

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

Emmanuel University Non-Discrimination and Harassment Policy

I. Purpose

Emmanuel University (“Emmanuel” or “the University”) is committed to maintaining an environment that is free of unlawful harassment and discrimination. In accordance with federal law, consistent with Title VI and its commitment to a fair campus environment, the University prohibits discrimination against or harassment of any individual or group based upon race, gender, sex, color, religion, uniformed services, national origin (including shared ancestry and ethnic characteristics), ethnicity, genetic information, age, disability, veteran’s status, or any factor that is a prohibited consideration under applicable federal or state law.

II. Scope

This policy applies to all University programs, activities, employment practices, and admissions, and to all members of the University community, including students, faculty, staff, administrators, volunteers, applicants, contractors, and visitors.

III. Policy Statement

Emmanuel University (“Emmanuel” or “the University”) is committed to maintaining an environment that is free of unlawful harassment and discrimination. In accordance with federal law, consistent with Title VI and its commitment to a fair campus environment, the University prohibits discrimination against or harassment of any individual or group based upon race, sex, color, religion, uniformed services, national origin (including shared ancestry and ethnic characteristics), ethnicity, genetic information, age, disability, veteran’s status, or any factor that is a prohibited consideration under applicable federal or state law.

As a faith-based institution, Emmanuel University reserves the right to exercise exemptions permitted under federal and state law, including Title IX and applicable employment regulations, to further its religious mission and beliefs.

The Policy specifically prohibits retaliation, in any form, against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy and Procedures. This Policy prohibits Retaliation:

- **Against the Complainant:** It is a violation of this Policy to retaliate against a Complainant or other individual or group for making a good faith report of discrimination, harassment, or related misconduct or for opposing what they reasonably believe to be prohibited discrimination, harassment, or related misconduct in some other way. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, grading, or other evaluation—or, to the extent possible, may

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

reassign the supervisory relationship or other role of authority—to ensure that retaliation does not occur.

- **Against the Respondent:** A claim of discrimination, harassment, or related misconduct is not proof of prohibited conduct. A claim shall not be considered during an individual Respondent’s performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the Respondent has violated Emmanuel University’s *Non-Discrimination, Harassment, and Related Conduct Policy*.
- **Against a Witness or Participant in the Investigation:** It is also a violation of this Policy to retaliate against an individual or group providing information related to a Complaint.

The University is committed to take prompt and equitable action to stop and eliminate the conduct prohibited under the Policy (“Prohibited Conduct”), to prevent the recurrence of any harassment, and to correct its discriminatory effects. The University is committed to the ongoing assessment and improvement of the Policy and the University’s Title IX compliance program.

IV. Definitions

Allegation: a statement by a Complainant alleging an act of discrimination, harassment, or related misconduct.

Business Days: refers to the days ordinarily recognized by the University administrative calendar as workdays.

Complainant: the person filing a Complaint alleging that they have been subject to discrimination, harassment, or related misconduct.

Complaint: formal notification, in writing or via email, alleging that discrimination, harassment, or related misconduct has occurred.

Discrimination: Discrimination occurs when an individual or group is treated unfavorably or unequally based upon a protected status or characteristics. Discrimination can occur under this Policy in either an employment or an educational context. Discrimination also includes failing to provide reasonable accommodations to a qualified person with a disability or to reasonably accommodate an employee’s religious beliefs or practices, as required by state and federal law.

Harassment: a type of discrimination that occurs when unwelcome verbal, visual, physical, electronic, or other conduct based on an individual’s or group’s protected status or characteristic is sufficiently serious to significantly interfere with that individual’s or group’s ability to participate in or benefit from Emmanuel University’s program or activities or their terms and

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

conditions of employment. This can include conduct that significantly interferes with the individual's or group's:

- educational environment (e.g., admission, academic standing, grades, assignment);
- work environment (e.g., hiring, advancement, assignment);
- participation in a University program or activity (e.g., campus housing); or
- receipt of legitimately requested services (e.g., disability or religious accommodations).

Types of Harassment:

- **Hostile Environment Harassment:** unwelcome conduct based on protected status that is so severe, persistent, and/or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, would not create a hostile environment. Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.
- **Quid Pro Quo Harassment:** conditioning an individual's education, employment, or participation in a program or activity on submission to unwelcome conduct on the basis of protected status or characteristic.

Clear and convincing evidence: one type of evidentiary standard used in a burden of proof analysis in which the burden of proof is met when the Party with the burden convinces the fact finder that the allegation is highly and substantially more likely to be true than not, leading a reasonable person to have a firm belief or strong conviction that the claim is true.

Respondent: Person who has been alleged to be in violation of Emmanuel University's Non-Discrimination and Harassment Policy.

Support Person: Someone who provides assistance and guidance to an individual who is involved in a Complaint of harassment at the Institution (employee, supervisor, colleague, non-employee).

V. Reporting of Discrimination, Harassment, or Related Misconduct

Individuals are not required to follow a "chain of administration" or "chain of command" to file a Complaint. Faculty, staff, students, and third parties (including contractors or visitors) may

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

report discrimination, harassment, or related misconduct involving faculty, staff, students, or third parties (including contractors or visitors) to the Director of Human Resources.

Upon receipt of a report alleging discrimination, harassment, or related misconduct, the Director of Human Resources will promptly clarify the details of the report being investigated. The Respondent will be notified after a formal Complaint is filed. Any appropriate interim protective measures necessary to ensure the safety and well-being of the involved parties and the campus community will be implemented during the investigation.

Certain forms of discrimination, harassment, or related misconduct may implicate federal and/or state laws. Complainants and Respondents may elect to pursue external remedies in lieu of, or in addition to, the institution's internal processes. Additionally, some forms of harassment may constitute criminal conduct and may be reported to local law enforcement authorities. A Complainant may choose to pursue the procedures outlined herein, report the alleged conduct to law enforcement, or pursue both options concurrently.

VI. Timeliness

In order to maintain and support a community that is respectful and free from discrimination, harassment, and related misconduct and to maximize the institution's ability to respond promptly and effectively, the University urges individuals to come forward with reports of concerns or with Complaints as soon as possible. The sooner a Complaint is filed, the more effectively it can be investigated (e.g., while witnesses are still available, memories are fresh, and documentation may still be available). The longer the delay in filing the Complaint the more difficult it is for the University to investigate.

VII. Confidentiality

Emmanuel University recognizes the importance of protecting the confidentiality of any parties within a claim of discrimination or harassment and will attempt to protect the confidentiality of the Complaint process to the extent reasonably possible. Investigators, HR personnel, mediators, the institution's administrative staff, members of a hearing panel, and any others participating in the process investigating a Complaint shall keep the information obtained through the process confidential. All other participants in the process (Complainant, Respondent, and witnesses) are required to respect the confidentiality of the proceedings, including protecting information to only those with a need to know. The institution will not comment publicly or respond to media requests for information in relation to accusations, complaints, or proceedings.

Through the commitment to protect all parties, the institution cannot guarantee absolute confidentiality. Examples include:

1. When the University is required by law to disclose information (such as in response to a court order or subpoena);

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

2. When the disclosure of information is determined to be necessary for conducting an effective investigation of the claim; and
3. When confidentiality concerns are outweighed by the University's interest in protecting the safety and rights of others.

Institutional resources are available to provide counseling, information, and support in a confidential manner. These confidential resources will not share information concerning any complaints or related misconduct without the individual's express permission unless there is a continuing threat of serious harm to the Complainant or others, or there is a legal obligation to reveal information such as suspected abuse or neglect or a minor. Confidential sources available include the institution's counseling staff and the Campus Pastor.

VIII. Informal Resolutions

When appropriate (such as when a Complainant does not wish to pursue a harassment or discrimination concern through the submission of a formal Complaint), the Director of Human Resources may decide to pursue more informal mechanisms to address a situation.

None of the possible informal resolution mechanisms noted below are required prior to filing a Complaint of discrimination, harassment, or related misconduct and, in some cases, informal resolution mechanisms may not be appropriate. The Director of Human Resources reserves the right to determine whether informal resolution is appropriate for a specific case, and both Parties must agree to the informal resolution process before proceeding.

A. Possible Mechanisms for Informal Resolution

The following is a non-exhaustive list of possible mechanisms to informally address a report or Complaint. None of the actions set forth below is required before an individual may file a Complaint. Actions taken utilizing any of these mechanisms do not constitute a formal finding of a violation of the Policy.

Should any of the following mechanisms fail to resolve the matter satisfactorily, an individual may file a Complaint as set forth in the Formal Complaint section of these procedures. At any time prior to reaching a resolution, a Complainant may withdraw from the informal resolution process. Respondents may also withdraw at any time prior to reaching a resolution from those mechanisms involving one-on-one meetings or facilitated conversations. The Director of Human Resources shall also have the authority

to determine that an informal resolution is not an appropriate mechanism and should move to a formal investigation or another resolution process instead.

1. **One-on-One Meeting.** The Complainant, either alone or with an appropriate third party, may meet with the individual whose behavior is causing concern, discuss the situation, clearly communicate that the behavior is unwanted, and that the Complainant wishes it to cease.
2. **Intervention by Supervisor or Other Individual with Authority.** The Complainant may request assistance in addressing the behavior from an individual with supervisory authority over the person whose conduct is an issue. While the University's ability to impose discipline may be limited in the absence of a formal finding of a violation, an individual with supervisory authority may be able to meet with the individual whose behavior is causing concern and clearly communicate that the behavior is unwanted and that the complaining Party wishes it to cease.
3. **Facilitated Conversation, Mediation, or Restorative Process.** If all Parties are willing, the Director of Human Resources will arrange for a facilitator or mediator to help resolve the issue.
4. **Training, Education, or Coaching.** Training, education, or coaching may be arranged to assist in addressing the specific behaviors or issue.

B. Achievement of Informal Resolution

When possible, resolution of a Complaint should be achieved in a timely manner. All reasonable efforts should be made to complete any agreed-upon informal process for resolution as soon as possible from receipt of the concern. In cases of extenuating circumstances, this timeline may be extended.

A resolution utilizing the Informal Resolution process does not necessarily establish a violation of this Policy. However, except for mediation and restorative process, the admission of any conduct by the Respondent during an Informal Resolution may be considered in any future proceedings under this Policy, if such admission is either relevant to the subsequent proceedings or such prior admission demonstrates a pattern or practice of prohibited conduct. Parties will be notified in writing ahead of time that admissions can be used in future proceedings.

Once an Informal Resolution is agreed to by all Parties, the resolution is binding and a formal Complaint may not be filed later about the same matter unless the agreement is

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

not upheld. Any breach of the terms of an Informal Resolution agreement may result in a further claim of discrimination, harassment, or related misconduct as well as possible disciplinary action.

IX. Formal Complaints & Resolutions

All formal complaints follow the processes outlined below and are administered by the Director of Human Resources (Director of Human Resources). The process delineates the timeline, but in the case of extenuating circumstances, the Director of Human Resources has the authority, to extend the timelines, and notifications will be given to the Complainant and Respondent, including the reasons for the delay. Extenuating circumstances may include complexity of the case, holidays, university breaks, availability of affected parties or witnesses, inclement weather, or any other unforeseen circumstances.

Once a Complaint is submitted, the Director of Human Resources shall review the Complaint to determine the extent of an investigation, if warranted. The University will provide timely notice to the Respondent of a Complaint. At any time prior to the conclusion of the investigation, the Complainant may withdraw a Complaint. However, if the allegations or information obtained through the investigation raises issues of potential serious concern to the University community or for other compelling reasons, the Director of Human Resources may nonetheless proceed with an investigation. Whether the circumstances warrant an investigation in the absence of a Complaint is at the discretion of the Director of Human Resources.

A. Investigation

To initiate a formal complaint, individuals must complete the Complaint Form located on the Emmanuel University website and submit it to the Director of Human Resources .

Concerns may also arise because a manager, supervisor, or other individual with oversight responsibility becomes aware of conduct potentially covered by the Policy, either through an allegation or by direct observation. In this situation, the manager, supervisor, or other individual should report the situation to the Director of Human Resources , and, in some cases, the Director of Human Resources may need to appropriately respond. In certain circumstances the Director of Human Resources, upon learning of conduct potentially covered by the Policy, may be required to act, which may include investigating the complaint. If the complaint is against the Director of Human Resources, the Executive Vice President for Finance and CFO will fill the role of the Director of Human Resources for staff members and the Vice President for Academics for faculty members.

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

Once a Complaint is accepted for investigation, the Director of Human Resources shall assign the Complaint to two external or internal Investigators. Complaints filed against faculty will have at least one trained Faculty Investigator assigned to the matter. Complaints filed against staff will have at least one trained staff Investigator assigned to the matter. Upon completion of the investigation, the Investigators will write a summary report. The Director of Human Resources will review the report and make a determination.

All Parties involved shall have the opportunity to provide information during the investigation. The Parties have the right to have a Support Person present during meetings with the Investigators.

The Investigators will provide a summary report of the information obtained during the investigation to the Director of Human Resources, who will then share the information to the Complainant and Respondent, giving them the opportunity to respond.

Individuals with disabilities may request reasonable accommodations during the investigation process.

The investigation process will be completed as soon as possible after the Complaint is filed. If it will take longer, the Parties will be notified.

B. Interim Measures

The Director of Human Resources may offer interim measures to foster a stable and secure environment during the resolution of a Complaint, including to ensure the safety of the individual(s) involved (including the Parties and/or witnesses). These measures may be taken prior to any determination regarding whether there has been a violation. Such measures should not be construed as establishing that a violation has occurred.

Possible interim measures may include, but not limited to, “No Contact Orders” between individuals; rescheduling of work or class schedules; leaves of absence; or changes in housing assignments.

C. Determination

Upon completion of the investigation, the Investigators will submit the summary report to the Director of Human Resources. The Director of Human Resources will make a determination as to whether there is sufficient information to establish a violation, using the clear and convincing evidence standard.

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

The Director of Human Resources will submit the final determination to the Parties. This document will generally be the same for both Parties, containing a summary of the investigation, any factual findings, and the determination as to whether there is a violation of the Policy. This written report is confidential and is for no one but the Complainant and Respondent. There should be no distribution of the report other than to the appropriate University officials. Violations of confidentiality may result in disciplinary actions.

In cases in which a violation has been concluded by the Director of Human Resources, the report submitted to the Complainant will also include any remedial actions to address any harm to the Complainant caused by the violation. Sanctions or disciplinary actions against the Respondent are discussed below. Remedial actions should be reasonably calculated to minimize the potential for recurrence of the prohibited conduct, as well as to reasonably remedy any negative consequences from that.

D. Disciplinary Actions

In cases where there is a finding of a violation of this Policy, the Director of Human Resources will confer with the area Vice President as applicable to the parties involved to determine appropriate disciplinary action(s) or sanction(s).

This determination will take into consideration all of the circumstances of the current incident(s), as well as any prior admissions and/or findings of a violation. Examples include, but are not limited to, progressive disciplinary action; prohibition from various academic or managerial responsibilities involving the Complainant or others; letter of reprimand placed in a Respondent's personnel file; restrictions on a Respondent's access to Emmanuel University's programs or facilities; limitations on merit pay or other salary increases for a specific period; or demotion, suspension, or dismissal/termination from the University.

The Director of Human Resources shall communicate to the Respondent any sanctions or disciplinary actions resulting from the determination. The Director of Human Resources will verify that the actions have been implemented. The Complainant will not be informed of the Respondent's sanctions or disciplinary actions in this matter.

Sanctions and or disciplinary actions should be reasonably calculated to minimize the potential for recurrence of the prohibited conduct, as well as to reasonably remedy any negative consequences from the prohibited conduct.

E. Appeals

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

Either Party has the right to appeal the determination of the Director of Human Resources as to whether there is a Policy violation on the grounds stated below. If no appeal is submitted within ten (10) business days after submission of the report to the Parties, the findings and determinations shall become final and not subject to further appeal.

Interim measures that may have been implemented during the investigation will be extended throughout the appeal process.

1. Grounds for Appeal and Submission

Grounds for an appeal are limited to the following cases:

- a. A Party presents new information not reasonably available at the time of the investigation and material to the findings or determination;
- b. Procedural error(s) that materially impacted the investigators' decision;
- c. The sanction or discipline is extreme in relation to the violation;
- d. There is evidence of bias on the part of the investigation or decision making process impacting the outcome.

Appeals must be in writing, identify the ground(s) for the appeal, and be submitted to the Director of Human Resources as soon as possible. Submissions to the Director of Human Resources may be made electronically via e-mail or hand delivered to ensure the receipt of the written appeal within the ten (10) day appeal deadline.

2. Appeals Board

Appeals for cases under this Policy will be heard by an Appeals Board. The Director of Human Resources will appoint an Appeals Board of three University employees, one of which will serve as the Chair. The Director of Human Resources will work to ensure there is no conflict of interest for any of the selected members of the Appeals Board. For employees, the Appeals Board shall be comprised of at least one member with the same job type (faculty or staff) as the Parties. To the extent possible, two members of the same status will serve on the Appeals Board.

3. Appeals Procedures

- a. Appeals must be submitted in writing.
- b. Within five (5) business days after the appeal is submitted, the Director of Human Resources shall forward the appeal to the Appeals Board along with the Investigators' summary, the Director of Human Resources determination, and sanctions, if any.

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

- c. The Appeals Board may deny an appeal if it is not properly based on one of the designated grounds for an appeal.
- d. For appeals that are accepted for consideration, the Director of Human Resources shall, within the next five (5) business days, inform the Parties that the appeal has been accepted. The Director of Human Resources will also provide the non-appealing Party with a copy of the appeal. The non-appealing Party shall be allowed five (5) business days to respond to the appeal in writing.
- e. The Appeals Board will review the submitted documents.
- f. The Appeals Board shall determine as to whether to grant or not grant the appeal after reviewing all documentation. The determination will be submitted in writing to the Director of Human Resources within ten (10) business days of the appeal.
- g. In its determination, the Appeals Board, consistent with the grounds established for appeal, shall have authority to either uphold or overturn the findings and determinations, or remand the case to the Director of Human Resources for additional investigation or follow-up. In either case, the determination must include a summary of the rationale.
- h. The Director of Human Resources shall, within three (3) business days from the Appeals Board determination, forward the appeal determination to each Party at the same time. The Director of Human Resources will notify the Director of Human Resources, Executive Vice President for Finance (CFO), or Dean of Students of any sanctions and/or disciplinary or remedial actions.
- i. The decision by the Appeals Board to uphold or overturn the findings and determinations is final. Neither these procedures nor the Policy provides for further review.

Reports of Discrimination, Harassment, and/or Retaliation should be promptly made to the following persons have been designated to handle inquiries regarding this Policy:

- **Joann Harper**
Director of Human Resources
E: jharper@ec.edu O: 706-245-2805
Office: Aaron Building 2nd Floor Room 200-G
- **Matt McRee**
Executive Vice President for Finance and CFO
E: mmcree@ec.edu O: (706) 451-9358
Office: LifeSprings Resources
- **Mandrake Miller**
Vice President for Student Life
Title IX Coordinator

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

E: mandrake.miller@ec.edu O: 706-245-2820
Office: Student Life Building

There is no time limitation on the filing of complaints with the University. All reports are acted upon in a timely manner and every effort is undertaken, to the extent permitted by the law, to maintain privacy.

External Inquiries may be made to:

- **Equal Employment Opportunity Commission (EEOC)**
Contact: <http://www.eeoc.gov/contact>
- **Office for Civil Rights,**
Atlanta Office
U.S. Department of Education
61 Forsyth St. SW, Suite 19T70
Atlanta, GA 30303-8927
Telephone: 404-974-9406*
Fax: 404-974-9471
E-mail: OCR.Atlanta@ed.gov
Website: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf>
- **GA Commission on Equal Opportunity**
Mailing Address: 7 Martin Luther King, Jr. Drive, S.E.
3rd Floor-Suite 351

Division: General Administration
Department: Human Resources
Policy Number: HR_001
Policy Name: Non-Discrimination and Harassment
Effective Date:
Termination Date:
Initial Approval By:
Changes Approved By:

Atlanta, Georgia 30334

GPS Address: 200 Piedmont Avenue Atlanta, Georgia 30334

Telephone: 404- 463-4706

Website: <https://gceo.georgia.gov/>