

## EQUAL OPPORTUNITY, DIVERSITY, AND UNLAWFUL HARASSMENT

### REAFFIRMATION OF COMMITMENT TO EQUAL OPPORTUNITY

The University of North Carolina Wilmington is committed to and will provide equality of educational and employment opportunity for all persons regardless of race, sex (such as gender, marital status, and pregnancy), age, color, national origin (including ethnicity), creed, religion, disability, sexual orientation, political affiliation, veteran status or relationship to other university constituents—except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for state-funded employee benefit programs.

This affirmation is published in accordance with 41 CFR Part 60 and is implemented in accordance with Title VII and Title IX of the Civil Rights Act of 1964, as amended; Executive Order 11246; the Age Discrimination in Employment Act of 1967, as amended; 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; and NC General Statutes Chapters 116 & 126.

To ensure that equal educational and employment opportunity exists throughout the university, a results-oriented equal opportunity/affirmative action program has been implemented to overcome the effects of past discrimination and to eliminate any artificial barriers to educational or employment opportunities for all qualified individuals that may exist in any of our programs. The University of North Carolina Wilmington is committed to this program and is aware that with its implementation, positive benefits will be received from the greater utilization and development of previously under-utilized human resources.

### STATEMENT ON DIVERSITY IN THE UNIVERSITY COMMUNITY

In the pursuit of excellence, UNC Wilmington actively fosters, encourages, and promotes inclusiveness, mutual respect, acceptance, and open-mindedness among students, faculty, staff, and the broader community. Diversity is an educational benefit that enhances the academic experience and fosters free exchange of ideas from multiple perspectives. Diversity includes, but is not limited to race, sex, age, color, national origin (including ethnicity), creed, religion, disability, sexual orientation, political affiliation, veteran's status, gender, educational disadvantage, socio-economic circumstances, language, and history of overcoming adversity.

### UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION

The University of North Carolina Wilmington affirms that students and employees are entitled to an educational and employment environment free from unlawful harassment or discrimination based on that individual's race, sex (such as gender, marital status, and pregnancy), age, color, national origin (including ethnicity), creed, religion, disability, sexual orientation, political affiliation, veteran status, or relationship to other university constituents, and expressly prohibits unlawful harassment or discrimination of any individual among the university community engaged in educational or employment pursuits. Further, no student or employee shall be subject to retaliation for bringing a good faith complaint pertaining to unlawful harassment or discrimination or for protesting such behavior directed against another member of the university community.

For more information concerning ways in which our multicultural learning community may be nurtured and protected or complaint resolution procedures, contact the Office of Institutional Diversity and Inclusion, the Office of the Dean of Students, the Office of Academic Affairs, or the Office of Human Resources.

### HARASSMENT PREVENTION POLICY

#### I. Purpose

The University affirms its desire to maintain a work environment for all employees and a learning and living environment for all students that is free from all forms of harassment. The university is committed to ensuring that all students, faculty, staff, and administrators are treated with dignity and respect. Harassment is highly detrimental to an environment of mutual respect that must prevail if the university is to fulfill its goals. All members of the university community have an obligation to learn what behaviors constitute harassment, to be responsible for their own behavior, and to cooperate in creating a climate where harassment is not tolerated. This policy shall be applied in a manner that protects the academic freedom and freedom of expression of all parties.

#### II. Scope

- A. Harassment based on race, color, religion, creed, sex, national origin, age, disability, sexual orientation or veteran status is a form of discrimination in violation of federal law, state law, and/or university policy, and will not be tolerated.
- B. Retaliation against any person complaining of harassment or any person who is a witness to harassment is in violation of the law and this policy and is grounds for appropriate disciplinary action.
- C. The university will respond promptly to all complaints of harassment and retaliation whether the behavior is communicated physically, verbally, in print, via the Internet or through other means. When necessary, the

university will institute discipline against the offending individual, which may result in a range of sanctions, including but not limited to the following: for students – warning, disciplinary probation, or suspension; and for employees – warning, suspension without pay, or dismissal.

- D. The university considers the filing of intentionally false reports of harassment as a violation of this policy and grounds for appropriate disciplinary action.
- E. Disciplinary action for violations of this policy by students will be the responsibility of the Office of the Dean of Students; disciplinary action for violations of this policy by employees will be the responsibility of the pertinent senior officer in the employee's division, after consultation with the university's equal employment opportunity/affirmative action officer, and in accordance with applicable procedures.

### III. Prohibited Conduct

- A. Harassment is unwelcome conduct, based on race, color, religion, creed, sex, national origin, age, disability, veteran status or sexual orientation that is either a condition of working or learning ("quid pro quo") or creates a hostile environment.
- B. Quid pro quo harassment consists of unwelcome conduct when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, academic standing or receipt of a needed or legitimately requested university service or benefit; or
  - 2. Submission to, or rejection of, such conduct by an individual is used as a basis for decisions affecting such individual in matters of employment, employment decisions, academic decisions (such as grades) or receipt of a needed or legitimately requested university service or benefit.
- C. Hostile environment harassment consists of unwelcome conduct when:
  - 1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or living environment; or
  - 2. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working, learning or living environment.
- D. Hostile environment harassment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct and its severity. A single, serious incident may be sufficient to constitute hostile environment harassment.
- E. Retaliation is conduct causing any interference, coercion, restraint or reprisal against a person complaining of harassment or participating in the resolution of a complaint of harassment.

### IV. Reporting

The university encourages reporting of all perceived incidents of harassment, regardless of who the alleged offender may be. Individuals who either believe they have become the victim of harassment or have witnessed harassment are to utilize the Harassment Resolution Procedures.

## IMPROPER PERSONAL RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES

### I. Purpose

This policy sets forth professional conduct standards for all employees who are involved in the instruction, supervision or evaluation of students. The university does not condone amorous relationships between students and employees. Members of the university community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, university prohibition and punishment of amorous relationships is deemed necessary: 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.

### II. Prohibited Conduct

- A. 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.
- B. It is misconduct, subject to disciplinary action, for a university employee to engage in sexual activity with any enrolled student of the university, other than his or her spouse, who is a minor below the age of 18 years.

### III. Definition of Terms

- A. "Amorous relationship" exists when, without the benefit of marriage, two persons as consenting partners
  - i. Have a sexual union; or
  - ii. Engage in a romantic partnering or courtship that may or may not have been consummated sexually.
- B. "Evaluate or supervise" means:
  - i. To assess, determine or influence a) one's academic performance, progress or potential or b) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity; or
  - ii. To oversee, manage or direct one's academic or other institutionally prescribed activities.
- C. "Related by blood, law or marriage" means:
  - i. Parent and child
  - ii. Brother and sister
  - iii. Grandparent and grandchild

- iv. Aunt and/or uncle and niece and/or nephew
- v. First cousins
- vi. Stepparent and stepchild
- vii. Husband and wife
- viii. Parents-in-law and children-in-law
- ix. Brothers-in-law and sister-in-law
- x. Guardian and ward

**IV. Reporting Policy Violations**

- A. The university encourages individuals to report alleged violations to the department chair, dean, director or vice chancellor of the division or department in which the employee involved in the relationship is employed. The dean, director or vice chancellor, in consultation with the director of Human Resources and the provost, shall determine whether to authorize a formal investigation of the allegations.
- B. Self-reporting is encouraged to avoid potential conflicts of interest, conflict of interest, or the appearance of a conflict. If the potential for such a conflict arises, the employee is required to disclose the possibility of a potential conflict to his or her immediate supervisor and efforts are to be made to eliminate any potential source of the conflict.
- C. The university considers the filing of a false or malicious report as a violation of this policy, and the individual who reports shall be subject to prompt and appropriate disciplinary action.

**V. Investigatory Procedures**

- A. Because of the sensitive nature of such relationships, reasonable effort should be taken to resolve a policy violation in an informal and expedited manner whenever possible.
- B. If a formal investigation is authorized, the pertinent vice chancellor will identify an appropriate administrator(s). The investigating administrator(s) cannot be the direct supervisor of the employee named in the complaint. The investigating administrator(s) shall interview the employee, the affected student, the complainant, and any other individual believed to have pertinent factual knowledge necessary to determine the validity of the allegations. Relevant documents should also be reviewed. All parties to an investigation must be instructed on the confidential nature of the matter, and the prohibition against retaliation for reporting policy violations and/or participating in an investigation.
- C. The investigating administrator(s) shall prepare a report of findings, which shall be considered a confidential personnel record. Human Resources will serve as a consultant to the process to ensure consistency of treatment. In the case of a faculty member, the report shall be submitted to the pertinent dean and the provost, with a copy to the director of Human Resources. In the case of a non-faculty member, the report shall be submitted to the pertinent vice chancellor and the director of Human Resources.
- D. Results of the investigation, the report, and any subsequent disciplinary action shall be kept confidential to the extent allowed by the Family Educational Rights and Privacy Act ("FERPA") and the North Carolina Personnel Records Act. Generally, the complainant is not entitled to learn the outcome of such an investigation other than notice when the investigation has concluded. All related documentation should be forwarded as soon as possible following resolution to Human Resources for retention.
- E. Reasonable efforts should be made to address the concern in as timely a manner as possible, which should be within thirty (30) calendar days of receiving the complaint. The director of Human Resources should be advised on any investigation and/or resolution that take longer than thirty (30) calendar days. This should be accomplished through a status report provided by the investigating administrator(s).

**VI. Corrective Action**

Any disciplinary action imposed for a violation of this policy shall be made in accordance with the disciplinary procedures applicable to the faculty or staff member's category of employment. Sanctions may include a letter of reprimand or warning, suspension without pay, or dismissal from employment. Disciplinary action shall be decided by the appropriate vice chancellor, or designee, in consultation with the director of Human Resources.

**OPPORTUNITIES FOR INVOLVEMENT AND AVENUES OF REDRESS**

For more information concerning ways in which our multicultural learning community may be nurtured and protected, contact Institutional Diversity and Inclusion, the Office of the Dean of Students, or Human Resources.

For complaint processes and administrative review procedures pertaining to perceived violations of the university's policies pertaining to equal educational and employment opportunity, personal discrimination, sexual harassment, or improper personal relationships, see the *Code of Student Life* or the *Faculty Handbook* or contact the University EEO/AA Officer, UNCW Human Resources, 601 S. College Road, Wilmington, NC 28403-5960, Phone (910) 962-3160, Fax (910) 962-3840.

For questions concerning program access or compliance, contact the Compliance Officer, UNCW Chancellor's Office, 601 S. College Road, Wilmington, NC 28403-3297, Phone (910) 962-3000, Fax (910) 962-4050.

### **SEAHAWK RESPECT COMPACT**

In the pursuit of excellence, UNC Wilmington actively fosters, encourages, and promotes inclusiveness, mutual respect, acceptance, and open-mindedness among students, faculty, staff and the broader community.

- We affirm the dignity of all persons.
- We promote the right of every person to participate in the free exchange of thoughts and opinions within a climate of civility and mutual respect.
- We strive for openness and mutual understanding to learn from differences in people, ideas and opinions.
- We foster an environment of respect for each individual, even where differences exist, by eliminating prejudice and discrimination through education and interaction with others.

Therefore, we expect members of the campus community to honor these principles as fundamental to our ongoing efforts to increase access to and inclusion in a community that nurtures learning and growth for all.