It is the policy of the North Carolina School of Science and Mathematics (NCSSM) that no employee may engage in speech or conduct that is defined below as workplace harassment. All current and former NCSSM employees are guaranteed the right to work in an environment free from workplace harassment and retaliation while employed at NCSSM.

NCSSM is committed to equality of opportunity and the maintenance of a work environment free of any harassing conduct on the basis of race, color, creed, religion, national origin, gender, sexual orientation, age, disability, veteran status, or other personal characteristics not relevant to an individual’s performance as an employee.

Any employee who knows of situations involving harassment has an obligation to report those circumstances to the Director of Human Resources. Any person associated with the School engaging in such conduct will be appropriately disciplined, which could result in dismissal for misconduct. Any reported cases will be reviewed for possible referral to appropriate legal authorities. A false accusation is considered misconduct and may result in appropriate disciplinary action.

This policy shall be posted on the Office of Human Resources Website. The Director of Human Resources, or designee, will inform new employees of the policy during employee orientation and provide a copy of the policy and attached procedures to all employees on an annual basis.

DEFINITIONS

(1) NCSSM’s Workplace Harassment Policy defines workplace harassment as unwelcomed or unsolicited speech or conduct based upon race, color, creed, religion, national origin, gender, sexual orientation, age, disability, veteran status, or other personal characteristics not relevant to an individual’s performance as an employee. Workplace harassment may arise in one of the following circumstances:

- **Hostile Work Environment** harassment consists of conduct that has the purpose or effect of unreasonably interfering with an individual’s performance or creates an intimidating, hostile or abusive environment. The standard is conduct that both a reasonable person would find hostile or abusive and that the particular person who is the object of the harassment perceives to be hostile or abusive.

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

(2) **Retaliation** is defined as adverse treatment taken against individuals exercising their rights under this policy.

Approved by the Board of Trustees
May 28, 1999

**WORKPLACE HARASSMENT PREVENTION PLAN**

**COVERAGE AND GRIEVANCE PROCEDURES**

The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the law and with the necessity to investigate allegations of misconduct and to take corrective action when misconduct has occurred.

A prompt and impartial investigation will be made of all cases alleging workplace harassment based on presented facts surrounding the misconduct. NCSSM will review the totality of the circumstances to determine whether the alleged conduct constitutes workplace harassment. Unless independent evidence exists, the victim must be willing to testify in order for the School to take corrective action against the accused. Any interference, coercion, restraint or reprisal of any person complaining of workplace harassment is prohibited.

Any former NCSSM employee, full-time or part-time employee with either a permanent, probationary, trainee, time-limited permanent or temporary appointment who feels that he/she has been improperly harassed in the workplace while employed at NCSSM must do the following:

(1) Submit a written complaint within 30 calendar days of the alleged harassing action to the Director of Human Resources, who has been designated as the School’s EEO Officer and is charged with implementing this policy and coordinating the investigation of complaints. If the Director of Human Resources is the accused, the complaint should be submitted to the NCSSM General Counsel. In such cases, the NCSSM General Counsel, or designee, serves as the EEO Officer. The grievant may bypass any step in the procedure if the alleged harasser is involved in the decision making.

(2) NCSSM shall investigate the complaint and take appropriate remedial action within 60 calendar days from receipt of the written complaint. The School will provide a written response to the grievant stating what action, if any, will be taken. This is the final step for harassment allegations based on factors not defined as unlawful by state law, G.S. 126-34.*
After the 60 calendar day response period has expired, the grievant alleging unlawful harassment as defined by the State Personnel Act (G.S. 126) may appeal to the Office of Administrative Hearings and the State Personnel Commission within 30 calendar days if not satisfied with the School’s response.

*G.S. 126-34, defines unlawful workplace harassment as unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or handicapping condition that creates a hostile work environment or circumstances involving quid pro quo.

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, political affiliation or handicapping 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.

Grievants may file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).

Former employees may appeal directly to the Office of Administrative Hearings and the State Personnel Commission.

Applicants, while not covered by G.S. 126-34, are covered by other state and federal civil rights statutes.

OBJECTIVES

Research indicates that creating a supportive work environment is the most important step in preventing harassment.

The following objectives have been established to create a supportive environment:

- disseminate to all employees NCSSM’s workplace harassment policy
- sensitize employees to the subject through training, orientation and literature
- promptly investigate every report of suspected workplace harassment
- offer mediation by the designated administrators as an alternative to a formal hearing
- use established disciplinary and grievance procedures in addressing workplace harassment
- document all efforts taken to prevent workplace harassment and to respond to complaints

RESPONSIBILITY
The ultimate responsibility for the NCSSM Workplace Harassment Prevention Plan lies with the Chancellor. However, the Director of Human Resources is responsible for coordinating the plan and advising as appropriate all parties involved in cases alleging workplace harassment. Division vice chancellors and the Director of Human Resources are responsible for investigating and obtaining any additional information in cases alleging workplace harassment. Supervisors are responsible for prevention and correction of any identifiable discrimination and/or workplace harassment. All NCSSM employees are responsible for maintaining a work environment free of conduct defined as workplace harassment or retaliation.

PROGRAM COORDINATION and PROCESS

- The Director of Human Resources coordinates orientation and training programs, advises parties involved in alleged harassment, investigates allegations and monitors disciplinary actions.
- The Director of Human Resources, or designee, offers mediation as an alternative to formal hearing procedures.
- In filing the complaint, the grievant is allowed to bypass any step in the grievance procedures involving review by the alleged harasser.
- Disciplinary action is handled through regular employee disciplinary procedures.
- Appropriate disciplinary action will be imposed on those who (1) interfere or retaliate against any person alleging harassment, or (2) make unfounded charges.
- The accused will not be allowed to resign to avoid dismissal or other disciplinary action without the written consent of the accuser.
- The accused may appeal any disciplinary action through the appropriate grievance procedure.

The Director of Human Resources/EEO Officer will evaluate this program annually based on effectiveness of training programs, number of complaints, nature of cases and their outcome through the internal complaint procedures; and compliance with program requirements.