

Title IX & Equal Opportunity

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ILLEGAL DISCRIMINATION AND SEXUAL MISCONDUCT Title VI, VII & IX

Non-Discrimination Statement:

The Board of Trustees and the administration of Fayetteville Technical community College are fully committed to the principles and practice of equal employment and educational opportunities Accordingly, Fayetteville Technical Community College does not practice or condone discrimination in any form, against students, employees, or applicants on the grounds of race, color, national origin, religion, sex, age, disability, or political affiliation. Fayetteville Technical Community College commits itself to positive action to secure equal opportunity regardless of those characteristics.

Fayetteville Technical Community College supports the protection available to members of its community under all applicable Federal Laws, including Title VI and VII of the Civil Rights Act of 1964 and 1991, Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act, the Equal Pay and Age Discrimination Acts, the Rehabilitation Act of 1973, the Americans with Disabilities ACT of 1990, and Executive Order 11375.

Title VI, Civil Rights Act Of 1964

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VII, Civil Rights Act Of 1964

An Employer cannot discriminate on the basis of race, color, religion, sex, or national origin.

Title IX, Education Amendments Of 1972

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.

Illegal Discrimination/Sexual Misconduct (Title IX) Compliance Officer And Reporting

The Office of Human Resources and Institutional Effectiveness is designated to monitor and evaluate College activities and events to fulfill the requirements of the 1972 federal legislation which prohibits all forms of sex (Title IX) and race (Title VI & VII) discrimination in educational institutions receiving federal funding.

Beyond meeting the legal requirements for resolving sex/race discrimination, sexual/racial harassment, sexual assault and related violence issues, this office assists the College leadership with the creation and maintenance of a College community committed to positive values of equal opportunity that fosters a climate free from all forms of harassment, exploitation, or intimidation.

Duties Of The Compliance Officer

Provide immediate assistance, policy and/or procedural information or guidance when responding to reported incidents of alleged illegal discrimination or sexual Misconduct. Advise the College President on situations or events concerning faculty, staff, students or visitors of the College reported as violating College policies related to illegal discrimination or sexual misconduct. Serve as the College Complaint Resolution Officer for the initial investigation and recommending resolution actions to the College President related to cases of alleged illegal discrimination or sexual misconduct. Take steps, including conducting periodic professional development training sessions, to ensure that the campus remains free of a illegal discrimination and sexual misconduct.

Policy Statement

The Trustees of Fayetteville Technical Community College is committed to providing a non-discriminatory and harassment-free environment for faculty, staff, students, and visitors at the College. Accordingly, it is the policy of Fayetteville Technical Community College (FTCC) to prohibit all forms of illegal discrimination and to foster a campus environment which empowers individuals to bring forth claims of illegal discrimination without fear of retaliation. No form of illegal discrimination shall be tolerated whether it arises in the employment environment or arises in some manner which impedes the ability of students, employees, and others to access any service offered by the College. FTCC shall place a special emphasis on providing training designed to help faculty, staff, and students recognize, intervene, prevent, and end illegal discrimination based on sex or gender, including sexual harassment, sexual violence, sexual assault, stalking, domestic violence, dating violence, or other forms of intimate partner violence.

In the event an allegation of illegal discrimination is made, FTCC shall:

Inform the alleged victim of options and assistance which may be available to them;

Maintain confidentiality to the fullest extent permitted by law;

Thoroughly and impartially investigate the allegation;

When reasonably necessary, provide interim remedy(ies) pending a final resolution;

Provide all parties involved in the allegation a prompt and equitable determination of the merits of the claim;

Decide whether the allegations are more likely than not to have occurred (preponderance of the evidence standard); and,

If it is more likely than not that the allegations occurred, resolve the allegations in a manner designed to end the discrimination, prevent its reoccurrence, remedy the effects upon the victim and the community, and impose reasonable sanctions on any party found to have engaged in behavior prohibited by this policy.

Illegal discrimination shall be defined as any action or decision that interferes or denies a person employment or participation in any educational program/activity at FTCC based upon race, color, national origin, religion, sex/gender, age, disability, political affiliation. Sexual harassment, sexual assault, stalking, domestic violence, dating violence, or other forms of intimate partner violence are prohibited and considered to be forms of sex/gender based discrimination.

FTCC faculty, staff, students, and visitors to the College shall be permitted to bring forth claims of illegal discrimination without fear of retaliation. It shall be a violation of this policy for any faculty, staff, student, or visitor to retaliate against an individual bringing forth such claims or defending themselves against an allegation of misconduct. It shall also be a violation of this policy to knowingly make false claims or statements regarding illegal discrimination.

The administration of FTCC shall establish appropriate procedures to implement this policy. The Administration of FTCC shall provide an annual report to the Board of any alleged violation of this policy and a summary how the allegation was resolved. The report shall be due during the June meeting of the Board and will include only allegations that have fully resolved, including the exhaustion of all appeal rights.

[Illegal Discrimination & Sexual Harassment/Violence Prevention Policy](#)

All members of this community are expected and instructed to conduct themselves so as to contribute to an atmosphere free of illegal discrimination, including sexual harassment or sexual violence. Illegal discrimination of an employee by another employee or student, or of a student by another student or employee is a violation of this College

policy and will not be tolerated. Any employee or student violating this policy shall be disciplined in accordance with the procedures outlined below.

This policy is adopted to promote an atmosphere in which all members of the Fayetteville Technical Community College community may work and study free of illegal discrimination and to provide for the orderly resolution of complaints of illegal discrimination.

The following definitions apply:

Illegal Discrimination

Illegal discrimination must be severe, pervasive (persistent) and objectively offensive and shall be defined as:

The failure or refusal to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;

The limiting, desegregating, or classification of any employee in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;

The denial, deprivation, limitation, or any other discrimination against an individual to any educational service or program of the College

when the denial, deprivation, limitation, or other discrimination is because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;

Any other action of the College, its personnel, working in their official employment capacity, which is based on an individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation.

Hostile Environment

Hostile Environment shall be defined as unwelcomed conduct which is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive when such unwelcomed conduct is the result of some Illegal Discrimination. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, name calling, physical assaults, threats, intimidation, ridicule, mockery, insults, offensive objects or pictures, and interference with work or education a hostile or offensive workplace or education. Petty slights, annoyances, isolated instances, or environments created by something other than illegal discrimination shall not rise to the level of a Hostile Environment.

Preponderance Of The Evidence

Preponderance of the Evidence shall be defined as a finding that a claim or allegation is more likely than not to be true. This term does not refer to the quantity of evidence but rather to the quality of the evidence. It means that the fact finder must be persuaded, considering all the evidence, that the necessary facts to establish the allegation are more likely than not to exist.

Sex/Gender Discrimination

Sex/Gender Discrimination shall be defined as Illegal Discrimination and includes the exclusion of a person from participation in or the denial of a person from the benefits of any FTCC employment, education program, or FTCC activity based upon their sex or gender. Without limiting the definition of Sex/Gender Discrimination, the following are defined as acts of Sex/Gender Discrimination.

Sexual Harassment:

Sexual Harassment: A request for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature by an employee or student, constitutes sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

Submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting that individual, or

Submission to or rejection of such conduct by a student is made the basis for decisions concerning a student's grade, academic achievement or progress, or participation in any program, curriculum or activity of the College, or

Such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile or offensive environment.

Sexual Violence

Sexual Violence: Refers to a type of sex/gender discrimination involving physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give

consent). A number of different acts, as defined below fall into the category of Sexual Violence including: dating violence, domestic violence, rape, sexual assault, sexual battery, sexual coercion, and stalking. Sexual Violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex/gender discrimination prohibited by Title IX, the Board of Trustees, and College Administration.

Dating Violence

Dating Violence is defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Domestic Violence

Domestic Violence is defined as asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former co-inhabitant, persons similarly situated under a domestic or family violence law, or anyone else protected under domestic or family law.

Rape

Rape is defined as non-consensual sexual intercourse, however slight, with any object, by one person upon another person that is without consent and/or done by force.

Sexual Assault

Sexual Assault is defined as any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any sexual touching of a person who has not consented. This includes rape (such as forced vaginal, anal, oral penetration), groping, forced kissing, child sexual abuse, or the torture of a victim in a sexual manner.

Sexual Battery

Sexual Battery shall be defined as an unwanted form of contact with an intimate part of the body that is made for purposes of sexual arousal, sexual gratification, or sexual abuse. Sexual battery may occur whether the victim is clothed or not.

Sexual Coercion

Sexual Coercion shall be defined as any act of persuading or coercing a person into engaging in an unwanted sexual activity through physical force, the threat of physical force, or emotional manipulation. It may also include substance coercion. Coercive situations may occur along a continuum and may not be obvious, even to the coerced individual.

Stalking

Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress. Please see section 14-277.3A of the General Statutes for North Carolina's definition of stalking.

Consent must be received prior to engaging in sexual activity and shall be defined as affirmative action through clear words or actions that creates the mutual understandable permission of all parties to willingly engage in sexual activity and the conditions of such activity. Consent can only be given by one who has the mental and physical capacity to make such a decision, and it must be clear, knowing, and voluntary. Consent to engage in one form of sexual activity cannot automatically imply to consent to engage in any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sex acts. Consent can be withdrawn at any time. Consent may not be granted by a person known to be, or by one who should be known to be, mentally or physically incapacitated. It should be recognized that the lack of protest or resistance is not, in and of itself, consent and persons who are asleep, unconscious, or unable to communicate due to a mental or physical condition are not capable of granting consent.

Counseling Services

The [Employee and Student Assistance Program \(ESAP\)](#) is operated by Cape Fear Valley Health System and is a free service provided by the College for its students and employees. The ESAP staff can collaboratively work with you to resolve issues that have begun to affect your physical and mental health. ESAP counselors are dedicated individuals with the professional training and experience required to help you identify and resolve work issues, family concerns, affects from sexual violence, and/or academic crises that have disrupted your ability to reach your highest level of personal, professional, and life satisfaction desires. Whether it is stress, anxiety, depression, or relationship issues, ESAP counselors will listen and provide unconditional acceptance of you as a person. They will collaboratively work with you to define problem structures, generate realistic goals, and implement action-based plans to bring about desired changes in your life. Concerns and interventions are designed to help both employees and students. ESAP counselors are exempt from reporting information discussed with Counselors back to officials working at the College. To contact ESAP during regular business hours, you may contact the Title IX Coordinator or Deputy Coordinator at (910) 678-8373 who will assist you with a referral to the ESAP. After regular business hours, students may contact the Public Safety and Security Office at (910) 678-8433.

[Cumberland County Rape Crisis Center](#)

