



Asheville-Buncombe Technical Community College (A-B Tech) Policy Manual

Policy 111: Non-Discrimination and Harassment

It is the policy of the A-B Tech Board of Trustees that the College is fully committed to providing a learning and work environment that is free from prohibited discrimination. The College does not practice or condone discrimination or harassment based on race, color, national origin, religion, sex, sexual orientation, gender identity or expression, pregnancy, disability, genetic information/medical history, age, political affiliation or veterans' status in the administration of any of its academic programs and employment practices.

Inquiries or complaints concerning possible discrimination or harassment should be referred to the following offices:

Discrimination and harassment for students, please contact:

Office of the Vice President for Student Services
340 Victoria Road, Asheville, NC 28801, (828) 398-7146

Sexual Misconduct for students (including discrimination or harassment related to sex, sexual orientation, gender identity or expression, or pregnancy), please contact:

Title IX Coordinator
340 Victoria Road, Asheville, NC 28801, (828) 398-7932

Discrimination and harassment for employee (including Sexual Misconduct), please contact:

Office of the Executive Director, Human Resources
340 Victoria Road, Asheville, NC 28801, (828) 398-7178

For more specific information, related to Sexual Misconduct (both student and employee), refer to Sexual Misconduct Policy and Procedures (112).

Scope

Applies to all A-B Tech students, applicants, employees, volunteers, interns, contractors/vendors, and visitors.

Definitions

The following definitions are not intended to operate as speech codes, promote content or viewpoint discrimination or suppress minority viewpoints in the academic/workplace setting. Indeed, just because a student or employee's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged victim subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

Discrimination: any act or failure to act that unreasonably differentiates treatment of others based solely on their Protected Status and is sufficiently serious, based on the perspective of a reasonable person, to unreasonably interfere with or limit the ability of that individual to participate in, access or benefit from the College's programs and activities. Discrimination may be intentional or unintentional.

Harassment: a type of Discrimination that happens when verbal, physical, electronic or other behavior based on a person's Protected Status interferes with a person's participation in the College's programs and activities and it either creates an environment that a reasonable person would find hostile, intimidated or abusive or where submitting to or rejecting the conduct is used as the basis for decisions that affect the person's participation in the College's programs and activities.

Harassment may include but is not limited to: Threatening or intimidating conduct directed at another because of the individual's Protected Status; ethnic slurs, negative stereotypes and hostile acts based on an individual's Protected Status.

Protected Status: means race, color, national origin, religion, sex, sexual orientation, gender identity or expression, pregnancy, disability, genetic information/medical history, age, political affiliation or veterans' status.

Sexual Misconduct: any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct also includes complicity in Sexual Misconduct. Sexual Misconduct includes but is not limited to Dating Violence, Domestic Violence, Sexual Violence/Assault, Rape, Sexual Exploitation, Sexual/Gender Harassment, and Stalking.

References

Title VII of the Civil Rights Act of 1964 and 1991, as amended
Title I of the Americans with Disabilities Act of 1990 ADA, as amended
The Age Discrimination in Employment Act of 1967, as amended
Equal Pay Act of 1963, as amended
Title II of the Genetic Information Nondiscrimination Act of 2008
Title IX of the Higher Education Amendments of 1972, as amended
Lily Ledbetter Act
NC Equal Employment Practices Act
NC Retaliatory Employment Discrimination Act
NC General Statute §95-28.2

Executive Director, Human Resources/Workplace ADA Coordinator: 340 Victoria Road Asheville, NC 28801, (828) 398-7178

Reviewed by the Executive Leadership Team, November 23, 2016

Reviewed by the College Attorney, November 30, 2016

Policy Owners

Executive Director, Human Resources & Organizational Development, Ext. 7178, and Vice President for Student Services, Ext. 7146

Approved by the Board of Trustees December 12, 2016.