THE UNIVERSITY OF NORTH CAROLINA WILMINGTON

EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION PLAN

Part I: Policies and Procedures

As of January 1, 2015

UNC Wilmington Human Resources
601 S. College Road
Wilmington, NC 28403-5960
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COMMITMENT TO EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITY
[41CFR 60-2.10]

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

This affirmative action plan is published in accordance with 41 CFR Part 60 and is implemented in accordance with the following laws and their amendments: Title VII and Title IX of the Civil Rights Act of 1964; The Equal Pay Act of 1963; Executive Order 11246; the Age Discrimination in Employment Act of 1967; 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; NC General Statutes Chapters 116 and 126 and Title II of the Genetic Information Nondiscrimination Act of 2008.

To ensure that equal educational and employment opportunity exists throughout UNC Wilmington, 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. UNC 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 OF NORTH CAROLINA POLICY

Equal Employment Opportunity, as a concept, philosophy, principle and practice is an integral aspect of North Carolina State Government's personnel system. The provision of equal employment opportunity for all persons regardless of their race, color, religion, sex, national origin, age, genetic information or disability has long been recognized by state government and the North Carolina State Human Resources Commission as a social, legal and economic obligation involving all aspects of employment.

As an employer, North Carolina State Government is committed to equal employment opportunity for applicants and employees; and has and will continue to take full advantage of all the talents, skills and abilities of all available human resources. The State supports a work environment that fosters respect and values all people.

The Office of State Human Resources is charged with the responsibility of leading State government's EEO and diversity efforts by developing programs and policies to promote equal employment opportunity, diversity, fair and impartial treatment of all employees in all terms and conditions of employment throughout all aspects of the workforce.
ASSIGNMENT OF RESPONSIBILITY & ACCOUNTABILITY
[41 CRF 60-2.17]

Governor of the State of North Carolina
The Governor of the State of North Carolina has overriding responsibility for the State’s equal employment opportunity policies and programs. The responsibility or the actual development and implementation of individual equal employment opportunity plans and programs is delegated by the Governor to each university chancellor.

Office of State Human Resources
The Office of State Human Resources shall develop and implement a State Equal Employment Plan to promote equal opportunity throughout state government. The Office of State Human Resources shall provide technical assistance, training, monitoring, oversight, evaluation and support programs.

UNCW Chancellor
The chancellor of UNC Wilmington is responsible for implementing UNC Wilmington's commitment to equal employment opportunity and affirmative action through leadership, the adoption of EEO and AA policy statements, and setting specific hiring goals for racial/ethnic minorities and women. The chancellor will report to the Board of Trustees on an annual basis documenting UNC Wilmington’s progress toward realizing its hiring goals. The chancellor shall appoint a senior-level employee to serve as UNC Wilmington’s EEO/AA officer and shall use the chancellor’s cabinet as an EEO/AA Advisory Committee.

UNCW EEO/AA Advisory Committee
The administrative cabinet consisting of the chancellor, the provost, and vice chancellors shall constitute the university's EEO/AA advisory committee. Sitting as the EEO/AA Advisory Committee, the cabinet is responsible for reviewing the university's EEO/AA Plan and adopting annual good faith hiring objectives.

UNC Wilmington's standing grievance committees will continue to provide an avenue of redress for employees or applicants who believe they have been discriminated against because of their race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents.

UNCW EEO/AA Officer
The UNC Wilmington EEO/AA officer is responsible for:

- Advising the chancellor on affirmative action policy.
- Developing UNC Wilmington's EEO/AA Plan in compliance with federal and state laws and regulations and university guidelines.
- Ensuring search committees for faculty and senior administrative positions are trained on EEO/AA policies, affirmative action preferences in hiring (if appropriate), and the evaluation of "substantially equally qualified" applicants.
• Reviewing all recruitment processes and exercising approval authority on behalf of the chancellor for all employment and promotional decisions with respect to ensuring such recruitment processes comply with UNC Wilmington's EEO/AA Plan.
• Coordinating internal responses to employee complaints of personal discrimination.
• Documenting UNC Wilmington's progress towards realizing its EEO/AA goals regarding employment in annual reports to the chancellor.

Contact information: Dr. Rosalynn Martin, Associate Vice Chancellor for Business Affairs - Human Resources, 601 S. College Rd., Wilmington, NC 28403, martinr@uncw.edu, 910-962-3160

UNCW Deans, Department Chairs, Directors, and other Hiring Officials

Deans, department chairs, directors, and other hiring officials are responsible for working toward the balanced representation of racial/ethnic minorities and women within the workforce and the elimination of barriers to equal employment opportunities for persons with disabilities.

Hiring officials determine vacancy-specific qualifications required for entry to the position (in addition to any state required minimum qualifications) and desired for full-performance in the position (preferred qualifications). They ensure advertisements for the position reasonably describe principal duties to be performed and cite both minimum and preferred qualifications. Hiring officials recruit a pool of qualified candidates with good-faith efforts to ensure racial, ethnic, and gender diversity; all the while ensuring that the screening and selection process is free from bias related to race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents -- except where sex, age, or ability represents bona fide job–related educational or occupational qualifications.

Further the hiring official will select, hire, place, train, and promote persons in all employment categories without regard to race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents -- except where sex, age, or ability represent bona fide educational or occupational qualifications. The hiring official selects the candidates for hire from the pool of the most qualified applicants for employment based upon job related qualifications using fair and valid selection criteria.

All selection decisions and hiring salaries are contingent on approval by the EEO/AA officer (or designee) for conformance to UNC Wilmington's EEO/AA Plan. SPA positions require approval by the Office of Human Resources. EPA positions require approval by the provost for faculty positions, and division vice chancellor for administrative, instructional and research positions. Hiring officials are not authorized to offer positions prior to receiving these approvals.
UNCW Human Resources

In coordination with the EEO/AA officer, the Office of Human Resources is operationally responsible for ensuring that:

- Recruitment procedures for EPA (including nine-month teaching faculty) and SPA positions comply with UNC Wilmington’s equal employment opportunity and affirmative action policies.
- Hiring officials and search committees understand their roles in supporting UNC Wilmington’s affirmative action hiring objectives.
- Applicants and employees are provided accurate information about the recruitment process and avenues of redress available to them should they believe they have been discriminated against because of their race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation¹, genetic information, political affiliation, veteran status, or relationship to other university constituents -- except where sex, age, or ability represent bona fide educational or occupational qualifications.
- Each hiring recommendation and the applicant's qualifications for the position and hiring salary are reviewed and approved before any commitment is extended to a prospective employee for SPA and EPA (including nine-month teaching faculty) positions.

STATEMENT ON DIVERSITY IN THE UNIVERSITY COMMUNITY

In the pursuit of excellence, the University of North Carolina at 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, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, educational disadvantage, socio-economic circumstances, language, and history of overcoming adversity.

UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION

The University of North Carolina at 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, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, 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.

¹ For complaints related to sexual orientation, please refer to the university policy for internal review.
For more information concerning ways in which our multicultural learning community may be nurtured and protected contact the Office of Institutional Diversity and Inclusion, or to utilize complaint resolution procedures, contact the Office of the Dean of Students, the Office of Academic Affairs, the Office of Human Resources, the Title IX coordinator, or the ADA coordinator.

**DISCIPLINARY PROCESS**

UNCW policy on disciplinary procedures and processes follows the Office of State Human Resources policy. Further information and the UNCW policy can be found at: [http://www.uncw.edu/policies/documents/08.510_SPA_Disciplinary_Action.082806.pdf](http://www.uncw.edu/policies/documents/08.510_SPA_Disciplinary_Action.082806.pdf)

**GRIEVANCE PROCEDURES**

UNCW policy on grievance procedures follows the Office of State Human Resources policy. Further information and the UNCW policy can be found at: [http://www.uncw.edu/policies/documents/08520SPAGReivance2014.pdf](http://www.uncw.edu/policies/documents/08520SPAGReivance2014.pdf)  

**Scope and Application of EEO/AA Policy and Plan**

UNC Wilmington's EEO/AA policies and plan apply to all employees of UNC Wilmington and to all departments of UNC Wilmington -- located in Wilmington, North Carolina or elsewhere.

In furtherance of its Equal Employment Opportunity policies, UNC Wilmington will:

1. Using the concepts of Affirmative Action, recruit a pool of qualified candidates with good faith efforts to ensure racial, ethnic, and gender diversity.

2. In compliance with the Civil Rights Act of 1964, as amended, and the NC General Statutes select, hire, place, train, and promote persons in all employment categories without regard to race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents -- except where sex, age, or ability represent bona fide educational or occupational qualifications. Base selection, hiring, and promotion decisions on valid requirements related to job performance and necessary upon entry to the position.

3. Administer all employment practices including compensation, benefits, promotion, training, educational assistance, termination, transfer, demotion, and reduction-in-force fairly and objectively without regard to race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents.
4. Provide, when necessary, reasonable accommodations for an applicant’s or an employee’s disabilities within the meaning of federal and state laws and regulations.

5. Not intimidate, interfere with, or retaliate against employees or applicants for employment who make a charge of employment discrimination or who testify, assist, or participate in any manner in a hearing, proceeding, or investigation of employment discrimination.

6. Strive for a work environment that is free from discrimination based on race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents.

**STATUTORY AND REGULATORY AUTHORITY**

UNC Wilmington's EEO/AA Plan is derived from the following statutory and regulatory authorities:

**North Carolina Statutes and Policies**
- G.S. 126-16 Equal Employment Opportunity
- G.S. 126-17 Prohibits Retaliation
- G.S. 126-36 Establishes Appeal Rights for Applicants
- G.S. 127B-10-15 Discrimination Against Military Personnel
- G.S. 168A-5-11 Handicapped Persons Protection Act

**Federal Laws and Regulations (including all amendments)**
- Title VII of the Civil Rights Act of 1964
- Title IX of the Educational Amendments of 1972
- Civil Rights Restoration Act of 1988
- Executive Order 11246
- Age Discrimination in Employment Act of 1967
- Equal Pay Act of 1963
- Section 503 and 504 of the Rehabilitation Act of 1973
- Vietnam Era Veterans Readjustment Assistance Act of 1972 and 1974
- Immigration Reform and Control Act of 1986, Section 102
- Civil Rights Act of 1991
- Pregnancy Discrimination Act
- Americans with Disabilities Act of 1990
- ADA Amendments Act (2008)
- Title II of the Genetic Information Nondiscrimination Act of 2008
- Veterans Opportunity to Work to Hire Heroes Act of 2011
- Uniformed Services Employment & Reemployment Rights Act of 1994
- Vietnam Era Veterans Readjustment Assistance Act
DISSEMINATION OF THE AFFIRMATIVE ACTION POLICY

[41 CFR 60-2.10]

The University of North Carolina at Wilmington makes known its commitment to affirmative action by disseminating broadly its equal employment opportunity policy and information about its affirmative action program. Ultimate responsibility for adequate communication of the institution's commitment rests with the chancellor and the Equal Employment Opportunity/Affirmative Action (EEO/AA) officer who must emphasize the importance of continued discussion of the policy and provisions of the affirmative action program at all levels of UNC Wilmington. The following specific actions have been instituted and will continue:

Internal Notice and Distribution

The university publishes this annual EEO/AA Plan and it is available to university employees and applicants for university employment in the following locations: Office of Human Resources, Office of the Provost and Vice Chancellor for Academic Affairs, and the Reserve Desk of Randall Library. The EEO/AA Plan is also published on the Human Resources Web site. http://www.uncw.edu/hr/employment.html

UNC Wilmington’s "Reaffirmation of Commitment to Equal Education and Employment Opportunity" is posted on bulletin boards across campus, and on the Human Resources Web site, and is provided to all faculty and senior officer search committees at the onset of a search.


UNC Wilmington's commitment to equal employment opportunity and affirmative action is emphasized during all orientation programs and supervisory and management training and with appropriate hiring officials and faculty and senior officer search committees. The reaffirmation of commitment to equal education and employment opportunities is distributed to the campus annually.

External Notice and Distribution

An Equal Employment Opportunity/Affirmative Action (EEO/AA) statement is contained in all Web and print advertisements for vacant positions: either "Equal Opportunity/Affirmative Action Employer" for brief pointer advertisements or “UNC Wilmington actively fosters a diverse and inclusive working and learning environment and is an equal opportunity employer. Qualified men and women from all racial, ethnic, or other minority groups, protected veterans, and individuals with disabilities are strongly encouraged to apply.”

A summary of UNC Wilmington’s EEO/AA policy and recruitment procedures is available on the UNC Wilmington Human Resources Web site. Printed versions are available in the UNC Wilmington Office of Human Resources.

UNC Wilmington has adopted the following equal opportunity / non-discrimination affirmation statement:

UNC Wilmington is committed to and will provide equality of educational and
employment opportunity for all persons regardless of race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, 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.

The following equal opportunity / non-discrimination statement (or an approved abbreviation) appears within university publications distributed to the general public.

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. UNC 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.

The following publications are examples of such publications.

UNC Wilmington Code of Student Life
UNC Wilmington Graduate Catalogue
UNC Wilmington Undergraduate Catalogue
UNC Wilmington Magazine
UNC Wilmington Pathways Lifelong Learning Catalog

The executive director for university relations makes a consistent and conscientious effort to publish articles covering activities related to the affirmative action program, including progress reports, promotions and achievements of women, racial/ethnic minorities, persons with disabilities, and covered veterans, when appropriate.

When photographs of university employees or students are included in publications, the executive director for university relations ensures that photographs reflect the diversity of UNC Wilmington community by including males and females, racial/ethnic minorities and non-minorities, and persons with disabilities in educational, employment, and social settings.

The North Carolina Department of Commerce – Division of Employment Security and the Office of State Human Resources are informed of UNC Wilmington's commitment to equal employment opportunity and affirmative action. These sources are asked to recruit actively for UNC Wilmington and to refer racial/ethnic minorities, women, persons with disabilities, and covered veterans.

UNC Wilmington "EEO/AA" statement or "Equal Opportunity/Non-Discrimination" statement (or a version thereof) is printed or appended to purchase orders and contracts for goods or services in order to communicate UNC Wilmington’s status to vendors, suppliers, contractors, and subcontractors.
Outreach Activities

UNC Wilmington encourages representation by faculty and administrative staff on community councils, boards, and organizations which promote the employment of women, racial/ethnic minorities, persons with disabilities, and covered veterans.

In addition, UNC Wilmington encourages its members to participate at the state and national level in professional organizations that address issues of racial/ethnic minorities, women, persons with disabilities, and veterans. University employees regularly participate in conferences sponsored by their professional organizations which focus on issues of campus diversity. Though most of these organizations do not conduct formal job fairs, the contacts made allow for both specific and general recruitment activities. Some of these organizations offer formal placement centers at national and regional meetings, special training programs, mailing lists of individuals who are in the target groups, and publications which are likely to reach members of those groups.

For all staff job categories, vacancy announcements are sent to the local North Carolina Division of Employment Security; the Office of State Human Resources; and posted to the UNC Wilmington Human Resources Web site.

IMPLEMENTATION OF AFFIRMATIVE ACTION PROGRAM

[41 CFR 60-2.10]

PROGRAM OBJECTIVES

UNC Wilmington's EEO/AA policy and plan applies to all employees and all departments of UNC Wilmington and other locations where UNC Wilmington has established worksites. In furtherance of its Equal Employment Opportunity policies, UNC Wilmington will use the concepts of affirmative action to recruit a pool of qualified candidates with good faith efforts to ensure racial, ethnic, and gender diversity.

In compliance with the Civil Rights Act of 1964, as amended, NC General Statutes, and related policies, UNC Wilmington selects, hires, places, trains, and promotes persons in all employment categories without regard to race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents -- except where sex, age, or ability represent bona fide educational or occupational qualifications. Further, selection is from the pool of most qualified applicants for university employment based upon job-related qualifications for employment using fair and valid selection criteria.

UNC Wilmington administers all employment practices including compensation, benefits, promotion, training, educational assistance, termination, transfer, demotion, and reduction-in-force fairly and objectively without regard to race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents.

UNC Wilmington, when necessary, provides reasonable accommodations for an applicant’s or an employee’s disabilities within the meaning of federal and state laws and regulations.
UNC Wilmington does not intimidate, interfere with, or retaliate against employees or applicants for employment who make a charge of employment discrimination or who testify, assist, or participate in any manner in a hearing, proceeding, or investigation of employment discrimination. Further, UNC Wilmington does not tolerate any employee who engages in any related intimidation or retaliatory behaviors as noted in the previous sentence.

UNC Wilmington strives for a work environment that is free from discrimination based on race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents.

**DEVELOPMENT AND EXECUTION OF ACTION ORIENTED PROGRAMS & ACTIVITIES**

*[41 CFR 60-2.17 (c)]*

UNC Wilmington’s action oriented Equal Employment Opportunity and Affirmative Action programs are designed to identify, prevent, and correct related problem areas, and to support the attainment of goals identified in the annual report. UNC Wilmington’s programs consist of well-defined recruitment procedures to attract individuals to its faculty and staff positions; career planning and professional development programs to increase promotional opportunities; reduction-in-force impact analysis; outreach activities to increase general awareness of UNC Wilmington’s interest in recruiting racial/ethnic minorities, women, persons with disabilities, and veterans; exit surveys to understand the reasons employees leave UNC Wilmington; and significant diversity initiatives to increase diversity among employees and students.

**RECRUITMENT PROCEDURES**

UNC Wilmington has established well-defined recruitment procedures for both EPA (including nine-month teaching faculty) and SPA positions which require the posting or advertising of all vacant positions which may result in benefit-earning appointments. Under limited circumstances, however, a waiver of recruitment for an EPA position (including nine-month teaching faculty) may be approved by the chancellor and the EEO/AA Officer. These exceptional circumstances include efforts to obtain special skills not expected to be attainable through an open search, and/or other compelling circumstances in the best interest of the university.

Recruitment procedures do not apply to reclassification of positions or title changes based on changes in work assignments or attainment of a new competency level. These typically result from either a reorganization or reallocation of university resources, or changes in work duties or skill development, which evolve over time.

Increasing the numbers of underrepresented groups of people and achieving employment diversity on campus are two extremely important goals to UNC Wilmington. Nevertheless, because equal employment opportunity laws prohibit discrimination, even benign discrimination in favor of underrepresented groups, there are certain steps that UNC Wilmington cannot take to achieve its goals. These concepts remain confusing to many in higher education because legal decisions in the area of student admissions tend to allow some use of a person’s diverse status as a "plus factor.” However, the area of student admissions is legally distinct from employment decisions and has no impact on these decisions.
Diversity and affirmative action are related concepts, but the terms have different origins and legal connotations. The Equal Employment Opportunity Commission has stated that “workplace diversity is a business management concept under which employers voluntarily promote an inclusive workplace.” But while Title VII permits diversity efforts designed to open opportunities to everyone, hiring departments cannot make employment decisions such as whom to interview or select for the position based on the candidate's protected status. Instead, search committee members must carefully examine each applicant's qualifications and experiences to determine which applicants are best qualified to serve UNC Wilmington’s interests, as articulated in the position description and vacancy announcement, without regard to the applicant's race/ethnicity, sex, age, or other protected status. The argument that an individual of a particular race/ethnicity or sex will be better suited to the position is generally not legally sustainable because it is based on assumptions about the person's experiences that may or may not be valid. Instead, the committee must rely on tangible evidence of the person's actual experiences and qualifications.

Furthermore, a candidate’s race/ethnicity, sex or disability cannot be used as a tie-breaker. Hiring officials must make their recommendations based on the candidate’s qualifications in relation to the stated requirements for the position, and not based on the person’s protected status.

**EPA Recruitment Procedures** (including nine-month teaching faculty)

Vice chancellors have oversight responsibility for the recruitment of EPA positions within their respective divisions. The provost has oversight responsibility for the recruitment and appointment of faculty, though recommendations are made by academic department chairs through the academic deans.

The procedures for recruiting and making appointments to EPA administrative and faculty positions are summarized as follows:

1. The position is defined in terms of duties required, level of appointment, and approximate salary or salary range. Authorization to initiate recruitment is provided by the division vice chancellor for EPA administrative positions and by the respective dean for faculty positions.

2. The official vacancy announcement is advertised on the UNC Wilmington Human Resources’ Web site. In addition, the vacancy may be advertised nationally in appropriate media, with national professional job services, or professional associations. Nine-month teaching and research faculty positions, however, must be advertised in a national professional journal. Administrative appointments, supplemental assignments, and similar opportunities for faculty members are typically advertised internally to current UNC Wilmington faculty. UNC Wilmington’s commitment as an affirmative action / equal opportunity employer is noted prominently in all advertisements.

3. Announcements may be made with organizations that are likely to have contact with racial/ethnic minority and women candidates. Search committee members for EPA (including nine-month teaching faculty) positions are required to contact five colleagues from other institutions and seek nominations of racial/ethnic minorities and women who would be competitive for the given position. These individuals are contacted by the committee and encouraged to submit their application.
4. Applicants are given the opportunity to identify their race and ethnicity, gender, disability, and veteran’s status on UNC Wilmington’s PeopleAdmin and Consensus™ on-line application systems.

5. A properly constituted search committee screens the qualified applicant pool to determine the best qualified applicant pool, which is then referred to the hiring official. The dean or vice chancellor and the EEO/AA officer (or designee) are responsible for reviewing and approving the recommended interview pool. Race and sex information on specific applicants is released to the search committee when it is necessary to identify individual(s) for a “second look” as part of our variance analysis.

6. As part of each recommendation for a new appointment, a search summary is filed that details the recruiting efforts and explains reasons for the recommended appointment. The EEO/AA officer exercises final approval authority on behalf of the chancellor for all EPA and faculty appointments with respect to compliance with UNC Wilmington’s EEO/AA Plan.

**SPA Recruitment Procedures**

The Associate Vice Chancellor for Business Affairs - Human Resources exercises oversight responsibility for the recruitment of SPA staff throughout UNC Wilmington. Principal EEO/AA components of the SPA recruitment policy are noted below.

1. **Job Structuring** Position descriptions provide a bona-fide definition of position duties and responsibilities and include job-related knowledge, skills, and abilities considered essential to satisfactory job performance. Job descriptions are audited by Human Resources and appropriate classification levels are assigned for each SPA position.

UNC Wilmington does not permit job factors to be incorporated in position descriptions which discriminate against individuals in a protected class -- except where sex, age, or physical ability are bona fide occupational qualifications.

2. **Advertising** The official vacancy announcement is advertised on the UNC Wilmington Human Resources’ Web site, with the NC Department of Commerce – Division of Employment Security and the Office of State Human Resources. Vacancies may be advertised in appropriate electronic or print media. Departments can advertise internally, with only current UNC Wilmington permanent or time limited employees eligible to apply, if Human Resources expects a viable applicant pool (with regard to racial/ethnic minorities and women) will result. Internal job postings support the State's policy encouraging internal promotion. Where it does not appear that a viable applicant pool will result from an internal job posting, UNC Wilmington advertises externally.

Typically, UNC Wilmington recruits SPA employees within the Wilmington/New Hanover County area. When applicants are unlikely to be available in significant numbers in the local labor market, positions may be advertised regionally, state-wide, or nationally to supplement the UNC Wilmington Website listing.

The deadline for receipt of applications will be indicated in the vacancy announcement. The deadline will be a minimum of seven work days from the last public advertisement or a minimum of five work days for an internal posting. Longer recruitment periods are encouraged if needed to ensure a diverse applicant pool.

When consultants, search firms, or employment agencies are utilized for recruitment
assistance, they will be required to refer persons without regard race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents.

3. **Application Processing** UNC Wilmington utilizes a web-based vacancy announcement and application system. Applications must be submitted electronically for a specific position vacancy. Applications are accepted at any time during the posting period. A separate application is required for each vacancy for which the applicant wishes to be considered.

Applicants are asked to provide birth date, sex, race/ethnicity, veteran’s status and disability status on a voluntary basis. This information is used for affirmative action and equal employment opportunity analysis within the Office of Human Resources. The hiring official has access to information concerning the race/ethnicity and sex distribution of the overall applicant pool. The race/ethnicity and/or sex of applicants is released to the hiring official when it is necessary to identify that individual for a “second look” as part of our variance analysis.

4. **Applicant Screening** Applicants are screened into two pools: qualified applicant pool and referred applicant pool. A member of the employment services team in the Office of Human Resources screens the total applicant pool for minimum advertised qualifications. Applications which meet minimum advertised requirements form the "qualified applicant pool." The same member of the employment services team or a properly constituted search committee screens the qualified applicant pool to determine the best qualified applicant pool, which is then referred to the hiring official. Consistent with NC General Statue 126-14.2, only applicants within the referred applicant pool are available to the hiring official.

**SELECTION PROCEDURES**

Interview Pool and Hiring Recommendation

The "Hiring Official" is the individual charged by the department director with the responsibility for reviewing the referred applicant pool, determining the interview pool, interviewing candidates, and making the primary hiring recommendation. As noted previously, authority to hire cannot be delegated below the department director level, is subject to at least one level of administrative review above the hiring official (regardless of level), and is contingent on approval by the Office of Human Resources.

EEOC Variance Analysis

The referred applicant pool and the interview pool are subjected to EEOC-defined variance analysis by a member of the employment services team who compares the representation of women and racial/ethnic minority applicants at successive stages in the screening, referral, and interview process. If women or racial/ethnic minority applicants do not progress to successive levels at a percentage rate consistent with their representation in the total applicant pool, then a “second look” is conducted to determine if any racial/ethnic minorities or women no longer under consideration are substantially equally qualified to the least qualified of the applicants still under consideration. If this is the case, the racial/ethnic minority or woman applicant is added to the pool still under consideration.

This variance analysis alerts the employment services team member to the possibility of
adverse selection criteria at work in the screening process and provides an opportunity to discuss UNC Wilmington’s affirmative action objectives with the interviewer(s) or department director to assure appropriate consideration of minority or women applicants.

**EEO/AA Review and Approval of Hiring Decision**

The Associate Vice Chancellor for Business Affairs - Human Resources (or designee) serves as the EEO/AA Officer and reviews the statistical analyses of the applicant pool at the following junctures to ensure compliance with UNC Wilmington’s Equal Employment Opportunity / Affirmative Action Plan:

- Composition of the referred applicant pool
- Composition of the interview pool
- Selection of the candidate to be hired

The EEO/AA officer (or designee) must approve each hiring decision and the salary to be offered prior to any commitment being extended to an applicant by the hiring department. Formal appointment letters are prepared by the Office of Human Resources.

Both EPA and SPA recruitment procedures conform to the Uniform Guidelines on Employee Selection Procedures [41 CFR 60-3.1 through 3.18].

**Hiring Preferences**

Nothing in UNC Wilmington’s EEO/AA plan is to be construed as preventing UNC Wilmington's compliance with hiring preferences established by the North Carolina General Assembly for state employees previously reduced in force who are eligible for priority re-employment consideration, current state employees seeking promotion, and eligible veterans (and spouses of veterans) who have served honorably during recognized periods of national conflict.

**Promotional Opportunities**

UNC Wilmington encourages all employees to seek promotional opportunities and in accordance with North Carolina law, extends priority consideration and hiring preference for promotions for SPA employees who are substantially equally qualified to a non-state employee.

Faculty positions allow progression to higher levels of the professorate according to policies published in the UNC Wilmington Faculty Handbook and the codes and policies of the University of North Carolina. Faculty are selected for award of tenure and for promotion to higher rank regardless of race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents -- except where sex, age, or ability represent bona fide educational or occupational qualifications. It is the responsibility of the provost, the deans, and department chairs to apply nondiscriminatory criteria for promotion and for tenure.

Supervisors of SPA classified positions are asked to monitor the employee’s duties and to seek a classification review if the work changes. Reclassifications are recommended whenever the position study indicates that position duties have changed substantially over time. The reclassification of an SPA position to higher competency level or career band
(though not subject to competitive recruitment procedures) is construed as a promotion under OFCCP guidelines. Reclassification decisions are based on job content, increased competencies and market considerations, and are made regardless of race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents.

**CAREER PLANNING AND PROFESSIONAL DEVELOPMENT**

Training is a vital tool in achieving equal employment opportunity and in strengthening affirmative action efforts. UNC Wilmington is committed to providing opportunities for employees to acquire new skills and to update and enhance existing ones. Faculty and staff employees are provided opportunities for professional development.

**Performance Management**

All employees receive annual performance evaluations in accordance with UNC Wilmington and State Personnel policies on employee performance management for SPA employees or administrative guidelines for EPA and faculty employees. Effective performance management is the first step in career planning and professional development as it provides an opportunity for employee and supervisor to agree on specific training and developmental courses which will enhance the employee's value to the organization and increase the likelihood of promotion.

Effective performance management integrates performance management, competency assessment and career development to ensure a competent workforce to meet UNC Wilmington’s goals and objectives. Since 2009, performance management links the annual performance evaluation with the employee’s competency assessment to ensure employees have and demonstrate the knowledge, skills and abilities required to make the organization successful. The evaluation is based on specific job duties and performance standards related to competencies and established by the supervisor at the beginning of the performance review period and discussed with the employee.

Employee performance ratings are reviewed by the rater's supervisor and reviewed by the Office of State Human Resources for SPA employees.

**Career Planning and Staff Development**

Supervisors and managers are responsible for providing developmental opportunities for their employees including access to on-campus seminars, courses, and training without regard to race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents. Career development planning provides a systematic way to build critical competencies and develop individuals.

The State of North Carolina encourages internal promotion when feasible. When evaluating recruitment options and considering internal promotion, managers will evaluate employees regardless of race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents -- except where a protected status represents a bona fide educational or occupational qualification.
Management Training

Training is provided to managers in the following areas:
EEO/AA Plan
Performance Management
Supervisory and Management Skills
Employee Selection
Managing Diversity
Unlawful Workplace Harassment Awareness
Leadership Development
Competency Assessment

Employee Training

UNC Wilmington offers training opportunities for staff employees consisting of skills and development workshops. Typical types of workshops include:

Clerical and Office Management Skills
Foundations of Supervision
Fiscal Resource Management
Customer Service
Office Computer Applications Training
Valuing Diversity

Examples of training programs with particular EEO/AA benefits include:

- New Employee Orientation welcomes new employees to the university and provides information on the university structure, mission, goals, and policies including a diversity training module.
- PeopleAdmin Training for Hiring Managers provides training on the electronic software used for establishing and recruiting positions and develops manager skills in identifying competencies required for the position; evaluation of applicant’s competencies and determining applicant pay based on competencies.
- Career Banding for Supervisors provides training to understand UNC Wilmington’s compensation goals, identify position competencies, apply pay factors to determine salary and salary progression, set maximum recruitment salary and process pay changes.
- Computer Competency Program is designed to introduce non-computer users to keyboard skills using self-directed programs to gain competency and confidence. Targeted toward non-clerical staff seeking career progression to positions which require terminal or data entry use.
- Supervisory Development Workshops adapted for service and maintenance employees whose work schedules do not permit them to attend traditionally scheduled classroom training.
• Harassment Awareness training is required for faculty and staff. This training educates and introduces the campus community to the unlawful harassment policy and resolution procedures; raise awareness among employees about responsibility they have in treating others with civility and respect; and increase participants’ understanding of how to respond to and report harassment.

• Equal Employment Opportunity Institute, provided by the NC Office of State Human Resources, addresses federal and state EEO laws and issues of workplace diversity in state government.

• Leadership Enhancement and Administrative Development (LEAD) provides eight training modules for senior administrators including legal and ethical issues, employee relations and diversity.

Exit Surveys
Since July 2007, UNC Wilmington’s Office of Human Resources has a program to survey separated employees with regard to their reasons for leaving the university. Former employees (who left voluntarily) are contacted and asked a series of questions designed to help determine their motivation for leaving the university. Results of the survey are tabulated and analyzed. Patterns which suggest a workplace that disenfranchises employees are discussed with supervisors of those areas.

REDUCTION IN FORCE IMPACT ANALYSIS
When budgetary constraints or changes in operational requirements necessitate, UNC Wilmington may abolish positions and separate employees under provisions of its Reduction in Force (RIF) Policy and state law.

As a matter of university practice, all reasonable means of avoiding a reduction in force will be explored prior to separating permanent employees -- including, for example, reducing non-salary expenditures, reducing salary expenditures, reallocating resources within UNC Wilmington, and abolishing vacant positions.

In accordance with current federal and state law, reduction-in-force decisions must be made regardless of an employee's demographic category. However, to assess the potential adverse impact on the diversity of the work force, an adverse impact analysis will be performed for the purpose of determining the effects of an impending reduction in force on the demographics of the university's work force -- with respect to the representation of racial/ethnic minorities, women, and persons with disabilities.

Where reduction-in-force criteria are applied uniformly and lead to the separation of minority or female employees, UNC Wilmington will immediately review the race/sex composition of the remaining work force in order to determine whether the current year's affirmative action objectives need to be revised under its federally approved EEO/AA Plan.

DIVERSITY INITIATIVES
Statement on Diversity in the University Community
In the pursuit of excellence, the University of North Carolina at 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, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, educational disadvantage, socio-economic circumstances, language, and history of overcoming adversity.

UNC Wilmington diversity initiatives have evolved with progress toward a bold and inclusive organizational cultural change based on collaboration and relationship building. UNC Wilmington’s Diversity Initiative Plan provides guidance for the campus. These essential steps fostered the initial infrastructure to create the Diversity Council and the Office of Institutional Diversity and Inclusion, an office with specific operational duties for this initiative. The associate provost for institutional diversity and inclusion provides enhanced program offerings for the university community. The council reviews and refreshes the progress on the initiatives annually.

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

**Chancellor’s Committee on Diversity and Inclusion**

The committee is charged with making recommendations on achieving the goal of creating a diverse and inclusive campus environment.

**Enhance the Web Presence of Diversity Initiatives**

The Office of Institutional Diversity and Inclusion is responsible for monitoring and promoting a prominent diversity Web site with links to related activities and campus information both to and from division, college, and school diversity Web sites.

**General Campus Awareness**

Under the leadership of the Office of Institutional Diversity and Inclusion, these initiatives will be continued:

- Include topic of diversity in the chancellor’s annual State of the University Address
- Hold Annual Diversity Symposium on campus
- Conduct climate survey and disseminate survey findings to faculty, students, and staff
- Develop Speakers Bureau from which orientation and training planners can draw programs and expert presenters
- Communicate broadly UNC Wilmington’s diversity definition and vision, including incorporation into appropriate documents
- Communicate broadly the Campus Respect Compact, which describes expectations for interactions among students, administrators, faculty, and staff implemented on campus.
The Arts in Action Performance Series seeks to culturally enrich, educate and entertain students, faculty, staff, and the general public through the presentation of diverse programs featuring professional, high-quality performing artists.

The Leadership Lecture Series invites nationally-known speakers who enlighten, challenge, inspire and demonstrate that all people have the ability to lead if they have the desire to make a difference.

Specific campus operations are engaged in diversity activities.

- Admissions identified resources to institute a mentoring program for racial/ethnic minority students upon admission.
- Academic Affairs instituted a diversity module as a required component of all orientation programs for new and transfer students, administrators, faculty, and staff with a refresher curriculum. Also, Academic Affairs works with academic departments to identify how diversity is addressed in required coursework for their majors and charges the Basic Studies Committee with curriculum revision to incorporate diversity.
- The Director of International Student & Scholar Services coordinates cultural programs, excursions, international student recruitment, etc. and established funds dedicated to international student scholarships.
- EEO/AA briefings for each search committee at UNC Wilmington.
- Programs created in University College to support diverse students, addressed targeted needs and established a summer residential student fellows program.

In response to the call of university leadership, UNC Wilmington’s Office of Institutional Diversity and Inclusion, in an effort to better serve our constituency, was charged to launch a robust effort in the establishment of cultural centers to address the needs of underrepresented groups. As a whole, these centers strive to coordinate and implement programs that support our diverse student population, assist in the development of diversity policies and procedures, provide academic and social guidance to students, engage in grant writing and fundraising efforts related to diversity initiatives, and assume responsibility for the enhancement of the overall cultural and academic enrichment experiences of UNC Wilmington students.

In support of these efforts, the Office of Institutional Diversity and Inclusion is mindful of its preamble: *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.*

**Office of Institutional Diversity and Inclusion**

The vision of the Office of Institutional Diversity and Inclusion is to become a national model for diversity and inclusion services based on research and best practices for an institution with our designation as master’s comprehensive university. The mission is to provide diversity and inclusion initiatives and strategies that contribute to UNCW’s mission and strategic direction to facilitate a powerful learning experience for all students. The office also has an
institutional role in providing guidance related to diversity and inclusion initiatives campus wide. The initiatives and strategies are based on research and best practices, and clustered in the five key areas of Climate, Leadership, Excellence, Access and Representation (CLEAR) framework.

**Upperman African American Cultural Center**

The Upperman African American Cultural Center supports UNC Wilmington’s commitment to diversity and inclusion, and its mission to offer “powerful academic experiences” through the successful execution of three primary goals:

1. Development and presentation of programs that explore and educate students, staff and community about the historical, cultural, social and artistic experiences of African Americans and other people of the African Diaspora.
2. Support development and maintenance of programs and resources that support quality of life, academic excellence, social well-being and a positive over-all experience for Black students at UNC Wilmington.
3. Maintain a level of expertise about the Black student experience that affirmatively informs the policies, practices and programs of UNC Wilmington administration, Academic Affairs and Student Affairs.

**Centro Hispano**

The mission of Centro Hispano is to nurture students into becoming strong leaders representative of all the core values of UNC Wilmington, through the promotion of academic excellence, cultural representation, and leadership development. Centro Hispano serves as a link between students and all available resources needed for their academic growth, as well as for their development as future professionals. The focus is on embracing and nurturing diversity, on developing student leadership, and on promoting best practices and best use of resources needed for academic success. The emphasis on diversity is exemplified by a goal of increasing the representation of the diversity within the Hispanic culture through students, faculty, staff, campus events, curriculum, and community engagement. The focus on student leadership development provides students with enrichment opportunities including leadership conference, leadership seminars and certificates, as well as leadership roles within our campus and community.

**Women’s Studies and Resource Center**

The Women’s Studies and Resource Center strives to create an interdisciplinary community of scholars working in the areas of sex, gender, and women’s issues. The center offers research, programming, education, and advocacy to promote gender equality, both locally and globally. The Center also provides information and referrals for a variety of UNC Wilmington and community services and resources. The Women’s Studies and Resource Center provides students, faculty, staff, and those in the greater Wilmington community with opportunities to experience the diverse facets of women’s lives, hopes and concerns from artistic, historical, and other perspectives. The center offers an interdisciplinary Women’s and
Gender Studies minor, opportunities for community outreach and an ongoing calendar of co-curricular activities which include workshops, lectures and scholarly panels.

**LGBTQIA Resource Office**

The LGBTQIA Resource Office at the University of North Carolina Wilmington supports lesbian, gay, bisexual, transgender, questioning, intersex and allied students, faculty, staff, and alumni. The office works to create a safe and inclusive environment for the LGBTQIA community and contribute to a culturally rich campus. Additionally, the office works both to raise awareness and inclusion of sexual and gender minorities and to provide information, referral, support, and programming to the UNCW Community. We do this through community building, advocacy, social justice and diversity education and the development of global citizens. All members of the UNCW campus are welcome, regardless of gender identity or other factors.

**REPRESENTATION ANALYSIS METHODOLOGY**

[41 CFR 60-2.11]

In compliance with regulations of the OFCCP, UNC Wilmington compiles an annual report of the representation of women and racial/ethnic minorities consisting of the following components: Work Force Analysis, Job Group Analysis, Availability Analysis and Representation Analysis.

In performing these analyses, UNC Wilmington uses “AA Planner” software designed and developed by Peopleclick Corporation to facilitate the representation analysis as specified in 41 CFR 60-2.15. This section of the EEO/AA plan will outline the methodology employed in undertaking UNC Wilmington’s representation analysis and summarize the resulting representation of women and racial/ethnic minorities in our work force.

**WORK FORCE ANALYSIS**

[41 CFR 60-2.11]

Data for all permanent and time limited employees is extracted annually from UNC Wilmington’s Human Resources system. The data represents persons employed at UNC Wilmington on December 31 of each year, and is downloaded to AA Planner to initiate the work force analysis.

A Work Force Analysis (organizational profile) is then prepared which details each organizational unit of UNC Wilmington by listing all positions assigned to the unit and providing the count and percentage representation of women and racial/ethnic minorities for the unit as a whole -- as well as providing subtotals and percentages for each minority group. The Work Force Analysis is included in Part II of the annual EEO report.

**JOB GROUP ANALYSIS**

[41 CFR 60-2.12 and 41 CFR 60-2.13]

Job groups for all permanent full-time or part-time employees are determined by reviewing each employee's job and classification to determine: (1) similar content, (2) similar rates of pay, and (3) similar opportunities.
A job group analysis is then prepared which details each job group by total female and total racial/ethnic minority representation -- and provides subtotals and percentages for each minority group. In the job group analysis, position titles are listed from the highest individual salary or salary range to the lowest. This analysis is included in Part II of the annual EEO/AA Report. [Note: While the chancellor's and chancellor emeritus’s positions are included in the workforce analysis, both are excluded from the job group analysis because hiring decisions for these positions are made at the UNC system level rather than at UNC Wilmington.]

**AVAILABILITY ANALYSIS**

**[41 CFR 60-2.14]**

UNC Wilmington uses Factor I (the percentage of racial/ethnic minorities or women with requisite skills in the reasonable recruitment area) exclusively for determining race and sex availability for all job groups. Factor II (the percentage of racial/ethnic minorities or women among those promotable, transferable, and trainable within the contractor's organization) is not used because of UNC Wilmington’s preference that its internal distribution of racial/ethnic minorities and women should not influence our goal for the UNC Wilmington workforce to equate to the labor market.

Because all of the job groups for staff are composed of job titles with different availability rates, a composite availability figure for the job group must be calculated. UNC Wilmington determines the availability for each job title within the job group by assigning an occupational code from the 2010 census, and then determines the proportion of job group incumbents employed in each job title using the Peopleclick AA Planner software. This software weighs the availability for each job title by the proportion of job group incumbents employed in that job group. The sum of the weighted availability estimates for all job titles in the job group indicates the composite availability for the job group.

UNC Wilmington uses relevant labor market information for the appropriate occupational categories from the 2010 United States Census to determine the availability percentage of racial/ethnic minorities and women in occupations that correspond to UNC Wilmington’s job groups. The specific availability data is found in Part II of the EEO/AA plan.

**COMPARING INCUMBENCY TO AVAILABILITY**

**[41 CFR 60-2.15]**

Under-representation of women or racial/ethnic minorities exists in a job group when the actual number of employees is less than the number that would reasonably be expected by their availability in the labor market. The OFCCP’s definition of under-representation relies on a standard of reasonableness. Institutions may select among three recognized standards: the Any Difference Test; 80% Test; and Standard Deviations Test.

UNC Wilmington has adopted the most stringent of these standards, the Any Difference Test, to guide our affirmative action planning. The Any Difference Test documents whenever the representation of women or racial/ethnic minorities among the UNC Wilmington workforce is at least one whole person less than the expected representation of these groups in relation to their availability in the relevant labor market. This is done by comparing the UNC Wilmington workforce percentage to the availability percentage and calculating the number of persons UNC Wilmington would need to recruit in order to bring the representation of women or racial/ethnic minorities in the job group into parity with the labor market.
The comparison and analysis of the workforce and availability percentages generated in the Job Group Analysis and Availability Analysis, respectively, enable us to develop a clear picture concerning the relative representation of women and racial/ethnic minorities at UNC Wilmington. The final step in the analysis is to compare the workforce percentages and market availability for women and racial/ethnic minorities by job group. Wherever the workforce percentage is equal to or exceeds market availability, women or racial/ethnic minorities are "fully represented" within the UNC Wilmington workforce. Wherever the workforce percentage is less than market availability (and the difference equates at least to one whole person), women or racial/ethnic minorities are "under-represented."

**PROCEDURES FOR MONITORING**

**METHODOLOGY TO ESTABLISH PLACEMENT GOALS**

*41 CFR 60-2.16*

The goal of UNC Wilmington’s Affirmative Action planning is for women and racial/ethnic minorities to be represented on our campus to the same extent as they are represented in the appropriate labor market – or, in other words, for the workforce percentage to equal the availability percentage.

Relying on the current year’s comparison between the UNC Wilmington workforce percentage and the labor market availability for both women and racial/ethnic minorities by job group, UNC Wilmington establishes an affirmative action goal wherever the workforce percentage is less than the availability percentage and the difference is at least one whole person. No goals are established for job groups with under-representation of less than one whole person.

**METHODOLOGY TO EVALUATE PRIOR YEAR'S GOALS**

*41 CFR 60-2.16*

**Evaluation by Comparing Net Change in Representation**

Where workforce counts are below labor market, UNC Wilmington establishes a goal to increase the representation of women or racial/ethnic minorities (incumbency) to bring their representation in line with the labor market (availability). Each job group is evaluated against the previous year’s representation as one means of evaluating the prior year’s goal accomplishment (*Part II, Tables 3 and 4*). As a quantitative measure, this picture of gains and losses in each job group helps administrators understand where we have made progress in recruiting and retaining women and racial/ethnic minorities and where we need to make further progress to achieve a fully balanced and diverse workforce.

**Evaluation by Comparing Percentage Change in Availability and Representation**

For job groups that require a closer examination of under-representation, comparisons are made between the current and previous year’s availability and the current and previous year’s incumbency (*Part II, Tables 5 and 6*). In some cases, this may indicate that even though UNC Wilmington is using good faith efforts to hire and retain women and racial/ethnic minority employees, the percentage of women and racial/ethnic minority employees in the labor market may be rising at a pace faster than at UNC Wilmington.
IDENTIFICATION OF PROBLEM AREAS

[41 CFR 60-2.17]

UNC Wilmington is committed to and will provide equality of educational and employment opportunity for all persons regardless of race, gender, gender identity, sex (such as marital status or pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, genetic information, political affiliation, veteran status, or relationship to other university constituents. The Office of Human Resources consistently evaluates impediments to equal employment opportunity by ensuring non-discriminatory practices in personnel activity such as selection, recruitment, compensation, training, and hiring. In addition, the Office of Human Resources annually evaluates the representation of women and racial/ethnic minorities by job group and monitors all employment activity. Situations that indicate an adverse condition are typically identified early in the recruitment and selection process and the hiring official is advised on corrective actions.

INTERNAL ACCOUNTABILITY AND REPORTING SYSTEMS

[41 CFR 60-2.17]

Supervisory Accountability for Affirmative Action Efforts

Every supervisor is charged with carrying out the program of equal employment opportunity and affirmative action.

Monitoring and Assessment of Good Faith Efforts to Obtain Goals

The affirmative action program is evaluated in two ways:

1. Monitoring UNC Wilmington’s commitment and good faith efforts, and
2. Comparison of numerical goals and progress toward accomplishing those goals.

Both of these functions are the responsibility of the EEO/AA officer in conjunction with the chancellor and the EEO/AA Advisory Committee (cabinet). To evaluate adherence, the EEO/AA officer (or designee) requires reports from those involved in the search and selection process and, when necessary, consults with them at important steps in the employment process. Reports and consultations also occur whenever there appears to be an insufficient number of racial/ethnic minorities or women in the pool of candidates or whenever a substantial portion of such applicants has been eliminated.

The EEO/AA officer has published reporting requirements for faculty members and administrative officers participating in the hiring process.

1. When the search is initiated, the department must notify the EEO/AA officer (or designee) of the type of position and of specific plans for advertising the position.
2. Each applicant for the position is asked to voluntarily identify his or her race and ethnicity, gender, disability, and/or veteran status on UNC Wilmington’s PeopleAdmin and Consensus™ on-line application systems. The results of each search are made available to the EEO/AA officer (or designee) who may, in some searches, recommend that the search be extended to reach additional racial/ethnic minorities and women in an effort to make percentages reflect labor market availability.
3. In any search, if the EEO/AA officer (or designee) perceives the possibility of deficiencies in the application of the affirmative action process, the officer may request a review by the academic dean of the affected unit, or by the appropriate vice chancellor. If appropriate, the division vice chancellor for EPA positions, the provost for faculty positions, or the EEO/AA officer for any position may suspend a search and report the suspension to the chancellor.

4. Before a search leader extends an offer of employment, the EEO/AA officer shall have received a report which describes the recruiting and advertising efforts and states the reason or reasons for preferring the person chosen for the position. This report should include a summary report on compliance with the affirmative action process. The EEO/AA Officer (or designee) will confirm the EEO/AA certification of the search process to the hiring official in writing with a concurrent copy to the search reviewer.

For SPA appointments, the EEO/AA officer ensures that procedures published by the North Carolina Office of State Human Resources are followed. In addition, the EEO/AA officer requires that a report be filed in the Office of Human Resources describing the reasons for selection of one applicant over the other applicants who were interviewed.

In overseeing UNC Wilmington’s affirmative action program, the EEO/AA officer makes regular reviews of the work force complement. Those job groups which demonstrate under-representation are scrutinized carefully. Hiring decisions made in the various units are assessed on an ongoing basis as they relate to the progress toward accomplishing the percentage goal within job groups. The provost and vice chancellors who oversee positions affected by the under-utilization are regularly informed of the progress toward attaining those goals.

Further, the Director of Internal Audit incorporates formal audit procedures into UNC Wilmington’s on-going audit protocols to monitor compliance issues with respect to UNC Wilmington's EEO/AA program.

**COMPLIANCE WITH GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN**

[41 CFR 60-50]

UNC Wilmington has reviewed its employment practices to ensure that members of various religious and/or ethnic groups receive fair consideration for employment opportunities. In addition, UNC Wilmington makes reasonable accommodation to religious observances and practices.

**COMPLIANCE WITH GUIDELINES ON SEX DISCRIMINATION**

[41 CFR 60-20]

**Recruitment and Advertisement**

UNC Wilmington will continue its policy of equal employment opportunity for members of both sexes. UNC Wilmington has no job positions reserved for members of one sex only due to a bona fide occupational qualification. UNC Wilmington actively recruits both men and women for all jobs. Advertisements for university positions express no sex preference. Print advertisements do not appear under headings labeled "male" or "female."
Job Policies and Practices

Written personnel policies clearly indicate that there shall be no discrimination against employees on the basis of sex or gender. All employees have equal opportunity for any job for which they are qualified. UNC Wilmington makes no distinction based on sex or gender in employment opportunities, wages, hours, benefits, or other conditions of employment and places no restrictions on a women's ability to work that are not placed on a men's ability in the same setting. There is no distinction between the hiring, employment treatment or termination of a woman or a man based on marital status (except where marital status is a statutorily established eligibility criterion for State funded employee benefit programs). UNC Wilmington does not deny employment to women with young children nor does it treat male and female employees differently as to retirement or termination because of age. Seniority at UNC Wilmington is not based in any way on sex. UNC Wilmington provides appropriate and comparable physical facilities for female and male employees. There is no distinction based on sex in determining eligibility for any training and development program offered by UNC Wilmington. Women are encouraged to participate in such opportunities both within and outside UNC Wilmington.

Pregnancy and Medical Conditions

Women are not discriminated against in their employment because of time spent away for childbearing or related medical conditions. Disabilities resulting from pregnancy are treated like any other temporary disability suffered by an employee. Female employees who are pregnant are not subjected to limitations on their employment rights before childbirth. After a leave for pregnancy or related conditions, entitlements are retained in the same manner as for any employee returning from disability leave. Under UNC Wilmington’s health insurance coverage and disability programs, a disability contributed to or caused by pregnancy or related medical conditions is treated the same as a disability contributed to or caused by other medical conditions.

Sexual Harassment and Undue Favoritism Based on Sex

Sexual harassment and/or the assignment or suggestion of rewards and punishments on the basis of sex are prohibited. Intimate consensual sexual relations between supervisors and subordinates and between faculty members and students are a cause for concern. Those relationships are improper when they influence or could reasonably be expected to influence decisions or actions related to employment and/or academic success. UNC Wilmington has specific conduct policies prohibiting improper relationships, sexual harassment and conflict of interest. http://www.uncw.edu/policies/

Upon allegations that raise reasonable apprehension of prohibited activity that violates this policy, careful inquiry and investigation—with appropriate safeguards insuring individual rights and confidentiality—will be carried out. Appropriate penalties will be given under normal procedures ensuring due process. Those who invoke the policy are protected from retaliatory acts. Information concerning complaints arising under it will be treated responsibly. Malicious or frivolous claims of harassment or favoritism are also prohibited and, if substantiated, will result in disciplinary action.

This policy applies to all applicants for employment or for admission to university programs; to all officers, employees, and students; and to persons who serve UNC Wilmington as agents and are under the control of UNC Wilmington.
The Office of Human Resources, the Office of General Counsel, and the Dean of Students' Office provide training to faculty and staff on ways to identify and correct sexual harassment. That training focuses especially on relevant state and federal laws, court decisions, grievance and disciplinary procedures, and useful mediation strategies.

All faculty and staff are required to attend harassment awareness educational sessions.

**Title IX Coordinator**

Dr. Terrance Curran is the Title IX Coordinator.

Contact Information: Dr. Terrance Curran, Associate Provost Academic Affairs/Enrollment Management, 601 S. College Rd, Wilmington, NC 28403. currant@uncw.edu, 910-962-3876

**SPECIFIC PROVISIONS CONCERNING INDIVIDUALS WITH DISABILITIES AND QUALIFIED COVERED VETERANS**

41 CFR 60-250 and 60-741

UNC Wilmington does not discriminate against persons with disabilities and is committed to taking affirmative action to employ and advance in employment qualified individuals with disabilities and qualified covered veterans. This affirmative action program applies to the recruitment, employment, compensation, and advancement of persons with disabilities and qualified covered veterans.

**Outreach Activities**

In seeking persons with disabilities and qualified covered veterans, UNC Wilmington identifies agencies and organizations which may refer applicants. Specifically, UNC Wilmington regularly seeks the aid of the following sources in the interest of identifying and giving employment consideration to qualified covered veterans and to persons with disabilities:

**Director**

N.C. Department of Commerce – Division of Employment Security
717 Market Street
Wilmington, NC 28401

**Unit Manager**

NC Vocational Rehabilitation Services
709 Market Street
Wilmington, NC 28402

Employees with disabilities and qualified covered veterans may appropriately identify themselves as such to facilitate accommodation. Job applicants are advised, during the recruitment process, to contact UNC Wilmington Human Resources if they require an accommodation if called for an interview.

**Personnel Practices**

UNC Wilmington makes reasonable accommodation to the physical and mental limitations of an employee or applicant. Information obtained from applicants and employees concerning a
physical or mental condition is kept confidential, except that (1) supervisors and managers may be informed regarding the necessity for accommodation or restrictions on work or duties; (2) first aid and safety personnel may be informed, when appropriate; and (3) government officials investigating compliance with equal employment opportunity laws may be informed.

The applications of employees and veterans who make their disability status known to the Office of Human Resources are reviewed to ensure that qualified individuals are given equal consideration for opportunities for hire, promotion, and transfer.

Employment procedures for EPA (including faculty) and SPA positions include careful attention to evidence of self-identification in these categories and require thoughtful consideration of such applicants for initial employment and promotions and for participation in training opportunities. Periodic reviews of employment procedures allow monitoring of affirmative action activities and responses to these populations. Recruitment staff in the Office of Human Resources address issues involved in placing persons with disabilities in employment and respond to requests for accommodation by such persons. The Office of Human Resources provides information to supervisors on affirmative action principles and recruitment policies affecting persons with disabilities and disabled veterans.

So that qualified persons with disabilities are not screened out unnecessarily for UNC Wilmington’s jobs, the Office of Human Resources reviews job descriptions of positions to ensure that physical and mental job qualifications are job-related, are consistent with business necessity, and will ensure the safe performance of the job.

In offering employment or promotions to individuals with disabilities or qualified covered veterans, UNC Wilmington does not reduce the amount of compensation offered because of any disability income, pension, or other benefits the applicant or employee receives from other sources.

**Facilities**

All buildings were subjected to a compliance review by the Office of Civil Rights of the Atlanta regional office of the U. S. Department of Education in 1991 and suggested corrections were made. Since that time, UNC Wilmington has maintained an ongoing program to both improve facilities and ensure compliance with the Americans with Disabilities Act (ADA and ADAAA) as needs are identified and funding becomes available. In addition, all plans for new construction projects and renovations involving the reorientation of building components are submitted for review and approval by the NC Department of Insurance Fire Fund Division. The NC Department of Insurance reviews the plans for compliance to the NC Building Code, which includes the North Carolina Accessibility Code and meets ADA requirements.

**ADA Coordinator**

The ADA Coordinator is David Todd.

Contact Information: David Todd, Safety & Accessibility Specialist, Environment Health & Safety, 601 South College Rd., Wilmington, NC 28403, toddd@uncw.edu, 910-962-4287
COST REDUCTION MECHANISMS AND RECORDS AVAILABILITY
[41 CFR 60-2.32]

In order to reduce the cost of publishing, UNC Wilmington publishes the EEO/AA Plan in three parts. Part I is distributed to the North Carolina Office of State Human Resources, the Office of the Provost and the Reserve Desk of Randall Library. Part I is updated as needed and posted to the UNC Wilmington Human Resources Web site. Part II is produced annually, and posted to the UNC Wilmington Human Resources Web site and distributed to the NC Office of State Human Resources, and the Office of the Provost. Part III is produced annually as supporting tables for Part II and is maintained in the Office of Human Resources. All three parts also are available for inspection during regular working hours in the Office of Human Resources, 601 S. College Road, Wilmington, NC 28403 for a period of three years after they are produced.

Part I: EEO/AA Policies and Procedures
- EEO/AA Policy Statement
- Dissemination of The Affirmative Action Policy
- Implementation of Affirmative Action Program
- Development and Execution of Action-Oriented Programs
- Utilization Analysis Methodology
- Methodology to Establish Placement Goals
- Methodology to Evaluate Prior Year’s Goals
- Identification of Problem Areas
- Internal Accountability and Reporting Systems
- Compliance with Guidelines on Discrimination Because of Religion or National Origin
- Compliance with Sex Discrimination Guidelines
- Specific Provisions Concerning Persons with Handicapping Conditions Disabled Veterans and Vietnam Era Veterans
- Cost Reduction Mechanisms and Records Availability
- Addendum 1: Harassment Prevention Policy
- Addendum 2: Harassment Resolution Procedures

Part II: EEO/AA Annual Report
- Reaffirmation of EEO/AA Policy Statement
- Executive Summary
- Utilization Observations by Job Group
- Utilization Analysis
- Placement Goals
- Good Faith Efforts
- Supporting Tables and Graphs

Part III: EEO/AA Supporting Documentation
- Factor Availabilities
- Job Group, EEO Codes, and Census Occupation Codes Assigned to Job Titles
- Job Group Analysis
- Work Force Analysis (Organizational Profile)
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.
I. Purpose

These procedures are intended to provide for the prompt and equitable resolution of harassment. These procedures apply to all university students, agents, and employees, including full and part-time students, graduate and undergraduate; and full, part-time and temporary employees, including faculty, EPA professionals, and SPA employees, as well as visitors. The university recognizes that there are multiple avenues for resolving harassment concerns, from informal means and mediation to formal investigations. The university encourages individuals who believe that they are the subject of harassment to report incidents in accordance with these procedures.

II. Confidentiality

The university shall protect the privacy and confidentiality of individuals both reporting and individuals who are alleged to have harassed to the extent allowed by law. However, once a university official has actual knowledge of allegations which may be serious enough to constitute a violation of the university’s harassment prevention policy, the university’s legal obligations require it to investigate under the formal procedures described below in Sections VII or VIII. If an individual desires complete confidentiality and does not want such an investigation, he or she should consult with individuals, who by law have special professional status, such as mental health counselors, physicians, clergy, or private attorneys.

III. Administrative Responsibility

Vice chancellors, deans, directors, department chairs, or supervisors who become aware of specific allegations of harassment, must report the allegations promptly.
either to the Human Resources Director/Equal Employment Opportunity/Affirmative Action Officer (“EEO/AA officer”) or the Dean of Students, as appropriate based on the status of the alleged offender.

IV. Retaliation Prohibited

Any act by a university employee, agent, or student of reprisal, interference, restraint, discrimination, coercion or harassment against any person using these procedures shall constitute a policy violation and shall be subject to prompt and appropriate disciplinary action.

V. Other Remedies

A. The existence of these procedures does not prohibit individuals from also filing claims under Title VII (Civil Rights Act of 1964) with the Equal Employment Opportunity Commission or under Title IX (Education Amendments of 1972) with the Office of Civil Rights, U.S. Department of Education.

B. SPA employees may file a grievance under the Unlawful Workplace Harassment section of the SPA Grievance and Appeal Policy. This is the required procedure for SPA employees who desire to maintain their appeal rights through the Office of Administrative Hearings of the State Personnel Commission. To use this procedure, the SPA employee must submit a written grievance to Human Resources within thirty (30) calendar days of the alleged harassment. SPA employees who do not submit a written grievance to Human Resources within this time frame may still utilize the formal resolution procedures for resolving their concerns as stated below but will not have the option of later appealing to the Office of Administrative Hearings or using any other university appeal procedures.

VI. Informal Resolution

A. In deciding whether to pursue informal means, including mediation, the affected individual is encouraged to seek the assistance of the Title IX Coordinator, the ADA Coordinator or representatives in the Office of the Dean of Students, Housing and Residence Life staff, Student Health Services, the Counseling Center or Human Resources. These offices are available to assist the affected individual in crafting the message to send to the offending individual, as well as recommending other informal mechanisms and setting up mediation. Whichever office the affected individual elects to discuss his/her concerns with, the issue of confidentiality should be addressed before specific facts or identities are disclosed due to the university’s legal obligations to investigate all allegations that may constitute harassment as defined in the university’s harassment prevention policy.
B. Harassment concerns may be resolved through a variety of informal mechanisms, including but not limited to the following:

1. Telling the alleged offender his or her behavior is unwelcome and must stop.

2. Asking for an apology and a commitment that the behavior will stop.

3. Sending a copy of the university’s harassment prevention policy to the alleged offender.

4. Writing to the alleged offender regarding the conduct, pointing out the effects of such behavior, and explaining the behavior change desired.

5. Having the pertinent supervisor to counsel the alleged offender about appropriate behaviors and conduct expectations.

6. Seeking to mediate the concern.

VII. Formal Resolution: Student Initiated Harassment

Complaints about students must be presented to the Office of the Dean of Students. The Dean of Students, or designee, shall investigate and take appropriate disciplinary action commensurate with the severity and/or frequency of the conduct. Discipline resulting from student harassment shall be taken in accordance with the procedures provided in The Code of Student Life.

VIII. Formal Resolution: Employee or Other Non-Student Initiated Harassment

A. A complaint must be presented within ninety (90) calendar days of the alleged harassing incident to the EEO/AA officer. If filed later than ninety calendar (90) days, the EEO/AA officer may extend the time limit based on extenuating circumstances and at his/her sole discretion. If the allegations are against the EEO/AA officer, the complainant may present the complaint to the general counsel for investigation and resolution.

B. Complainants are not required to provide a signed, written statement describing their complaint; though such documentation is strongly encouraged. If the complainant conveys the allegations verbally, the EEO/AA officer, or designee, shall document the complaint and have the
complainant review and sign the documentation to indicate that it is accurate and complete.

C. Depending on the nature and severity of the allegations, the university may be obligated to investigate a complaint of harassment without a signed, written statement once the university has actual notice of possible harassment. Under Title IX, the university is legally obligated to take prompt and remedial measures to end harassment of a student, even if the student does not make a complaint or otherwise requests action to be taken.

D. The EEO/AA officer, or designee, shall determine whether the allegations fall within the scope of the university’s harassment prevention policy. If the determination is that the policy is implicated, the EEO/AA officer, or designee(s), shall investigate promptly.

E. At a minimum, the EEO/AA officer or designee shall form a fact finding team of two impartial and unbiased individuals who shall provide for an interview of the complainant and the respondent. Witnesses should also be interviewed, and any relevant documentary evidence shall be reviewed. The fact finding team shall take notes of all individuals who are interviewed. The fact finding team shall instruct individuals that retaliation is prohibited and is a violation of university policy and the law. The individuals shall also be instructed about the confidentiality and privacy parameters of the investigation.

F. Both the complainant and the respondent may be accompanied when interviewed by another member of the university community, so long as the individual does not interfere with the interview. This person’s role is simply as an observer. Representation by legal counsel during the interview is prohibited.

G. Upon completion of the investigation, the fact finding team shall prepare a written report of the factual findings. The EEO/AA officer shall forward the report to the pertinent senior officer in the unit where the respondent is employed. The senior officer shall make a determination of whether a policy violation has occurred.

H. In the event that a violation of the university’s harassment prevention policy is found, the pertinent senior officer shall determine the appropriate disciplinary action, in consultation with the EEO/AA officer (and the Title IX Coordinator if a sexual harassment matter), and in accordance with the appropriate disciplinary procedures pertaining to the affected individual (e.g. Section 603 of the Code of the Board of Governors for imposition of serious sanctions against a faculty member; SPA Grievance Procedure; or EPA Grievance Procedure). Any prior violations of the harassment
prevention policy involving the respondent shall be considered in any disciplinary action.

I. The complainant and the respondent shall be informed immediately when the investigation is completed. Results of the investigation, the fact finding 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.

IX. Record Keeping

A. The Human Resources Office shall retain all records of the investigation in a confidential file.

B. The EEO/AA officer and the Dean of Students shall provide statistics on an annual basis to the chancellor and the Title IX Coordinator of the number of incidents that have been investigated under the formal resolution procedures.

X. Appeal Procedures

A. The grounds for appeal by the complainant or the respondent may be for only these reasons:

   1. The harassment is ongoing;
   2. The remedy was not implemented;
   3. Material procedural irregularities occurred during the investigation; or
   4. New evidence has been discovered that had not been available during the investigation

B. Dissatisfaction with the university’s conclusion from the formal resolution procedures is not grounds for an appeal. Appeals of any disciplinary action must be taken in accordance with the SPA grievance procedures, the EPA grievance procedures, or Section 603 of the Code of the Board of Governors, as appropriate.

C. A written appeal statement must be filed within thirty (30) calendar days after notice that the investigation has been completed. The statement must be sent to the EEO/AA officer or to the general counsel if the appeal is against the EEO/AA officer.

D. Appeal statements must include a copy of the original complaint, a summary of efforts to resolve the harassment, and the grounds for the appeal.
E. The pertinent Vice Chancellor, or designee, shall review the appeal with the EEO/AA officer, general counsel (and the Title IX Coordinator if a sexual harassment matter) and make a decision. The decision must be in writing and sent to the complainant in a matter which ensures receipt. This decision constitutes a final university decision.