

# GENETIC INFORMATION NON-DISCRIMINATION ACT ("GINA")- BP 2.34

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*Legal Authority: NCGS 115D-77; 23 NCAC 2C .0702*

*Approval: April 19, 2011*

*Revision:*

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## **Protection and Use of Genetic Information**

Effective November 21, 2009, the Genetic Information Non-Discrimination Act ("GINA") became law. In compliance with GINA's requirements, it is the policy of the Board that the College will not discriminate or take any adverse action in any employment decisions such as hiring, firing, job assignments, or any other terms or conditions of employment, including compensation, based upon employee genetic information. Also, the College will not use genetic information to limit, segregate, or classify its employees in a way that deprives them of employment opportunities or adversely affects their employment status. The College will not request, require, or purchase genetic information about employees or their family members.

## **Limited Use of Genetic Information**

There are some exceptions that permit the College to collect, request, or require the disclosure of genetic information. The College may collect genetic information in order to comply with any federal or North Carolina law that regulates how the College conducts its business. The College may also request or require the disclosure of genetic information to monitor the biological effects of exposure to hazardous substances discovered in the workplace. The College may also acquire commercially and publicly available genetic information about an employee or the employee's family member found in sources such as newspapers, magazines, periodicals and books. However, the College may not acquire genetic information from any medical databases or court records.

In the rare event that the College does acquire genetic information, upon notification to the employee the College will only release any genetic information to third parties (1) in response to a court order or (2) to disclose information to a public health agency manifesting a contagious disease which presents an imminent threat of death or life-threatening illness. Upon notification to the employee, the College may also disclose to a public health agency information relating to the family member of an employee who manifests a contagious disease which presents an imminent threat of death or life-threatening illness.

In the rare event that the College ever has to collect or acquires genetic information for one of these purposes allowed or required by law, the College will not use this genetic information as the basis for discrimination or adverse job action.

The President is authorized to implement those Administrative Rules necessary for the implementation of this policy and compliance with GINA.

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