ANTI-DISCRIMINATION
at Elizabeth City State University

OVERVIEW PRESENTED BY THE
HUMAN RESOURCES DEPARTMENT
AND OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
ECSU Anti-Discrimination Policies

- Annual Policy Statement by Chancellor – “Zero Tolerance” for discrimination and harassment
- EEO and Non-Discrimination Policy
- Resolution Procedures for Discrimination
- Improper Relations between Students and Employees
**Foundational Basis for Policies**

- Title VII of Civil Rights Act prohibits illegal discrimination . . .
- Race, Creed, Color, Gender, Religion, National Origin
- Includes, equal pay, pregnancy discrimination, harassment, accommodating religious beliefs
Other Statutes

- Equal Pay Act of 1963 (EPA),
- Age Discrimination in Employment Act,
- Americans with Disabilities Act of 1990, as amended (ADA),
More Statutes

- *Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)*, which prohibits employment discrimination based on genetic information about an applicant, employee, or former employee; and
NEW UNC Policy

- Consolidates a variety of policies into one document
- Eliminates local university policy
Title IX

• Title IX: No person in the United States shall, on the basis of sex, be excluded from participation, in be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance
Title IX

• Title IX applies to all aspects of education programs or activities operated by recipients of federal financial assistance.

• Applies to educational institutions such as colleges, universities, and elementary and secondary schools
Title IX Key Personnel

• You
• Law Enforcement
• Local Authorities
• Title IX Coordinator
• Title IX Investigators
Legal Definition Of Discrimination

- **Treating individuals differently** because of their race, creed, color, gender, religion, national origin, age or disability
- Discrimination based on other factors, such as sexual orientation or marital status, is also illegal in some states
- Sexual orientation discrimination is prohibited pursuant to ECSU policy
Discrimination

• Every employment action:
  – Hiring
  – Promotion
  – Approval of leave/accommodations
  – Demotion
  – Evaluations
  – Termination
Forms of Discrimination

- Disparate treatment
- Disparate Impact
Disability Discrimination

- Employers may not discriminate against qualified persons with disabilities
- Must be able to perform essential functions of job, with or without reasonable accommodation
- Disability harassment prohibited
“Disability”

- A physical or mental impairment that substantially limits one or more major life activities
- A record of such an impairment
- Regarded as an impairment
Disability Continued

- Employers obligation – A reasonable accommodation
- If no reasonable accommodation – then what?
Age Discrimination

- Protects individuals age 40 and older
- Stray remarks are evidence
- Harassment of older workers prohibited
Harassment is a form of illegal discrimination.

Legal Definition: “Unwelcome verbal or physical conduct based on status in protected group that interferes with job performance or creates an intimidating or hostile working environment.”
Can I Compliment? (Verbal Harassment)

• Chris tells Sally, “That outfit really flatters your figure.”

• Harassment?
• Women can sexually harass men
• Minorities can harass each other based on race or national origin
• Minorities can harass whites based on their race
• Men can sexually harass other men
• Women can sexually harass women
Does It Matter Who The Harasser Is?

- Supervisors
- Professors
- Fellow Employees
- Vendors
Does It Matter Where Harassment Occurs?

- ECSU Campus
  - Buildings & parking lots
  - Fitness Center & Cafeteria
- Business Trips
- Social Occasions
Title IX

Sexual Assaults

• First line of prevention
• Title IX Investigations
• Title IX Coordinator
• If you hear of it, report it
Sexual Harassment Comes in Two Forms

- *Quid pro Quo* – this for that

- Hostile Work Environment
Examples Of Sexual Harassment

• Non-Verbal Harassment
  – Magazines, Posters, Pictures, Screen Savers, E-Mails
    • pornography
  – Gesture:
    • “One picture says a thousand words”
    • Inappropriate looks
  – Touching:
    • Inappropriate touching
Examples of Sexual Harassment

• Verbal Harassment
  – Profanity
  – Negative Comments/Stereotypes
  – Engaging in inappropriate discussions
  – Comments about an individual’s status, appearance, or sexual activity
Resolution Procedures for Discrimination, Harassment, Retaliation

• Contact Human Resources, Mr. James Dockery (335-3785)
• Investigations will be conducted after initial assessment
• Employees (and particularly managers) are the first line of defense against unlawful discrimination.

• If you know about it, hear about it, or suspect it, you must report it
We don’t have an obligation to investigate if the victim does not want any action taken.

FALSE !!!!!
ECSU Anti-Retaliation Policy

- Retaliation is unfair
- Retaliation is unproductive
- Retaliation is destructive
- Retaliation is ILLEGAL
Conclusion

• It is about respect, and
• Treating others as you would like to be treated