



SPRING HILL COLLEGE

1

Equal Opportunity and Non-Discrimination Policy (3.1.1)

3.1.1. Spring Hill College has been, and continues as, an Equal Opportunity Employer. We will afford an equal opportunity for employment to all qualified persons regardless of race, color, national origin, sex, disability, religion, veteran's status, genetic information, age, or any other protected characteristics as established by law. These include all policies and procedures relating to recruitment, hiring, compensation, benefits, termination and all other terms and conditions of employment. The College also provides equal access to all the privileges, programs, and activities available to the applicable level of employment. Employees who violate this policy are subject to appropriate corrective action.

Purpose

Spring Hill College is dedicated to providing an inclusive and welcoming environment for all who engage with its community. The College is committed to building and maintaining a diverse environment by attracting and retaining qualified students, faculty, and staff from various backgrounds and life experiences. Spring Hill College strives to ensure that every member of its community has the opportunity to work and study in an environment free from discrimination and harassment.

Equal Opportunity and Non-discrimination Policy

Spring Hill College is an equal opportunity employer and an educational provider committed to a policy of non-discrimination of any member of the College's community on the basis of race, color, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, religion, age, genetic information, disability, veteran status or any other applicable legally protected status. This policy applies to all faculty, staff, students, volunteers, visitors, applicants and contractors in a manner consistent with applicable laws, regulations and College policies.

The College does not tolerate discrimination, harassment, or retaliation as outlined in this policy. It is the College's expectation that all members of our community are provided with equitable opportunities to work and study. Additionally, all members are expected to help create an employment and educational environment that promotes fairness, respect, and civil discourse that is free from discrimination, harassment, or retaliation.

Scope of the Policy



SPRING HILL COLLEGE

2

The College community is defined as faculty, staff, students and other agents of the College. This policy applies to all such persons while they are on College property or are participating in College sponsored activities off campus. This policy also applies to applicants for employment. In addition, vendors, contractors and other third parties are required to adhere to the prohibitions of this policy when conducting business with the College.

Definitions

A. Complainant/Respondent

The Complainant is the individual reporting allegations of or filing a complaint of possible discrimination, harassment or retaliation. The Respondent is the individual(s) against whom the Complainant has filed a complaint or made a report of discrimination, harassment, or retaliation.

B. Discrimination

For the purpose of this policy, discrimination is defined as differential treatment based on membership in a protected class. Conduct which falls into the definition of discrimination includes, but is not limited to, the following:

1. Disparity of treatment in the employment environment in hiring, promotion, dismissal, pay and other applicable terms and conditions of employment on the basis of membership in a protected class;
2. Disparity of treatment in the educational environment in academic or educational programs, activities and related services on the basis of membership in a protected class; or
3. Disparity of treatment in the educational environment such as limitations on participation in athletic, social, cultural or other activities of the College based on membership in a protected class that is not based on a bonafide required or distinction.

C. Harassment Based on a Protected Class

Harassment, as defined by this Policy, is unwelcome conduct based on an individual's protected class.

D. Protected Class

For the purpose of this Policy, the College recognizes the following protected classes: race, color, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, religion, age, genetic information, disability, veteran status or any other applicable legally protected status.



SPRING HILL
COLLEGE

E. Protected Activities

Members of the College community engaged in Protected Activities when they participate in any of the following activities:

1. Good faith reporting of or filing a complaint of discrimination, harassment or retaliation prohibited by this Policy.
2. Participating in a College, State, or Federal agency investigation or review regarding a complaint of discrimination, harassment, or retaliation.
3. Opposing or protesting discrimination, harassment, or retaliation

F. College Community

College community is defined as the faculty, staff, students and agents of the College while they are on College property, while they are engaged in College business, or while they are attending activities sponsored by the College.

Prohibited Conduct

- A. Discrimination as defined in this policy under Definitions heading part B is prohibited.
- B. Harassment based on an individual's protected class that is sufficiently severe or pervasive, so as to alter the terms and conditions of the individual's employment environment or substantially disrupt the individual's work or educational environment is a violation of this Policy and is prohibited. The following are examples of harassment that constitute a violation of this policy.
 - a. Where submission to such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment or academic status or success, or
 - b. Where submission to or rejection of such conduct or request by an individual is used as basis for employment or academic decisions affecting such individual, or
 - c. Where such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic environment or creates an objectively intimidating, hostile or offensive work or academic environment.
- C. Retaliation
 - a. Retaliatory conduct taken against an employee, student or agent of the College because s/he engaged in a protected activity, that is sufficiently severe or pervasive, so as to alter the terms and conditions of the employee, student or agent's employment or academic environment is a violation of this policy and is prohibited.



SPRING HILL COLLEGE

4

- b. Action taken by a supervisor or evaluator: A materially adverse employment or educational action taken against an employee, student or agent of the College because they engaged in protected activity by an individual who supervises or evaluates the employee, student or agent is a violation of this policy and is prohibited.
 - i. For the purpose of this policy, a materially adverse employment action is one which would dissuade a reasonable person from engaging in protected conduct.

Timeliness of Reports/Complaints

The College encourages prompt reporting of concerns of discrimination, harassment and retaliation. Prompt reporting can facilitate more effective investigations due to greater likelihood of witness availability and reliability of witness recall, and can lead to quicker resolution of concerns. Therefore, reports/written complaints should be submitted within 90 days of the event or act which is considered to be discriminatory, harassing or retaliatory. However, the College reserves the right to investigate complaints filed after 90 days from the event or act which is alleged to be discriminatory, harassing or retaliatory, where circumstances warrant.

Complaint Procedure

Employees, students and other members of the College community who believe they have been subject to conduct prohibited by this Policy are encouraged to report this information to any of the following:

- Title IX Coordinator
- Director of Human Resources
- Equal Opportunity Officer
- Dean of Students
- Associate Athletic Director and Athletic Director
- SHC Cabinet Members

The Office of Culture & Community is located on the first floor of the Student Center and the telephone number is 251.380.3026 or 251.380.3025.

Public Safety should be contacted for any concerns for personal safety or damage to or destruction of College property. The telephone number for the Public Safety is 251.380.4444.

Responsibility to Report



SPRING HILL COLLEGE

5

Any College supervisory employee who observes conduct which could constitute behavior which is prohibited by this Policy who receives a report of, or learns of allegations of discrimination, harassment or retaliation as defined in this policy is required to immediately report the information. Supervisory employees who fail to report such information in a timely manner may be subject to disciplinary action up to and including dismissal from Employment.

Filing a Complaint or Report

Individuals who report concerns of discrimination, harassment or retaliation based on a protected class will be asked to submit a written report. Written reports may be filed in person in the Office of Culture and Community or by email. Individuals who are considering filing a complaint or who wish to discuss concerns relating to discrimination, harassment or retaliation may meet with the Director of HR or Vice President for Culture and Community.

Processing the Complaint

All complaints will be given thorough consideration and appropriate action will be taken. Factors reviewed in determining whether harassment in violation of College policy has occurred include the frequency, severity, and context of the behavior and whether a reasonable person in a similar situation would find that the conduct, when taken as a whole, more likely than not is so pervasive or severe as to create a hostile or abusive work or learning environment. If the event is determined to be isolated or not severe enough to rise to the level of illegal harassment, but is nevertheless inappropriate for the work or learning environment, administrators and supervisors should take corrective action as necessary.

To the extent possible, the confidentiality of all parties involved in a complaint investigation and proceedings related to a claim of discrimination or harassment based on a protected status as defined by College policy, including sexual harassment or sexual violence, will be observed to the extent that it does not interfere with the College's ability to investigate the allegations, take corrective action, or comply with federal, state, or local laws. Consequently, the College cannot ensure complete confidentiality but will evaluate any request for confidentiality in the context of its responsibility to provide a safe, harassment free, and nondiscriminatory environment for all members of the College community. Information about individual complaints and their disposition is considered confidential and will be shared only as determined to be appropriate by the College or as required by law.

Employees, students and agents of the College are expected to cooperate fully in an investigation of discrimination, harassment or retaliation. This duty includes, among other things, speaking with the investigator and providing copies of any documentation which relates to the complaint



SPRING HILL
COLLEGE

6

being investigated. The failure or refusal of any employee to cooperate in an investigation may result in disciplinary action up to and including dismissal from employment.

The Vice President for Culture and Community is responsible for administering the complaint and investigation process for complaints by or concerning students, faculty or staff of discrimination and harassment based on race, color, national origin, gender, disability, marital status, religion, veteran status, age, and sexual orientation and for complaints of prohibited retaliation.

- A. A threshold determination will be made, in consultation with the SHC General Counsel as needed, as to whether, assuming the complete truth of the allegations(s), the allegations(s) constitute a violation of College policy. This threshold determination will be made within 10 business days of the date the complaint has been written and filed. Where appropriate, the Vice President for Culture and Community or Director of HR may conduct a preliminary inquiry to determine whether an investigation is required and may take appropriate intervening measures in order to comply with legal requirements.
- B. If the threshold determination indicates that the allegation does not constitute violation of College policy, either with or without a preliminary investigation, both parties shall be notified that no further action will be taken with regard to the complaint.
- C. If the threshold determination indicates that an investigation is required, the College will notify both parties that an investigation will begin. The Vice President for Culture and Community or a delegate will investigate the complaint.
- D. The investigation shall include interviewing the Respondent and the Complainant and may include interviewing other persons who have relevant information and reviewing any pertinent documents. Interview summaries will be shared with the participants for review.
- E. If an individual who ordinarily would participate in the administration or disposition of a complaint files a complaint or becomes involved in a case as a Respondent or witness, the College will assign alternate individual(s) to participate in the administration and/or disposition of the case.
- F. The investigation shall be concluded within 90 calendar days of the filing of the complaint, if practicable. If additional time is required, the investigator shall notify the Complainant and the Respondent in writing, prior to the 90th day, of the reason an extension is required and the expected length of time needed to conclude the investigation. Extensions may be renewed if necessary.
- G. After the investigation is concluded, the investigator will review and evaluate all the information gathered and shall prepare an investigative report. The report shall include a summary of the complaint, a description of the investigation including the information



SPRING HILL COLLEGE

7

compiled, and a recommendation regarding whether a violation of College policies prohibiting discrimination, harassment or retaliation occurred.

- H. The Vice President for Culture and Community or designee shall prepare a written Final Determination (“Final Determination”). The Final Determination shall state whether a College policy prohibiting discrimination, harassment or retaliation was violated and shall address whether remedial measures will be taken and/or disciplinary action will be pursued.
- I. The Final Determination will be sent to the Respondent and Complainant.

Appeal of Final Determination

The Complainant and/or the Respondent may appeal the Final Determination by filing a written Appeal within 10 business days of the date of the Final Determination. The bases for Appeal are limited to the following:

- A. New relevant evidence/information is discovered which was not available by the date the Investigative report was issued, or
- B. The procedure for investigation and disposition of complaints of discrimination, harassment or retaliation was not followed, or
- C. The final determination is not supported by sufficient evidence/information.

The President or appropriate Vice President will serve as the Appeal Reviewer.

Remedial and/or Educational Measures and Disciplinary Action

- A. Remedial and/or educational measures may be taken by the College at any point during the processing of a report/complaint. Remedial and/or educational measures may be included in the Investigative Report as recommendations or directives, and/or such measures may be included as directives in the Final Determination. Examples may include but are not limited to, moving employees or students to different areas or different shifts, directing employees or students to avoid certain behavior, or to avoid contact with designated individuals. Examples of educational measures may include but are not limited to reinforcement of policy requirements, informal and formal training, tutorials, research, reading and/or writing assignments.
- B. Disciplinary Action
 - a. Conduct prohibited by this or any College policy may result in disciplinary action up to and including employment dismissal or student expulsion. Disciplinary action for employees is subject to applicable College regulations and policies. Disciplinary action for students is subject to the Student Code of Conduct



SPRING HILL
COLLEGE

8

- b. The College shall take action against vendors, contractors or other third parties found responsible for violating this Policy within the limits of the College's authority.
- c. The complaint process shall not be used to bring frivolous or malicious complaints against students, faculty, staff, administrators, or visitors. If the College determines a complaint has not been made in good faith, disciplinary action up to and including employment dismissal or expulsion may be taken against the person bringing the complaint.