



## 02.230 Equal Opportunity and Affirmative Action Policy

<b>Authority:</b>	Chancellor
<b>History:</b>	Revised January 2017; Revised March 28, 2016; Revised September 7, 2012; Revised December 22, 2009; Revised and Reformatted July 8, 2005
<b>Sources of Authority:</b>	41 CFR Part 60; N.C. Human Resources Manual, Section 1
<b>Related Links:</b>	<a href="#">Equal Employment Opportunity/Affirmative Action Plan: Part One and Part Two</a>
<b>Responsible Offices:</b>	Office of Human Resources; Provost's Office; Office of the Dean of Students

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### I. Policy

At the University of North Carolina at Wilmington (“UNCW”), our culture reflects our values of inclusion, diversity, globalization, ethics and integrity, and innovation. We are committed to and will provide equality of educational and employment opportunity for all persons regardless of race, sex (such as gender, gender identity, marital status, childbirth, and pregnancy), age, color, national origin (including ethnicity), religion, disability, sexual orientation, political affiliation, veteran status, military service member status, genetic information, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs. UNCW believes that embracing the unique contributions of our faculty, staff, and students is critical to our success and paramount to being recognized as a global contributor. This Policy prohibits all forms of discrimination based on a person’s protected status as established by the laws listed below.

### II. Implementation

A. This Policy is established in accordance with 41 CFR Part 60 and is implemented in accordance with the following laws, orders, and their amendments:

- Title IV of the Civil Rights Act of 1964
- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Title II of the Genetic Information Nondiscrimination Act of 2008
- Age Discrimination in Employment Act
- Age Discrimination Act of 1975
- Equal Pay Act of 1963
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- ADA Amendments Act of 2008
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

#### Statistics Act

- Violence Against Women Act
- Vietnam Era Veterans Readjustment Act
- Executive Order 13672
- Executive Order 11246
- North Carolina General Statutes § 143-422.1 *et seq.* and Chapters 116, 126, 127B, and 168A

- B. To ensure that equal educational and employment opportunity exists throughout the university, a results-oriented equal opportunity/affirmative action program has been implemented to overcome the effects of past discrimination and to eliminate any artificial barriers to educational or employment opportunities for all qualified individuals that may exist in any of our programs. UNCW is committed to this program and is aware that, with its implementation, positive benefits will be received from the greater utilization and development of previously under-utilized human resources.
- C. Specific University policies address the reporting and resolution of complaints of discrimination, harassment, sexual misconduct, and other behaviors subject to discipline, as detailed in Section III below.

### III. Reporting Violations of Policy

#### A. Students

A student with a complaint of discrimination or retaliation is encouraged to utilize the appropriate University policy:

- For a complaint of gender-based or sexual misconduct or related retaliation against another student, see [Policy 04.130 Student Gender-Based/Sexual Misconduct](#).
- For a complaint of discrimination or related retaliation against another student, see the [Code of Student Life](#).
- For a complaint of discrimination, harassment, sexual misconduct or related retaliation against a faculty or staff member, see [Policy 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct](#).

#### B. Faculty and EHRA and SHRA Employees

Faculty and staff with a grievance or complaint of discrimination or retaliation are encouraged to utilize the appropriate University policy:

- For a complaint of discrimination, harassment, sexual misconduct or related retaliation against another faculty or staff member, see [Policy 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct](#).
- For a complaint of discrimination, harassment, sexual misconduct or related retaliation against a student, see [Policy 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct](#).
- For a grievance against an SHRA employee's supervisor, see [Policy 08.520 SHRA Employee Appeals and Grievances](#).
- For a grievance against an EHRA employee's supervisor concerning dismissal, disciplinary action that affects compensation, adverse employment actions, and

other specifically enumerated matters, see [Policy 08.521 EHRA Review and Appeal Procedures](#).

- For a faculty complaint or grievance, see the [UNCW Faculty Handbook](#).

C. Individuals may also contact the University's EEO/AA Officer at (910) 962-3160.

D. External Reporting Options

The existence of these University policies and procedures does not prohibit individuals from also filing claims externally with the U.S. Equal Employment Opportunity Commission or with the Office for Civil Rights, U.S. Department of Education.

#### **IV. Retaliation**

Retaliation against any person complaining of unlawful discrimination or harassment or against any person who is a witness to any prohibited conduct is strictly prohibited. Retaliation also qualifies as a violation of this Policy and is grounds for appropriate disciplinary action.

Retaliation is defined as any form, direct or indirect, including through third parties, of intimidation, threat, harassment, reprisal, interference, restraint, coercion or any other type of discrimination in response to an individual's complaint or participation in investigation or conduct processes.