

## FAYETTEVILLE STATE UNIVERSITY

### UNLAWFUL WORKPLACE HARASSMENT

<b>Authority:</b>	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
<b>Category:</b>	Employment – SPA
<b>Applies to:</b>	●Staff
<b>History:</b>	Last Revised – July 1, 2015 Revised -- April 24, 2013 Revised – June 7, 2009 First Issued – March 21, 2001 First Approved – March 21, 2001
<b>Related Info:</b>	● <i>SPA Employee Grievance Policy</i> ● <i>Equal Employment Opportunity</i> [Office of State Human Resources (OSHR) Policy Manual, Section 1] ● <i>Discipline, Appeals and Grievances</i> [OSHR Policy Manual, Section 7]
<b>Contact for Info:</b>	Office of Human Resources (910) 672-2889

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#### I. PURPOSE

All employees have the right to work in an environment free from discrimination and harassing conduct. No State employee shall engage in conduct that falls under the definition of unlawful workplace harassment, including sexual harassment discrimination, or retaliation, and no employment decisions shall be made on the basis of race, sex, religion, national origin, age, color, disability, or genetic information.

The purpose of this policy is to establish that Fayetteville State University (the University) prohibits in any form unlawful workplace harassment or retaliation based on opposition to unlawful workplace harassment of employees and has developed strategies to ensure that work sites are free from unlawful workplace harassment, including sexual harassment discrimination and retaliation.

#### II. COVERAGE

This policy covers an applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee.

### III. DEFINITIONS

**Unlawful Workplace Harassment** is defined as unsolicited and unwelcomed speech or conduct based upon race, sex, religion, national origin, age, color, disability, or genetic information where:

- enduring the offensive conduct becomes a condition of continued employment, or
- the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

**Sexual Harassment**, a particular form of unlawful workplace harassment based upon sex, and is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

**Retaliation** is defined as any adverse action taken against an individual for any of the following reasons:

- filing a discrimination charge; or
- testifying, or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices which are considered unlawful workplace harassment or because of opposition to employment practices in violation of the unlawful workplace harassment policy.

### IV. COMPLAINT PROCESS

A career state employee, former career state employee or applicant alleging unlawful workplace harassment or retaliation may file a complaint following the process outlined in the University's SPA Grievance Policy.

### V. PREVENTION STRATEGIES

The University has developed strategies to prevent unlawful workplace harassment. The workplace harassment prevention strategies are included as part of the University's Equal Employment Opportunity (EEO) plan.