Frequently Asked Questions about Prohibiting Harassment and Discrimination

1. Why does UNC-Chapel Hill have a policy on prohibited harassment and discrimination?

   The University is committed to providing an inclusive and welcoming environment for all members of our community and to ensuring that educational and employment decisions are based on the abilities and qualifications of individuals.

   The Policy on Prohibited Harassment and Discrimination reinforces that commitment, and provides recourse for anyone who feels they have been discriminated against or harassed based on their “protected status.” Protected statuses under the University's policy are: race, color, gender, national origin, age, religion, creed, genetic information, disability, veteran’s status, sexual orientation, gender identity or gender expression.

2. To whom does this policy apply?

   The University's policy applies to all members of the campus community, including faculty, staff, postdoctoral scholars, graduate and professional students and undergraduate students. The policy also applies to contractors and other parties within the University's control.

   This coverage has a dual purpose: All members of the university community are protected under the policy and all members of the university community are accountable for their conduct.

3. When and where does this policy apply?

   It applies to conduct of all members of the campus community regardless of whether they occur on or off campus or online. It also applies in the course of all University-sponsored programs; including off-campus rotations, internships, study abroad, and community or public service activities.

4. How does the University define discrimination and harassment?

   **Discrimination** is any act, intentional or unintentional; resulting in adverse treatment of an individual based on that person’s protected status.

   **Harassment** is a form of discrimination where verbal, written, visual or physical conduct based on a protected status interferes with an individual’s work or academic performance or creates a hostile environment for the individual affected.
5. Does the University’s Policy on Prohibited Harassment and Discrimination cover sexual harassment?

Yes, “harassment” in this policy includes sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that unreasonably affects or interferes with an individual’s academic or work performance or creates an intimidating, hostile or offensive environment.

6. Is same-sex harassment possible?

Yes. Acts of harassment are based on an individual’s protected status, not the sex or gender of the alleged harasser. Harassment can occur between members of the opposite or same sex.

7. What do “gender expression” and “gender identity” mean?

**Gender expression** refers to the external characteristics and behaviors that are socially defined or interpreted as either masculine or feminine. These might include dress, grooming, mannerisms, speech patterns, and social interactions.

**Gender identity** is an individual’s psychological sense of self as a gendered individual.

8. Who should I contact if I want to report a concern about possible harassment or discrimination or get more information about this policy?

The Equal Opportunity Office [http://equalopportunity-ada.unc.edu] has primary responsibility for this policy and can be reached at 966-3576 to report possible harassment or discrimination or to address any related concerns.

Several other offices can also respond to questions and concerns prior to filing an official complaint. These offices include the Office of the Dean of Students, the Office of Human Resources, the Academic Personnel Office, the University Ombuds Office, the Office of Disability Services, the Office of Diversity and Multicultural Affairs, the Graduate School, the Postdoctoral Affairs Office, or the respective Chairs of the Student, Faculty, and EPA Non-Faculty Grievance Committees.

These offices can help explain the policy, including options for resolving concerns related to alleged harassment or discrimination. They can also provide general information.

All offices receiving complaints of harassment or discrimination must notify the Equal Opportunity/ADA Office.
9. Who can I talk to confidentially?

There are two places where confidentiality can be guaranteed. Students may contact Counseling and Wellness Services in Campus Health Services (966-3658). Employees may contact the Ombuds Office (843-8204). Confidentiality will be preserved in these two offices unless a situation involves an imminent risk of serious harm.

10. How will my confidentiality be protected?

Everyone responsible for implementing this policy and/or responding to and/or investigating a complaint will attempt to protect the confidentiality of harassment and discrimination proceedings to the extent reasonably possible. All participants in the process are required to respect the confidentiality of the proceedings.

11. How are people who file complaints or who participate in an investigation protected against retaliation? What is retaliation?

Measures are taken during the investigation and resolution of complaints to protect the Complainant from both the alleged behavior and from possible retaliation. Retaliation against a person because he/she in good faith files a complaint or cooperates in an investigation of a complaint of alleged harassment or discrimination violates the law and this policy and is therefore strictly prohibited. Any person who retaliates against another person for exercising rights under this policy in good faith will be subject to appropriate and prompt corrective action which may include disciplinary action up to and including discharge/removal from the University. Concerns about retaliation should be brought to the attention of the Equal Opportunity/ADA Office or the Office of the Dean of Students.

Retaliation is any negative action taken against an individual because he/she, in good faith, has reported allegations of prohibited harassment or discrimination or has participated in an investigation of alleged prohibited harassment or discrimination. Some examples of retaliation could include lowering a grade, firing someone from a position, or subjecting someone to continued harassment.

12. What if I witnessed inappropriate actions? Can I report anonymously?

Please consider reporting the behavior to the Equal Opportunity Office with as much information as you can provide or to appropriate level of management/leadership in your department. We will protect your confidentiality to the extent possible. If you are a student, please consider reporting the actions directly to the Equal Opportunity office.

The University may not be able to investigate an anonymous complaint unless sufficient information is provided to enable the University to conduct a meaningful and fair
investigation. The University may be precluded from taking strong disciplinary action in the absence of a named complainant.

13. What constitutes a “hostile” educational or work environment? Can an environment be considered “hostile” if an incident happens only once?

A hostile environment is created when one individual’s actions or conduct against another individual based on their protected status is severe and pervasive enough to create an environment that a reasonable person would find intimidating, hostile, or offensive. One incident is usually not sufficient to result in a hostile environment, unless it is extremely severe.

14. How soon must I report an issue that I think may be prohibited harassment or discrimination?

Individuals who feel they are being harassed or discriminated against are encouraged to report the incident as soon as possible. Alleged harassment or discrimination must be reported within 180 calendar days to assure prompt investigation and resolution under the policy.

Anyone in an administrative or supervisory position who becomes aware of a situation that might constitute harassment or discrimination under the policy must take steps to address the situation promptly and must notify the Equal Opportunity Office.

15. If I report potential harassment or discrimination, will it go in any educational or employment records?

A separate confidential file is maintained for complaints of discrimination and harassment.

16. I’m a student. What happens if the harassment or discrimination was from my advisor? Will I be able to get a new advisor?

Yes, the appropriate University office(s) will work with you to identify a new advisor if you are unable to continue working with your current advisor due to harassment or discrimination.

17. What happens if the behavior was from my supervisor?

If you are comfortable doing so, you may report the harassment to the appropriate next level of management/leadership within your department, who will bring it to the Equal Opportunity/ADA Officer. You may also bring your complaint directly to the Equal Opportunity Office [http://equalopportunity-ada.unc.edu or 966-3576]. With the Complainant’s knowledge, the Equal Opportunity/ADA Officer will contact the appropriate
department administrator, and inform that administrator of the complaint and his/her responsibilities under this Policy and Procedure.

18. What if the harassment or discrimination was from a teaching assistant?

If you are comfortable doing so, you may report the harassment to the department chair, associate dean, the teaching assistant’s supervisor, or other administrators within the department. You may also bring your complaint directly to the Equal Opportunity Office [http://equalopportunity-ada.unc.edu or 966-3576]. With the Complainant’s knowledge, the Equal Opportunity/ADA Officer will contact the administrator most directly involved, (unless that individual is the person accused of prohibited harassment or discrimination), and inform that administrator of the complaint and his/her responsibilities under this Policy and Procedure.

19. What if the harassment or discrimination was from a fellow student?

Harassment and Discrimination are also violations of the Honor Code which applies to all students. Student on student harassment or discrimination should be reported to the Office of the Dean of Students.

20. What is the timeline for resolution of a complaint?

The investigation and determination will generally be completed within 45 days. However, if this timeframe cannot be met for some reason, an extension may be granted by the Equal Opportunity (EEO) Officer. If an extension is granted, the EEO Officer will notify the parties (Complainant and Accused).

21. What is the role of the Equal Opportunity (EEO) office in this process?

The EEO Office is ultimately responsible for all aspects of this process. This responsibility includes receiving the initial complaint, determining if reported incidents fall under this policy, investigating complaints or appointing an investigating committee, providing training for the committee, determining whether any violations occurred, and requiring appropriate corrective or disciplinary action. If an investigating committee is appointed, its findings are reported to the EEO Office at which point a determination of appropriate responsive, corrective, or disciplinary actions is made.

22. What are the typical outcomes of the process?

The corrective action taken depends on the severity of the offense. It may range from counseling to discharge or terminations of employment. The EEO Office will make a determination of appropriate responsive, corrective, or disciplinary actions. (Students who
are found guilty of harassment or discrimination through the Honor System may face penalties ranging from a written warning to expulsion.)

23. The Policy on Prohibited Harassment and Discrimination establishes an Administrative Review process to investigate complaints. What is an “Administrative Review”, and how does the process work?

An Administrative Review is one process to investigate complaints of harassment or discrimination. The EEO Office will either conduct the investigation or appoint an administrative review committee to do so. The EEO Office ensures that all members of the investigating body are properly trained and are not closely associated with any of the parties involved in the alleged offense. The purpose of an Administrative Review, which will include interviewing the parties and witnesses, is to gather and assess the facts relevant to the complaint and make recommendations to equitably address the concerns in order to resolve the complaint. The findings are reported to the EEO Office at which point a determination of appropriate responsive, corrective, or disciplinary actions is made. The EEO Office will notify the parties involved – to the extent permissible – of the results of the review and any corrective action to be taken. Any personnel actions are confidential and may not be shared, which means that a Complainant may be told that appropriate corrective action has been taken, but the University may not be able to provide specific information about that action.

24. What if my case was not deemed appropriate for Administrative Review?

If an incident is not appropriate for the Administrative Review process because the alleged behavior does not fall under the scope of the policy, the EEO Officer will meet with the Complainant to explain the reason the case cannot proceed under Administrative Review and to provide other resources for addressing the complaint.

25. What if I disagree with the outcome of an Administrative Review?

A student has 30 calendar days from the date of notification of the Administrative Review findings to file a grievance. Students may proceed with a grievance through the Student Grievance Committee.

Faculty members have 30 calendar days from the date of notification of the Administrative Review findings to file a grievance. Faculty members may proceed with a grievance through the Faculty Grievance Committee.

EPA Non-Faculty employees have 10 calendar days from the date of notification of the Administrative Review findings to file a grievance. Grievances are to be filed with the EPA Non-Faculty Grievance Committee.
Postdoctoral Scholars may utilize the grievance procedures established by the Office of Postdoctoral Affairs.

SPA employees have 30 calendar days from the date of notification of the Administrative Review findings to appeal to the Office of Administrative Hearings.

26. How does UNC-Chapel Hill help eliminate harassment and discrimination against all members of the University community?

The University strives to eliminate all forms of harassment and discrimination through training and education and taking appropriate action when complaints are made. For more information, please see the Equal Opportunity website at: [http://equalopportunity-ada.unc.edu]