



Discrimination, Harassment & Retaliation Policy (Non-Title IX)

I. INTRODUCTION AND SCOPE

Greensboro College prohibits discrimination in any form, including harassment and retaliation, on the bases of certain personal characteristics. These are the written policies and procedures for filing and processing complaints of prohibited discrimination at Greensboro College, except for complaints of discrimination based on sex, which are covered in the College's Title IX Policy. Greensboro College is committed to creating and maintaining a community in which all persons who participate in its programs and activities can work together in an atmosphere free of all forms of discrimination, harassment, and retaliation. Every member of the Greensboro College community should be aware that Greensboro College strongly opposes discrimination, harassment, and retaliation in all forms and that such behavior is prohibited by both law and Greensboro College policy. It is Greensboro College's intention to take whatever action may be necessary to prevent, correct, and, if necessary, discipline behavior that violates this policy.

This policy applies to all members of Greensboro College's community, including students, faculty, staff, independent contractors, and anyone else who participates in Greensboro College's programs and activities. The application of this policy extends to Greensboro College programs and activities both on and off-campus, including exchange, study abroad, and study away programs. Individuals who violate this policy are subject to discipline up to and including discharge, expulsion, suspension, and other appropriate sanctions or actions. The ability to apply procedural steps in this policy may be limited by the individual's status, such as a participant or independent contractor.

II. POLICY PROHIBITING DISCRIMINATION

It is the policy of Greensboro College to prohibit discrimination in its educational services, classes, and programs without regard to national origin, religion, age, race, color, ancestry, marital status, registered domestic partner status, genetic information, veteran status, disability or any other characteristic protected by applicable law ("Protected Characteristic"). This policy also prohibits discrimination based on the perception that an individual has one or more of the foregoing protected characteristics or an individual's association with a person or group with one or more actual or perceived protected characteristics.

It is the policy of Greensboro College to provide equal employment opportunities to all applicants and employees regardless of any of the foregoing protected characteristics. This policy also prohibits discrimination based on the perception that an individual has one or more of the foregoing protected characteristics or an individual's association with a person or group with one or more actual or perceived protected characteristics. All employment decisions, including, but not limited to, hiring, retention, assignment, transfer, evaluation, dismissal, compensation,

and advancement for all positions shall be based on job-related criteria and respond to Greensboro College's needs.

It is the policy of Greensboro College to comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973. Greensboro College will respond to and resolve prohibited discrimination complaints regarding accessibility as complaints of discrimination on the basis of disability.

III. POLICY PROHIBITING HARASSMENT

. Prohibition Against Harassment

Greensboro College is committed to providing an academic and work environment free of prohibited forms of harassment, including harassment based on any Protected Characteristic. This policy also prohibits harassment based on the perception that an individual has one or more of the foregoing protected characteristics or an individual's association with a person or group with one or more actual or perceived protected characteristics. Definitions and Examples of Harassment

Harassment comes in many forms *and can be based on various protected Protected Characteristics*. Any hostile or offensive conduct based on a Protected Characteristic can constitute prohibited harassment.

Harassment can occur through verbal communications, gestures, visual displays, written communication, physical touching, or simply through the school or work environment. Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

1. Race

Greensboro College prohibits discrimination, including unlawful harassment, based on race. Harassment is based on a person's race if it is because a person is Black, Asian, White, multiracial, or another race. Examples of harassing conduct based on race include racial epithets or offensive comments about members of a particular race, or harassment based on stereotypes about a person's race. It also can include harassment based on traits or characteristics linked to an individual's race, such as a person's name, cultural dress, accent or manner of speech, and physical characteristics, including appearance standards (e.g., harassment based on hair textures and hairstyles commonly associated with specific racial groups).[10]

2. Color

Although sometimes related to harassment based on race or national origin, color-based harassment due to an individual's pigmentation, complexion, or skin shade or tone is also

prohibited. For example, if a supervisor harasses Black employees with darker complexions but does not harass Black employees with lighter skin tones, this may be evidence that the harassment was due to color.

3. National Origin

Greensboro College prohibits discrimination, including unlawful harassment, based on national origin—meaning discrimination due to a person’s (or their ancestors’) place of origin. Harassment based on national origin includes ethnic epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person’s national origin. It also can include harassment regarding traits or characteristics linked to an individual’s national origin, such as physical characteristics, ancestry, or ethnic or cultural characteristics (e.g., attire or diet), and linguistic characteristics (e.g., non-English language accent or a lack of fluency in English).

4. Religion

Greensboro College prohibits discrimination, including unlawful harassment, based on religion. Harassment based on religion includes the use of religious epithets or offensive comments based on a person’s religion (including atheism or lack of religious belief, religious practices, or religious dress. It also includes harassment based on religious stereotypes and harassment because of a request for a religious accommodation or receipt of a religious accommodation. Religious harassment also encompasses explicitly or implicitly coercing employees to engage in religious practices at work.

5. Age

Greensboro College prohibits age-based discrimination, including unlawful harassment, of employees forty or older because of their age. This includes harassment based on negative perceptions about older workers.

6. Disability

Greensboro College prohibits discrimination, including unlawful harassment, based on an individual’s physical or mental disability, including harassment based on stereotypes about individuals with disabilities in general or about an individual’s particular disability. It also can include harassment based on traits or characteristics linked to an individual’s disability, such as how an individual speaks, looks, or moves. Disability-based harassment also includes: Harassment because of an individual’s request for, or receipt of, reasonable accommodation; harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and harassment based on the disability of an individual with whom they are associated.

7. Genetic Information

Greensboro College prohibits discrimination, including unlawful harassment, based on genetic information, which includes harassment based on an individual’s, or an individual’s family member’s, genetic test or on the basis of an individual’s family medical history. For example, harassment based on genetic information includes harassing an employee because the employee carries the BRCA gene, which is linked to an increased risk of breast and ovarian cancer, or because the employee’s mother recently experienced a severe case of norovirus, which resulted in overnight hospitalization.

IV. RETALIATION

Retaliation against any member of Greensboro College's community is prohibited.

As used in this policy, the term "retaliation" means taking adverse action against someone who, in good faith, has made a complaint under this policy or raised any other concern under this policy to an administrator, or who referred a matter for complaint or investigation, or who participated in an investigation or hearing process under this policy.

An "adverse action" is defined as any action that would deter a reasonable person from making a complaint of discrimination, harassment, or retaliation under this policy or would deter a reasonable person from participating in an investigation or hearing process under this policy. Examples of adverse actions include discharge, demotion, suspension, the denial of compensation, benefits, or other terms, conditions, or privileges of employment. Adverse actions may also consist of: dismissing, suspending, or disciplining a student or changing or lowering a grade or evaluation of a student or in any other manner negatively affecting the student's academic career; terminating or threatening to terminate a customer or vendor relationship; and taking similar actions against an alumni or volunteer. This policy does not prohibit an employment action or any other action that would have been taken regardless of the disclosure of information.

If an employee, volunteer, student, vendor, alumni, or applicant believes that they have been retaliated against, they may file a written complaint requesting an appropriate remedy.

An employee, volunteer, student, vendor, alumni, or applicant who engages in retaliation will be subject to disciplinary action, including, but not limited to, termination or expulsion.

I. Chief Diversity Officer

Greensboro College has a Chief Diversity Officer (CDO) responsible for receiving all discrimination and harassment complaints, coordinating the investigation of complaints, and ensuring the promotion of equal opportunities practices within Greensboro College. The contact information for the CDO is: Dr. Juliet Jordan Lowery, juliet.lowery@greensboro.edu or 336-967-3777 ext. 5463

Administrators, faculty members, other Greensboro College employees, and students shall direct all complaints of prohibited discrimination and harassment to the CDO or their designee. The actual investigation of complaints may be assigned to other institutional staff or to external persons or organizations under contract with Greensboro College. Delegation procedures will be used whenever the CDO is named in the complaint, is implicated by the allegations in the complaint or has an actual or perceived conflict of interest as determined by the President.

The CDO is responsible for ensuring that Greensboro College is complying with this policy and notifying the President when discrimination and harassment complaints are filed, monitoring the timelines provided for in the complaint procedure, assisting in counseling the complainant(s) and in facilitating resolution, and other related duties to ensure the fulfillment of this policy.

All employees who have a supervisory role are required to report any known harassment or discrimination violative of this policy to the

V. CDO. All employees are required to report any known violations of this policy against a student to the CDO.

DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE AND INVESTIGATIVE PROCESS

. Informal/Formal Complaint Procedure

When a person brings allegations of prohibited discrimination to the attention of the CDO or designee, the CDO will:

1. Refer any person to the Title IX office if the allegations relate to sex discrimination;
2. Undertake efforts to informally resolve the issues if they deem the case appropriate for informal resolution;
3. Advise the complainant that they need not participate in informal resolution;
4. Notify the Complainant of their right to file a formal complaint and explain the procedure for doing so;
5. Assure the complainant that they will not have to confront or work out problems with the respondent;
6. Advise the complainant that they may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR), where such a complaint is within that agency's jurisdiction;
7. If the complaint is employment-related, the complainant should also be advised that they may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or North Carolina where such a complaint is within that agency's jurisdiction.

The purpose of the informal resolution process is to allow an individual who believes they have been discriminated against or harassed to resolve the issue through an informal

process, such as mediation, rather than the formal complaint process, when the case does not require further investigation or action by the institution. Resolution of informal reports may include discussions with the parties, making recommendations for resolution, and conducting a follow-up review to ensure that the resolution has been implemented effectively.

Greensboro College is committed to maintaining a safe and discrimination-free educational environment and serious allegations may need to be investigated even if the complaining party considers the matter resolved or does not wish to invoke the formal procedure. In an informal process, the CDO, shall advise the complainant of their rights and responsibilities under both the formal and informal processes.

Efforts at informal resolution need not include any investigation unless the CDO determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after a formal written complaint was filed, but after a complaint is filed an investigation must be conducted and will be completed unless the matter is informally resolved, and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, Greensboro College may require the investigation to continue if they determine that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after a written complaint was filed will not exceed the 90-day period for rendering the decision.

. **Filing of Formal Written Complaint**

If a complainant files a formal written discrimination or harassment complaint, they should use the Bias Incident form, available ON THE WEBSITE ([LINK](#)).

Once a complaint is filed, the respondent(s) should be advised of the filing and nature of the complaint. This notification should occur in a timely manner and in a manner that is appropriate under the circumstances. Greensboro College should also advise the respondent(s) that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the respondent(s) will be provided an opportunity to present their side, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

. **Threshold Requirements Prior to Investigation**

Once Greensboro College has become aware, either by submission of a formal complaint or by some other means, of an allegation of harassment, discrimination, or retaliation has occurred in violation of its policies, it will review the matter and may undertake an investigation. Greensboro College will not investigate an allegation that, even if true, would not violate its harassment, discrimination, or retaliation policies.

. **Dismissal of Complaint**

If a complaint does not allege facts sufficient to demonstrate a violation of this policy, it will be promptly returned to the complainant with a written explanation of why the complaint is deficient. The notice will inform the complainant how a revised complaint can be refiled.

. **Rights of the Parties**

. **Right of Representation**

Employee(s) and/or student(s) shall be entitled to bring a Personal Advisor to any interview or meeting. Personal Advisors may include a parent, a friend, a faculty member, a staff member, an attorney, or another individual chosen by the Complainant or Respondent. The personal advisor cannot be an individual that has any first-hand personal knowledge about the alleged incident (for example, the Personal Advisor cannot also be a witness). The role of the personal advisor is to advise the Complainant or Respondent, not to speak for the Complainant or Respondent at meetings or interviews. The personal advisor will be asked to leave a meeting or interview if the adviser does not respect the rule that he or she may not speak for the Complainant or Respondent. A Personal Advisor must maintain complete confidentiality regarding any and all communications exchanged pursuant to this policy.

Rights of the Complainant(s) and Respondent(s)

- To object to behavior perceived as hostile, threatening, or intimidating.
- To seek advice from the CDO.
- To be in the Greensboro College community free of retaliation that may occur during this procedure.
- When any formal investigation begins, the respondent will be informed of the allegations, the identity of the complainant(s), any known facts surrounding the allegation

. **Decision on the Investigation**

Upon receipt of a completed formal complaint form, the CDO will institute a formal investigation, which will be completed unless the matter is informally resolved. The investigation may be performed internally or may be performed by an external third party, at the discretion of the CDO.

Once the selection of investigator(s) has been finalized, the investigator(s) will conduct the investigation promptly (usually within 60 days), and provide a written report which shall include:

- A description of the circumstances giving rise to the complaint;

- Specific finding as to whether harassment or discrimination occurred regarding the allegation in the complaint; and
- Any other information deemed appropriate by the investigator.

Within 90 days (unless unusual or complex circumstances exist) of receiving the formal prohibited discrimination complaint, the CDO will forward a copy of the investigative report to the President or their designee, and a summary of the report to the respondent. The complainant shall receive as much information as is necessary to assure them that the complaint has been investigated and resolved and whether there are any remedial or disciplinary measures that impact them.

NOTE: The report to the complainant shall be determined by their status as an employee, student, vendor, etc.

The written investigation report will include:

- The determination of the investigator as to whether the alleged conduct constituting discrimination, harassment, or retaliation occurred regarding each allegation in the complaint;
- The determination of the investigator as to whether the conduct that occurred constitutes a policy violation and the section to have been violated;
- A description of actions taken, if any, to prevent similar problems in the future;
- The proposed resolution of the complaint; and
- The complainant's right to appeal is described below.

If the evidence substantiates a claim of prohibited conduct, a copy of the investigation report will also be distributed to the President and/or the appropriate Vice President to review for appropriate disciplinary action.

If the evidence does not substantiate a claim of prohibited discrimination, harassment, or retaliation, the matter will be considered closed unless there is an appeal.

- The complainant's right to appeal (if any).
- **Employee Sanctions**

In accordance with Greensboro College's policies and procedures, Greensboro College may impose sanctions such as disciplinary warnings, mandatory education/Training, Community Restitution, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, or compensation adjustments.

. **Student Sanctions**

In accordance with the Greensboro College's Student Disciplinary procedures, Greensboro College may impose sanctions such as disciplinary warnings, mandatory education/Training, Community Restitution, dismissal from class and/or other Greensboro College activities, Loss of Housing Privileges, Disciplinary Suspension, Dismissal or expulsion from Greensboro College, depending upon the severity of the act.

. **Interim Suspensions**

In extraordinary circumstances, where potentially serious and immediate harm may result to persons affiliated with Greensboro College and after consultation with the President, appropriate Vice President, or designee, the CDO may relieve, reassign, or remove employees from their current position/environment during or after the investigation period. The Dean of Students will function in the same manner for students.

. **Appeal Rights**

The parties have appeal rights that they may exercise if they are not satisfied with the results of Greensboro College's decision. Each party may appeal solely to CDO.

- New evidence could have affected the decision that was not reasonably known at the time of the decision;
- The investigation or decision exhibited prejudice, bias, or other unfair treatment that materially affected the outcome; or
- The institution's stated procedures were not followed, and such a procedural error materially affected the outcome.

The appealing party must submit all appeals in writing within 48 hours of receiving the decision to the CDO who will then transmit the appeal to the Appeal Officer.

At the time the decision is communicated to the parties in writing, the CDO shall notify the parties of their appeal rights:

- Each party may file an appeal within 48 hours of receiving the CDO's decision. The Appeal Officer will review the original complaint, the investigative report, the administrative determination, and the appeal.
- The Appeal Officer will issue a final decision within 45 days (about 1 and a half months) after receiving the appeal.

. **Extensions**

If, for reasons beyond its control, Greensboro College cannot comply with the deadlines specified in this policy, the CDO will notify each party in writing and shall specify the anticipated revised deadlines.

. **Confidentiality**

Investigative processes can best be conducted within a confidential climate. Therefore, Greensboro College does not reveal information about such matters except as necessary to fulfill its obligations under this policy and to those who have a legitimate need to know.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts likely to reveal the identity of the complainant can severely limit the ability of Greensboro College to respond. Complainants must also recognize that respondents may present their side, and this right may be jeopardized if Greensboro College is prohibited from revealing the name of the complainant or facts likely to disclose the identity of the complainant.

If a complainant insists that their name not be revealed, the investigator should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request if doing so does not jeopardize the rights of other students or employees.

. **Disclosure of Investigation Results**

When an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions Greensboro College took. However, the privacy rights of the person(s) involved often prevent Greensboro College from providing such information. Disciplinary actions are generally considered confidential.

However, the complainant will be notified that:

- The investigation has been completed;
- Each of the issues raised has been reviewed; and
- Appropriate action is being taken (depending on the circumstances, it may or may not be appropriate to inform the complainant the specific actions being taken).

VI. NOTICE, TRAINING, AND EDUCATION FOR STUDENTS AND EMPLOYEES

The CDO should arrange or provide training to employees and students on Greensboro College's prohibited discrimination, harassment and retaliation policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with a copy of Greensboro College's written policy on prohibited discrimination each academic year.

All Greensboro College employees will receive this training and a copy of the prohibited discrimination, harassment, and retaliation policies and procedures during the first year of their employment and annually thereafter.

A training program or informational services will be made available to all students and employees at least once annually. The student training or informational services will include an

explanation of the policy, how it works, and how to file a complaint. In addition, a copy of Greensboro College's written policy on prohibited discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students, faculty, and staff at the beginning of each semester.

VII. ACADEMIC FREEDOM

Greensboro College reaffirms its commitment to academic freedom but recognizes that academic freedom allows no form of prohibited discrimination. Nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific educational program, course, or activity.

When investigating prohibited discrimination complaints containing issues of academic freedom, the CDO will consult with a faculty member appointed by the Academic Dean's Council regarding contemporary practices and standards for course content and delivery.

VIII. RECORD RETENTION

A confidential file of all material and interviews relating to the investigation of the complaint will be maintained in the Human Resources Office and/or the Dean of Students Office in accordance with Greensboro College's Document Retention Policy. The CDO, the assigned investigators of the complaint, and the designated Human Resources personnel will be the only people with access to the file. The file will then be handled consistent with applicable state and federal guidelines for maintaining records for the type of complaint. Nothing will be placed in the respondent's Greensboro College personnel file unless disciplinary action is taken against the person.

IX. FALSE ALLEGATIONS AND MISUSE OF THIS POLICY

A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to Greensboro College's disciplinary policies and procedures.

Greensboro College reserves the right to act in cases of unwarranted use of the complaint/grievance procedure provided herein for handling discrimination and harassment incidents. The use of threats of filing discrimination or harassment charges might be considered a form of coercion and such incidents should be referred to the CDO for consultation and/or disciplinary action.

X. FAILURE TO COOPERATE & PROVISION OF FALSE INFORMATION

Any employee, volunteer, student, or vendor who refuses to cooperate or otherwise interferes with an investigation conducted by or on behalf of Greensboro College or an investigation at Greensboro College by federal, state, or local law enforcement agencies, will be subject to disciplinary action, including termination, expulsion, removal from campus and/or cancellation of contract.

Any employee, volunteer, student, vendor, alumni, or applicant who knowingly provides false information or intentionally withholds information during an investigation conducted by or on behalf of Greensboro College or an investigation at Greensboro College by federal, state, or local law enforcement agencies, may be subject to disciplinary action, including termination, expulsion, removal from campus, and/or cancellation of contract.

XI. DISSEMINATION OF THIS POLICY

This policy will be disseminated internally and posted on Greensboro College's website and displayed where applicable. Locations as to where the plan can be reviewed will be published and posted in conspicuous places on campus.

XII. EFFECTIVE DATE

These policies and procedures were adopted by Greensboro College on [09/17/2024].