



ANDERSON[®]
UNIVERSITY

Policy and Procedures Against General Harassment and Discrimination

Foundation of Non-Discrimination

Anderson University was founded upon a fierce dedication to Jesus as the Christ, through whose life and words we learn how to live. We seek to practice the words of Jesus that underscore the high regard with which individuals should hold one another, summed up in John 15:12, “This is my commandment, that you love one another, as I have loved you.” While this may not seem so great a challenge when “one another” is generally like us, the challenge is greatly increased when “one another” is different, apart from us, even perceived as an enemy.

In Matthew 5:43-47, Jesus noted: “You have heard that it was said, ‘you shall love your neighbor and hate your enemy.’ But I say to you, love your enemy and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and the good, and sends rain on the righteous and the unrighteous. For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? And if you greet only your brothers and sisters, what more are you doing than others?”

The Jesus who is the cornerstone of this institution challenges us to love those we may find different or even unlovable. It is the work of what Isabel Wilkerson called radical empathy, “putting in the work to educate oneself and to listen with a humble heart to understand another’s experience from their perspective, not as we imagine we would feel.” It is the way of Jesus.

Mission of Anderson University

Anderson University is an academic community, affiliated with the South Carolina Baptist Convention, providing a challenging education grounded in the liberal arts, enhanced by professional and graduate programs and a co-curricular focus on the development of character, servant leadership, and cultural engagement. This is a diverse community that is Christ-centered, people-focused, student-oriented, quality-driven, and future-directed.

Policy Statement

Anderson University is committed to creating and maintaining a community free from discrimination and harassment. We prohibit illegal discrimination based on sex, race, age, national origin, ability, pregnancy,

military service, or any other legally protected status. We do this in accordance with the foundation of our faith and in concert with applicable federal and state laws.

The University will promptly respond to any report of discrimination or harassment of any kind about which it has actual knowledge, with the aims to stop the behavior, prevent its recurrence, and provide remedies for the person or persons who have experienced the behavior.

PLEASE NOTE: If you believe that you have experienced sexual harassment or sexual misconduct, please contact the Title IX Office (title9@andersonuniversity.edu) or 864.231.2026. The Title IX Coordinator will determine where the situation is to be dealt with.

The following grievance procedure explains:

- the legal definitions of harassment and discrimination
- the ways in which reports of discrimination or harassment are received and by whom;
- the process of investigating allegations of harassment/discrimination;
- the resolution of complaints of harassment or discrimination.

In addition to its response to incidents of discrimination and harassment, the University is committed to proactively affirm within our community the value of each human being and to educate the community about the ways that harassment and discrimination devalue others. We urge the Anderson University community to become the “Beloved Community” in which all are valued, and all have an equal place at the table.

Questions Regarding this Procedure: Please forward questions regarding these procedures to:

Mr. Jon Gropp
Associate Vice President/Dean of Students
Office: Student Center 3rd floor
Phone: 864.622.6014
jgropp@andersonuniversity.edu

Ms. Amy Porpilia
Director of Human Resources
Office: 316 Kingsley Road
Phone: 864.231.2161
aporpilia@andersonuniversity.edu

The Associate Vice President for Student Development/Dean of Students, the Human Resources Director, and the Section 504 Grievance Coordinator will work with the Vice President for Diversity and Inclusion to ensure that this policy and procedure statement is disseminated to students and employees.

Anderson University believes its students, faculty members, employees, vendors and campus guests should be able to enjoy an environment free from discrimination and harassment based on an individual's race, age, national origin, ability, pregnancy*, sex*, military service, or any other legally protected status. Discrimination and harassment based on sex, gender and pregnancy is generally addressed through the University's Grievance Procedure for Title IX Compliance. For cases that do not qualify as Title IX cases, such harassment will proceed under this procedural section. The Title IX Coordinator will determine under which procedure a given situation may fit.

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Forms of Illegal Harassment

Non-Title IX Harassment and discrimination may happen in many forms and may include: verbal or physical conduct that defames or shows hostility toward an individual because of his/her race, color, religion, sex, pregnancy, national origin, age, ability, veteran, or any other legally protected status, or that of the individual's relatives, friends, or associates; creates or is intended to create an intimidating, hostile, or offensive working or learning environment; interferes or is intended to interfere with an individual's work or educational performance; or otherwise adversely affects an individual's employment or educational opportunities. Further information is available in "Definitions" below.

Definitions

The following words in this policy, when capitalized, mean the following:

Complainant: an individual who is alleged to be the victim of conduct that could constitute any form of discrimination.

Consent: South Carolina does not specifically define "consent." A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven: (a) The actor uses aggravated force to accomplish sexual battery; (b) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act; or (c) The actor causes the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance. S.C. Code Ann. § 16-3-652.

"Aggravated force" means that the actor uses physical force or physical violence of a high and aggravated nature to overcome the victim or includes the threat of the use of a deadly weapon. S.C. Code Ann. §16-3-651(c). A person is guilty of criminal sexual conduct in the second degree if the actor uses aggravated coercion to accomplish sexual battery. S.C. Code Ann. § 16-3-653(1). "Aggravated coercion" means that the actor threatens to use force or violence of a high and aggravated nature to overcome the victim or another person, if the victim reasonably believes that the actor has the present ability to carry out the threat or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or any other person. S.C. Code Ann. § 16-3-651(b). A person is guilty of criminal sexual conduct in the third degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven: (a) The actor uses force or coercion to accomplish the sexual battery in the absence of aggravating circumstances; or (b) The actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery. S.C. Code Ann. § 16-3-654. "Mentally defective" means that a person suffers from a mental disease or defect which renders the person temporarily or permanently incapable of appraising the nature of his or her conduct. S.C. Code Ann. §16-3-651(e). "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct whether this condition is produced by illness, defect, the influence of a substance, or from some other cause. S.C. Code Ann. § 16-3-651(f). "Physically helpless" means that a person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act. S.C. Code Ann. § 16-3-651(g).

From these state crime definitions, we may extrapolate the following about consent:

- A person has not consented if that person is forced into sexual behavior;
- A person has not consented if that person believes that the other person(s) is/are able to carry out a threat or retaliate against them or someone else;
- A person has not consented if that person has been coerced;

- A person who is either temporarily or permanently incapable of understanding the nature of their conduct cannot consent;
- A person who is mentally incapacitated, whether due to illness, the influence of alcohol or some other substance, or some other cause, cannot consent;
- A person who is unconscious, asleep, or otherwise physically helpless and unable to communicate their unwillingness to act cannot give consent.

In short, consent must be clearly given, free of anything that might cause that person to do something they may not otherwise do.

Document: a document or electronic submission (such as by email) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Harassment: Harassment may happen in many forms and may include: verbal or physical conduct that defames or shows hostility toward an individual because of his/her race, color, religion, national origin, age, sex, pregnancy, ability, veteran, or any other legally protected status, or that of the individual's relatives, friends, or associates; creates or is intended to create an intimidating, hostile, or offensive working or learning environment; interferes or is intended to interfere with an individual's work or educational performance; or otherwise adversely affects an individual's employment or educational opportunities (provided that conduct does not meet the standards of Title IX – see below).

Harassing conduct may include but is not limited to: Epithets; slurs; negative stereotyping; threatening, intimidating, or hostile acts that relate to an individual's race, color, religion, national origin, age, sex, pregnancy, ability, veteran, or any other legally protected status; or, written or graphic material that defames or shows hostility or aversion toward an individual or group because of an individual's legally protected status, and that is placed on walls, bulletin boards, or elsewhere on the University's premises, is expressed or shared on social media, or that is otherwise circulated on the campus. Harassment is more than conduct with which you disagree or personally find offensive. It is unwelcomed speech or conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education programs or activities.

Certain instances of Sexual Harassment may fall outside of Title IX. In these situations, Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment or a student's education, submission to or rejection of such conduct by an individual and is used as the basis for employment or education decisions, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or education or creating an intimidating, hostile or offensive working or learning environment.

Investigative Report: The written report created by the Investigator that fairly summarizes all relevant evidence obtained during the investigation of a Complaint.

Investigator: The person designated by the University to investigate a Complaint. If more than one person is designated, this term refers to all the Investigators.

Party: Either the Complainant or the Respondent.

Parties: All Complainants and all Respondents with respect to a complaint of Harassment or with respect to multiple Formal Complaints which have been consolidated.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment or other form of discrimination.

Supportive Measures: non-disciplinary, non-punitive individualized services offered to the Complainant or

the Respondent (or one who may become a Respondent) before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Administrative Responsibility

If both Parties are students, the report or complaint will be dealt with by the Office of Student Conduct. If both Parties are employees, the report/complaint will be dealt with by the Director of Human Resources or designee. If one of the Parties is a student and the other is an employee, the Director of Human Resources or designee will work with the Student Conduct Office to ensure that the rights of the respective Parties are protected. *Complaints by former students will be addressed under this policy as determined to be appropriate.*

Reporting Procedures

Anderson University is committed to preventing and remedying harassment or illegal discrimination, of which it has actual knowledge, based on an individual's race, color, religion, national origin, age, sex, pregnancy, ability, veteran status, or any other legally protected status from fellow students, employees, or guests. Reports may be made to any member of the Student Development Staff, to any Title IX Coordinator or Deputy Coordinator, or any University administrator (president, vice presidents, deans, directors), and the report will be forwarded to the Offices of Student Conduct and/or Human Resources for investigation.

Depending on the parties involved, either the Office of Student Conduct or Office of Human Resources is tasked with the following:

- Receive reports or complaints of discrimination or harassment based on any form of legally protected status not covered by Title IX (Communication with the Title IX coordinator may occur to determine applicability of Title IX);
- Oversee the investigative process;

Ensure that the investigation is conducted in a way that is without bias, partiality, or conflicts of interest. The investigator(s) will be able to identify unlawful Harassment, recommend appropriate corrective action and remedies, and take other appropriate action to remedy the damaging effect

- of any prohibited discrimination, including interim protection of the Complainant during the course of the investigation;
- Determine whether, based on circumstances, appropriate law enforcement should be contacted.

Self-Report

Any student who has an experience that they believe to be harassment or discrimination based on race, color, religion, national origin, age, ability, sex, pregnancy, veteran, or any other legally protected status, whether by a student, employee, contract worker, or campus visitor, should report the alleged act immediately to an appropriate individual. This may include the Associate Vice President and Dean of Students, an RA, Residence Director, or any other Student Development staff member; the Title IX Coordinator or Deputy Coordinators; or any administrator (president, vice presidents, deans, directors).

Any employee who has an experience that they believe to be harassment or discrimination based on race, color, religion, national origin, age, ability, sex, pregnancy, veteran, or any other legally protected status, whether by a student, employee, contract worker, or campus visitor, should report the alleged act immediately to the Director of Human Resources or another appropriate individual. This may include the Title IX Coordinator or Deputy Coordinators; or any administrator (president, vice presidents, deans, directors). In some cases, interim measures may be taken before the investigation and conduct process

has been completed in order to eliminate or diminish the opportunity for additional discrimination or harassment or to alleviate the effects of the conduct that is the subject of the report. Any interim sanctions will respect the rights of all involved individuals to be treated with fundamental fairness.

Receiving a Report

Anyone other than the above who receives a report of harassment or discrimination should encourage the person reporting to also report the incident to the Associate Vice President and Dean of Students or Director of Human Resources. The person who received the report should also notify the Associate Vice President and Dean of Students or the Director of Human Resources but should not screen the report or make any attempt at investigating the report. If the report was received orally, the person who received the report is to provide a written statement of the alleged facts as known to the designated individual as quickly as possible, but not later than three (3) business days after receiving the report.

Methods of Reporting

Reports may be made by the individual who has experienced the alleged discrimination or harassment, or by the person with whom that individual has shared the experience, in the following ways:

- In person during normal business hours;
- At any time during or outside of normal business hours by postal mail, telephone, or email; or
- At any time using any other means that results in the Associate VP/Dean of Students or Director of Human Resources receiving the verbal or written report.

Report Privacy

Anderson University will respect the privacy of the person bringing the complaint (the Complainant), the individual against whom the report is filed (the Respondent), and any witnesses to the extent possible within our ability to thoroughly investigate, to take appropriate action, and to conform to any other obligations. Anderson University cannot guarantee confidentiality.

Investigation

Upon receipt of a report or complaint alleging any non-Title IX form of illegal harassment based on an individual's sex, pregnancy, race, color, religion, national origin, age, ability, veteran or any other legally protected status, the Associate Vice President/Dean of Students or Director of Human Resources will immediately undertake or authorize an investigation. The investigation will begin as soon as is practicable.

Informal Resolution

Although not required, it may be possible to resolve a complaint through a voluntary conversation or process between the Complainant and the Respondent, through mediation or restorative justice. Such efforts will be facilitated by the Associate Vice President/Dean of Students or Director of Human Resources or their trained designee. If the Complainant and the Respondent feel that a resolution has been achieved, then a document signed by each party will be placed in the investigation file and no further action will be taken.

Regarding an Informal Resolution:

- Both parties must agree voluntarily and in writing to the Informal Resolution process.
- Either party may opt out of the Informal Resolution process and proceed to the Formal Resolution process at any time before a decision is rendered.
- Once a resolution is reached, the same set of facts may **not** be brought forth for a Formal Resolution or under Title IX.

- The Informal Resolution will not be used when a student is a Complainant and an employee is a Respondent.

Formal Resolution

When a formal complaint of harassment or discrimination is received, a formal resolution process will be initiated by the Associate Vice President/Dean of Students or the Director of Human Resources. The Complainant may request the initiation of a formal investigation at any point in the process, even when an informal mediation process was initially begun. The respective staff member will complete a formal written statement based on the written or verbal allegations of the Complainant. The Complainant will be asked to read and sign the statement to verify its accuracy. This report will be maintained in a secure location in the office in which it was filed.

Upon completion of the initial statement, a formal investigation will be conducted by the Associate Vice President/Dean of Students, the Director of Human Resources, or their designee(s). The investigation will consist of personal interviews with the Complainant, Respondent, and any others who may have knowledge of the alleged incident or circumstances giving rise to the report. The investigation may also include review of documents, electronic communications or records, and any other materials or information sources deemed pertinent by the person(s) conducting the interviews. Depending on the circumstances, the Respondent may not initially be informed of the identity of the Complainant but will be sufficiently informed of the allegations and the facts surrounding the allegations. In determining whether the alleged conduct constitutes a violation of this policy, Anderson University may consider the surrounding circumstances, the nature of the behavior in question, past incidents, past or continuing patterns of behavior, the relationship between the parties involved, and the context in which the alleged incidents occurred.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on the facts surrounding the circumstances. In all cases, standards for a civil rights investigation and finding will be followed. In determining the appropriate response to a finding that the Respondent's behavior violates the Anderson University harassment policy, the formal resolution process will consider, among other factors:

- What response is most likely to end any ongoing harassment;
- Whether a particular response is likely to deter similar future conduct by the harasser or others;
- The amount and kind of harm suffered by the victim of the harassment;
- The position and/or relationship between the parties involved;
- How to best remedy the effects of the harassment on the Complainant.

The Associate Vice President/Dean of Students or Director of Human Resources has the discretion to take immediate steps to protect the Complainant, Respondent, students, staff or faculty members pending completion of an investigation of alleged harassment or violence. The investigation will be completed as soon as practicable, but within a reasonable time frame. If the investigation involves only students, the results of the investigation will be provided in writing by the Associate Vice President/Dean of Students to the Complainant, the Respondent, and the Senior Vice President for Student Development. If the Respondent is an employee, the results of the investigation will be provided by the Director of Human Resources to the appropriate Senior Vice President to whom the employee reports. The report will include the determination of whether it is more likely than not that the allegations are true and whether they constitute a violation of this policy and/or federal regulations and guidelines.

Investigations that conclude that a violation of policy has occurred will result in a prompt and appropriate response intended to end the harassment, remedy its impact on the Complainant, and prevent its recurrence.

In the case of a finding that a student is responsible for violating the civil rights of another member of the AU community, the Office of Student Conduct may respond with sanctions deemed appropriate to the specific offense. Sanctions may include but are not limited to:

- Warning: A notice in writing to the student that the student is violating or has violated institutional regulations.
- Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to violate any other institutional regulation(s) during the probation period. Probationary status may affect participation in student organizations, intercollegiate athletics, financial aid eligibility, and transfer to another institution.
- Loss of Privileges: Denial of specified privileges for a designated period of time. Such privileges include residence hall visitation, employment, parking, involvement in clubs and organizations, extra-curricular activities, athletics, performance groups, internships (including student teaching), or other privileges appropriate to the violation.
- Educational Assignments: Student may be required to complete educational assignments related to the violation. Assignments may include seminars, research, reflection papers, or online courses.
- Parental Notification: On occasion the student may be asked to notify his or her parent(s) or guardian(s) of the policy violation. The parent or guardian will then be asked to verify the notification by contacting the appropriate Student Development staff member. This sanction is imposed only with the student's consent unless permitted by applicable law, including the Family Educational Rights and Privacy Act.
- Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions: Work assignments, service to the University, or other related discretionary assignments (such assignments must have the prior approval of a Student Development Dean).
- Residence Hall Suspension: Separation of the student from the residence halls for a definite period, after which the student may be eligible to return. Conditions for readmission may be specified.
- Residence Hall Expulsion: Permanent separation of the student from the residence halls.
- Suspension: Separation of the student from the University for a definite period, after which the student may be eligible to return. Conditions for readmission may be specified.
- Expulsion: Permanent termination of student status. Student is not eligible to return to Anderson University.
- Additional Responses: In addition to the above responses, conduct officers in the Division of Student Development may use other sanctions when deemed necessary and appropriate. These may include but are not limited to: notification of faculty, coaches or other staff members as appropriate; residence hall relocation; restrictions from areas of campus; reassignment of a class or classroom; harassment or sensitivity training; or counseling or mentoring.

When a violation of policy by an employee has occurred, the Director of Human Resources will work with the Respondent's supervisor and/or department director, dean, or senior vice president, to determine appropriate consequences, which, depending on the severity of the situation, may include, but are not limited to:

- Informal warning
- Letter of warning in employee's personnel file
- Harassment or sensitivity training
- Counseling
- Relocation of work area/office
- Restrictions
- Reassignment of work duties

- Suspension
- Termination

While isolated incidents of unwelcomed behavior may not rise to the level of harassment or discrimination, Anderson University does not condone offensive or unwelcomed behavior of any kind or duration and will take whatever action the University deems appropriate to eliminate recurrence of such behavior which is brought to the University's attention.

Time limits that are set by this procedure are designed to achieve a prompt and appropriate resolution of reports of discrimination. The University, however, intends to be equitable, and, if the Associate Vice President/Dean of Students or Director of Human Resources determines that equity requires a variation from these time frames, the process may deviate from them. Any deviation in time frames will be communicated in writing to both parties. The time frames will typically be:

- Informal Resolution – 50 business days
- Formal Resolution – 65 business days
- Appeal – 20 business days

Appeal

Either party may request an appeal of the initial decision by providing a written request for appeal. For students, appeals should be sent to the Sr. Vice President for Student Development. For employees, staff appeals should be sent to Sr. Vice President for Brand and Marketing, and faculty appeals should be sent to the Provost. All appeals must be received within three (3) business days after the written finding has been delivered. Both the Complainant and the Respondent will be given notice that the appeal request has been made and be given an opportunity to respond.

Appeals may be granted only for one of the following reasons:

1. The Party has new and significant evidence that was not available for consideration during the investigation.
2. The procedures of the General Harassment Policy and Procedures were not followed as published.
3. The sanctions imposed are not appropriate to the findings of the investigation.

The decision on appeal will be delivered in writing to both Parties. Once the appeal has been decided, the process is concluded.

Retaliation Prohibited

Neither the University nor any other person may engage in retaliation against an individual because the individual has made a report or complaint or testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this grievance procedure. Retaliation will result in discipline, up to and including immediate termination.

Retention of Records

All records of the investigation, including evidence, notes from testimony, and correspondence, will be retained for seven years.