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I. POLICY STATEMENT

The University of North Carolina System Office (UNC System Office) is committed to providing an environment in which all employees are treated with dignity and respect and an environment that is free from discrimination, harassment, and retaliation. To that end, as defined in this policy, there shall be no unlawful discrimination against any person on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status (collectively, “protected status”).¹ Any form of harassment or retaliation as defined in this policy constitutes prohibited discrimination and may form the basis for disciplinary action or other appropriate administrative action, up to and including dismissal.

II. COVERAGE

This policy applies to all UNC System Office employees, including temporary and contract employees who conduct business or participate in activities at or on behalf of the UNC System Office.

III. DEFINITIONS

Harassment	Harassment is unwelcome conduct that is based on a person’s protected status. Harassment becomes unlawful when: <ul style="list-style-type: none"> (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, or is used as the basis for university decisions affecting the individual (often referred to as “quid pro quo” harassment); and/or (2) Such conduct creates a hostile work environment.
Hostile Work Environment	A hostile work environment exists when unwelcome conduct based on a person’s protected status is sufficiently severe, persistent, or pervasive that it unreasonably interferes with or limits the terms and conditions of an individual’s employment. Conduct must be deemed severe, persistent, or pervasive from both a subjective (the reaction of the person affected) and an objective (a reasonable person) perspective. In evaluating whether a hostile environment exists, the totality of the circumstances will be considered, including but not limited to: <ul style="list-style-type: none"> (1) the frequency, nature, and severity of the conduct; (2) whether the conduct was physically threatening; (3) the effect of the conduct on the reporting party’s mental or emotional state; (4) whether the conduct was directed at more than one person;

¹ N.C.G.S. § 126-34.02(b)(1) provides grievance protections for SHRA employees in regard to discrimination and/or harassment due to the political affiliation of the employee. See the *University SHRA Employee Grievance Policy* for more information.



	<p>(5) whether the conduct arose in the context of other discriminatory conduct;</p> <p>(6) whether the conduct unreasonably interfered with the reporting party's work performance; and</p> <p>(7) whether the conduct implicates concerns related to academic freedom or protected speech.</p> <p>A hostile work environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile work environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile work environment.</p>
Protected Status	A characteristic of an employee that is protected from being the basis for harassment and discrimination: race, color, religion, sex (which, for the purposes of this Policy, shall be construed to include pregnancy), sexual orientation, gender identity, national origin, age (when 40 years of age or older), disability, genetic information, and veteran status.
Retaliation	<p>Any adverse action taken by any person against an individual because that individual:</p> <ol style="list-style-type: none"> (1) made a good faith report of conduct prohibited by this policy; (2) opposed employment practices that are in violation of this policy; and/or (3) participated in good faith in any proceeding under this policy. <p>Retaliation includes threats, intimidation, harassment, coercion or any other conduct that would discourage a reasonable person from engaging in conduct protected under this policy.</p>
Sexual Harassment	Sexual harassment is a specific type of harassment prohibited by this policy and includes any unwelcome sexual advance, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise.
Unwelcome Conduct	Includes, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Isolated instances of such conduct, unless extremely serious, will generally not rise to the level of prohibited harassment, although it still may be classified as inappropriate conduct and result in corrective action.

IV. POLICY COMMUNICATION AND MANDATORY TRAINING

- A. **Employee Responsibility.** All employees of the UNC System Office have an obligation to learn which behaviors constitute prohibited discrimination, harassment, or retaliation, to be responsible for their actions in order to avoid demonstrating such behaviors, to cooperate in creating a climate where discrimination, harassment and retaliation are not tolerated, and to report violations promptly. All employees are required to complete training about prohibited discrimination, harassment, and retaliation provided by UNC System Human Resources within 30 calendar days of their first day of work. Human Resources will notify employees of this requirement and monitor compliance.



- B. **Policy Communication.** All employees will receive information on prohibited discrimination, harassment and retaliation at new employee orientation, including procedures for reporting violations of this policy. Current employees will receive policy communications at least annually. Additional training programs also may be required as determined appropriate and necessary by Human Resources.

V. EMPLOYEE PROTECTIONS AND SUPPORT

UNC System Office management will make reasonable efforts to assist employees affected by discrimination, harassment, or retaliation or affected by an investigation of alleged violations of this policy. Such reasonable support may include, as appropriate, temporary reassignment of supervisory reporting relationships or adjustments to work schedules, work locations, or working conditions of either the complainant(s) or respondent(s). This support may also include encouraging employee use of the pertinent services offered through the Employee Assistance Program (EAP).

VI. REPORTING AND RECORDKEEPING

- A. **Confidentiality.** The UNC System Office must address all claims of alleged discrimination, harassment, and/or retaliation. All reports will be handled in a confidential manner with information released on a need-to-know basis. Although anonymity cannot be guaranteed, managers and administrators are expected to be sensitive and responsive to fears of reprisal from reporting employees.
- B. **Employee Options for Filing a Complaint.** Employees who believe they have been subjected to prohibited discrimination, harassment, or retaliation have several reporting options
1. **Direct Notification to Management.** The employee may bring the written or oral complaint to the attention of:
 - a. their supervisor (if the supervisor is not the alleged perpetrator);
 - b. the Employee Relations and Equal Opportunity Programs Manager (ER/EO Manager);
 - c. the Associate Vice President for Employee Engagement and University Equal Opportunity Officer;
 - d. the Vice President for Human Resources; or
 - e. any member of the UNC System Office senior management.
- C. **Options for Addressing Complaint.** Once a report is made under any of the above options, Employee Relations will contact the employee to discuss the issue and determine appropriate next steps, which shall include:
1. **Review through Internal Investigation.**
 2. **Complete a Grievance Filing Form.** Allegations of discrimination, harassment, and retaliation are covered by the University's grievance procedures.
 - a. **For SHRA Employees.** To retain eligibility under the grievance policy, SHRA employees must submit a completed Grievance Filing Form to the UNC System Human Resources within 15 calendar days of the last alleged action that forms the basis of the complaint.
 - b. **For EHRA Employees.** To retain eligibility under the grievance policy, EHRA employees must submit a completed Grievance Filing Form to UNC System Human Resources within 30 calendar days of the last alleged action that forms the basis of the complaint.
 3. **File a Complaint with the Equal Employment Opportunity Commission.** In accordance with Federal Regulations, any employee may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the last incident of alleged harassment or retaliation.



An employee may file a complaint with the EEOC either concurrently with an internal review or grievance process or may file a complaint with the EEOC without an internal review or grievance.

4. **Anonymous Complaints.** Complaints received anonymously will be assessed to determine if sufficient information has been provided to initiate an investigation. If there is insufficient information to move forward with an investigation, the complaint will be recorded and the issue closed.
- D. **Management Obligation to Report.** All UNC System Office employees who hold supervisory responsibilities are required to report allegations of discrimination, harassment, or retaliation to UNC System Human Resources generally within five (5) calendar days of becoming aware of alleged discrimination, harassment, or retaliation.
- E. **Non-Supervisory Employees Encouraged to Report.** Although non-supervisory employees are not required by this policy to report allegations of discrimination, harassment, or retaliation, they are encouraged to do so.
- F. **Recordkeeping.** Once an incident has been reported, the Employee Relations Consultant in consultation with the University Equal Opportunity Officer will complete an incident report and coordinate next steps for the internal review of the incident as needed. The University Equal Opportunity Officer will maintain a record of all allegations of discrimination, harassment, or retaliation.

VII. INVESTIGATION AND SANCTIONS

- A. **Investigation.** Employee Relations in conjunction with the University Equal Opportunity Officer will assign an investigator to evaluate allegations of harassment or retaliation. Depending on the nature of the incident, Human Resources may require management in the affected department(s) to perform or participate in the investigation. Involved employees may be placed on appropriate administrative leave during the investigation period.
- B. **Decision-Making.** The ER/EO Manager will review the investigation findings with the University Equal Opportunity Officer, the Vice President for Human Resources, and appropriate UNC System management to determine what additional steps, if warranted are to be taken to address and resolve the issue.
- C. **Sanctions for Prohibited Actions.** A violation of this policy shall be considered unacceptable personal conduct as provided in the policies applicable to the employee's appointment type and subject to appropriate disciplinary or related administrative action, up to and including dismissal.
- D. **Sanctions for False Reports.** Deliberately false or misleading claims of discrimination, harassment, or retaliation that appear to have been filed with the intention to harass, that appear to be frivolous, or that appear to be an abuse of the reporting process, will be considered instances of unacceptable personal conduct and subject to appropriate disciplinary or related administrative action, up to and including dismissal.
- E. **Sanctions for Retaliation.** This policy prohibits retaliation against any employee who in good faith reports a possible violation of this policy. Any action of retaliation will be considered an instance of unacceptable personal conduct and subject to appropriate disciplinary or related administrative action, up to and including dismissal.