

# Discrimination and Social Harassment Policy

In compliance with Title VI and Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act and other federal, state, and local equal opportunity laws, and in accordance with our values. *Emory & Henry College does not discriminate or permit discrimination by any member of its community, to include faculty, staff, students, visitors, vendors, contractors or third parties, against any individual on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, veteran status, or genetic information in matters of employment, admissions, housing, services, or its educational programs and activities. Emory & Henry College affirms the dignity and worth of every individual.*

## Definitions:

1. **Discrimination** is an act or communication that alters an individual's or group's ability to completely participate in Emory & Henry's community on the basis of race, sex, disability, religion, sexual orientation, national origin, or gender expression.
2. **Social Harassment** is conduct and/or verbal action which, because of its severity, interferes with an individual's or group's work or education, or adversely affects living conditions.
3. **Hostile Environment** is caused by behavior that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by the College. It is considered to be disruptive to the educational community.
4. **Mediation** is a facilitated discussion that is conducted with the assistance of a trained third party. It is designed to help the parties to reach a mutually agreeable resolution of a dispute and may be appropriate when:
  1. The parties wish to continue communicating or working together.
  2. The complaining party is able to articulate a desired outcome.
  3. No one has been physically harmed.

## Restorative Justice Resolution

Once a formal complaint is filed with the Dean of Students, SHS Dean of Student Affairs & DEI, or the Director of Human Resources, parties involved can request a restorative justice resolution process. The restorative justice resolution process often provides an effective means of communicating about the effects of behavior and can lead to resolving most disputes. The complainant, respondent, or a college official must agree to the restorative justice process. Parties involved may terminate the resolution process at any time and initiate the student conduct process. (Please note that based on the nature of the complaint or if a pattern of this behavior is documented, social justice resolution may not be an option.)

1. **Discussion with Respondent:** The complainant and respondent can elect to discuss the concerns directly with the other party involved, before any actions of other parties or college officials. The respondent may not understand that their conduct is offensive and unwelcome. Many arguments can be resolved or handled quickly with this form of communication. A complaint brought to the attention of the respondent shortly after the allegedly offensive behavior occurs can usually result in effective resolution. If an effective resolution is not obtained by the discussion, then the complainant or respondent has the option to discuss the alleged offensive behavior with a college official or a mediator.
2. **Discussion with College Officials or Mediators:** A complainant or respondent can speak with or discuss concerns with a friend, confidant, advisor, or counselor. In order to initiate a social justice resolution with college officials or mediators, a complainant should contact a college official or a Student Affairs and Diversity, Equity, Inclusion, & Belonging staff member in a timely manner. (College officials include the President of the College, Dean of Students, SHS Dean of Student Affairs & DEI, and Dean of Faculty.) If the complainant, respondent, or the college official involved in the restorative justice resolution feels that this option will not bring an effective resolution, they can terminate the resolution process and initiate the formal student conduct process.
3. The Restorative Justice Discussion can help with any or all of the following:
  - a. Helping the complainant and respondent decide whether the behavior violates the policy and/or to educate students more about the policy itself.
  - b. Meeting with the respondent whose behavior is alleged to be offensive or unwelcome and help them understand or make it clear that the alleged behavior is unwelcome and should stop immediately.
  - c. Organizing an investigation with the hope and goal of ending the alleged behavior in an expeditious manner.
  - d. The resolution process will last as long as the complainant and respondent deem it desirable to continue to meet with the college official or mediator(s) designated above. Most complaints can be handled within a timely manner.

## 4. What is Restorative Justice?

Restorative Justice is a collaborative decision-making process that includes harmed parties, offenders, and others who are seeking to hold offenders accountable by having them (a) accept and acknowledge responsibility for their offenses (b) to the best of their ability, repair the harm they caused to harmed parties and the community, and work to rebuild trust by showing understanding the harm, addressing personal issues, and building positive social connections.

The resolution process will last as long as the complainant and respondent deem it desirable to continue to meet with the college official or mediator(s) designated above. Most complaints can be handled within a timely manner. Documents regarding the resolution of the Restorative Justice process will be kept in the Dean of Students Office.

**Whistle Blower Policy.** Emory & Henry College is committed to conducting its operations with integrity by engaging in lawful, ethical and respectful practices. For this reason, we encourage members of the campus community to make any concerns known to the college. Whether these concerns relate to fraud or crime, security or internet abuses, or fraudulent financial or business practices, violations, or ethical concerns, the doors of college administrators, supervisors, and Human Resources are always open.

If you have a question or concern about a possible violation of Emory & Henry's policies or the law, the College encourages you to express your concerns to any of the persons whose names or titles appear in the policies that are included in the Student Handbook, Staff Handbook, and the Faculty Handbook. Occasionally, a faculty, staff or student may have a concern that they would like to express anonymously. For these occasions, the college participates in a service called the Campus Conduct Hotline at (866) 943-5787. The Campus Conduct Hotline system is available for use around the clock, seven days a week. Because the Hotline is operated by an independent organization, any calls made through this Hotline are completely confidential. The hotline operator will record the complaint or concern and forward it to the appropriate staff member at Emory & Henry College for review and action as appropriate. Callers to the hotline may remain anonymous.