

# **Discrimination and Harassment at NC State: Defining the Issues**

## The Working and Learning Environments

It is important to recognize the two different environments in which discrimination and harassment could occur at NC State: the employment arena and the academic arena. There are federal and state laws that govern the rights and responsibilities of both populations (employees and students) with respect to discrimination and harassment.

Some of us here at the university engage in both arenas. An excellent example is a graduate teaching assistant, who is primarily a student (and thus engaged in the academic environment) but also is employed by the university (and therefore engaged in the employment environment). For many graduate teaching assistants, the line between 'working' and 'learning' is often blurred. Another example would be employees of the university who take advantage of the Tuition Assistance Program; these individuals become students and are therefore engaging in both the employment and academic worlds.

One goal of our policies is to hold everyone -- staff, faculty and students -- accountable to a standard of conduct that prohibits discrimination and harassment in both the learning and working environments. Another goal of our procedures is to provide a consistent and equitable response to all concerns of discrimination, whether they originate from staff, faculty or students. The challenge is to provide a model for resolution that balances sensitivity and compassion with neutrality and fairness.

## Discrimination: Strict Discrimination, Harassment and Retaliation

There are three generally acknowledged forms of discrimination: 'strict' discrimination, harassment, and retaliation.

'Discrimination' in general has traditionally been defined as adverse treatment based on an individual's race, color, sex, national origin, or religion. These characteristics are sometimes called 'protected classes' or 'covered categories.' Over the years, other federal and state laws have designated other protected classes, such as age and disability. While sexual orientation is not considered a protected class as defined by federal or state law, it is the internal policy of NC State that sexual orientation should not be a factor upon which decisions are based; there are exceptions with respect to the university's relationships with outside organizations (such as the military).

### Strict Discrimination

'Strict' discrimination (in the employment arena) occurs when the university fails or refuses to hire or discharge any individual, or otherwise discriminate against any individual with respect to her or his compensation, terms, conditions, or privileges of employment, and that individual is a member of the protected class.

It should be noted that federal law does allow employers to use sex, religion or national origin to exclude individuals from certain jobs if there are 'Bona Fide Occupational Qualifications' in place. For example, a company selling religious articles or books might be allowed to insist on hiring sales people of the particular religion involved. But the company could not refuse to hire someone into a janitor's position because of her religion, as it would not be 'reasonably necessary' to the operation of the business.

'Strict' discrimination (in the academic arena) occurs when the university deprives an individual, or otherwise discriminates against any individual with respect to his or her terms, conditions, or privileges of education, and that individual is a member of a protected class.

### Harassment

'Harassment' (in either the employment or academic arena) occurs when a student or employee, who is a member of a protected class, is subjected to unwelcome conduct that either creates a) a 'hostile' working or learning environment; or b) when submitting to or rejecting that behavior becomes a condition or factor of the individual's employment or education.

### Retaliation

'Retaliation' (in either the employment or academic arena) occurs when a student or employee is subjected to adverse action in response to that individual bringing forward a concern about discrimination, or participating in the resolution of a concern about discrimination.