

Cape Fear Community College

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Cape Fear Community College Non-Discrimination and Harassment Policy

"Cape Fear Community College, its faculty and staff, and the Board of Trustees are fully committed to the principles and practice of equal employment and educational opportunities. The College does not discriminate against applicants, students, or employees in any programs and activities provided on the basis of race, color, national origin, sex (including pregnancy and sexual orientation), gender (including gender identity and status as a transgender or transsexual individual), disability, religion, age, genetic information, veteran status or any other protected status as required by Title IX of the Educational Amendments of 1972, Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964 and any other applicable statutes and CFCC policies. This statement applies to all students and employees at Cape Fear Community College."

Policy Implementation

The Equal Employment Opportunity Commission (EEOC) states that employers should take measures to implement and enforce the policy and "take other reasonable steps to prevent and correct harassment."

Reasonable steps include the use of periodic, ongoing training for employees and--most important--supervisors and managers.



Title VII of the Civil Rights Act of 1964

What is Title VII?

Title VII is one of the principal federal statutes prohibiting employment discrimination.

- It prohibits discrimination based on:
 - Race,
 - Color,
 - National origin,
 - Religion, and
 - Sex (including gender, pregnancy, sexual orientation, and gender identity).
- It also prohibits
 - Harassment, as a form of discrimination, and
 - Retaliation.

What is Sexual Harassment?

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment.

Unwelcome ≠ Involuntary

Sexual conduct becomes unlawful when it is "UNWELCOME"

—
The conduct is not solicited or invited and is regarded as undesirable or offensive.

—
The conduct is sexually aggressive or sexually-oriented.

—
REMEMBER-
Even conduct that initially is voluntary later can become **UNWELCOME.**

Examples of Sexual Harassment

- Examples of behavior that may constitute sexual harassment include but are not limited to:
 - Making inappropriate comments about someone's body or appearance;
 - Sending or sharing emails, texts, or messages of a sexual nature;
 - Unwanted or inappropriate touching of any body part, clothing, face, or hair; or,
 - Blocking someone's movement.

According to a 2019 report, what percentage of women have experienced sexual harassment in the workplace?

- A. 66%
- B. 38%
- C. 25%
- D. 10%



According to the same 2019 report, what percentage of men have experienced sexual harassment in the workplace?



Other Unlawful Harassment

- Harassment can be based on other characteristics (such as race, national origin, or religion) and can come in many forms:
 - Slurs,
 - Epithets, and
 - Offensive jokes or comments

Examples of Other Unlawful Harassment

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, age, national origin, disability, or legally protected status.

Acts of discriminatory intimidation, ridicule, or insult that creates an abusive working environment.

Expressions of stereotypical views that have a stigmatizing or exclusionary effect.

Let's look at some
more examples . . .

Ken says to Emily, "Wow, Emily, that suit looks really nice on you." Emily later says she was offended. Does Emily have a valid claim of sexual harassment?

Anne, a white female, is married to Ben, an African American male. Anne works at a small, 20-person company. All employees are white. The employees have close personal relationships and often send each other "chain" emails with jokes. Some of the chain emails Anne receives include derogatory jokes about people of color and cartoons including Confederate flags.



Title IX of the Education Amendments Act of 1972

Overview

"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 applies to both students *and* school employees, such as teachers.

Applies to all aspects of education programs or activities operated by recipients of federal financial assistance

- Including, but not limited to:
 - Recruitment, admissions, and counseling;
 - Faculty and student housing;
 - Campus shuttle bus services; and,
 - Campus restaurants

Cape Fear Community College Title IX Sexual Harassment Policy

"Cape Fear Community College (CFCC) is committed to providing a safe learning and working environment that promotes respect, responsibility, and accountability that is free of sexual misconduct, including discrimination, harassment, and/or sexual harassment. All forms violate an individual's fundamental right to CFCC's educational programs and activities."

Discrimination

What is Discrimination under Title IX?

- The prohibition of Title IX applies to gender discrimination issues involving employment and gender discrimination involving students.
- Examples of discrimination:
 - Employment discrimination,
 - Discrimination on the basis of pregnancy, marital or parental status, and
 - Discrimination in educational testing

Harassment

Cape Fear Community College Policy Definitions

"Sexual Assault - as defined in 20 U.S.C. § 1092(f)(6)(A)(v): an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI) or an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system."

"Stalking - as defined in 34 U.S.C. § 12291(a)(30): engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress."

"Sexual Harassment - quid pro quo harassment; sexual assault, dating violence, domestic violence, or stalking; unwelcome conduct that a reasonable person would find so "severe, pervasive, and objectively offensive" that it effectively denies a person equal access to the College's education program or activity, including conduct based on sex stereotyping; or any instance of sexual assault, dating violence, domestic violence, or stalking. "Quid pro quo" harassment is a person having power or authority over another and conditioning an educational or employment benefit or service or access to receiving the educational or employment benefit or service upon a person's participation in unwelcome sexual conduct."

What is Harassment?

- All forms of sex-based harassment are prohibited, which includes
 - Sexual harassment, and
 - Gender-based harassment
 - Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping
- Different types of harassment
 - Teacher-on-student harassment
 - Peer-on-peer harassment
 - By a third party (visiting speaker or members of a visiting athletic team)
- It is irrelevant whether the harasser intends to harm or not.
- Harassment does not necessarily require repeated incidents.

Sexual Harassment

- Similar to what we saw in Title VII . . .
 - Sexual harassment is the **unwelcome** conduct of a sexual nature.
- Examples of sexual harassment:
 - Sexual touching,
 - Sexual comments,
 - Jokes,
 - Gestures,
 - Graffiti,
 - Drawings,
 - Pictures, and
 - Writing

Gender-Based Harassment

Gender-based harassment means harassment or bullying because a student does not conform to gender stereotypes.

Examples of Harassment

- The repeated sabotaging of female students' laboratory experiments by male students in the class.
- A campaign of sexually explicit graffiti directed at a particular female student by other female students.
- A female student "hooked up" with a boy at her school, and now a group of girls are repeatedly texting her and tweeting about her at school, using inappropriate names.
- A male student has mostly female friends, he sings Beyonce songs in the hallway, and is on the dance team. Fellow students refer to him by using epithets like "fairy" and tell him he should run for homecoming queen.

In a nationwide survey of college students, what percentage of respondents stated that sexual harassment occurs among students at their school?

- A. 26%
- B. 89%
- C. 43%
- D. 67%





In the same nationwide survey of college students, nearly two-thirds (62%) of respondents said they had been sexually harassed

Bullying

How does Title IX Apply To Bullying?

- An educational institution may violate Title IX when sex-based harassment by classmates (or peers) is so serious that it creates a hostile environment for the victim and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.
- Guidance issued by the U.S. Department of Education's Office for Civil Rights ("OCR") states "bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential."

Cyberbullying

- Guidance issued by the U.S. Department of Education's Office for Civil Rights clarifies that Title IX prohibits sex-based bullying and harassment that interferes with a student's education, whether it is conducted in person or in electronic form.
- This includes, for example, using cell phones or the internet to:
 - Target students by calling them sexually charged epithets;
 - Spread sexual rumors;
 - Rate students on sexual activity or performance; or,
 - Circulate, show, or create photographs or websites of a sexual nature.

Title IX Coordinator

"The **Dean of Student Affairs** serves as CFCC's Title IX Coordinator and has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of the College, as well as any other protected status as delineated above and retaliation for the purpose of interfering with any right or privilege."

What Can You Do To Help?

Report

Report suspected violations of the College's policies.

Treat

Treat each other and students with respect and carry yourself in a professional and courteous manner.

Ask

If you have questions or concerns about any of the College's policies or procedures, ask your immediate supervisor or the Human Resources Office.



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