and appear to others to be exploitative. Further, in these and other situations, the employee may face serious conflicts of interest. Therefore, in any such situation, employees should be most careful to remove themselves from involvement with any decisions that may reward or penalize the student.

POLICY

In accordance with the *Policy of the Board of Governors of the University of North Carolina Concerning Improper Relationships Between Students and Employees*, North Carolina Central University prohibits amorous relationships between students and employees in two types of situations: (1) when the employee is responsible for evaluating or supervising the affected student; and (2) when the student is a minor, as defined by North Carolina law.

Improper Relationships Between Students and Employees

POLICY (CONT'D)

Members of the University community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, employees may not supervise or evaluate students to whom they are related by blood, law, or marriage.

Inasmuch as the policy stipulates that violations be addressed in accordance with measures prescribed by individual constituent institutions, the following guidelines were developed to ensure that both employees and students understand the provisions of the *Board of Governors' Policy* as well as understand appropriate procedures for addressing concerns about violations of the policy that may occur at North Carolina Central University.

DEFINITIONS

Employee means any faculty or staff member who engages in instructional or evaluative activities of any student who is enrolled in a course being taught by that individual or whose academic or non-academic work, including work as a teaching or research assistant, is being supervised or evaluated by that individual.

For the purposes of the Board of Governors' Policy, graduate or undergraduate students are considered employees by North Carolina Central University when they are performing official university supervisory or evaluative roles with respect to other students.

An **amorous relationship** exists when, without benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in romantic partnering or courtship (e.g., dating or engaged to be married) that may or may not have been consummated sexually.

Evaluate or supervise means (a) to assess, determine, or influence one's academic performance, progress, or potential or one's entitlement to or eligibility for any institutionally conferred right, benefit, or opportunity, or (b) to oversee, manage, or direct one's academic or other institutionally proscribed activities.

Related by blood, law or marriage means:

Parent and Child	Brother and Sister
Grandparent and Grandchild	Aunt/Uncle or Niece/Nephew
First Cousins	Step-Parent and Step-Child
Husband and Wife	Parents-In-Law / Children-In-Law
Brothers-In-Law / Sisters -In-Law	Guardian and Ward

Improper Relationships Between Students and Employees

Improper Relationships Between Students and Employees

PROHIBITED CONDUCT

It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.

It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor, as defined by North Carolina law.

PROCESS AND SANCTIONS

Given the sensitive nature of such relationships, every reasonable effort should be made to resolve alleged policy violations on an informal basis. Efforts should be educational and corrective rather than punitive if a policy violation is found. Any remedial actions will depend on the totality of the circumstances.

- A. Self-Reporting Procedure: Whenever a situation creates or appears to create a conflict of interest under the policy, the employee involved shall report it promptly to his/her Director, Special or Executive Assistant to the Chancellor, or, in the case of employees who report directly to the Chancellor, the Chancellor. These administrators should take immediate and effective action to ensure that the employee will no longer participate in the evaluation or supervision of the student without compromising the student's progress towards the completion of his/her academic program.

Evaluative/supervisory situations that may need attention include, but are not limited to: faculty involvement in the evaluation of academic performance; service on committees for academic awards and prizes for which the student may be considered; thesis supervision; and supervision of work study students, research and teaching assistants. The EEO/AA Officer must be kept fully informed of actions taken in response to self-reported conflicts of interest under this policy.

- B. Complaint Procedure: A member of the University community who believes that this policy governing

Improper Relationships Between Students and Employees

PROCESS AND SANCTIONS CONT'D

employee-student relationships has been violated may initiate a complaint through the appropriate supervisor of the employee involved in the relationship. Complaints filed with supervisors will be forwarded promptly for formal action to the Administrator of the division or department in which the University employee involved in the relationship is employed.

1. Complaints should be in writing and must be held in confidence. Disclosure concerning the existence, source or substance of a complaint will be solely at the discretion of the Administrator and should be limited to those who, in the interests of fair treatment and elimination of the conflict of interest, have an immediate need to know. Disciplinary action under the appropriate policies concerning personal misconduct shall be taken against any person bringing a malicious or frivolous complaint.
2. The Administrator will conduct an inquiry to establish whether there is a reasonable basis for believing that the policy has been violated. The Administrator may conduct the inquiry directly or may ask one or more administrators or faculty members to conduct the investigation and prepare a report for the Administrator's consideration. In any event, the Administrator bears sole and complete responsibility for the recommendation to the Chancellor.
3. In conducting the inquiry, the Administrator (or designee) may interview the complainant, the employee and student concerned, and any other person believed to have pertinent factual knowledge. The Administrator (or designee) may also obtain any University record deemed necessary to the inquiry and may request from relevant parties or other sources any documents or other information, which will be of assistance. The inquiry should:
 - a. determine whether the reported relationship exists in fact, is consensual in nature, and has created an inappropriate conflict of interest;

Improper Relationships Between Students and Employees

PROCESS AND SANCTIONS CONT'D

- b. determine whether the employee has failed in his or her responsibility under this policy to remove an inappropriate conflict of interest;
 - c. explore and assist with options to end any inappropriate conflict of interest, including the transfer of responsibility for evaluating, supervising or advising the student;
 - d. review the appropriateness of any academic decisions made by the employee that may have been made when a conflict of interest existed; and afford the employee a full opportunity to respond to the complaint.
4. After having considered the evidence collected and the report of a designated investigator (if any), the Administrator will prepare a written report to the Chancellor which will describe the facts, announce a decision as to whether this policy has been violated and recommend disciplinary sanctions, if any. The employee will receive a copy of the report. The employee will have five (5) working days to review and comment in writing upon receipt of the report.
5. After considering the Administrator's report and response of the employee to the decision, the Chancellor will:
 - a. determine that the complaint is malicious or frivolous and dismiss the complaint; or
 - b. determine that there is insufficient factual basis to support the allegation and dismiss the complaint; or
 - c. conclude, using the procedures specified above, that the matter can be resolved informally to the Chancellor's satisfaction through informal means and the elimination of the conflict of interest prohibited by the policy; or
 - d. conclude that the policy has been violated and that the employee should be subject to specific disciplinary sanctions. In determining whether disciplinary sanctions are appropriate, the Chancellor shall consider such matters as the

Improper Relationships Between Students and Employees

PROCESS AND SANCTIONS CONT'D

nature and length of the employee-student relationship during which a conflict of interest could be said to exist, the number and significance of decisions made by the employee during which the conflict existed, and evidence concerning his/her willful violation and disregard of this policy.

6. Any sanction imposed for a violation of this policy may be imposed only in accord with the disciplinary procedure applicable to the employee's category of employment. Acknowledgment of the violation and a commitment not to violate the policy in the future, along with a warning or other appropriate action directed toward the employee, may be a sufficient resolution. In cases where further action is deemed appropriate, recommended sanctions in accordance with applicable University procedures may range from a letter of reprimand, suspension (with or without pay), diminishment in rank or discharge from employment, depending upon the seriousness of the offense.
7. An employee found to have violated the policy may agree voluntarily to the imposition of an appropriate sanction and the complaint will be resolved upon imposition of the sanction. If the employee does not voluntarily agree to imposition of a sanction, the procedures governing discharge from employment or the imposition of serious sanctions applicable to his/her category of employment will be observed.
8. Except for those actions, which result in the imposition of a sanction for violation of this policy, no record of self-reported conflicts of this policy or of complaints submitted under the Process and Sanctions Section will be kept as part of any employee's official personnel file.
9. Copies of all records will be forwarded by the Chancellor to be held in confidence by the Equal Employment Opportunity/Affirmative Action Officer for future reference by the Chancellor in the event that additional complaints are filed concerning possible

Improper Relationships Between Students and Employees PROCESS AND SANCTIONS CONT'D

violations of this policy. The accused employee will receive a copy of the Chancellor's decision and any other documentation, which will be maintained in the official personnel file.

APPEALS

If not satisfied with the Chancellor's decision, the employee alleged to have violated the policy may proceed, in accordance with established procedures at North Carolina Central University, to the grievance or hearings committees to which he or she otherwise has access.

ABUSE OF THIS POLICY

Complaints found to have been intentionally dishonest or made in willful disregard of the truth shall subject the complainant to disciplinary action, with possible sanctions ranging from a letter of reprimand to dismissal.

RESOURCES FOR ASSISTANCE AND INFORMATION

Questions concerning the *Board of Governors' Policy* and these guidelines may be addressed to Mark Steelman, the University's Associate Vice Chancellor for DHR & EEO/AA, Suite 213 Hubbard Totton Building (x-6164) or Andria Knight, Director of EEO/AA, Suite 304 Hubbard Totton Building (x-7070).

Additional sources of information and assistance are: Vice Chancellor for Student Affairs (x-6342), Vice Chancellor for Academic Affairs (x-6230), Vice Chancellor for Institutional Advancement (x-6151), Vice Chancellor for Financial Affairs (x-6204), Dean of Students (x-5287), Assistant to the Chancellor for Legal Affairs (x-6105), Executive Assistant to the Chancellor (x-7072), Deans, Directors, Department Chairs, Department Heads and Supervisors. Individuals in these offices are prepared to help people understand what the policy and guidelines mean and what options for resolution are available if they believe they have experienced a problem related to the policy in connection with their academic study or work at the University. Also, copies of the full text of the *Board of Governors' Policy* are available from the offices listed above.

Improper Relationships Between Students and Employees

<i>Authority</i> NCCU Chancellor
<i>Title</i> Improper Relationships Between Students and Employees
<i>Classification</i> Equal Employment Opportunity & Affirmative Action
<i>PRR Subject</i> Discrimination and Harassment
<i>Contact Info</i> Equal Employment Opportunity/AA Office – (919) 530-7070

Anti-Nepotism Policy

PURPOSE

Decisions concerning the employment, evaluation, promotion and compensation of North Carolina Central University personnel should be based in every instance on considerations of individual merit. Favoritism based on family or personal relationships between employees derogates from the merit principle of employment. The risk of the occurrence of such favoritism can be avoided most effectively by the advance establishment of general restrictions against the creation of situations where such favoritism could be operative.

A common policy concerning the employment of related persons, applicable to personnel practices is desired at all constituent institutions of the University of North Carolina system. Hence, North Carolina Central University thereby adopts and issues the following policy regarding the concurrent employment of relatives.

POLICY

Relatives should not be employed in a concurrent capacity at North Carolina Central University. If due to University requirements it becomes necessary to consider relatives for concurrent employment, the department head is required to certify that such action will not result in one family member supervising another immediate family member.

No family member may occupy a position that has influence over another family member's employment, transfer, promotion, salary administration, or other management related or personnel considerations.

BASIC PRINCIPLES

The following restrictions are consistent with the principle that University employees and prospective employees shall be evaluated on the basis of individual merit, without reference to consideration of race, sex, creed, religion, or national origin, or any other factor not involving personal professional qualifications and performance. In addition, they are designed to avoid the possibility of favoritism based on family or personal relationships, and should be observed with respect to institutional personnel who are not subject to the State Personnel Act.

1. Relatives should not serve concurrently within the same agency where one such relative would occupy a position

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BASIC PRINCIPLES CONT'D

having responsibility for the direct supervision of the other relative.

2. Employment decisions which would result in the concurrent service of relatives within the same academic department (or other comparable institutional subdivisions of employment), or a person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.
3. In the event of concurrent service of related persons within the same academic department (or other comparable institutional subdivisions of employment), neither relative shall be permitted either individually, as a member of faculty, or as a member of a committee of faculty, to participate in the evaluation of another relative.

DEFINITION OF “RELATIVES”

The following relationships comprise the definition of immediate relative, and thereby invoke prohibitions against concurrent service of relatives:

- Husband and wife
- Parent and child
- Brothers and sisters
- Grandparent and grandchild
- Aunt and or uncle
- Niece and or nephew
- First Cousins
- Stepparent and stepchild
- Stepbrothers and stepsisters
- Parents-in-law and children-in-law
- Brothers-in-law and sisters-in-law
- Guardian and ward
- Individuals engaged in amorous relationships: An amorous relationship exists when, without the benefit of marriage, two persons voluntarily establish a sexual union, or they are engaged in a romantic courtship (e.g., dating or engaged to be married) that may or may not have been sexually consummated.

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DEFINITION OF “RELATED PERSONS” CONT'D

- Employment restrictions might also include other individuals living within an employee’s household, where they are so closely identified with the employee that the potential for difficulty in an employment relationship could exist.

EFFECTIVE DATE

The provisions of this policy are applicable prospectively only, with reference to appointments made after the adoption date of this policy, March 15, 1996.

EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT

With respect to University employees subject to the State Personnel act, applicable restrictions concerning the concurrent service of relatives shall be those adopted by the State Personnel Board.

The North Carolina Central University chancellor shall report annually to the Board of Trustees regarding all cases during the preceding year where the terms of this policy were invoked and/or applicable. This will occur at the regular meeting of the Board which falls closest to commencement date.

GUIDELINES ON IMPLEMENTING ANTI-NEPOTISM POLICY

The following directions concerning implementation of the policy statement are established:

1. All University employees with responsibility and authority regarding personnel recommendations or decisions should have a copy of this policy.
2. The policy should be publicized throughout the University community, to insure all employees are aware of its existence and requirements.
3. Appropriate personnel-action forms, designed to insure effective implementation of the policy, should be used in screening all applicants being considered for appointment. For example:
 - a) With candidates for initial employment, the pertinent personnel-action form should include an inquiry to determine whether the candidate is related as specified

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GUIDELINES ON IMPLEMENTING ANTI-NEPOTISM POLICY

via “Definition of Relatives” section of this policy, to any incumbent University employee or to any other candidate for concurrent employment at the institution.

- b) For promotion to a position having responsibility for supervision of other employees, the personnel action form should include an inquiry about whether the candidate is related, as specified via the “Definition of Related Persons” section of this policy to any incumbent employee or to any other candidate for concurrent employment at the institution.
4. In any situation where two or more relatives are to be employed within the same academic department (or other comparable subdivision of institutional employment), the administrative official with authority to grant final employment approval, shall require the recommending employment official to provide certification verifying no other candidate being considered for the position possess qualifications superior to those of the relative candidate.
 5. The chancellor’s annual written report to the Board of Trustees shall address all cases in which the nepotism question was applicable during the preceding year:
 - a. In all cases where an individual making written application for employment because of the requirements of the anti-nepotism policy, the circumstances shall be set forth: for example, (1) the employment would have resulted in one relative supervising another, or (2) an unrelated candidate presented demonstrably superior qualifications.
 - b. In all cases where concurrent employment of related persons was allowed, the justifying circumstances shall be set forth. For example:
 - (1) the supervisory relationship was not “direct” or,
 - (2) there were no other candidates for the position who possessed professional qualifications demonstrably superior to those of the relative.

Anti-Nepotism Policy

GUIDELINES ON IMPLEMENTING ANTI-NEPOTISM POLICY, CONT'D

Interpretations of Substantive Policy

Note should be taken of the following points relative to the administration of the policy.

1. This policy applies only to EPA Personnel; however, the policy of the State Personnel Board for SPA personnel is essentially identical in substance to the policy of the Board of Governors.
2. Section A.1 of the policy of the Board of Governors predicates its restriction on the concept of “responsibility for direct supervision.” This phrase was adopted in the belief that, within the limits of basic guidelines, the policy should be so stated as to permit a variety of treatment responsive to varying conditions at the campuses.

The question of “directness” or “indirectness” must be interpreted reasonably to accomplish the intent and spirit of the anti-nepotism policy. As a general rule of interpretation, no supervisory relationship between relatives should be permitted to exist where the supervisor effectively controls the terms and conditions of the relative’s employment, including promotion opportunities, rates of compensation, work assignments and evaluation of performance.

The terms “direct” and “immediate” may be essentially interchangeable, for purposes of evaluating certain types of relationships; however, in certain situations, because the term “immediate” may connote only “first line” supervision, it may be too restrictive a concept to serve as a reasonable guide.

Existence of the following types of relationships would appear, invariably, to violate the “direct supervision” restriction:

- Department chairman and a member of the instructional staff of the same department.
- Member of instructional or research faculty and his or her teaching or research assistant.
- Dean of a school and a chairman of a department included within the school.
- Chancellor and Vice Chancellors

Anti-Nepotism Policy

GUIDELINES ON IMPLEMENTING ANTI-NEPOTISM POLICY, CONT'D

With respect to other types of relationships, an exercise of discretion may be necessary, with the possibility of varying conclusions depending on the circumstances. In general, if the relationship between an employee and an official in the line of supervision is sufficiently remote to give rise to no substantial supervisory relationship, it may be appropriate to disregard the fact of family relationship.

In applying all aspects of this anti-nepotism policy, the essential point, articulated in the basic principles, is that no person shall, at any time, receive preferential treatment because of his or her relationship with another employee of the institution. The guidelines are established by design to preclude situations where there is a high risk of subjective favoritism. Accordingly, any interpretation of the "direct supervision" restriction should be consistent with this underlying policy objective.

Of critical importance is the principle that administrative guidelines and practices will operate consistently. For example, if the policy is invoked in one case to preclude employment of a faculty member because his or her relative is chairman of the department, the same result should apply with respect to all identical cases. Conversely, if employment is allowed under certain factual circumstances, there should be consistent results achieved in all identical cases. In short, an ad hoc, case-by-case approach without the benefit of consistently applied guidelines is likely to produce variations in result which could in turn prompt charges of discrimination.

NOTE: This policy is intended to provide steps for consistent application of the anti-nepotism process throughout the North Carolina Central University workforce.

<i>Authority</i> NCCU Chancellor
<i>Title</i> Anti-Nepotism Policy
<i>Classification</i> Equal Employment Opportunity & Affirmative Action
<i>PRR Subject</i> Employment of Related Persons
<i>Contact Info</i> Equal Employment Opportunity/AA Office – (919) 530-7070