

TITLE Non-Sexual Harassment and Discrimination Policy	POLICY NUMBER HR 5.11
CATEGORY Civil Rights Discrimination, Harassment & Sexual Misconduct.	SCOPE All Students and Employees
EFFECTIVE DATE July 1, 2022	REVISION DATE See end of document

PURPOSE

This policy outlines procedures for resolution of discrimination and/or harassment complaints not covered in the policy on sexual harassment and misconduct in HR 5.10 at Spartanburg Methodist College (SMC). This policy applies to all students and employees of SMC and applies to all SMC programs and/ or activities and will be applied in conjunction with other policies for equitable treatment. The College has developed this policy to ensure compliance with federal and state civil rights laws and regulations as well as to affirm its commitment to promoting the goals of fairness and equity. This policy promotes an atmosphere where employees, students, and visitors may enjoy a positive, respectful, and productive work and learning environment free from behavior, actions, or language constituting all forms of harassment and/ or discrimination.

Engaging in harassment or discrimination is unacceptable conduct that will not be tolerated. An employee or student found to have engaged in this behavior will be subject to disciplinary action up to and including termination or expulsion. Visitors, vendors, or contractors found engaging in harassment or discrimination may have their relationship with the College terminated and/or their privilege of being on SMC's campus withdrawn. Complaints involving allegations of violations of the Student Code of Conduct or Employment Policies may be referred to the Office of Community Life or the Office of Human Resources, respectively.

This policy recognizes SMC's commitment to ethical standards as well as academic freedom. SMC is required by law to take all steps necessary to prevent harassment or discrimination. These steps include informing individuals of their rights and responsibilities, developing educational programs to sensitize the campus community to the issue, and developing sanctions against harassment and discrimination.

For information related to Sexual Harassment & Sexual Misconduct, refer to policy HR 5.10 in the SMC Policy and Procedures Manual.

POLICY and PROCEDURES

Spartanburg Methodist College expressly prohibits any form of intimidation, discrimination, or harassment based on an individual's actual or perceived membership in a protected class. These protected classes include race, color, national origin (including shared ancestry and ethnic characteristics), age, disability, religion, sexual orientation, gender, veteran status, genetic information, sex, military status, pregnancy, HIV status, or any other personal characteristic protected under applicable federal or state law. This policy prohibits conduct that is illegal, and it further prohibits other forms of non-equitable conduct which may not violate law, but is otherwise severe, persistent, or pervasive, which to a reasonable person, creates an intimidating, hostile, or abusive work or learning environment. This policy applies to allegations that take place on campus, at college-sponsored events and may also apply off-campus when the Director of TIX/EEO or designee determines that off-campus conduct

allegations affect a substantial college interest.

Further, Spartanburg Methodist College prohibits retaliation against any person because the person filed a complaint under this policy or because the person participated in any manner in the investigation and resolution of a complaint under this policy.

Spartanburg Methodist College will respond promptly to complaints of discrimination, harassment, or retaliation.

I. **Prohibited Conduct**

The following offenses are prohibited when the act is based upon the Complainant's actual or perceived membership in a protected class:

- A. **Discrimination:** treating a person or group of people less advantageously than another person or group of persons because of one or more of the protected characteristics listed above. Discrimination can manifest itself in many forms, including denying or excluding a person or a group of people from participation in or receiving the benefits of any program or activity of the College.
- B. **Harassment:** unwelcome conduct directed toward a person or group of people that unreasonably interferes with the person's work or educational performance or creates an intimidating or hostile work or educational environment. Examples may include, but are not limited to:
 - 1. Use of slurs, epithets, jokes, inappropriate or derogatory comments about a person or group of people
 - 2. Display of offensive calendars, posters, pictures, drawings, or cartoons which reflect disparagingly upon a class of persons or a particular person
 - 3. Derogatory remarks about a person's national origin, race, ethnicity, language, accent
 - 4. Disparaging or disrespectful comments even if unrelated to a person's race, color, ethnicity, national origin, religion, age, disability
 - 5. Loud/angry outbursts or obscenities directed toward a person
- C. **Sexual Exploitation:** defined as taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under college policy. Examples of sexual exploitation include, but are not limited to:
 - 1. Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - 2. Invasion of sexual privacy
 - 3. Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
 - 4. Prostituting another person
 - 5. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - 6. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to nonconsensual sexual activity
 - 7. Misappropriation of another person's identity on apps, websites, or other

- venues designed for dating or sexual connections
8. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 9. Knowingly soliciting a minor for sexual activity
 10. Engaging in sex trafficking
 11. Creation, possession, or dissemination of child pornography
 12. Non-Consensual Intimate Imagery (NCII), a form of Image-Based Sexual Abuse (IBSA). Creation, possession, or dissemination of sexually explicit photos, images, videos, or reels without the consent of that person- whether real (authentic) or fake (synthetic, including AI-generated or deepfake). The intentional, unauthorized disclosure of intimate images, including real or digitally forged intimate pictures of someone without their explicit consent.
- D. **Intimidation**: defined as implied threats or acts that cause an unreasonable fear of harm in another.
- E. **Hazing**: defined as acts likely to cause physical or psychological harm or social ostracism to any person within the SMC community when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.
- F. **Bullying**: defined as: 1. Repeated and/or severe 2. Aggressive behavior 3. Likely to intimidate or intentionally hurt, control, or diminish another person, physically 4. and/or mentally
- G. **Threatening or causing physical harm**, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person.

Violation of any other college policies may constitute a violation of this policy when the violation is motivated by actual or perceived membership in a protected class (as noted on page 1) and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities. Sanctions for violations of this policy range from reprimand through expulsion/termination.

Offensive Conduct that does not Violate this Policy:

The College reserves the right to address offensive conduct and/ or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected status. Such conduct may be addressed formally through referral to other adjudication processes (such as Student Conduct or Human Resources) or informally through respectful/ educational conversation, remedial actions, education, mediation resolution, informal resolution mechanisms, and/or referral to other College entities for resolution.

Harassment and Academic Freedom:

This policy is not intended to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom. Academic freedom provides the right to faculty members or other instructional staff and students to engage in intellectual debate in and outside the classroom without fear of retaliation or censorship. However, the exercise of individual and institutional academic freedom is subject to reasonable limitations when behavior or expression seriously and adversely affects the College's mission to educate students. When speech or conduct is protected by academic freedom it will not be considered a violation of this Policy, though remedies may be offered to those impacted. Speech or conduct falling outside of the protection of academic freedom constitutes prohibited conduct.

II. Reporting Prohibited Conduct

The purpose of the sections below is to provide a complaint process for parties who believe they have been subjected to, or believe they have observed, non-sexual harassment or discrimination as defined in the above sections.

A. Employee and Student Responsibility

It is SMC's expectation that campus community members take an active part in preventing acts of discrimination, harassment, and other misconduct. Individuals who believe they are being harassed or discriminated against or have knowledge of others they believe are being harassed or discriminated against, are encouraged to pursue their concerns as outlined in this policy.

Reports should be made as soon as possible after the alleged misconduct occurs. Prompt reporting enables the College to more effectively investigate facts, determine if a violation of any policy has occurred, and provide an appropriate remedy or corrective action. Therefore, SMC encourages complaints to be made as soon as possible after the complaining party becomes aware of the alleged misconduct. Complaints lodged at a later date will be accepted by SMC; however, the grievance process may be hindered due to the delay because the ability to investigate, respond, and/or provide remedies may be more hindered.

Campus community members may report suspected violations of this policy to the Director of Title IX & Equal Opportunity/ Title IX Coordinator or to the Director of Human Resources, who will then forward the complaint to the Office of Title IX & Equal Opportunity. Employees may also report to an immediate supervisor, or if the immediate supervisor is the alleged harasser, complaints may be made to the next level supervisor.

Supervisory SMC personnel receiving reports of harassment, discrimination, or other violations of this policy, or who otherwise learn of suspected violations of this policy, are expected to immediately report complaints to the Director of Title IX & Equal Opportunity or the Director of Human Resources. Managers who fail to report potential violations of this policy when they know, or reasonably should have known, about the conduct may be subject to disciplinary action.

B. How to Report

Reports of non- sexual harassment or discrimination can be made:

- Online by submitting the "Discrimination, Harassment, and Sexual Misconduct" report form on the SMC website at [Discrimination, Harassment, and Sexual Misconduct Report Form \(office.com\)](#); or
- Contacting or speaking with the Director of Title IX & Equal Opportunity or the Director of Human Resources; or
- Speaking with a manager or department head who will then forward the information to the Director of Title IX & Equal Opportunity or the Director of Human Resources.

C. Types of Complaints

There are three types of complaints addressed by this policy: Anonymous, Third-party, and Formal complaints. See how to report noted under section I subsection B of this policy.

1. Anonymous Complaints

An anonymous complaint may be reported at any time after an alleged incident involving non-sexual harassment or discrimination occurs; however, the College encourages incidents be reported within ten (10) calendar days of the alleged incident(s). Anonymous complaints may be made online by submitting an anonymous report found on the College's website as noted above.

Anonymous complaints are accepted by SMC to inform the College's administration that prohibited conduct may have occurred. SMC's ability to investigate and resolve anonymous complaints will be limited if the information contained in the complaint cannot be verified by independent facts.

2. Third-Party Complaints

A third-party complaint may be reported at any time after an alleged incident involving non-sexual harassment or discrimination occurs; however, the College encourages incidents be reported within ten (10) calendar days of the alleged incident(s). A third-party complaint may be filed by:

- Completing SMC's "Discrimination, Harassment, and Sexual Misconduct Form" on the SMC website; or
- Hand-deliver a complaint to the Title IX & Equal Opportunity office located in Suite 24, room 241 of the Burgess Student Center; or
- By meeting with the Title IX and EEO Coordinator located in Suite 24, room 241, in the Burgess Student Center; or
- Mail a complaint to:
Spartanburg Methodist College
c/o Office of Title IX & Equal Opportunity
1750 Powell Mill Rd.
Spartanburg, SC 29301

Third-party complaints are accepted by SMC to inform SMC's administration that prohibited conduct may have occurred. The College's ability to investigate and resolve third-party complaints will be limited if the information contained in the third-party complaint cannot be verified by independent facts.

3. Formal Complaints

A written formal complaint is the best method for informing SMC's administration that non-sexual harassment or discrimination may have occurred. A formal written complaint may be filed:

- Using SMC's "Discrimination, Harassment, and Sexual Misconduct" reporting form on SMC's website.
- By meeting with the Title IX and Equal Opportunity Coordinator located in Suite 24, room 241, in the Burgess Student Center; or
- Emailing the Title IX/ EEO Coordinator at SMCTIX@smcsc.edu; or
- Mail a written complaint to:
 - Spartanburg Methodist College
c/o Office of Title IX & Equal Opportunity
1750 Powell Mill Rd.
Spartanburg, SC 29301

Although a written formal complaint is preferred, SMC reserves the right to address verbal complaints as well, remedially or otherwise.

A formal complaint may be filed at any time after an incident involving harassment, discrimination, or other prohibited conduct occurs; however, the College encourages incidents to be reported within ten (10) calendar days of the alleged incident(s).

- When filing a formal complaint, it is best if the reporting party writes, in their own words, an account of the alleged occurrences. This helps the reporting party clearly state events and gives the Director of Title IX & Equal Opportunity,

Director of Human Resources, or designee the best understanding of what allegedly occurred.

- If the reporting party cannot write an account, the reporting party may review and sign the written account as understood by the Director of Title IX & Equal Opportunity (or designee). The reporting party should review the account to ensure accuracy.
- The reporting form should be as complete as possible to ensure the most effective investigation and should include the reporting party's signature when filing a complaint in paper form.
- A designee may be appointed by the Director of Title IX & Equal Opportunity to investigate the allegation(s). The Director of Title IX & Equal Opportunity (or designee) will exercise oversight of the investigative procedures according to the following guidelines:
 - The investigative process will conclude within a reasonably prompt manner of time. After the investigative process is complete a written investigation report will be forwarded to the Director of Title IX & Equal Opportunity for review (if not completed by the Director of Title IX & EO). The Director of Title IX&EO will then forward the report to the parties for review. The parties will have 5 business days to respond in writing. After the party review timeframe lapses, the Director of Title IX&EO will forward the investigative report and any written submissions from the involved parties to the Designated College Officials (as appointed by the Chief Financial Officer or designee, see below for designee).
 - Within a reasonably prompt timeframe after receiving the report, the Designated College Officials will issue a written determination response regarding responsibility and recommendations for resulting actions (i.e., disciplinary actions).
 - The report, determination, and recommended resulting actions response will be submitted to the Director of Title IX & Equal Opportunity and/ or the Director of Human Resources by the Designated College Officials. The Director of Title IX & Equal Opportunity or the Director of Human Resources will forward, or otherwise provide a copy of each, to the reporting party and responding party. Copies may also be appropriately filed with other relevant offices (i.e., campus safety, HR, Provost, etc.).

If either party disputes the report findings or resulting action(s), an appeal can be made as outlined under section III of this policy.

D. Retaliation

SMC strongly prohibits retaliation by its students and employees against a person who exercises their rights or responsibilities under any provision of this policy, Federal, or State law. Any intimidation, threats, coercion, discrimination, or other similar acts constitutes retaliation.

Retaliation occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of:

- Opposing conduct reasonably believed to constitute discrimination, harassment, or other prohibited behavior that violates this policy; or
- Filing a complaint about such practice; or
- Seeking an accommodation under SMC's harassment policy/procedure; or
- Testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint.

Any complaint or act of retaliation may be reported to the Director of Title IX &

Equal Opportunity or the Director of Human Resources at:

Kevin Rhodes
Director of Title IX & Equal Opportunity (Titles IX and VI Coordinator)
Burgess Student Center, Suite 24, Room 241
1750 Powell Mill Road
Spartanburg, SC 29301
864-699-4642
rhodesk@smcsc.edu or
smctix@smcsc.edu

Director of Human Resources
864-587-4271
CableC@smcsc.edu

E. Preponderance of Evidence

Preponderance of the evidence is the evidentiary burden of proof used in SMC's non-sexual harassment and discrimination procedures and investigation process. The facts must show that the responding party violated College policy by preponderance of the evidence (i.e., it is more likely than not that the responding party's actions violated college policy) before disciplinary sanctions will be applied.

F. Roles and Responsibilities

1. Director of Title IX & Equal Opportunity

The Director of Title IX & Equal Opportunity, or designee, handles all complaints regarding prohibited acts under this policy. To ensure a fair and neutral process for all parties, the Director of Title IX and Equal Opportunity is responsible for:

- Monitoring the complaint resolution procedures for accurate compliance; and
- Conducting or coordinating the investigation; and
- Providing the reporting party and responding party a copy of the formal investigative findings (i.e., Investigative report) and resultant action(s); and
- Securely storing official non-sexual harassment and discrimination case files.
- Providing support measures as needed
- Forwarding the Investigative Report to the Decision Makers and Sanctioning Authorities (if appropriate)

The Director of Title IX & Equal Opportunity, or designee, will conduct formal inquiries to discover relevant information and evidence related to the allegations. The Director of Title IX & Equal Opportunity, or designee, will provide the Review Committee, consisting of three Designated College Officials, with their findings. The Review Committee will review the Investigation Report and findings. The investigator(s) will provide findings as to responsibility but will not be responsible for providing recommended sanctions. The Designated College Officials, in consultation with the Director of TIX&EO or Director of Human Resources, or some other official, may provide sanction recommendations, if appropriate. The Sanctioning Authority for students is the Dean of Students. The Sanctioning Authority for employees is the Chief Financial Officer (if CFO is unavailable or compromised, the Chief of Staff or Provost assumes this duty). The sanctioning authorities may consult the Director of TIX&EO, Director of HR, or some other college official in the sanctioning process.

2. Designated College Official

Designated College Officials, as appointed by the Chief Financial Officer (if CFO is unavailable or compromised, the Chief of Staff or Provost chooses the DCOs), are responsible for:

- Examining and assessing the findings regarding responsibility forwarded by the Director of Title IX & Equal Opportunity or designee; and
- Determining responsibility in response to the report; and
- Providing the Director of Title IX & Equal Opportunity or designee with their written determination of responsibility and recommended sanctions, if appropriate.

Designated College Officials are responsible for determining whether a policy violation occurred. They will use the preponderance of the evidence standard. As such, the facts must show that it is more likely than not that the responding party's actions violated SMC policy. This burden must be met before any disciplinary sanctions can be applied.

3. Sanctioning Authorities

The Sanctioning Authority for students is the Dean of Students. The Sanctioning Authority for employees is the Chief Financial Officer (if the CFO is unavailable or compromised, the Chief of Staff or Provost assumes this duty). The Sanctioning Authorities may consult the Director of Title IX and Equal Opportunity, the Director of Human Resources, or any other college administrator during the process.

Sanctioning Authorities are responsible for:

- Examining and assessing the findings, determinations, and recommendations contained in the investigative report
- Imposing appropriate, proper, and relevant sanctions in cases where a responding party was found responsible for the policy violation(s).

In summary, the investigator(s) will provide findings regarding responsibility to the Designated College Officials. The DCOs will determine responsibility and may provide sanctioning recommendations, if appropriate, to the Sanctioning Authorities. The Sanctioning Authorities (Dean of Students for students and the Chief Financial Officer, or Chief of Staff, or Provost for employees) will determine any resulting actions (sanctions).

III Resolutions, Appeals, & Grievances

A. Resolutions

SMC will make a good faith effort to proceed in a manner that is fair, impartial, and timely when investigating claims under this policy. Factors that influence the timeframe of an investigation include:

- i. Complexity of the facts; and/or
- ii. Number of witnesses and volume of information provided by the parties; and/or
- iii. Any requests from law enforcement for a temporary delay to gather evidence for a criminal investigation; and/or
- iv. To accommodate the availability of witnesses; and/or
- v. To account for college breaks or vacations; and/or
- vi. For other legitimate reasons.

The Director of Title IX & Equal Opportunity (or designee) will periodically notify all parties in writing during the investigation process regarding updates and timeframes.

Informal Resolution

Realizing that not all complaints require the formal resolution process, SMC reserves the right to resolve certain complaints informally (mediation, etc) or remedially (support measures, educational conversations, etc). Note: a remedial resolution would not necessarily require the below noted informal resolution steps. Those noted below are used for an alternative resolution (mediation, restorative justice, etc) process. The goal of the Informal Complaint Process is, with the cooperation of the parties, to resolve concerns at the earliest stage. The process includes, but is not limited to, discussions with the parties, mediating an agreement between the parties, and making resolution recommendations (which could include referral to counseling programs, targeted education, etc.). Upon receiving a complaint, the Director of Title IX & Equal Opportunity, or designee, will determine the appropriateness for an informal resolution, or remedial measures. If an informal resolution is deemed suitable, the Director of Title IX & Equal Opportunity, or designee, will conduct an inquiry or investigation into the allegations using the following process:

- Interviews/discussions will be conducted separately with the complainant and the respondent to review the allegations and develop a mutually satisfactory resolution. If deemed necessary and appropriate, the investigator may bring the parties together for further communication.
- The resolution process will be kept private to the extent possible. Both parties will be advised of the confidentiality of the investigation and the prohibition of retaliation.
- A written record of the allegations and the resolution will be provided to both parties and maintained by the Office of Title IX.
- If the investigator, after hearing the complainant's statements, determines that a formal investigation is necessary, the complaint will be processed under the Formal Resolution Process noted herein.
- Resolution of complaints handled under the Informal Complaint Resolution Process shall either be completed within 45 business days of receipt of the complaint or referred to the Formal Process within that time, if practicable. Both parties will be advised in writing if a matter that is being addressed informally is moved to the Formal Process.
- The Informal Complaint Process is an optional step for resolution. The complainant or respondent or the Director of Title IX & Equal Opportunity, or designee, may decide to bypass the Informal Process and proceed under the Formal Complaint Process.

Formal Complaint Resolution Process

The Formal Complaint Resolution Process will be applied by the Office of Title IX & Equal Opportunity, or designee, if the Informal Complaint Process is not successful or appropriate for addressing the allegations of the complaining party (such as when the facts are in dispute or the report includes allegations of serious misconduct). The wishes of the complaining party shall be considered, however, the decision to initiate the Formal Complaint Process lies at the sole discretion of the Director of Title IX & Equal Opportunity, or designee. For example, the College may determine an obligation exists to proceed under the formal process due to the seriousness of the allegation even if the complaining party would prefer to proceed under the informal process. If the Formal Complaint Process is deemed the most appropriate course of action, the Director of Title IX&EO, or designee, will conduct an investigation into the allegations using the following process:

- The process will be private and confidential to the extent possible. The Director of Title IX & Equal Opportunity, or designee, shall advise all parties of the confidentiality of the investigation and the strict prohibition against retaliation.
- The respondent shall be given a written statement of the allegations made by the complainant. Any written response will be shared with the complainant.
- The investigation shall include individual interviews with the parties and witnesses and a review of the relevant evidence. If all witnesses identified by the parties are not

interviewed, the investigator will document the reason. Both parties will have the opportunity to identify relevant witnesses and evidence.

- The investigation will be completed as promptly as possible. Most cases will have the investigation completed within 45 business days of the date the complaint was received. If the investigation cannot be completed in 45 business days because of extenuating circumstances, both parties will be notified and given a projected date of completion. In cases where the complaint is submitted near the end of a semester, the 45-day timeframe can be suspended until the start of the following semester if necessary for interviewing purposes.
- At the conclusion of the investigation, the investigator will draft a written investigative report that includes a statement of the allegations, the positions of the parties, a summary of the findings of fact, and a determination by the investigator as to whether this policy has been violated (investigator findings). The report will be shared with the parties involved. The parties will have 5 business days to review and submit a written response. If all witnesses were not interviewed, the report shall explain why. The Director of Title IX&EO will review the final report and forward it to the Designated College Officials to decide as to whether policy violations occurred (to issue a determination).
- If the Designated College Officials determine the Respondent is responsible for the allegations, the Director of TIX and Equal Opportunity will forward the grievance process packet to the appropriate Sanctioning Authority for imposition of sanctions. The Designated College Officials may provide sanctioning recommendations if they choose.
- The complainant and the respondent shall be informed in writing within 30 calendar days of the conclusion of the grievance process. The parties will be advised whether any violations of this policy were found, and any resulting actions implemented by the college.
- Note: neither the investigator's findings nor the DCO's recommended sanctions (if appropriate or provided) are binding regarding the next process.

Interim Measures

At any point after receipt of the complaint (verbal or written), the Director of Title IX & Equal Opportunity, or designee, may implement, in consultation with any appropriate administrators, interim actions to protect the parties or witnesses including, but not limited to, restricting party contact, separating the parties, reassignment, alternative work or student housing arrangements, or other types of temporary support measures/accommodations. The College reserves the right to issue no contact provisions to any or all parties involved in the process.

B. Appeals

Each party may appeal the report findings and/or resulting action(s). To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for appeal. The grounds for appeal are:

1. Procedural irregularity that affected the outcome of the investigation (i.e., SMC failed to follow their own procedures).
2. New evidence that was not reasonably available at the time the resulting action(s) was/were made.
3. Personnel involved in the process had a conflict of interest or bias for or against an individual party, or for or against reporting parties or responding parties in general that affected the outcome of the matter.
4. Contention that the resulting action(s) are disproportionate to the severity of the violation.

The submission of appeal stays any resulting action(s)/sanctions until the appeal is

resolved. Appeals may be no longer than five (5) pages (including attachments). Appeals should be submitted in electronic format using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by a single independent outside Decision-Maker as contracted by SMC. The appeal outcome will be provided in writing simultaneously to both parties and include rationale for the decision.

a. False Complaints

Knowingly inhibiting an investigation under this policy and/or submitting a false report is prohibited. Anyone knowingly inhibiting an investigation and/or submitting a false report is subject to disciplinary action up to termination or expulsion.

b. Complaints Made as Part of Another Grievance or Complaint Process

Complaints filed through other processes affiliated with SMC including the SMC Honor Code, SMC Faculty Handbook, or SMC Human Resources Policy Manual, or related due process procedures may have as a component to the complaint an allegation of non-sexual harassment or discrimination outlined in this policy. Those allegations may be handled within that existing process or as a distinct or separate process under this policy. If handled within another process, the Director of Title IX & Equal Opportunity will be available for consultation regarding the investigation of the discrimination or harassment portion of the complaint. The findings of the complaint shall include any determinations of fact related to the non-sexual discrimination and/or harassment allegations. Any appeal of the findings shall be according to the process appropriate to the status of the grievant.

Note: A complaint of discrimination or non-sexual harassment that is part of an ongoing complaint shall be forwarded to the Director of Title IX & Equal Opportunity as part of SMC's record of discrimination complaints. For reporting purposes.

Disciplinary actions and recommendations will be consistent with SMC policy and procedure and the investigative findings of that policy. For employees, disciplinary action can range from written warning up to an including termination. For students, disciplinary actions may be imposed as described in the SMC Honor Code.

C. Contact Information

Pursuant to Title IX of the Education Amendments of 1972, Spartanburg Methodist College does not discriminate, on the basis of sex, in its educational programs, activities, or employment opportunities. Pursuant to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, SMC does not discriminate in admission, access, treatment, or employment on the basis of a disability.

Complaints and inquiries regarding Title IX may be referred to:

Kevin Rhodes
Director of Title IX and Equal
Opportunity/ Title IX Coordinator
Spartanburg Methodist College
Suite 24, Room 241 Burgess Student Center
1750 Powell Mill Rd.
Spartanburg, SC 29301

Telephone: 864-699-4642
Email: smctix@smcsc.edu

Complaints and inquiries regarding ADA, Section 504, or other forms of discrimination may be referred to:

Director of Title IX and Equal Opportunity (Kevin Rhodes)
Spartanburg Methodist College
Suite 24, Room 241 Burgess Student Center
1750 Powell Mill Rd.
Spartanburg, SC 29301
Telephone: 864-699-4642
Email: smctix@smcsc.edu

Complaints or inquiries regarding harassment or discrimination may also be made to the U.S. Equal Opportunity Commission:

U.S. Equal Opportunity Commission
301 N. Main St.
Suite 1402
Greenville, SC 29601-9916
Telephone: 1-800-669-4000
Fax: 864-241-4416
TTY: 1-800-669-6820
Web: www.eeoc.gov.

Complaints or inquiries regarding harassment or discrimination may also be made to the Office for Civil Rights, U.S. Department of Education:

Office of Civil Rights
District of Columbia Office
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, D.C., 20202-1475
Telephone: 202-453-6020
Fax: 202-453-6021
Email: OCR.DC@ed.gov

The Director of Title IX & Equal Opportunity is responsible for oversight of any equal opportunity programs at SMC. The Director of Title IX & Equal Opportunity serves as SMC's ADA/504 coordinator for inquiries regarding discrimination due to a disability. The Director of Title IX & Equal Opportunity also receives and oversees SMC's response to other complaints alleging non-sexual harassment or discrimination that violate SMC policy or the following federal regulations:

- Title VI and Title VII of the Civil Rights Act of 1964 (race, national origin, and religious discrimination)
- Age Discrimination Act of 1975
- Age Discrimination in Employment Act of 1967
- Sections 503 and 504 of the Rehabilitation Act of 1973 (disability discrimination)
- Americans with Disabilities Act as amended (disability discrimination)
- Genetic Information Nondiscrimination Act of 2008 (GINA)
- Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as

- amended
- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Immigration Reform & Control Act of 1986

Approved:
July 1, 2022

Reviewed and Updated:
July 2024
April 2025
July 2025
July 2026