

**NC STATE UNIVERSITY**  
**Policies, Regulations and Rules**

Authority	<b>Chancellor</b>
Title	<b>Equal Opportunity and Non-Discrimination Policy</b>
Classification	<b>POL04.25.02</b>
PRR Subject	<b>Non-Discrimination</b>
Contact Info	<b>Vice Provost for Equal Opportunity and Equity (919-515-4559)</b>

**History:** First Issued: August 30, 1999. Last Revised: November 20, 2009. [Additional History Information.](#)

**Related Policies:**

[NCSU POL05.25.1 Grievance Procedure for Faculty and EPA Professional Employees](#)

[NCSU POL11.35.1 Code of Student Conduct](#)

[NCSU POL11.40.1 Uniform Student Grievance Procedures](#)

[NCSU REG04.25.2 Resolution Procedures for Harassment Complaints](#)

[NCSU REG04.25.3 Sexual Orientation Policy Statement](#)

[NCSU REG04.25.6 Discrimination and Harassment Prevention and Response Training](#)

**Additional References:**

[Human Resources, Policies and Procedures Manual - Non-Discrimination Appendix](#)

[SPA Grievance and Appeals Procedures](#)

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## 1. POLICY STATEMENT

1.1 It is the policy of the State of North Carolina to provide equality of opportunity in education and employment for all students and employees. Educational and employment decisions should be based on factors that are germane to academic abilities or job performance. Accordingly, the North Carolina State University (“NC State”) does not practice or condone unlawful discrimination in any form, as defined by this policy.<sup>1</sup>

NC State hereby affirms its desire to maintain a work environment for all employees and an academic environment for all faculty members and students that is free from all forms of prohibited discrimination. NC State strives to build and maintain an environment that supports and rewards individuals on the basis of such relevant factors as ability, merit and

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<sup>1</sup> This policy reflects federal and state civil rights laws such as: Title VII of the Civil Rights Act, Title IX of the Education Amendments, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, among others.

performance; the prohibited behaviors of discrimination, harassment and retaliation are incompatible with the values and goals of NC State.

1.2 Discrimination as defined in Section 3 is a violation of this policy and will not be tolerated by NC State.

## **2. RESPONSE TO PROHIBITED BEHAVIOR**

2.1 NC State will respond promptly to all complaints of discrimination, harassment and retaliation. Violation of this policy can result in serious disciplinary action up to and including expulsion for students or discharge for employees.

2.2 Disciplinary action for violation of this policy will be the responsibility of the dean or director, supervisor, or Office of Student Conduct, as may be appropriate in accordance with applicable procedures.

## **3. DEFINITIONS**

### **3.1 Discrimination**

3.1.1. Discrimination is unequal and unlawful treatment based upon race, color, religion, creed, sex,<sup>2</sup> national origin, age, disability, or veteran status. Discrimination based on sexual orientation is also prohibited by this policy.<sup>3</sup>

### **3.2 Harassment**

3.2.1 Harassment is unwelcome conduct based upon race, color, religion, creed, sex, national origin, age, disability, veteran status, or sexual orientation that either 1) creates a quid pro quo situation, or 2) creates a hostile working or learning environment.

3.2.1.1 Quid Pro Quo harassment occurs when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, academic advancement, or receipt of a needed or legitimately requested university service; or submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual in matters of employment, employment decisions, academic advancement or receipt of a needed or legitimately requested university service.

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<sup>2</sup> The policy's prohibition against discrimination on the basis of sex includes actual or perceived gender identity and gender expression.

<sup>3</sup> NC State does not allow discrimination nor harassment on the basis of sexual orientation with respect to internal university matters that do not contravene federal or state law and that do not interfere with NC State's relationships with outside organizations, including the federal government, the military, ROTC, and private employers.

3.2.1.2 Hostile Environment harassment occurs when both a reasonable person would find the conduct hostile or abusive and the person who is the object of the conduct perceives the conduct to be hostile or abusive. A hostile environment is determined by looking at all of the circumstances, including the frequency of the conduct, the severity of the conduct, and whether the conduct unreasonably interferes with one's work or academic performance.

### 3.3 Retaliation

3.3.1 Retaliation is an adverse action against a covered individual because that individual engaged in a protected activity.

3.3.1.1 "Protected activity" includes: 1) opposing a practice believed to be a violation of this policy; 2) participating in a proceeding intended to resolve a violation of this policy; or 3) requesting a reasonable accommodation based on disability or religion.

## **4. VIOLATIONS OF POLICY**

4.1 Any individual with a concern, grievance or complaint of discrimination, harassment or retaliation should use the procedures outlined in the Resolution Procedures for Discrimination, Harassment and Retaliation Complaints.