

**UNIVERSITY of NORTH CAROLINA**  
**GENERAL ADMINISTRATION**  
**Unlawful Workplace Harassment**  
**Policy and Procedure**  
**January 1, 2008**

**Purpose**

The purpose of this policy is to establish that the University of North Carolina General Administration prohibits unlawful workplace harassment of SPA and EPA employees and to ensure the work site is free from harassment. This policy also prohibits retaliation against employees.

**Policy**

The policy of the University of North Carolina General Administration (UNC General Administration) is that no employee may engage in conduct that falls under the definition of unlawful workplace harassment indicated below. All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation.

**Definitions**

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

Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.

Quid Pro Quo harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

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

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

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

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

Advisory Note: Examples of quid pro quo unlawful workplace harassment include:

1. A supervisor promises an employee a promotion if the employee acquiesces to sexual advances.

A supervisor begins each staff meeting with a prayer session conducted by a Christian minister. A Jewish employee refuses to participate in the prayer session and is terminated because of this refusal.

### **Coverage**

Former employee, full-time or part-time employee with either a permanent, probationary, trainee, time-limited permanent or temporary appointment.

Advisory Note: While applicants are not covered under the State statute (SB78), they are covered under other State and Federal Civil Rights Acts.

### **Grievance Procedures and Appeals**

1. Grievant must submit a written complaint to the Employee Relations Manager within 30 calendar days of the alleged harassing action.
2. UNC General Administration shall take appropriate remedial action within 60 calendar days from receipt of written complaint unless the employing agency has waived the 60-day period, and grievant has acknowledged such waiver. The waiver and acknowledgement shall be in writing.

3. UNC General Administration shall provide a written response to the grievant if and when an action will result from the grievant's written complaint.
4. After UNC General Administration's 60 calendar-day (or less, if waived) response period has expired, the grievant may appeal directly to the Office of Administrative Hearings and the State Personnel Commission within 30 calendar days if not satisfied with the agency's response to complaint.

Advisory Note: A grievant has a right to file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).

Advisory Note: An individual with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, sexual orientation, political affiliation or disabling condition as defined by G.S. 168A-3, or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the Office of Administrative Hearings and the State Personnel Commission.