



LP 5.24

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Policy Owner:
Board of Trustees

Policy Administrator:
HR Director

Affected Parties:
Employees

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Non-discrimination and Anti-harassment

THE LANGUAGE USED IN THE LANDER POLICY FOR ADMINISTRATION AND STAFF DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND LANDER UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. LANDER RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT. LANDER UNIVERSITY'S OFFICE OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.

1 Summary

This policy states Lander University's commitment to prohibiting discrimination in the areas of university employment, educational programs and activities, admissions, and/or financial aid. The policy also includes a prohibition against sexual harassment and sexual violence as mandated by Title IX of the Education Amendments.

2 Policy

2.1 Lander University adheres to applicable local, federal, and state laws and regulations prohibiting discrimination in public institutions of higher education. Lander University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, childbirth or related medical conditions, national origin, age, disability, veteran's status, genetic information, or protected activity (e.g., opposition to prohibited discrimination, harassment or participation in any complaint process) in employment, educational programs and activities, admissions, and/or financial aid.

2.2 Lander University adheres to the prohibition against sexual harassment and sexual violence as mandated by Title IX of the Education Amendments.

3 Policy Scope

3.1 Lander University is committed to ensuring that all persons learn and work in an educational and work environment that is free from discriminatory harassment, or treatment.

3.1.1 This policy of non-discrimination and anti-harassment is intended to meet Lander University's responsibilities under the following laws:

- 3.1.1.1 Titles VI and VII of the Civil Rights Act of 1964
- 3.1.1.2 Pregnancy Discrimination Act of 1978
- 3.1.1.3 Title IX of the Education Amendments of 1972
- 3.1.1.4 Sections 503 and 504 of the Rehabilitation Act of 1973
- 3.1.1.5 Americans with Disabilities Act (ADA) of 1990
- 3.1.1.6 Age Discrimination in Employment Act of 1967
- 3.1.1.7 Age Discrimination Act of 1975
- 3.1.1.8 Vietnam Veterans Readjustment Assistance Act of 1974
- 3.1.1.9 Genetic Information Nondiscrimination Act of 2008
- 3.1.1.10 Violence Against Women Act
- 3.1.1.11 SC Pregnancy Accommodations Act
- 3.1.1.12 Applicable provisions of the South Carolina Human Affairs Law

3.1.2 This policy is intended to meet the university's responsibilities under any other applicable local, state, or federal law that includes protections for those who participate in any grievance process on campus with the Equal Employment Opportunity Commission or other human rights agencies.

3.1.3 This policy covers non-discrimination and anti-harassment in both employment and access to educational opportunities. Therefore, any member of the Lander University community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the Lander University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the Lander University policy on nondiscrimination and anti-harassment. When brought to the attention of Lander University, any such discrimination or harassment will be promptly and fairly addressed and remedied by Lander University in accordance with the appropriate grievance process.

3.1.4 Lander University has developed internal policies and procedures that provide prompt, fair, and impartial processes for all those involved in allegations of discrimination or harassment based on protected class status and in allegations of retaliation. Lander University values and upholds the dignity of all

members of its community and strives to balance the rights of the parties in the grievance process during what can be a difficult time for all involved

- 3.1.5 Thus, it is the policy of Lander University that no person will be excluded from participation in, be denied the benefits of, or in any way be subjected to discrimination or harassment in any program or activity of the university. It is the policy of the university to recruit, hire, train, promote, and carry out all other personnel actions of employees without discrimination or harassment.
- 3.1.6 Any employee at Lander University who violates this policy will be subjected to disciplinary action, up to and including termination. Any student, student organization, or person pursuing an education at Lander University who violates this policy will be subject to sanctions, up to and including expulsion.
- 3.1.7 Discrimination includes conduct (oral, written, graphic, or physical) directed against any person or group of persons because of race, color, religion, sex, national origin, age, genetic information, disability, or status as a disabled veteran or veteran of the Vietnam era that has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating or hostile environment for that person or group of persons. Such conduct includes, but is not limited to, objectionable epithets, demeaning depictions, or treatment, and threatened or actual abuse or harm.

4 Cooperation in Internal Investigations

When directed to do so by the Human Resources director or other persons who have been given investigative authority by the president or designee, an employee of Lander University will fully cooperate in any investigation conducted.

5 Temporary Measures

At any point in the informal or formal complaint procedure, the Office of Human Resources may recommend interim actions to protect parties or witnesses involved in the investigation, including, but not limited to, separating the parties, reassignment, alternative work or student housing arrangements, or other types of temporary measures. The university also reserves the right to issue no-contact provisions to any or all parties involved in the investigation.

6 Administrative Procedures for Alleged Discrimination/Harassment

All members of the Lander University community should contact the Office of Human Resources if they observe or encounter conduct that may violate the university's Equal Employment Opportunity Policy. Reports of alleged violations may also be made to an immediate supervisor.

Complaints may be made to the next level supervisor if the alleged discrimination/harassment is from the immediate supervisor. Students can report alleged violations to deans or department chairs, staff in the Student Affairs Office, the vice-president of student affairs, the Title IX coordinator, or the Office of Human Resources. Any university employee who receives a complaint of discrimination/harassment is required to notify the Office of Human Resources in order to have complaints promptly processed under the informal and/or the formal complaint procedure

described below. Information essential to an investigation must be provided to the Office of Human Resources upon request. Complaints involving sexual misconduct must be referred to the Title IX coordinator or a deputy coordinator and will be processed according to the applicable resolution process.

Alleged discrimination/harassment must be reported as soon as possible. Prompt reporting enables the university to more effectively investigate the facts, determine if a violation of policy has occurred, and provide an appropriate remedy or take appropriate disciplinary action.

6.1 Informal Complaint Procedure

The goal of the informal complaint procedure is to resolve allegations at the earliest stage possible. This procedure includes, but is not limited to, discussions with the parties, mediating an agreement between the parties, referring the parties to counseling programs, conducting educational and training programs, and making other recommendations for resolution. Upon notification of an informal complaint, the Office of Human Resources (employees) or Office of Student Affairs (students) will investigate the allegations using the following procedure:

- 6.1.1 Discussions will be conducted separately with the complainant and the accused to review the allegation(s) and develop a mutually satisfactory resolution. If deemed appropriate and both parties agree, the investigator may bring the parties together for a joint discussion.
- 6.1.2 The resolution procedure will be confidential to the extent permitted by law. The Office of Human Resources (employees) or Office of Student Affairs (students) will advise all parties of the confidentiality of the investigation and the strict prohibition against retaliation.
- 6.1.3 Resolution of complaints handled under the informal complaint procedure will be completed as soon as possible, in most cases within thirty (30) calendar days of receipt of the complaint. If a resolution cannot be completed within thirty (30) calendar days because of valid extenuating circumstances, the complainant will be notified and given a projected time for completion. If it is determined that a matter originally submitted under the informal complaint procedure becomes a formal complaint, all parties will be notified.
- 6.1.4 If the complaint is resolved through the informal complaint procedure, a written record of the allegation(s) and the resolution will be retained in the Office of Human Resources (employees) or Office of Student Affairs (students), and the file will be closed.
- 6.1.5 If the investigator, after hearing the complainant's statement, determines that a formal investigation is necessary, the complaint will be handled under the formal investigation procedure in section IV. B. of this policy.

6.1.6 The informal complaint procedure is an optional step. The complainant or the appropriate office may decide to skip the informal complaint procedure and proceed under the formal complaint procedure.

6.2 Formal Complaint Procedure

The formal complaint procedure will be followed if the informal complaint procedure is not successful or appropriate for addressing the alleged discrimination. The wishes of the complainant making the report will be considered, but the university will determine whether to initiate the formal complaint procedure (i.e., the university may be obligated to proceed under the formal complaint procedure due to the seriousness or nature of the allegations). Upon notification of a formal complaint, the university will investigate the allegations using the following procedure:

6.2.1 The procedure will be confidential to the extent permitted by law. All parties will be advised of the confidentiality of the investigation and the strict prohibition against retaliation.

6.2.2 The investigation will include interviews with the parties, interviews with witnesses and a review of relevant documents. If all witnesses identified by the parties are not interviewed, the investigator will document the reason that interviews were not conducted.

6.2.3 The individual(s) accused of violating Lander University's Non- Discrimination and Anti-Harassment Policy will be given a statement of the allegations.

6.2.4 The investigation will be completed as promptly as possible, and in most cases within forty-five (45) calendar days of the date on which the formal investigation procedure was initiated. If the investigation cannot be completed within forty-five (45) calendar days because of valid extenuating circumstances, the parties will be notified and given a projected time of completion.

6.2.5 The investigation will result in a written letter or report that includes a statement of the allegations, the positions of the parties, a summary of the findings of fact, a determination as to whether university policy has been violated, and recommendations for actions to resolve the complaint, if appropriate. The letter or report would include an explanation if all identified witnesses were not interviewed. The letter or report will be submitted to university official(s) with authority to implement the actions necessary to resolve the complaint.

6.2.6 The parties will be informed as soon as possible, and in most cases within thirty (30) calendar days of the conclusion of the investigation unless valid extenuating circumstances occur. Parties will be notified when the investigation has been completed and whether any violations of policy were found. The complainant will be informed of actions taken to resolve the complaint only if the actions are directly related to the complainant (e.g., a directive that the

accused not contact the complainant). The complainant will be notified if the matter is referred for disciplinary action, but will not be informed of the details.

6.3 Sanctions/Disciplinary Actions

6.3.1 Persons found to be in violation of the university's discrimination/harassment policies will be subject to disciplinary action(s) that may include, but are not limited to, oral or written warnings, suspension, transfer, demotion, or termination.

6.3.2 Willful false accusations will be subject to disciplinary action that may result in such sanctions as reprimand, suspension, demotion, or termination.

6.3.3 Appealing a sanction

6.3.3.1 If the disciplinary action is a demotion, suspension or termination, it may be grievable by staff employees under the University Grievance Procedure administered by the Office of Human Resources.

6.3.3.2 Faculty members should consult the Faculty Handbook for appropriate grievance procedures and additional guidance.

6.3.3.3 Students should consult the Student Handbook for appropriate grievance procedures.

7 Appeals of the Formal Complaint Procedure

7.1.1 The complainant or accused has a right to appeal the decision of the formal complaint procedure.

7.1.2 Appeals must be submitted in writing to the Office of the President within seven (7) university workdays after the complainant or accused is notified that the investigation has been completed. The university president or designee will review and decide the appeal.

7.1.3 Decisions not appealed within the specified time frame will be deemed final.

7.1.4 The university president or designee will issue a decision on the appeal to all parties involved within thirty (30) calendar days after receipt of the written appeal. This is the final step in the university's formal complaint procedure.

8 Retaliation

It is a violation of Lander University policy for any person to retaliate, intimidate or take reprisals against a person who files a complaint, testifies, assists or participates in any manner in the investigation/resolution of a complaint of unlawful discrimination or harassment. Appropriate

sanctions/disciplinary actions shall be taken against any person who is found to have violated this policy.

9 Affirmative Action

- 9.1 It is the intention of the university to take affirmative action to remove any disparate effects of past discrimination/harassment and to prohibit discrimination/harassment of any form, to extend to all levels and phases of personnel administration, including but not limited to recruitment, testing, hiring, training, promotion, transfer, leave, compensation, selection for supervisory positions, and administration of employee reduction-in force and benefit programs.
- 9.2 To carry out this practice, the university has developed an Affirmative Action Plan that establishes employment goals and benchmarks for reaching these goals. The university also endorses eliminating the remaining vestiges of prior discrimination/harassment. It further endorses the specific goals adopted toward this end, including those actions and goals contained in the Affirmative Action Plan. The achievement of the goals and interim benchmarks as specified in the Affirmative Action Plan constitutes the official policy of the institution.
- 9.3 Paramount to the success of the university's Affirmative Action Plan is its administration. The Office of Human Resources is assigned the responsibility to execute and administer the provisions of this policy. Any person having a question regarding applicable laws and regulations or who feels discriminated against or harassed is encouraged to contact Lander University's director of Office of Human Resources/EEO investigator or if a student the Title IX coordinator.
- 9.4 This policy statement will be posted in places conspicuous to all members of the faculty, staff, and student body; it will be communicated to all applicants for employment and admission; and it will be given such external dissemination as is necessary to inform and secure the cooperation of individuals and organizations constituting sources of employment and student referrals to the university.
- 9.5 A copy of the approved Lander University Affirmative Action Plan is available upon request from the Office of Human Resources.

10 Policy Revision History

- Draft policy created by the Office of Human Resources in collaboration with the Office of Student Affairs on 10/23/2020.
- Reviewed and modified by external reviewer on 11/10/2020.
- Policy approved by Office of Human Resources on 12/2/2020.
- Policy prepared and submitted for Board of Trustee review on 12/2/2020.
- Trustee Policy Committee Chair requested minor changes to policy draft on 12/7/2020, including (1) the omission of an explicit statement of non-discrimination in the summary and (2) conflation of laws with protected categories in section 2.1.1 (now 3.1.1).

- Trustee Policy Committee Chair approved changes proposed by Policy Coordinator on 12/9/2020.
- Board of Trustees approved earlier draft of policy (12/2 version) on 12/14/2020.
- General Counsel approved the 12/9 revisions (see above) on 2/17/2021.
- Published policy to website on 2/7/2021.