



Equal Opportunity and Equity **GUIDELINES**

NC STATE
UNIVERSITY

Office for Institutional Equity and Diversity

The Equal Opportunity and Equity section of the Office for Institutional Equity & Diversity works to ensure that the university and its agents engage in practices that are compliant with the equal opportunity laws and policies. OIED is a neutral entity which does not favor either side (student or faculty, management or employee), but instead works to find facts and rectify any known policy violations or resolve related concerns.

Office for Institutional Equity & Diversity

Campus Box 7530, 231 Winslow Hall,
Raleigh, NC 27695
Complaints & Accommodations Line
(919) 513-0574
Website: oied.ncsu.edu/equity

Quick Contacts

Office for Institutional Equity & Diversity
(919) 515-3148

Office of Student Conduct
(919) 515-2963

Counseling Center
(919) 515-2423

Human Resources - Employee Relations
(919) 515-6575

FASAP (Faculty and Staff Assistance Program)
866-467-0467

ADA Coordinator
(919) 515-4559

Title IX Coordinator
(919) 515-4559

Disability Services Office
2221 Student Health Services
Phone: (919) 515-7653, TTY: (919) 515-8830
Web: www.ncsu.edu/dso

Bias Incident Response Team (BIRT)
bias-incident.ncsu.edu

Sexual Assault Helpline
(24 hour Relationship & Sexual Violence Phone Line)
(919) 618.RAPE (7273)

Veterans Affairs Office (For Students)
1000 Harris Hall
www.ncsu.edu/veterans

University Police

9-1-1 Emergencies
(919) 515-3000 Non-emergencies

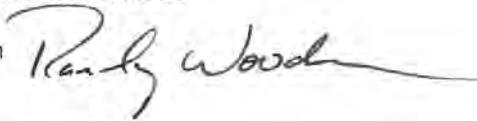
Assistance with
criminal complaints



Equal Opportunity and Equity

Guidelines



MEMORANDUM**TO:** All University Faculty, Staff and Students**FROM:** W. Randolph Woodson
Chancellor**SUBJECT:** Equal Opportunity & Nondiscrimination**DATE:** August 1, 2016

NC State University strives to create a campus culture that values diversity and respects the inherent worth of each member of our community. It is essential that NC State demonstrate its strong position against discrimination, harassment, and retaliation. NC State's Equal Opportunity and Nondiscrimination Policy (POL 04.25.05) (<https://policies.ncsu.edu/policy/pol-04-25-05>), provides that discrimination and harassment based on age (40 and over), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation or veteran status will not be tolerated.

As Chancellor, I commit NC State to fulfilling its duties to prevent and address the intolerance and incivility that can lead to discriminatory actions, not only out of legal obligation but out of moral responsibility. Every employee and student in the university community should behave in a manner that contributes to an environment free of discrimination and harassment and should bring concerns about these behaviors to the attention of one's supervisor, the Office for Institutional Equity and Diversity, the Office of Student Conduct, Human Resources or the Office of General Counsel. NC State promptly investigates and addresses equal opportunity complaints, and appropriate action will be instituted when necessary. NC State's Discrimination, Harassment and Retaliation Complaint Procedure (REG 04.25.02) (<https://policies.ncsu.edu/regulation/reg-04-25-02>) explains how complaints may be filed, investigated and resolved.

In addition to reminding all students, faculty, and staff that NC State will not tolerate the discrimination or harassment of any individual within our community, I fully endorse NC State's discrimination and harassment prevention efforts. Incoming students and new employees are informed of their equal opportunity rights during orientation programs, while all other employees are required to complete an approved training program on discrimination and harassment prevention and response every three (3) years. For more information on this training, refer to NC State REG 04.25.06 (Equal Opportunity, Title IX and Non-Discrimination Training for Employees <http://policies.ncsu.edu/regulation/reg-04-25-06>). Copies of equal opportunity-related policies are located on NC State's policy website (<http://policies.ncsu.edu/>).

For more information specific to NC State's efforts regarding sex discrimination, sexual harassment, and sexual violence, please see my related memorandum on "Title IX" and visit NC State's Title IX website (<https://oied.ncsu.edu/titleix/>).

NC State's Office for Institutional Equity and Diversity (<https://oied.ncsu.edu/home/>), is a resource on campus dedicated to addressing equal opportunity-related questions or concerns. Thank you for your attention to this important matter and for everything you do to make NC State an exceptional place to work and to learn.



Welcome

With over 34,000 students and nearly 8,500 faculty and staff, North Carolina State University is a comprehensive institution globally recognized for its leadership in education and research.

NC State is committed to diversity and excellence in its faculty, staff, students, and program offerings. Accordingly, NC State seeks to foster an environment conducive to teaching and learning, facilitates integrity and social justice, and promotes intellectual growth and development. As an institution of higher education in an increasingly diverse and pluralistic society, the university has the responsibility for enhancing openness to a range of ideas and human possibilities.

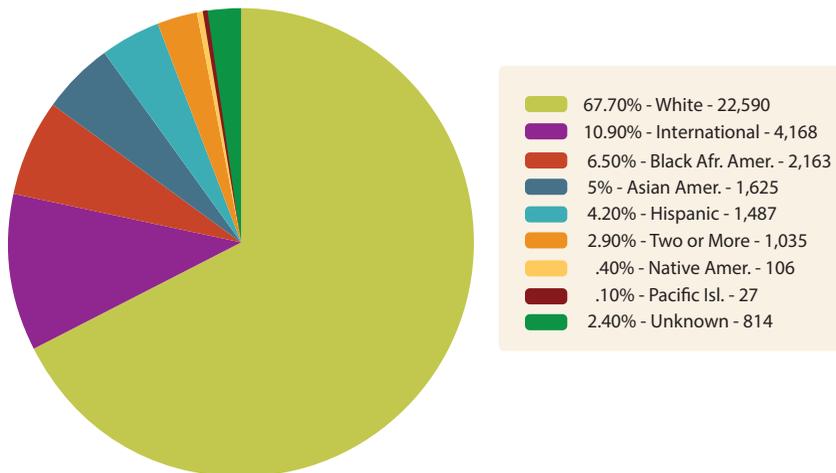
To achieve its educational mission, NC State must foster an atmosphere of mutual respect, one which is free from intolerance and offers equal opportunity to all. Every member of the university community shares the responsibility for addressing incidents of disrespect for the dignity of others, including acts of discrimination, bigotry, harassment, exclusion, abusive language, or mistreatment of individuals or groups.

Every member of the campus community has the responsibility to work collectively to ensure non-discrimination and to enhance diversity among the faculty, staff, and students. The information contained in these "Guidelines" is intended to assist you in helping to make NC State a great place to work and to learn.

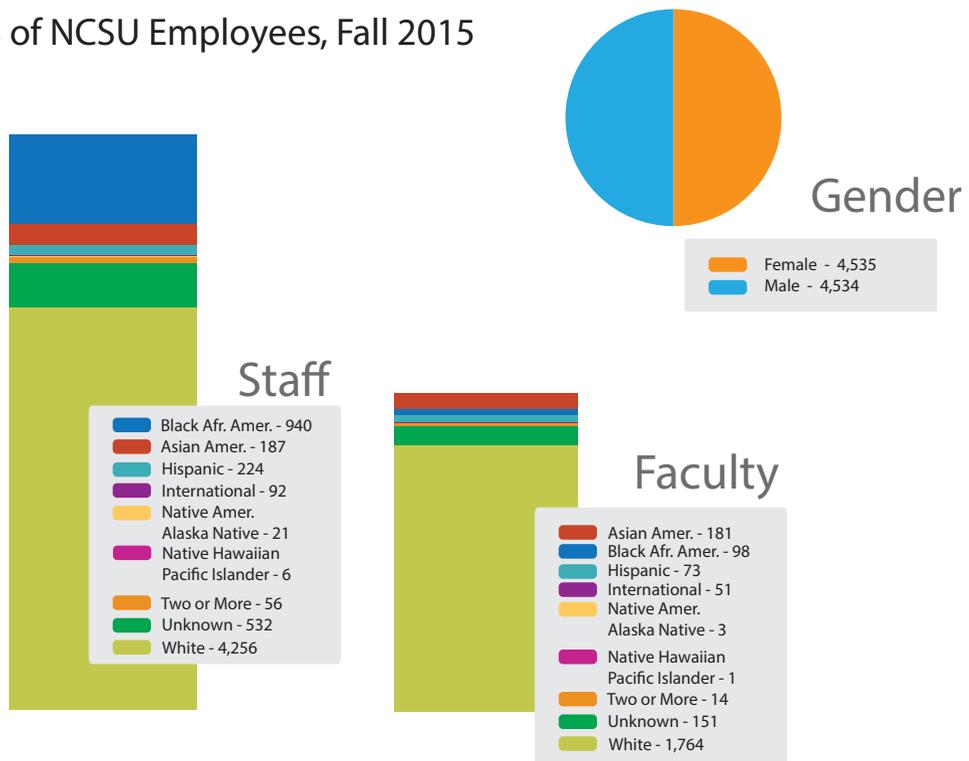
What is Equity and Diversity and Why Does it Matter at NC State?

NC State University is a land grant institution. The mission of land grant institutions is to serve the people of North Carolina and promote the economic, social, and political welfare of the State. This requires the community at NC State to be open and inclusive to meet the needs of North Carolina's citizens.

Racial/Ethnic Distribution of Total NCSU Enrollment, Fall 2015



Demographics of NCSU Employees, Fall 2015



Who Benefits From Equity and Diversity?

We all do! Studies show that people engaged in developing cultural competence experience:

- Increased cognitive complexity (Antonio, et al., 2004) and increased cognitive benefits (Bowman 2010)
- Better problem-solving (Chang, 2002), increased innovation (DeSimone and Farrell, 2014), and
- Enhanced perspective taking and improved decision making (Gurin, Dey, Hurtado, & Gurin, 2002)



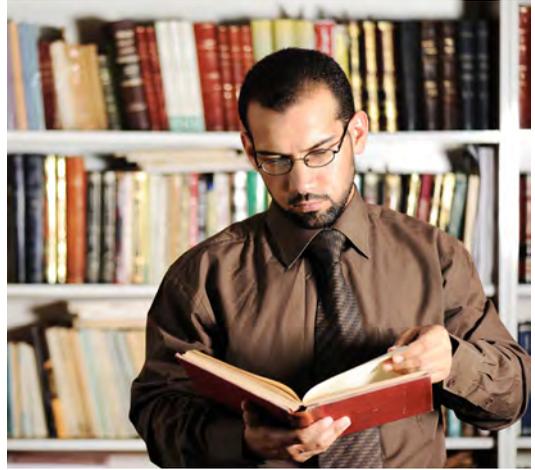
Laws and Protected Classes

There are federal and state laws as well as university policies, that promote equal opportunity. A protected class is a group of people who share common characteristics or factors that cannot be targeted for harassment or discrimination. Everyone belongs to one or more protected class.

Protected Classes

Protected classes, also referred to as protected categories, are the groups to which people can belong that have been afforded protections from discrimination and harassment under federal or state law, or university policy. The protected classes are:

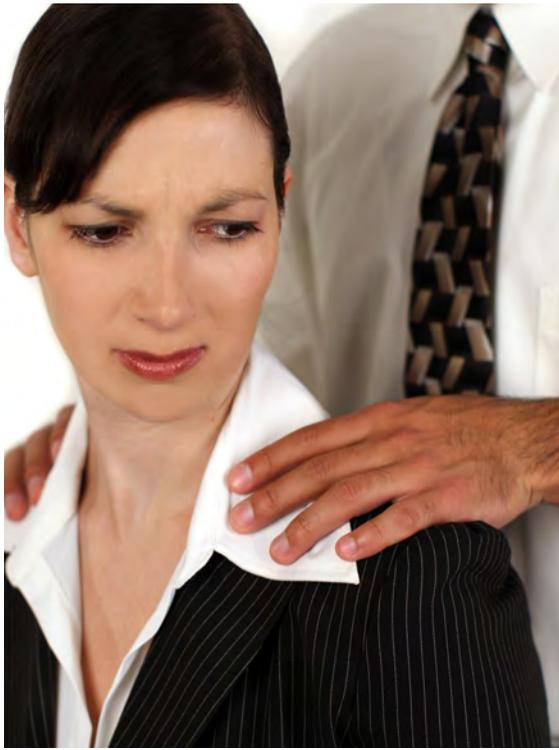
race	disability
color	national origin
religion	veteran status
sex	genetic information
gender identity	sexual orientation
age	



The Laws That Govern Protections

Federal Laws

- Title VII of the Civil Rights Act of 1964
Protects people from discrimination and harassment on the basis of one's race, color, religion, national origin, or sex. Recent interpretations of this law now specifically include adverse treatment based on sexual orientation as a form of sex discrimination or harassment. Discrimination and/or harassment based sexual orientation and/or gender identity are considered forms of sex discrimination.
- Title IX of the Education Amendments of 1972
Protects people from discrimination and harassment on the basis of one's sex. This law promotes gender equity at institutions that receive federal funds.
- Age Discrimination in Employment Act of 1967
Protects people age 40 and over from discrimination and harassment on the basis of age.
- Vietnam-Era Veterans Readjustment Assistance Act of 1974
Protects United States military veterans from discrimination and harassment in employment on the basis of their military service.
- Americans with Disabilities Act of 1990
Protects people from discrimination and harassment on the basis of a mental or physical handicapping condition, or the perception thereof.
- Genetic Information Non-Discrimination Act of 2008
Protects people from discrimination and harassment on the basis of one's protected genetic (health-related) information.

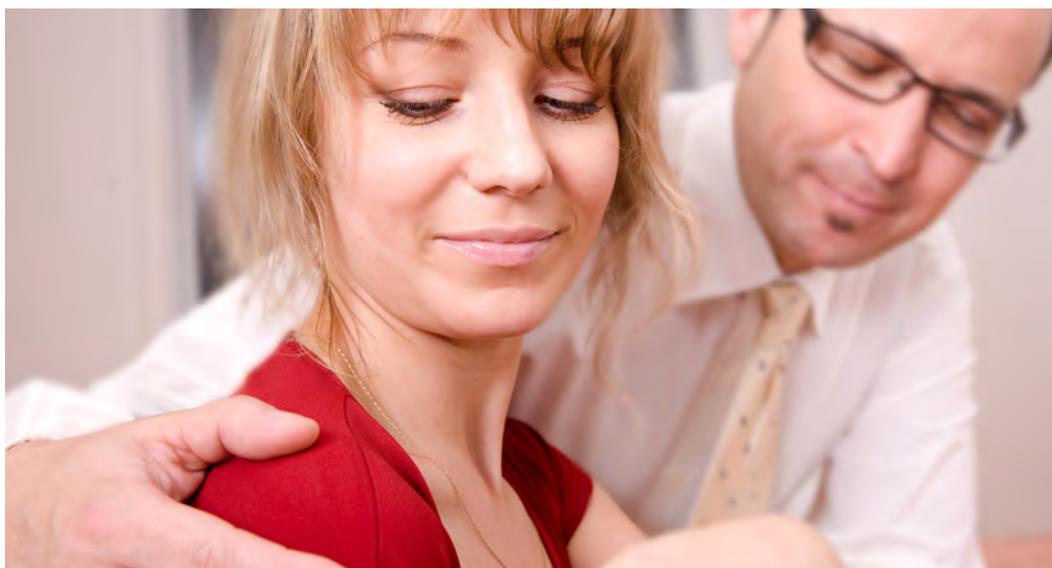


Discrimination, Harassment and Retaliation

At NC State University, discrimination is unfavorable treatment with regard to a term or condition of employment, or participation in an academic program or activity based upon one's membership in a protected group. Discrimination also includes the denial of a request for a reasonable accommodation based upon disability or religion.

Harassment is unwelcome conduct based upon membership in one or more protected classes that creates either (1) a quid pro quo ("this for that") situation, or (2) a hostile working or learning environment.

Retaliation is defined as conduct causing any interference, coercion, restraint, or reprisal against a person complaining of discrimination or harassment or participating in the resolution of a complaint of discrimination or harassment.



If You Feel Discriminated Against or Harassed

Members of the university community have both rights and responsibilities related to resolving harassment complaints. Make sure you understand these clearly and seek assistance if you need clarification.

Your Rights

It is your right to work and/or learn in a harassment-free, discrimination-free environment.

It is your right to have your concerns treated in a prompt and confidential manner.

It is your right to seek assistance from someone other than your direct supervisor.

Your Responsibilities

You are responsible for understanding and complying with the equal opportunities-related policies.

You are responsible for knowing whom to contact for assistance in resolving your concerns.

What You Should Do

- Say “No!” If you feel safe doing so, inform the other party that the behavior is offensive and unacceptable. Ignoring the behavior will often be taken as tacit consent. Say no. Make it clear. But remember that it’s usually not necessary to blast the other party. Talk about how you might interact more effectively and what changes are desired.
- Document! Keep a record of dates, places, times, and witnesses of harassing behavior.
- Be Informed! Read the Equal Opportunity and Non-Discrimination Policy and the Resolution Procedures for Discrimination, Harassment and Retaliation Complaints found at the end of this book.
- Seek Help! Seek advice and be informed about the options for resolving concerns.
- File a Complaint! You may submit a harassment complaint online by using the online Complaint Form, or you may contact the Office for Institutional Equity & Diversity at (919) 515-3148.

Special note to SHRA Employees: You must follow the SHRA Grievance Process if you wish to retain your appeal rights through the Office of State Personnel. Be sure to discuss your concerns with someone in the Employee Relations section of Human Resources at (919) 515-2011.

Can You Recognize Discrimination and Harassment?

Sometimes discrimination and harassment can become so severe that it is easily recognized. However, there are times when people do not recognize that they are being treated unfairly or that they are treating others in a manner that is offensive. Read the scenarios below. Can you recognize discrimination and harassment?

Is this harassment or discrimination?

A. "I always knew you people couldn't do this kind of work." The words seemed to hang in the air. Was she serious? "Everyone knows that Mexicans are good for two things, and two things only!" She scowled as she deleted everything I had just typed into the spreadsheet. I didn't know what to say. Tears filled my eyes. I couldn't let her see me cry. I got up and walked to the door. All I could muster was a feeble protest, "I'm from Bolivia." Never turning to see if she had even reacted, I shut the door behind me.

B. "That will be the last phone call you make here!" He glared over the rim of his glasses as my outstretched arm froze in place just inches from the guest phone receiver on the side table of his office. "Is that a threat?" I retorted, partly in confusion and partly in disgust. His response was as cold. "It's not a threat, Love. It's a promise." With that, he turned his back and looked casually out of his window. The courtyard below was littered with students scrambling to and fro. "Why me?" I thought. "Why now? I'm so close to graduation. I need this reference for grad school. Maybe if..." I finally broke the silence that had enveloped the room. "No one will find out, right?" I could see a smug grin crawling across his face.

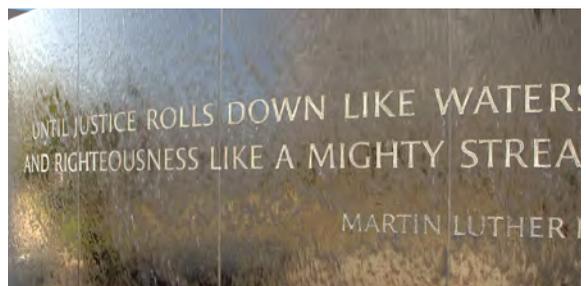
C. Clark, an administrative assistant who is also the receptionist at the front desk of the building, is a nice man who talks to everyone. Recently, he became more involved with his religion. Clark has placed some pictures and figurines on the front desk that reflect Christian sayings and events. Clark now constantly talks to all of the employees about his personal salvation and their spiritual well-being. One day, Clark is talking adamantly about his Christian-based beliefs to Bonnie, an employee who many people believe is Muslim. Bonnie's body language and facial expressions tighten like the conversation is making her uncomfortable. Clark, sees her discomfort but gets louder and more passionate about his religious views as the conversation continues.

Answers:

A. In this example, the person from Bolivia is being treated negatively because of the other person's assumption about ethnicity. This certainly seems to be creating an unwelcomed environment and determining whether any additional actions are taken (e.g., exclusion from other work assignments, taunting or name calling, etc) would help clarify whether this is enough to substantiate a claim of harassment or discrimination. At minimum, it is disrespectful behavior that is not appropriate for the NC State community.

B. This is an example of quid pro quo sexual harassment. In addition, this may be a violation of NC State's Interpersonal Relationships Policy.

C. Bonnie may feel that she is in a hostile environment because of Clark's persistence on spreading his religious beliefs. If Clark continues this behavior, he could be setting himself up for a claim of workplace harassment based on religion.



In each of these situations there are obviously different points of view and different beliefs and/or values being shown. The world around us, including NC State is filled with differences. **Differences are not divisive, but disrespect is.** When we assume that our ideas and our beliefs supersede those of another, our behavior reflects that assumption. Typically, the most common cause of disagreements, disputes, and even violence against one another stems from disrespectful words and actions towards someone else. Be fair, be inclusive, be thoughtful. It is possible to respectfully disagree with someone. It is possible to misunderstand what someone's intentions are. Have the difficult conversations and truly get to know the people with whom you live, work, and learn.

That is the Wolfpack Way!



Title IX

Title IX of the Education Amendments of 1972 is a law designed to promote equity in education with regard to sex. Title IX prohibits discrimination based on sex in all federally funded educational programs and activities, which includes (but is not limited to) recruitment, student admissions, financial assistance, housing, access to academic offerings, and athletics. Title IX includes protections for pregnant and parenting students and employees, gay, lesbian, and bisexual students and employees, gender non-conforming students and employees, and survivors of sexual violence, relationship violence and stalking.



Institutions have several obligations under Title IX. Institutions must:

- Provide assurances that all educational programs and activities are in compliance with Title IX,
- Designate a responsible employee, the Title IX Coordinator, to oversee compliance efforts,
- Establish procedures to resolve student and employee Title IX complaints,
- Provide notification to students and employees that sex discrimination is prohibited within the university's programs and activities, and
- Ensure that all administrators, managers, deans and chairs familiarize themselves with, and implement, Title IX provisions.

Title IX's prohibition of sex discrimination includes sexual harassment and sexual violence. In 2011, the Office for Civil Rights issued a "Dear Colleague Letter" offering guidance as to how incidents of sexual violence should be responded to by educational institutions. Important points in the guidance include:

- Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., rape, sexual assault, sexual battery, and sexual coercion).
- Once a school knows (or reasonably should have known) of possible sexual violence, it must take immediate and appropriate action to investigate or otherwise determine what occurred.
- A school may be held liable if a school official with the authority to take corrective action knew or should have known of the harassment but failed to adequately respond.
- A school must take steps to protect the complainant as necessary, and must provide a procedure for students to file complaints of sex discrimination, including sexual violence.

For more information:

Title IX Coordinator
Office for Institutional Equity & Diversity
Phone: (919) 513-3148

Web: go.ncsu.edu/titleix



ADA

The Americans with Disabilities Act (ADA) is a law designed to reduce or eliminate additional barriers and challenges experienced by individuals due to disabilities. One way in which the ADA reduces barriers is by requiring institutions to provide reasonable accommodations for individuals who are eligible under the law.



The ADA defines an individual with a disability as one who:

- has
- has a record of, or
- is regarded as having

a physical or mental impairment that substantially limits a major life activity.

A major life activity is a basic activity that the average person in the general population can perform with little or no difficulty. Examples include, but are not limited to:

- Caring for Oneself
- Performing Manual Tasks
- Walking
- Seeing
- Hearing
- Speaking
- Lifting
- Breathing
- Concentrating
- Learning
- Working
- Sitting
- Standing

A reasonable accommodation may be requested by a student, employee, or community member participating in a university program or event. A reasonable accommodation is any change in the working or learning environment or the way things are done that enables a person with a disability to enjoy equal opportunity. Reasonable accommodations must be provided to qualified individuals unless they pose an undue hardship to the university.

To be a qualified individual with a disability means that one satisfies the requisite skill, experience, education, and other job- or academic-related requirements of the program/position, and that the individual can fulfill the essential functions of the program/position with or without a reasonable accommodation.

For more information:

Faculty/Staff:

Vice Provost for Institutional Equity & Diversity

Phone: (919) 515-3148

Web: go.ncsu.edu/equity

For inquiries about accommodations and adjustments:

Faculty/Staff

Equal Opportunity and Equity

Phone: (919) 513-0574

Web: go.ncsu.edu/equity

Students:

Disability Services Office

2221 Student Health Services

Phone: (919) 515-7653, TTY: (919) 515-8830

Web: dso.dasa.ncsu.edu



Interpersonal Relationships

NC State has high standards of professional and ethical conduct, specifically with respect to interpersonal relationships. The university's Interpersonal Relationships Policy provides assurance that all students and employees are able to learn and work in an environment where they can be objectively supervised, instructed, or evaluated.



At NC State, building personal relationships, in addition to existing professional relationships, is encouraged within our community. Getting to know others and gaining friendships are key components to a welcoming and respectful environment. In building relationships, it is natural to become closer to some individuals over others. In an effort to ensure objectivity and equal opportunity, NC State outlines certain relationships that are prohibited in a supervisor/supervisee capacity.

NC State employees should not have any professional authority over employees or students with whom they are engaged in amorous or familial relationships. It is more difficult to objectively supervise one's brother, or one's girlfriend.

The issue of interpersonal relationships in the professional context is related to equal opportunity because it is not uncommon for these relationships to lead to sexual harassment complaints, for instance:

- An employee or student feels compelled to agree to romantic overtures offered by an authority figure due to the power imbalance in the professional relationship (i.e., "If I don't go on a date with this professor, I may not get the 'A' I need in this class.").
- Third party complaints when an individual perceives that a colleague is in a relationship with an authority figure, such as a department head or director, and consequently believes that individual is being treated more favorably than others due to that non-professional relationship (i.e., "Mike was just offered a great new lab space, but I'm sure it's because he's married to the department head.").

Any individual who finds her/himself in a situation that may fall under the Interpersonal Relationships Policy should contact the Office for Institutional Equity and Diversity. In many circumstances, alterations can be made to the supervisory hierarchy so that the reality, and the semblance, of objectivity is protected.



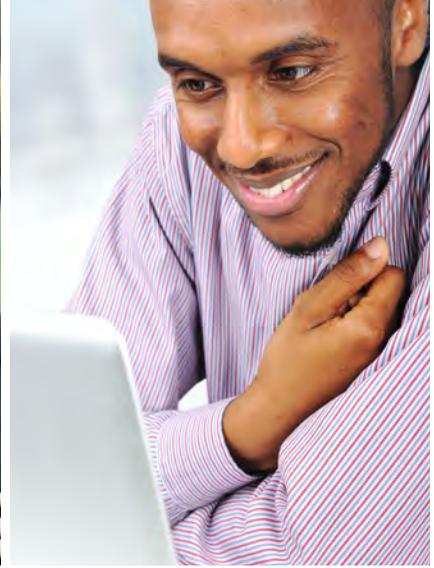
Resources

University Police

9-1-1 Emergencies
(919) 515-3000 Non-emergencies

Assistance with
criminal complaints





Whom You Should Contact for Assistance

You are encouraged, and you should feel free, to seek assistance, information, and guidance within NC State from any of these resources:

Your Supervisor

Employees with a concern in the workplace

Your Advisor

Students with a concern about any other person, university policy, or procedure

Office for Institutional Equity & Diversity

(919) 513-0574

Any person with an equal opportunity-related concern about any other person

Human Resources - Employee Relations

(919) 515-6575

Employees with a workplace-related concern about any other employee

Office of Student Conduct

(919) 515-2963

Any person with a concern about a student

University Police

911 for Emergencies

(919) 515-3000 for Non-emergencies

Any person who wishes to file a criminal complaint about another person

NC STATE UNIVERSITY

OIED provides education, compliance, and outreach programming to the NC State community with a commitment to engaging the campus in best practices that advance cultural competency among students, faculty, and staff.

Become Involved

Check out this website for a list of committees, advisory groups, and other great involvement opportunities.

oied.ncsu.edu

Stay Informed

Weekly news and information related to equal opportunity and diversity delivered to your inbox.

go.ncsu.edu/digest

Get Educated

These sites will provide you information about upcoming workshops, programs, and certification series on a wide variety of equal opportunity-related and diversity-related topics.

ncsu.edu/eoi/

ncsu.edu/ncbi/

Office for Institutional Equity & Diversity

Campus Box 7530, 231 Winslow Hall,
Raleigh, NC 27695

Phone: (919) 515-3148

Website: www.ncsu.edu/oied

We bring the offices of Equal Opportunity & Equity, Diversity & Inclusion, and Multicultural Student Affairs together with three campus centers: the African American Cultural Center; the Gay, Lesbian, Bisexual, and Transgender (GLBT) Center; and the Women's Center. We look forward to serving your needs.

Multicultural Student Affairs (MSA)

4261 Talley Student Union, Campus Box 7314
Phone: (919) 515-3835
Fax: (919) 515-8078
multicultural@ncsu.edu

African American Cultural Center

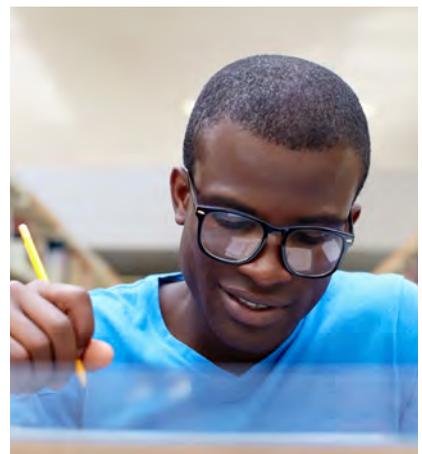
355 Witherspoon Student Center, Campus Box 7318
Raleigh, NC 27695-7318
Phone: (919) 515-5210
Fax: (919) 515-5173
aaculturalcenter@ncsu.edu

Women's Center

5210 Talley Student Union, Campus Box 7295
Raleigh, NC 27695-7306
Phone: (919) 515.2012
Fax: (919) 515.1066
womenscenter@ncsu.edu

GLBT Center

5230 Talley Student Union, Campus Box 7295
Raleigh, NC 27695-7295
Phone: (919) 513.9742
Fax: (919) 513.3144
glbtcenter@ncsu.edu



Equal Opportunity and Non-Discrimination Policy (POL 04.25.05) REVISED 9.13

1. POLICY STATEMENT

It is the policy of the State of North Carolina to provide equality of opportunity in education and employment for all students and employees. Educational and employment decisions should be based on factors that are germane to academic abilities or job performance. North Carolina State University ("NC State") strives to build and maintain an environment that supports and rewards individuals on the basis of relevant factors such as ability, merit and performance. Accordingly, NC State engages in equal opportunity and affirmative action efforts, and prohibits discrimination, harassment, and retaliation, as defined by this policy ¹.

2. DEFINITIONS

For purposes of this policy, the following definitions apply:

2.1 Discrimination

Discrimination is unfavorable treatment with regard to a term or condition of employment, or participation in an academic program or activity based upon age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status. Discrimination includes the denial of a request for a reasonable accommodation based upon disability or religion.

2.2 Harassment

Harassment is any unwelcome conduct based upon age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status that either creates a quid pro quo situation or a hostile environment.

**Note: Incidents of sexual violence may constitute sexual Harassment.*

2.2.1 Quid Pro Quo Harassment occurs when submission to, or rejection of, unwelcome conduct (e.g., sexual advances, requests for sexual favors) by an individual is used as the basis for an employment decision (for employees); or education decision (for students). It can also occur when an individual believes that he or she must submit to the unwelcome conduct in order to avoid an adverse employment action or to secure a promotion (for employees) or to participate in school program or activity (for students).

**Note: Though Quid Pro Quo Harassment typically involves conduct of a sexual nature, it can also result from unwelcome conduct of a religious nature. For example, a supervisor offers a subordinate employee a promotion if the employee joins the supervisor's religion.*

2.2.2 Hostile Environment Harassment occurs when unwelcome conduct based upon an individual's age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation or veteran status is sufficiently severe or pervasive to:

(For Students):

- deny or limit a student's ability to participate in or benefit from NC State's programs or activities; or
- create an intimidating, threatening or abusive educational environment.

(For Employees):

- create an intimidating, hostile or offensive working environment.

A Hostile Environment is determined by looking at whether the conduct is objectively offensive (i.e., a reasonable person would find it to be) and subjectively offensive (i.e., the person who is the object of the unwelcome conduct finds it to be).

All relevant circumstances are examined as part of this determination, including but not limited to, the type of Harassment (e.g. whether verbal, physical, electronic); the frequency of the conduct, the severity of the conduct, the protected group status and relationship of the individuals involved, whether the conduct was physically threatening or humiliating, whether the conduct unreasonably interfered with work performance (for employees) or academic performance (for students). When sufficiently severe, a single instance of unwelcome conduct (e.g., sexual assault) may constitute Hostile Environment Harassment.

Equal Opportunity and Non-Discrimination Policy (POL 04.25.05) REVISED 9.13 Continued

2.3 Retaliation

Retaliation is any adverse action (including intimidation, threats or coercion) against an individual because that individual engaged in a protected activity.

2.4 Protected activity includes:

- opposing a practice believed to be a violation of this policy;
- participating in an investigation, proceeding or hearing involving a violation of this policy; or
- requesting a reasonable accommodation based on disability or religion.

3. COMPLAINTS

NC State will promptly, thoroughly and impartially respond to all complaints of Discrimination, Harassment and Retaliation.

Any individual with a complaint of Discrimination, Harassment or Retaliation should follow NCSU REG 04.25.02 (Discrimination, Harassment and Retaliation Complaint Procedure).

4. POLICY VIOLATIONS and CORRECTIVE MEASURES

Substantiated instances of Discrimination, Harassment and Retaliation, as defined above, are violations of this policy and will not be tolerated by NC State.

Appropriate corrective measures will be instituted for violations of this policy. Such corrective measures will be designed to stop the Discrimination, Harassment and/or Retaliation and to prevent future violations. Corrective measures may involve disciplinary action up to and including expulsion (for students) or discharge (for employees).

Disciplinary action for a violation of this policy will be the responsibility of the Office of Student Conduct (for students) and appropriate administrator (i.e. vice chancellor, dean, director, supervisor, etc.) (for employees), in accordance with applicable disciplinary procedures for students or employees.

5. AFFIRMATIVE ACTION

In addition to prohibiting Discrimination, Harassment and Retaliation, NC State works toward the full realization of equal opportunity through a continuing affirmative action program, in compliance with applicable federal and state laws.

Development of the university's affirmative action plan, called the Equal Employment Opportunity Plan (EEO Plan) at NC State, is assigned to the vice provost for institutional equity and diversity, who serves as the university's Affirmative Action Officer.

The head of each administrative/academic unit identified in the EEO Plan, and subunits as identified by the Affirmative Action Officer, shall be responsible for working with the Affirmative Action Officer to implement the requirements of the EEO Plan.

6. STATEMENT FOR PROGRAMS/PUBLICITY

The following statement may be used for programmatic or publicity purposes at NC State:

NC State University promotes equal opportunity and prohibits discrimination and harassment based upon one's age, color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation and veteran status.

7. RESOURCES

Questions concerning this policy may be referred to the Office for Institutional Equity & Diversity.

FN1 This policy is established in accordance with 41 CFR Part 60 and is implemented in accordance with applicable laws and their amendments, including but not limited to, Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Executive Order 11246, the Age Discrimination in Employment Act of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the Civil Rights Restoration Act of 1988, North Carolina General Statutes Chapters 116 and 126.

Discrimination, Harassment and Retaliation Complaint Procedure (REG 04.25.02) REVISED 8.14

1. INTRODUCTION

North Carolina State University (NC State) prohibits discrimination, harassment and retaliation as defined by NCSU POL 04.25.05 - Equal Opportunity and Non-Discrimination Policy. NC State will investigate allegations of discrimination, harassment and retaliation in a prompt, thorough and impartial manner. NC State will take appropriate steps to address policy violations whenever substantiated to stop the discrimination, harassment or retaliation, to remedy its effects and to prevent its recurrence. This regulation describes the procedure for filing, processing and resolving complaints that allege discrimination, harassment or retaliation. This regulation additionally describes how NC State handles informal reports or concerns of possible discrimination, harassment or retaliation that are not submitted as a complaint for formal processing.

2. DEFINITIONS

2.1 Complaint: Allegations of discrimination, harassment, or retaliation submitted directly to the Office for Institutional Equity and Diversity (OIED) or referred to the OIED pursuant to a university grievance procedure (as defined below) for formal processing. An EEO Informal Inquiry submitted by an employee covered by the State Human Resources Act (SHRA) (see section 5.4) will be treated as a Complaint.

2.2 Complainant: An individual (or individuals) who submits a Complaint of discrimination, harassment, or retaliation to the OIED for formal processing pursuant to this procedure.

2.3 Respondent: The individual (or individuals) named by the Complainant as the person (or persons) who engaged in the alleged discrimination, harassment, or retaliation.

2.4 University Grievance Procedure: For purposes of this regulation, "university grievance procedure" includes NCSU POL 05.25.01 (Faculty Grievance and Non-Reappointment Review Policy) and NCSU POL 05.25.03 (Review and Appeal Processes for EPA Non-Faculty Employees). See section 5.4 relating to the SPA Employee Grievance Policy.

3. UNIVERSITY'S RESPONSIBILITY

The university has a duty to investigate and to respond appropriately to allegations of discrimination, harassment, or retaliation whether those allegations are reported informally as concerns or are submitted formally as a Complaint. In other words, the university's responsibility to investigate allegations of discrimination, harassment or retaliation is not obviated even when, for example:

- an individual reports a concern involving possible discrimination, harassment, or retaliation, but does not wish to file a Complaint;
- an individual reports a concern involving possible discrimination, harassment, or retaliation and asks that either his/her identity or the information provided be kept confidential; or
- an individual anonymously reports possible discrimination, harassment, or retaliation and the report includes sufficient specificity to allow the university to investigate the report.

4. CONFIDENTIALITY

Allegations of discrimination, harassment, or retaliation will be handled in a manner that balances an individual's preferences regarding confidentiality with the university's legal obligations. Complete confidentiality cannot be guaranteed, and information about discrimination, harassment and retaliation allegations may be shared with others when necessary to investigate or address the prohibited conduct or to prevent its recurrence. Sharing of information will be limited to persons with a need to know basis. If an individual requests complete confidentiality and/or asks that the university not investigate or seek action against the alleged perpetrator, such request may limit the university's ability to respond fully to the complaint, including pursuing any disciplinary action against the alleged perpetrator. The university ultimately determines whether or not it can honor such a request while providing a safe and nondiscriminatory environment for the university community. Such determination shall be made by the OIED, in consultation with the Office of General Counsel, and, in cases of sexual violence, with the Title IX Coordinator.

Individuals bringing forth allegations of sexual violence who request complete confidentiality are strongly encouraged to consult with individuals, who by law have special professional status, such as mental health counselors, physicians, clergy or private attorneys.

In an effort to protect privacy as well as the integrity of the Complaint process, Complainants, Respondents, witnesses and any other individuals who may have information about a Complaint are expected to maintain confidentiality to the extent permitted by law.

5. FORMAL PROCESS(ING)

The submission (filing or referral) of a Complaint to the OIED initiates the formal process/formal processing (preliminary review, investigation, determination) as provided for in this procedure.

5.1 Filing a Complaint.

Any individual may file a Complaint by:

- Bringing the Complaint to the OIED office located at 231 Winslow Hall, 40 Pullen Drive, Raleigh NC 27607;
- Mailing or otherwise transmitting the Complaint to the OIED at Campus Box 7530, NC State University, Raleigh, NC 27695-7530; or
- Completing the OIED's online OIED Complaint Intake Form.

For formal processing, Complaints must be submitted to the OIED within 30 calendar days of the alleged action that forms the basis of the Complaint. Complaints submitted outside of the 30-day time limit will be reviewed and addressed as determined by OIED.

***Note:** Pursuant to the SHRA Employee Grievance Policy, SHRA employees must file a Complaint with the OIED within 15 calendar days of the alleged discriminatory, harassing or retaliatory action that forms the basis of the Complaint before initiating a formal internal grievance to preserve their rights under State law. Employees who do not meet the 15-day time limit may still file a Complaint with the OIED; such Complaint will be reviewed and addressed through either formal processing (if filed within 30 calendar days of the action) or through the informal resolution process, as may be required by Federal law. See section 5.4.

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5.2 Referral of Student Complaints to the Office of Student Conduct

Complaints filed against students will be referred to the Office of Student Conduct (OSC) to be processed through the Student Discipline Procedures. Referrals to the OSC will usually occur within three university business days from receipt of the Complaint. Complaints filed by students against university employees (administrators, faculty or staff) will proceed through formal processing as provided for in this procedure.

5.3 Referral of Employee Complaints to the OIED (through a University Grievance Procedure).

Allegations of discrimination, harassment, or retaliation (not previously filed directly with the OIED as a Complaint) that are included in a grievance filed pursuant to a University Grievance Procedure will be considered a Complaint and referred to the OIED for formal processing (and handling as otherwise provided for in the applicable University Grievance Procedure). In order to expedite OIED's formal processing of the Complaint, the referral should occur as soon as possible after the grievance is filed.

5.4 Equal Employment Opportunity Informal Inquiry (SPA Employees Only).

Employees and applicants covered by the university's SPA Employee Grievance Policy who want to file a grievance that includes allegations of discrimination, harassment, or retaliation, must first file an Equal Employment Opportunity (EEO) Informal Inquiry with the OIED prior to filing the internal grievance. For purposes of this regulation and unless otherwise noted, an EEO Informal Inquiry is the same as a Complaint. An EEO Informal Inquiry must be filed with the OIED within 15 calendar days of the alleged action that forms the basis of the Complaint. Due to the timelines imposed by the SHRA for internal grievances, the university has 45 calendar days from receipt of the EEO Informal Inquiry to conduct its investigation and respond back to the Complainant. The 45-day time limit may be extended due to unavoidable delays or occurrences; the Complainant and the university must mutually agree in writing to an extension, which may not exceed 15 calendar days.

5.5 External Filing of Discrimination Charge, Civil Suit or Criminal Charge

The submission of a Complaint to the OIED pursuant to this procedure does not preclude an individual from filing an external charge of discrimination, harassment, or retaliation directly with the Equal Employment Opportunity Commission (EEOC), the Office of Administrative Hearings-Civil Rights Division (OAH-CRD), U.S. Department of Education, Office of Civil Rights (OCR), or other relevant agency, nor does it prevent an individual from pursuing a related civil action or criminal charge.

6. PRELIMINARY REVIEW

6.1 Once a Complaint has been submitted to the OIED, an investigator will conduct a preliminary review of the Complaint to determine whether the Complaint alleges facts that, if true, might constitute a violation of NCSU POL 04.25.05 (Equal Opportunity and Non-Discrimination Policy). The Complainant is responsible for providing the basis of his or her Complaint to the investigator. Where the allegations are unclear or require clarification, the OIED investigator may seek additional information from the Complainant as part of the preliminary review.

6.2 When a preliminary review of a Complaint indicates that the allegations, if true, might constitute a violation of the Equal Opportunity and Non-Discrimination Policy ("policy violation"), the OIED will initiate an investigation to determine if the facts are true and to determine whether a policy violation has occurred.

6.3 When the preliminary review of the Complaint indicates the allegations within the Complaint would not constitute a policy violation, the investigator will administratively close the formal processing of the Complaint. The investigator will notify the Complainant in writing that the formal process has been administratively closed because the allegations, even if taken as true, would not constitute a policy violation. When a Complaint is administratively closed following a preliminary review, the closure precludes the issues raised in the Complaint from proceeding through the university grievance procedure. When appropriate, the OIED will consult with the supervisor to ensure that any inappropriate conduct is addressed, even when the allegations do not rise to the level of a policy violation.

6.4 If the Complaint raises issues (i.e. health/safety, research misconduct, tort claims) that would fall outside the OIED's area of responsibility but within the responsibilities of another campus unit, the OIED can refer the issues to the appropriate, responsible university administrator.

6.5 If administrative action is taken to address an employee's conduct prior to the commencement or completion of an OIED investigation, the OIED will make a determination as to whether to pursue the investigation or to administratively close the formal process.

7. INVESTIGATION

7.1 If the preliminary review indicates that an investigation should be initiated, the OIED will, at such time as is appropriate, notify the supervisor(s) of the respondent about the investigation. The OIED will also notify the respondent(s) after the investigation has been initiated and that the respondent will be provided with the opportunity to respond to the allegations.

7.2 Every effort will be made to complete the investigation within 60 calendar days of the filing or referral of the Complaint, however, the investigation period may be extended when deemed necessary by the OIED (e.g., due to university holidays or breaks, based on availability of witnesses). (See section 5.4 regarding the time to complete formal processing of an EEO Informal Inquiry pursuant to the SPA Employee Grievance Policy.)

7.3 If a Complainant fails to respond to the OIED's requests to provide information regarding the Complaint or fails otherwise to participate in the investigation, the OIED may administratively close the formal process without issuing a determination or may issue a determination based on the information available in the record.

7.4 If during the course of the investigation the OIED becomes aware of any retaliation or interference in the investigation by the Complainant, Respondent or any witness, the OIED will refer such issue to Employee Relations, the appropriate supervisor, or, in the case of students, to the Office of Student Conduct.

8. NOTIFICATION

8.1 Once the investigation has concluded, the OIED will evaluate the information collected during the investigation (e.g., documents, interview notes) and apply a preponderance of evidence (more likely than not) standard to determine whether a policy violation is substantiated.

8.2 For Complaints involving sexual misconduct, the Complainant's past sexual history will not be considered in determining whether a policy violation occurred.

8.3 The OIED investigator's findings and determination will be included in a written report.

9. DETERMINATION

9.1 Notification to Parties.

The OIED will notify the parties in writing of the outcome of the investigation and determination as to whether any policy violation was substantiated. If the OIED determines there has been no policy violation, the notification to the parties concludes the formal process. If the Complaint was referred to the OIED through a University Grievance Procedure, the OIED will notify the appropriate entity that the formal process has concluded.

9.2 Written Report.

The OIED's written report will be provided to the appropriate supervisor(s), with a copy provided to Office of General Counsel and Employee Relations.

9.3 Confidential Information.

The notification letters to the parties and the OIED written report shall be treated as confidential to the extent that they contain student information protected under federal privacy law (i.e. FERPA) or employee information protected under state law (i.e. SHRA). Violation of the confidentiality requirement may result in disciplinary action for anyone disclosing such confidential information. Confidential student and employee information includes information that can identify persons who are Complainants, Respondents or witnesses.

10. CORRECTIVE ACTION

10.1 In cases where a policy violation is substantiated, the OIED investigator will meet with the appropriate supervisor(s) and others as needed (e.g., Office of General Counsel, Employee Relations) to discuss taking appropriate corrective action, including possible disciplinary action, to resolve the policy violation and prevent its recurrence.

10.2 The appropriate supervisor(s) will notify the OIED of what corrective action(s) have been taken to address the policy violation.

10.3 Complainants will be notified that the corrective action taken to address the policy violation, however, Complainants are not authorized to access to the confidential employment information contained in another employee's personnel file, unless as permitted by law.

11. COMPLAINT RESOLUTION

11.1 If the corrective action taken meets the university's obligations to address the policy violation and resolves the Complaint to the Complainant's satisfaction, the formal process will be concluded and closed.

11.2 If the corrective action taken meets the university's obligations to address the policy violation, but the Complainant remains unsatisfied, the Complainant may seek to pursue any rights he or she may otherwise have available.

12. INFORMAL PROCESS(ING)

12.1 At any time after submission of a Complaint to the OIED, a Complaint may be resolved through an informal process provided that: (1) the Complainant(s) and Respondent(s) mutually agree to the terms and conditions of any proposed resolution agreement, and (2) the OIED approves the proposed resolution agreement.

12.2 At any time from the submission of the Complaint, either party or the OIED may suggest a confidential, non-binding mediation of the dispute. Both parties must agree to participate in the mediation and agree to the resolution that arises from the mediation. In addition, OIED must approve the proposed resolution agreement. Mediation is not an option for resolution of allegations of sexual harassment that involve sexual violence.

12.3 Allegations of discrimination, harassment, or retaliation that are untimely or that are reported to the OIED as concerns (and not submitted as a Complaint for formal processing) will be reviewed, investigated as appropriate, and addressed through corrective action (if applicable) to meet the university's legal obligations. However, the OIED is not required to follow the formal process and has greater flexibility in handling and resolving these types of allegations.

Interpersonal Relationships among Faculty, Staff and Students (POL 04.20.06) REVISED 9.13

1. INTRODUCTION

This policy serves to uphold the university's high standards of professional and ethical conduct, specifically with respect to interpersonal relationships. The intent of this policy is to provide assurance that all students and employees are able to learn or work in an environment where they can be objectively supervised, instructed, or evaluated.

This policy defines the types of interpersonal relationships among faculty, staff and students that by their very existence create an inherent conflict of interest that affects a student or employee's ability to be objectively supervised, instructed or evaluated. This policy also proscribes conduct with respect to interpersonal relationships among faculty, staff, and students including improper relationships between students and employees and employment of related persons (anti-nepotism) and provides for disciplinary action for policy violations.

2. DEFINITIONS

2.1 Amorous Relationship

A relationship when two individuals voluntarily engage in a romantic partnership (i.e., dating, engaged, sexually intimate).

2.2 Familial Relationship

A relationship between two related persons. For purposes of this policy, "related persons" includes:

- Husband/Wife
- Domestic Partner
- Parent/Child
- Brother/Sister
- Grandparent/Grandchild
- Aunt/Uncle and Niece/Nephew
- First Cousins
- Guardian/Ward
- Anyone living in the same household or whose relationship is so closely identified with another as to suggest a conflict, or
- Ex-, Step-, Half-, and In-Law relationships as appropriate based on the above list.

The prohibited conduct in this policy applicable to familial relationships shall continue after the termination of the relationship (e.g. divorce) until such time as there is no effect upon impartiality.

2.3 Educational Responsibility

Responsibility that includes, but is not limited to, teaching a course; directing an independent study, thesis, or dissertation; participating on a graduate advisory committee; employing a teaching or research assistant; making decisions regarding grades, honors, or degrees; considering disciplinary action for a student; or any other action that assesses, determines, or influences academic performance, progress, or potential.

2.4 Employment Decision

A decision that includes, but is not limited to, one relating to the search, selection, or appointment of an individual to employment; establishing the terms and conditions of employment; determining compensation; evaluating work performance; voting for or otherwise considering reappointment, promotion, or tenure; issuing disciplinary action; or any other action that assesses, determines, or influences work performance, career progress, or other employment status.

Interpersonal Relationships among Faculty, Staff and Students (POL 04.20.06) REVISED 9.13

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3. PROHIBITED CONDUCT

The prohibited conduct in this section shall be considered misconduct subject to disciplinary action.

3.1 Improper Relationships with Students

3.1.1 A University employee shall not have or share educational responsibility for any student enrolled at NC State with whom the employee has an amorous or familial relationship.

3.1.2 A University employee shall not engage in sexual activity with any student enrolled at NC State (other than his or her spouse) who is a minor under the age of 18.

3.2 Employment Decisions

A University employee shall not have or share authority for employment decisions for an employee with whom the individual has an amorous or familial relationship.

3.3 Academic or Job-Related Requests

A University employee shall not require or request a subordinate student or employee to perform a task or duty that is unrelated to the student's academic program or to the employee's job responsibilities and that would be of personal benefit to the University employee.

4. DUTY TO DISCLOSE

The inherent fact or semblance of a conflict of interest created by an amorous or familial relationship should be disclosed in order to avoid a potential violation of this policy.

4.1 New Employee / Student

Upon hire (new employee) or academic enrollment (student), an individual has a duty to disclose the conflict of interest by contacting the Office for Institutional Equity and Diversity (OIED).

4.2 Change in Status

A change in an individual's status (i.e. employment, academic, relationship) that would establish a potential violation of this section (where one did not exist previously) creates a duty to disclose the conflict of interest by contacting the OIED. For example, an employment action (e.g., new hire, promotion, position reclassification, reassignment of job responsibilities) or a decision of two employees to begin dating may result in a potential violation.

4.3 Failure to disclose a conflict of interest or failure to disclose in a timely manner shall constitute a violation of this policy.

5. CONFLICT MANAGEMENT PLAN

Upon appropriate disclosure pursuant to section 4 and as appropriate, the OIED will oversee the development, approval and monitoring of a conflict management plan to avoid a policy violation. Failure to adhere to an approved conflict management plan shall constitute a violation of this policy.

6. DISCIPLINARY ACTION

Violations of this policy will be subject to disciplinary action up to and including dismissal. Such disciplinary action shall be conducted in accordance with existing University policies and procedures

7. RESOURCES

Questions concerning this policy should be referred to the OIED, Employee Relations – Human Resources, or the Office of General Counsel.

Office for Institutional Equity & Diversity

Campus Box 7530, 231 Winslow Hall,
Raleigh, NC 27695

Main Number: (919) 515-3148

Website: www.ncsu.edu/oied

About Us

The Office for Institutional Equity and Diversity (OIED) is committed to fostering an inclusive, accessible, and diverse intellectual and cultural campus experience related to the mission of North Carolina State University (NC State). The OIED facilitates efforts to ensure equity and opportunity, increases awareness of diversity issues through education, and strengthens relationships across diverse groups. Through these efforts, the OIED promotes cultural competence development. By providing guidance, programming, and outreach to constituent groups and the community, and by adhering to accountability and compliance standards, the OIED prepares NC State students, faculty, and staff for local, state, national, and global collaboration.

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