Notice of Nondiscrimination

Updated: April 25, 2025

POLICY:

POL05.25.02

TITLE:

Notice of Nondiscrimination

CATEGORY:

Campus Environment

SUB-CATEGORY:

Non-Discrimination

AUTHORITY:

Board of Trustees

CONTACT:

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RELATED POLICIES:

REG06.35.03 Resolving Allegations of Discrimination

REG05.25.03 Title IX Compliance and Resolution Regulation

UNC System Policy 300.4.1 Policy on Interpersonal Relationships among Faculty, Staff, and Students

REG06.35.02 Mediation and Grievance Procedure for SPA Employees

Employee Pregnancy and Lactation Support

ADA Compliance and Reasonable Accommodations for Students, Employees, Applicants and Visitors

REG05.25.06 Religious Accommodations

ADDITIONAL REFERENCES:

Title VI and Title VII of the Civil Rights Act of 1964, as amended

Title IX of the Education Amendments of 1972

Section 799A and 845 of the Public Health Service Act

Equal Pay Act of 1963, as amended

Age Discrimination in Employment Act of 1967, as amended

Rehabilitation Act of 1973, as amended

Pregnancy Discrimination Act of 1978

Pregnant Workers Fairness Act

Providing Urgent Maternal Protections for Nursing Mothers Act ("PUMP")

Breastfeeding Promotion and Support

Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended

Civil Rights Act of 1991

Americans with Disabilities Act of 1990, as amended

Title II of the Genetic Information Non-discrimination Act of 2008

Executive Order 14173 dated January 21, 2025

Executive Order 14168 dated January 20, 2025

N.C. General Statutes § 126-16, as amended

N.C. General Statute § 116-11(3a)

N.C. Executive Order No. 24, October 18, 2017

The Code of the University of North Carolina, Section 103

Equality Within the University of North Carolina, UNC Policy Manual, Policy 300.8.5

HISTORY:

Approved November 20, 2015 to be Effective January 1, 2016. Revisions to policy approved by ECU Board of Trustees April 3, 2020. Non-substantive revisions to policy approved August 13, 2020. Approved by Board of Trustees April 25, 2025

PREVIOUS VERSIONS:

No previous versions available.

1. Introduction

1.1. East Carolina University (ECU) is committed to equality of opportunity and nondiscrimination in employment practices and educational programs and activities. ECU prohibits unlawful discrimination and harassment based on the following protected classes: race/ethnicity, color, genetic information, national origin, religion, sex, sexual orientation, gender identity, age, disability, political affiliation, and veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service) ("Protected Class").

1.2. This policy also prohibits unlawful retaliation, as defined below. Retaliation interferes with free expression, inhibits openness that is important to the University, and violates University policy.

1.3. This Policy supersedes all other expressions of nondiscrimination provisions pertaining to all University programs and activities and the complaint resolution procedures administered by the Equal Opportunity and Title IX Unit in the Department for People Operations, Success, and Opportunity (POSO) published in any other documents, handbooks, or manuals.

1.4. When an individual is found to have violated this Policy, corrective action, including disciplinary action and/or sanctions up to and including termination of employment, expulsion, and/or the issuance of a ban from University property may be imposed, as appropriate, as determined by the appropriate Vice Chancellor and/or other appropriate University administer(s), in an attempt to ensure that such actions are not repeated by the individual within the University community. All relevant facts and circumstances shall be considered in determining whether conduct violates these provisions.

2. Coverage

This policy covers admission, readmission, access to, treatment and employment in University programs and activities, including, but not limited to, academic admissions, financial aid, any services, and employment. This Policy applies to students, applicants, employees, visitors, volunteers, and other third parties under circumstances

within the University's control. This Policy applies to all unlawful discrimination, harassment, and related retaliation as described above that occurs either on ECU property or off ECU property.

3. Equal Employment Opportunity Obligations

3.1. The University will recruit, hire, train, and promote persons in all job titles and ensure that all other personnel matters and any other term, condition, or privilege of employment will continue to be administered in accordance with this Policy and without regard to University Protected Classes listed in Section 1.1 above. The University will ensure that all employment decisions are based only on valid job requirements.

3.2 In doing so, the University will take affirmative action to employ and advance in employment qualified employees and applicants who are protected veterans and individuals with disabilities at all levels of employment.

3.3. The Department for People Operations, Success, and Opportunity is responsible for administering policies, procedures, and programming designed to ensure equal employment opportunity under applicable federal or state requirements.

4. Definitions

4.1. Discrimination – is the differential treatment of a person because of a person's Protected Class which denies, limits, or adversely impacts a term or condition of a person's employment, education, or their participation in University programs or activities.

4.2. Harassment – is a form of discrimination that consists of unwelcome conduct due to a person's Protected Class that creates a situation:

4.2.1 where enduring the offensive conduct becomes a condition of employment or of participation in a University program or activity (Quid Pro Quo Harassment), or

4.2.2 that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it changes an employee's terms and conditions of employment or limits or denies a person's ability to participate in or benefit from a University program or activity (Hostile Environment). Whether a hostile

environment has been created is a fact-specific inquiry that includes consideration of the following:

4.2.2.1 the degree to which the conduct affected a person's ability to access a University program or activity;

4.2.2.2 the type, frequency, and duration of the conduct;

4.2.2.3 the parties' ages, roles within a program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

4.2.2.4 the location of the conduct and the context in which the conduct occurred; and

4.2.2.5 other harassment in the University's program or activity.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

4.3. Retaliation – any action taken against an individual for engaging in a protected activity and/or exercising any right protected by this Policy that might deter a reasonable person from engaging in protected activity. Retaliation may take the form of coercion, reprisal, intimidation, threats, or harassment against an individual for using applicable policies in good faith (including making a charge of protected class discrimination or harassment; testifying, assisting, or participating in a hearing, proceeding, review process or investigation of discrimination, harassment, and/or related retaliation; opposing an unlawful discriminatory practice; or requesting an accommodation).

5. Sex Discrimination Prohibited and Title IX

ECU is required by Title IX of the Education Amendments of 1972 not to discriminate on the basis of sex in its education programs and activities. For the purposes of Title IX, sex will be defined in accordance with applicable law. The Title IX Coordinator may be reached in person in Building 283; by phone at (252) 328-6804; or by email at EOTIX@ecu.edu. Reports may be made during non-business hours by email, voicemail, or by completing the Report a Concern Form on POSO's website, found here

https://administrationfinance.ecu.edu/eo-titleix-ada/concerns-complaints/.

6. Obligation to Review or Investigate Prohibited Conduct

If POSO becomes aware of any information or concerns related to prohibited discrimination, harassment, and/or related retaliation, POSO will conduct a preliminary assessment and resolve the complaint in accordance with University policy.

7. East Carolina University Statement of Nondiscrimination

7.1. The following statement should be used in the University's academic catalogues, contracts, and applications for admission and employment:

> 7.1.1. East Carolina University prohibits unlawful discrimination based on the following protected classes: race/ethnicity, color, genetic information, national origin, religion, sex, sexual orientation, gender identity, age, disability, political affiliation, and veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service).

7.2. Any flyers, brochures, posters, or advertisements concerning a University activity or event that is open to the public must include the following statement:

> 7.2.1. Individuals requesting accommodation under the Americans with Disabilities Act (ADA) should contact the Office of the ADA Coordinator at (252) 737-1018 or ada-coordinator@ecu.edu and/or the Department for Disability Support Services at (252) 737-1016 or dssdept@ecu.edu at least 48 hours prior to the event.

8. Compliance

Should any portion of the laws, rules, or regulations that dictate our policies be stayed or invalidated by a court of law, or should any law, rule, or regulation be modified or withdrawn to add, amend, or invalidate elements of our policies, the elements of our policies impacted will be deemed amended or revoked as of the publication date of the opinion or order and/or the effective date of the law, rule, or regulation.