

Furman University

Non-Harassment and Non-Discrimination Policy

I. Introduction

Furman University (“Furman” or the “University”) is committed to ensuring that no individual is subjected to unlawful Discriminatory Harassment or Discrimination in connection with admission, employment (including application for employment) in, treatment in connection with, or access to, the University’s programs or activities because of the individual’s race, color, national origin (including shared ancestry and ethnic characteristics), sex, sexual orientation, gender, gender identity, pregnancy, disability, age, religion, protected veteran status, or any other characteristic or status protected by applicable federal, state, or local law (referred to as “Protected Characteristics”). The University has adopted this Non-Harassment and Non-Discrimination Policy (this “Policy”) to ensure compliance with Title VI and Title VII of the Civil Rights Act of 1964 (“Title VI” and “Title VII”), Title IX of the 1972 Federal Education Amendments (“Title IX”), Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (the “ADA”), other applicable laws, and the University’s prohibition against Discriminatory Harassment or Discrimination based on Protected Characteristics as set forth in this Policy.

A. Scope

This Policy applies to conduct that occurs in connection with University programs or activities, regardless of location. The University may consolidate complaints alleging Discrimination or Discriminatory Harassment under this Policy with complaints alleging potential violations of other University policies where the allegations arise out of the same facts or circumstances.

Title IX sex and pregnancy discrimination matters are addressed under this Policy, while allegations involving “Sexual Misconduct,” as that term is defined in the University’s Sexual Misconduct Policy, are adjudicated exclusively under that policy.¹ When a report includes allegations that fall under both the Sexual Misconduct Policy and this Policy, the University will determine which procedures apply and may consolidate the allegations under the Sexual Misconduct Policy where appropriate.

B. Who May Grieve? / What May Be Grieved?

Any student currently enrolled at the University and any current employee of the University who believes that they have been discriminated against or harassed on the basis of any actual or perceived Protected Characteristic may file a grievance under this Policy. Any applicant for employment, applicant for admission as a student, or visitor to the University who believes that they have been discriminated against or harassed in violation of the principles in this Policy is

¹ *Sexual Misconduct, as that term is defined in the University’s Sexual Misconduct Policy, includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, sexual intimidation, stalking, and unwelcome sexual conduct. Please see the University’s Sexual Misconduct Policy for additional information. The Sexual Misconduct Policy is available at www.furman.edu.*

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also encouraged to notify the appropriate Administrator, but such individuals are not generally afforded the procedures under this Policy. The University retains discretion on whether to extend these procedures to third-party affiliates who have a formal (including contractual) relationship with the University.

C. Administrators

Melissa Nichols
Civil Rights Officer
Title VI & Title IX Coordinator
ADA & Section 504 Coordinator
Furman University
Trone Center, Suite 215
3300 Poinsett Highway
Greenville, SC 29613
864-294-2221
melissa.nichols@furman.edu

Sharen Beaulieu
Associate Vice President for Human Resources
Furman University
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D. Confidentiality

The University will treat information submitted under this Policy or in connection with a grievance filed under this Policy as confidential to the extent required by applicable laws. Subject to the Family Educational Rights and Privacy Act and any other applicable privacy laws, however, the University official investigating a grievance or providing supportive measures or remedies under this Policy will inform individuals with a legitimate need to know of the grievance and may provide them related information as necessary to allow the University to conduct a meaningful and thorough investigation and to respond appropriately to the concerns reported.

E. Prohibition Against Retaliation

The University prohibits Retaliation being taken or threatened against a person because they have submitted information under this Policy or have filed a grievance or participated in a grievance investigation in good faith.

F. Amnesty

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The University considers the reporting and adjudication of Discrimination, Discriminatory Harassment and Retaliation to be of paramount importance. The University may, in its discretion, provide amnesty for other (generally minor) policy violations that are discovered in connection with the grievance procedures set forth in this Policy.

G. Prohibition on Providing False Information or Interfering with an Investigation.

Any individual who knowingly files a false report or who interferes with a grievance process under this Policy may be subject to disciplinary action.

H. Academic Freedom

This policy is not intended to and shall not be used to limit or restrict, in any manner, academic freedom as it is contemplated by applicable faculty policies (including Policy 122.1 and Policy 137.8). Academic Freedom includes but is not limited to, the curricular or pedagogical choices of instructors. Furman affirms its commitment to academic freedom and recognizes that an essential function of education is a probing of opinions and an exploration of ideas, some of which, because they are controversial, may cause students and others discomfort. This discomfort, as a product of free academic inquiry within an instructor's area(s) of expertise, shall not in and of itself be considered or construed to constitute Discriminatory Harassment or Discrimination.

If a report relates solely to a matter of academic freedom (that is, it does not constitute potential Discriminatory Harassment, Discrimination, or Retaliation), including, but not limited to, the selection of course materials, the content of a course, the content of a class discussion, or course assignments and projects, or faculty scholarship or creative projects, the Dean of Faculty shall evaluate the report or complaint and if they assess that no further process is required, they may either conduct any follow up that may be warranted (e.g. an educational conversation) or, if the Respondent is not a faculty member, will consult with the Decision-maker handling the matter. This policy does not supersede or replace Due Process Policy (Policy 131.5) for matters that fall within the jurisdiction of that policy.

If a report includes issues of academic freedom that are intertwined with other allegations that are subject to this Policy, the Dean of Faculty will be consulted by the Decision-maker handling the matter.

I. Definitions

1. **Administrator:** The individuals identified in Section 1(C) are Administrators. These individuals have the authority and responsibility to address concerns about Discrimination or Discriminatory Harassment. The University has designated Melissa Nichols, Civil Rights Officer, to coordinate its efforts to comply with Title VI, Title IX, Section 504 and the ADA. The University has designated Sharen Beaulieu, Associate Vice President for

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Human Resources, to coordinate its efforts to comply with Title VII and other concerns involving employees.

2. **Complainant:** An individual who is alleged to have experienced conduct that violates this Policy.
3. **Decision-maker:** The formal grievance procedures in this Policy refer out to existing disciplinary processes, and Decision-makers include student accountability hearing boards (for student respondents), the Associate Vice President for Human Resources or their designee (for non-faculty employees) and the Dean of Faculty or their designee (for faculty members).
4. **Discrimination:** Differential treatment that deprives or limits an individual's access to educational, employment, or other institutional benefits, opportunities, programs, or activities on the basis of an actual or perceived Protected Characteristic.
5. **Discriminatory Harassment:** Unwelcome conduct based on a Protected Characteristic that, based on the totality of the circumstances, is both subjectively and objectively offensive and is so severe, persistent, or pervasive that it: (a) creates an environment that a reasonable person would consider hostile, intimidating, offensive or abusive; (b) has the purpose or effect of unreasonably interfering with an individual's work or academic performance; or (c) otherwise adversely limits an individual's employment or participation in a University program or activity. Determining whether a hostile environment has been created is a fact-specific inquiry.
6. **Protected Characteristic:** An individual's race, color, national origin (including shared ancestry and ethnic characteristics), sex, sexual orientation, gender, gender identity, pregnancy, disability, age, religion, protected veteran status (for non-federal employers), or any other characteristic or status protected by applicable federal, state, or local law.
7. **Remedies:** Measures provided to address safety of the Complainant and/or the Furman community, prevent recurrence and restore access to Furman's programs and activities.
8. **Respondent:** An individual who (or student organization that) is alleged to have engaged in conduct that violates this Policy.
9. **Retaliation:** Any adverse action, including direct and indirect intimidation, threats, coercion, reprisals, Discrimination, or harassment (including charges against an individual for conduct violations that do not involve Discrimination or Discriminatory Harassment under this Policy but which arise out of the same facts or circumstances as a report or Complaint of Discrimination or Discriminatory Harassment), threatened or taken against a person (i) for the purpose of interfering with any right or privilege secured by this Policy or (ii) because the person has made a report or Complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Policy. Retaliation does not include

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(a) charging an individual with making a materially false statement in bad faith in the course of a proceeding pursuant to this Policy (provided, however, that a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith) or (b) good faith actions lawfully pursued in response to a report of prohibited conduct.

10. **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered to Complainants, Respondents or Witnesses designed to 1) restore or preserve the individual's access to employment opportunities or benefits or to the University's programs and activities; 2) protect the safety of the individuals or the campus community; or 3) provide support during an investigation, Formal Grievance Procedure or Facilitated Resolution Procedure under this Policy.

II. Reporting and Support

A. Reporting

(a) Reporting to the University. Any person (whether or not the person reporting is the Complainant) who wishes to notify the University of concerns regarding Discrimination, Discriminatory Harassment or Retaliation should report those concerns to the appropriate Administrator. This report may be made in person, by telephone, or in writing using the contact information for the Administrators listed above. Individuals also may use the online [Discrimination and Discriminatory Harassment report form](#) to report such concerns. A report may be made at any time.

While individuals also have the option not to report alleged Discrimination, Discriminatory Harassment and Retaliation that they personally experience, if information about Discrimination, Discriminatory Harassment or Retaliation comes to the attention of the University, the University may, as described more fully in this Policy, (1) initiate an investigation even if the Complainant does not file a Complaint and/or (2) notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

No member of the University community may discourage an individual from reporting alleged incidents of Discrimination, Discriminatory Harassment or Retaliation.

No employee or University-affiliated organization is authorized to investigate or resolve reports of Discrimination, Discriminatory Harassment or Retaliation without the approval and involvement of the appropriate Administrator.

The University strongly encourages all employees and other members of the Furman community to report Discrimination, Discriminatory Harassment and Retaliation promptly to the appropriate Administrator. In particular, all managers and supervisors are expected to promptly report to the appropriate Administrator any allegations of Discrimination, Discriminatory Harassment or

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Retaliation of which they become aware. Reporting concerns to the University does not initiate a grievance Procedure unless the Complainant files a Complaint or the Administrator determines that the nature of the information reported warrants the Administrator's signing a Complaint on behalf of the University.

Any individual who is unsure to which Administrator they should report a concern may report that concern to the Civil Rights Officer, who will assess the concern and, if it does not fall within the Civil Rights Officer's authority, will refer the concern to the appropriate Administrator. Additionally, all members of the Furman community may use any of the reporting options below.

B. Reporting Anonymously.

Individuals may also file anonymous reports by the following methods:

1. Calling the Campus Conduct Hotline at (866) 943-5787.
2. by submitting an anonymous report to Furman University Police Department through the LiveSafe app; or
3. by using the online [Discrimination, Discriminatory Harassment or Retaliation Report Form](#).

Individuals who choose to file anonymous reports are advised that it may be very difficult for the University to follow up or take any disciplinary action on anonymous reports, where corroborating information is limited. Reporting concerns to the University does not initiate a grievance Procedure unless the Complainant files a Complaint or the Administrator determines that the nature of the information reported warrants the Administrator's signing a Complaint on behalf of the University. Anonymous reports may be used for data collection purposes.

C. Reporting to Local Law Enforcement.

The University encourages any person who is a victim of a crime, including a hate crime, or who has safety concerns, to report to law enforcement. Individuals may file a Complaint directly with local law enforcement agencies by dialing 911, by calling (864) 294-2111, or by going in person to the Furman University Police Department, located at Estridge Commons.

Individuals may inform law enforcement authorities about Discrimination, Discriminatory Harassment or Retaliation and discuss the matter with a law enforcement officer without making a University Complaint. Individuals who make a criminal complaint may also choose to pursue a University Complaint simultaneously.

D. Initial Assessment and Response Upon Receipt of Report

Upon receipt of a report, the Administrator will conduct an initial assessment and response, typically within five (5) business days of receipt of the report. During the initial assessment and response, the Administrator typically takes the following steps:

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- Assessing whether the reported conduct alleges a violation of this Policy and referring the report to the appropriate office if the conduct alleged falls outside the scope of this Policy or closing the report if the reported conduct, when taken as true, does not constitute a violation of any university policy.
- Contacting the Complainant and offering to meet, if the report is made by someone other than the Complainant and the Complainant is identifiable from the report.
- Offering and coordinating appropriate Supportive Measures and providing information about available resources. Supportive Measures may include, but are not limited to, the following:
 - (a) counseling services;
 - (b) campus forums or campus education/training;
 - (c) public statements;
 - (d) course-related adjustments or academic support services;
 - (e) modifications of work or class schedules;
 - (f) campus escort services;
 - (g) mutual restrictions on contact between the parties (i.e., no-contact orders);
 - (h) changes in work or housing locations;
 - (i) leaves of absence;
 - (j) and increased security and monitoring of certain areas of the campus.
- Advising the Complainant of available resolution options and the procedure(s) involved with those options.
- Determining whether the Complainant wishes to initiate either the Facilitated Resolution Procedure or the Formal Grievance Procedure.
- Assessing the reported conduct to determine whether the Administrator will initiate a Formal Grievance Procedure on behalf of the University.
- Assessing whether any Interim Measures are necessary.

If the Complainant does not want to initiate an Facilitated Resolution Procedure or a Formal Grievance Procedure, the Administrator will consider that request, and in most cases, will not initiate any grievance procedure. The Complainant may choose to initiate a grievance procedure later, if they wish to do so.

When the Administrator believes that, with or without the Complainant's desire to participate in a grievance procedure, a response to the allegations warrants an investigation, the Administrator has the discretion to initiate an investigation. If the Administrator determines that the outcome of the investigation warrants it, the Administrator may initiate the Formal Grievance Procedure. In determining whether circumstances warrant such action, the Administrator may consult with appropriate campus partners and consider factors such as the following:

- 1) the seriousness of the alleged conduct (including, but not limited to, whether the conduct involved violence or the threat of violence);
- 2) the increased risk that the alleged perpetrator will commit additional violations of

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- this Policy, such as (A) whether there have been other reports against the alleged perpetrator, (B) whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of Discrimination or Discriminatory Harassment or a history of violence, (C) whether the alleged perpetrator threatened further Discrimination or Discriminatory Harassment against the Complainant or others, or (D) whether the conduct at issue was alleged to have been committed by multiple perpetrators;
- 3) whether the information reveals a pattern of perpetration at a given location or by or against a particular group or person; and
 - 4) whether the alleged perpetrator is an employee of the University and/or holds a position that could place community members at risk.

The presence of one or more of these factors or other factors impacting the safety of the University community may lead the Administrator to initiate the Formal Grievance Procedure. While the University will give significant weight to a Complainant's desired response to any reported concerns regarding Discrimination or Discriminatory Harassment, the Administrator has ultimate discretion as to whether to initiate an investigation and a Formal Grievance Procedure.

Where the Administrator initiates the Formal Grievance Procedure, the Administrator is not a Complainant or otherwise a party. Furthermore, initiation of a Formal Grievance Process by the Administrator is not sufficient alone to imply bias or that the Administrator is taking a position adverse to the Respondent.

E. Interim Measures

If necessary, while any grievance investigation is ongoing, the Administrator will impose interim measures to stop Discrimination, Discriminatory Harassment or Retaliation, prevent its recurrence, and correct any discriminatory effects on the Complainant and others, if appropriate. Such interim measures may include, but are not limited to, limiting interaction between the parties, or, if deemed warranted, removing the individual against whom the grievance is filed.

- (a) Student Respondents. When the University's Threat Assessment Behavioral Intervention Team (TABI) has made an individualized safety and risk analysis and determined that an elevated level of concern exists for campus safety involving a student Respondent, TABI will share their analysis with the Administrator, who may request that the Dean of Students or their designee, on an emergency interim basis during the pendency of the resolution Procedure set forth in these grievance procedures, impose on the Respondent an administrative withdrawal from the University, summarily suspend the Respondent from campus housing or impose other emergency interim measures. In consultation with the Administrator after an individualized safety analysis, the Dean of Students or their designee may also temporarily adjust the job duties of a student-employee Respondent, place such student-employee Respondent on paid administrative leave, or take such steps as are reasonable, appropriate, and

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necessary to restrict the Respondent's access to University facilities. The Dean of Students will notify the Respondent of the emergency interim measure(s) in writing. These actions may be appealed to the Vice President for Student Life or their designee by requesting a "show cause" hearing in writing within three (3) business days of receipt of the notice outlining the decision. The hearing will provide the student with the opportunity to demonstrate why the interim action should not take place. The "show cause" hearing will take place within three (3) business days of receipt of the request, and the Vice President of Student Life or their designee will issue a decision on within two (2) business days of the hearing. The decision of the Vice President for Student Life regarding the imposition of these actions will be final. The emergency interim action will be effective upon the issuance of the decision of the Vice President of Student Life or upon the expiration of three business days after the notification from the Dean of Students without a request being made for a "show cause" hearing.

1. Staff and other non-student, non-faculty employee Respondents. When TABI has made an individualized safety and risk analysis and determined that an elevated level of concern exists for campus safety involving a non-student, non-faculty employee Respondent, TABI will share their analysis with the Associate Vice President for Human Resources. When such an employee Respondent's alleged actions or behaviors affect the safety, health, or general welfare of the Complainant, students, other employees, and/or the University community, the Associate Vice President for Human Resources will determine whether emergency interim measures are warranted and may request that the individual authorized to make personnel decisions regarding the employee at issue (A) take such steps as are reasonable, appropriate, and necessary to restrict the Respondent's access to University facilities or (B) temporarily adjust the job duties of or place on administrative leave such Respondent during the pendency of the resolution Procedure set forth in this Policy. The individual authorized to make personnel decisions regarding the employee will notify the Respondent of the emergency interim measure(s) in writing.
- (b) Faculty Respondents. When TABI has made an individualized safety and risk analysis and determined that an elevated level of concern exists for campus safety involving a faculty Respondent, TABI will share their analysis with the Dean of Faculty. When a faculty Respondent's alleged actions or behaviors affect the safety, health, or general welfare of the Complainant, students, other employees, and/or the University community, the Dean of Faculty will determine whether emergency interim measures are warranted, including (A) taking such steps as are reasonable, appropriate, and necessary to restrict the Respondent's access to University facilities or (B) temporarily adjusting the job duties of or placing on administrative leave such Respondent during the pendency of the resolution Procedures set forth in this Policy. The Dean of Faculty will notify the Respondent of the emergency interim measure(s) in writing and they may be reviewed in accordance with Policy 131.5 (Due Process) as applicable.

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III. Facilitated Resolution Procedure

The Facilitated Resolution Procedure is a voluntary procedure designed to facilitate a satisfactory resolution of the grievance in an informal manner. The Facilitated Resolution Procedure is available only if 1) both the Complainant and the Respondent voluntarily consent in writing to participate in the Facilitated Resolution Procedure; 2) the Complainant and Respondent are both students or both employees of the University; and 3) the Administrator determines that the Facilitated Resolution Procedure is an appropriate mechanism for resolving the Complaint. Either the Complainant or the Respondent may initiate the Facilitated Resolution Procedure at any time prior to a determination of whether Discrimination, Discriminatory Harassment or Retaliation occurred. The Complainant has the option to forego the Facilitated Resolution Procedure and move immediately to the Formal Grievance Procedure.

The Facilitated Resolution Procedure is designed to prevent the recurrence of the conduct at issue and provide a remedy that meets the needs of both the Complainant and Respondent while eliminating any hostile environment that may exist. If a Respondent acknowledges that they caused harm to the Complainant (even if they do not accept responsibility for the policy violation at issue), the parties may elect for the University to incorporate restorative practices in the Facilitated Resolution Procedure.

A Complainant initiates the Facilitated Resolution Procedure by contacting the Administrator by e-mail, phone, or in person within thirty (30) calendar days of the date on which the Complainant knew of or should have known of the adverse action, decision, or matter upon which the grievance is based.

If both parties agree in writing to participate in the Facilitated Resolution Procedure, the Administrator will attempt to facilitate expeditiously a satisfactory resolution. The Administrator may serve as the Facilitated Resolution facilitator or may designate a trained third-party to serve as the Facilitated Resolution facilitator. The facilitator may involve other individuals that they deem beneficial to the process (e.g. a Human Resources representative for matters involving employees). The Administrator will provide the parties written notice of the allegations and will explain the requirements of the Facilitated Resolution procedure.

The Administrator will also discuss with each of the parties the options for Facilitated Resolution, which may include, among other options, the following:

1. A restorative conversation between the Complainant and Respondent, in which the parties meet in person with the facilitator present to communicate their feelings and perceptions regarding the concerns reported and the impact of those concerns and to relay their wishes regarding the future;
2. A mediation conducted by the facilitator either meeting separately with each party or with the parties together to explore whether there is a resolution satisfactory to both parties that would resolve the allegations in the Facilitated Resolution Procedure form.

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Measures that parties may agree to in the Facilitated Resolution Procedure may include (but are not limited to):

- Completion of online or in-person training;
- Regular meetings with an appropriate University official, unit or resource;
- Participation in a campus educational program;
- Permanent no contact order;
- Restrictions from participation in certain activities, organizations, programs or classes;
- Change in work location or residential assignment or restrictions on access to certain places on campus;
- Restrictions on participation in certain events or activities;
- Alcohol education classes;
- Reflection paper or written apology;
- Counseling sessions; or
- Completion of an education or behavioral plan.

If this process results in a resolution between the parties and the Administrator finds the resolution to be appropriate under the circumstances, the resolution will be reduced to writing and the process will be concluded and the matter closed. If the parties are unable to reach a resolution or, if a party decides at any time to discontinue the Facilitated Resolution Procedure, the Complainant may initiate the Formal Grievance procedure.

To be effective, any agreement reached during the Facilitated Resolution Procedure must be memorialized in writing and signed by each of the parties and approved by the Administrator. If a Respondent completes all measures agreed to in the resolution agreement, no further University process is available for the allegations in the Facilitated Resolution form. If a student Respondent fails to complete all measures agreed to in the resolution agreement, they will be charged with Failure to Comply under the University's Student Conduct Code. If an employee Respondent fails to complete all measures agreed to in the resolution agreement, they will be disciplined under applicable employee disciplinary policies.

Any statements that the parties make during the Facilitated Resolution Procedure cannot be introduced in any other investigative or adjudicative proceeding at the University, including if the Facilitated Resolution Procedure is terminated and a formal resolution process is initiated under this Policy.

A resolution reached pursuant to the Facilitated Resolution Procedure is final and is not subject to appeal. Similarly, a Complainant may not later file a Complaint regarding allegations that have been resolved pursuant to the Facilitated Resolution Procedure.

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IV. Formal Grievance Procedure

If a resolution is not reached using the Facilitated Resolution Procedure, if the University does not find the Facilitated Resolution Procedure to be appropriate, or if the parties choose not to use the Facilitated Resolution Procedure, the Complainant may initiate the Formal Grievance Procedure by submitting a written grievance (“Complaint”) to the Administrator. If the Administrator is the subject of the grievance, the Complainant initiates the Formal Grievance Procedure by contacting the other Administrator identified in this Policy, who will either administer the Formal Grievance Procedure or will assign someone to do so who is not the subject of the grievance.

A Complainant who chooses to initiate the Formal Grievance Procedure after participating in the Facilitated Resolution Procedure must do so within ten (10) business days of receipt of the Administrator’s written notification of the termination of the Facilitated Resolution Procedure. If the Complainant chooses not to use the Facilitated Grievance Procedure, the Complainant must initiate the Formal Grievance Procedure within one hundred-eighty (180) calendar days of the date on which the Complainant knew of or should have known of the adverse action, decision, or matter upon which the grievance is based.

The formal grievance must:

- be in writing;
- be dated;
- state the problem or action alleged to be harassing or discriminatory and the date of the alleged action;
- state how the action is harassing or discriminatory or how the party believes the Respondent’s action is unreasonable;
- include a summary of the steps, if any, that the Complainant has taken in an attempt to resolve the issue;
- include any supporting documentation;
- name the individual(s) against whom the grievance is filed;
- state the Complainant’s requested remedy; and
- be signed by the Complainant and include the Complainant’s contact information.

Each party may be accompanied by one support person of their choice to any meeting or proceeding. However, the support person must be a current Furman student or employee and cannot be the party’s parent or an attorney.

Within five (5) calendar days of receiving the written grievance, the Administrator will provide written notification of receipt of the grievance to the Complainant and to the Respondent(s). The Administrator will assign an investigator (or investigators) to conduct an impartial investigation of the grievance. The investigator will interview each of the parties, interview witnesses, gather evidence and draft an investigation report.

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The investigation report will fairly summarize the relevant evidence and will include items such as the Complaint, any written statements of position, summaries of relevant interviews and descriptions of relevant evidence. Once the investigator has completed review or investigation of the grievance, they will share the investigation report with the Administrator. Investigations generally shall be completed within 45 days of the filing of the Complaint.

The Administrator will refer the grievance to the appropriate individual or office for a determination of any charges and adjudication. The Administrator will share with that individual or office the investigation report and any evidence deemed relevant by the investigator. The appropriate office for adjudication will be determined by the role of the Respondent. The individual or individuals who adjudicate(s) the grievance will determine the finding as to whether a policy violation has occurred; and if the Respondent is found responsible for one or more policy violations, the sanction or sanctions to be imposed. The University will not impose disciplinary sanctions on a Respondent unless there is a determination following the conclusion of a Formal Grievance Procedure that the Respondent engaged in Discrimination or Discriminatory Harassment, the Respondent accepted responsibility for the alleged conduct, or the Respondent voluntarily agreed to such sanction as part of the Facilitated Resolution Procedure.

1. Student as the Respondent: If the Respondent is a Furman student, the grievance will be referred to the Assistant Dean for Student Conduct and adjudicated under the Procedure set forth in the Student Handbook.
2. Staff Member as Respondent: If the Respondent is a Furman staff member, the grievance will be referred to the Office of Human Resources and will be adjudicated administratively by the Associate Vice President for Human Resources, who will refer to appropriate policies and procedures, including, but not limited to, the following: Policy 817.8 (Employee Regulations and Responsibilities) and 817.81 (Discipline and Termination—Support and Administrative Staff).
3. Faculty member as Respondent: If the Respondent is a faculty member of the University, the grievance will be referred to the Office of the Dean of Faculty and will be adjudicated administratively by the Dean of Faculty, who will refer to appropriate faculty policies and procedures, including, but not limited to, Policy 131.5 (Due Process).
4. Student organizations as Respondents: If a student group (including an unrecognized student organization) is a Respondent, the matter may be referred to the appropriate Student Life office for disciplinary action against the organization.

A. Requirements for all Formal Grievance Procedures:

Regardless of the status of the Respondent, the Formal Grievance Procedure shall include the following requirements:

- a. Standard of evidence: The Decisionmaker shall use the preponderance of the evidence standard to determine whether Discrimination or Discriminatory Harassment occurred.
- b. Evidence: The decision-maker shall consider only evidence that is relevant and not impermissible.

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- c. Notice of Determination: The decision-maker shall notify the Complainant and Respondent, in writing, of the determination as to whether Discrimination or Discriminatory Harassment occurred. The decision will include findings of fact, a conclusion regarding violations of this Policy, a rationale for the decision, and, if applicable, an explanation of remedies, which may include the imposition of disciplinary sanctions and/or referral to an individual's supervisor or another administrator for the determination and imposition of disciplinary sanctions.

If the Decisionmaker determines that Discrimination, Discriminatory Harassment or Retaliation occurred, the Administrator, as appropriate, shall:

1. Coordinate the provision and implementation of Remedies to the Complainant and any other person that the University identifies as having had equal access to their employment opportunities, privileges and benefits or access to the University's programs or activities limited or denied by the Respondent's conduct;
2. Coordinate, in collaboration with other University officials, the imposition of sanctions against the Respondent; and
3. Take other appropriate, prompt, and effective steps intended to ensure that Discrimination, Discriminatory Harassment or Retaliation at issue in the grievance does not continue to occur and that any hostile environment is remedied.

B. Disciplinary Sanctions

Disciplinary sanctions for Discrimination, Discriminatory Harassment and Retaliation may include:

- For staff members: disciplinary action up to and including suspension and termination;
- For faculty members: disciplinary action up to and including suspension and termination, as provided in university policies, including Policy 131.5; and
- For students: educational sanctions, probation, suspension or expulsion.

Neither a resolution reached through the Facilitated Resolution process nor a decision reached through the Formal Grievance Procedure will limit the University's ability to provide additional, non-disciplinary, Remedies to address the impact on the University community.

C. Adjustment of Deadlines

The Administrator may change the deadlines in this Policy if they determine that additional time is warranted or for other good cause, such as semester or summer breaks, to provide additional time to consider the facts and evidence, delays in receiving information from witnesses, etc. Likewise, if the application of time deadlines creates a hardship due to the urgency of the matter, the Administrator, at the request of the Complainant, will determine if an expedited procedure can be utilized. The Complainant and the Respondent will be notified if any deadlines are altered.

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D. Disability Accommodations

The University will make arrangements to ensure that individuals are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in this Policy.

Students must make requests for accommodations to the Student Office for Accessibility Resources (“SOAR”; located in the lower level of Hipp Hall in Suite 011 and available by phone at 864-294-2320). SOAR will meet with the student, review the supporting documentation, make a decision about the request, notify the individual about approved accommodations, and make arrangements for the accommodations.

Employees must make requests for accommodations by contacting the Human Resources office at human.resources@furman.edu. Human Resources will review the supporting documentation, make a decision about the request, notify the individual about approved accommodations, and make arrangements for the accommodations.

E. Appeals

In cases involving student Respondents, the appeal process in the Student Handbook applies. For faculty Respondents, the review process in Policy 131.5 (Due Process) applies, as applicable.

Staff Respondents may appeal a decision within five (5) business days of receipt of a Notice of Determination by submitting a written appeal by email to the Civil Rights Officer. Appeals are limited to the following grounds, and the Civil Rights Officer’s Review of the decision will be limited solely to these grounds:

1. Substantial new evidence is available related to the specific matter that was **not** available at the time of the original hearing;
2. A substantial violation of the hearing procedure occurred; or
3. The sanction is incommensurate with the violation for with the individual was found responsible.

The Civil Rights Officer will review the appeal and issue a written decision within twenty (20) business days.

F. External Complaints

The availability and use of this Policy does not prevent individuals who believe they have experienced discrimination in violation of federal law from filing a complaint of discrimination with external agencies such as the U.S. Department of Education, Office for Civil Rights. The OCR regional office serving South Carolina is located at:

Furman University

Non-Harassment and Non-Discrimination Policy

Office for Civil Rights, Washington, D.C. Office

U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020
FAX: 202-453-6021
TDD: 800-877-8339
Email: OCR.DC@ed.gov

Complaints may also be submitted online at: <https://www.ed.gov/ocr/complaintintro.html>

Similarly, nothing in this Policy prevents applicants or employees from filing a complaint or cooperating with external agencies such as the Equal Employment Opportunity Commission. Individuals who believe they have been subjected to employment discrimination in violation of federal law may also file a charge with the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC office serving South Carolina is:

Charlotte District Office

U.S. Equal Employment Opportunity Commission
129 West Trade Street, Suite 400
Charlotte, NC 28202
Telephone: (800) 669-4000
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122
Fax: (980) 296-5360

Individuals can file a charge of discrimination online at: <https://www.eeoc.gov/filing-charge-discrimination>