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Non-Discrimination and Anti-Harassment Policy

Responsible Executive: Executive Leadership Team

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https://media.clemson.edu/humanres/policies_procedures/non-discrimination-and-anti-harassment-policy.pdf

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THE DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

POLICY STATEMENT

Clemson University is committed to providing an educational and work environment in which all persons are treated with dignity and respect. Clemson prohibits discrimination, including harassment, of any employee, student, guest or visitor because of race, color, religion, sex, sexual orientation, gender, pregnancy (including childbirth, or related medical condition), national origin, age, disability, veteran's status, genetic information or any other personal characteristic protected under applicable federal or state law. Clemson also prohibits retaliation against any person because the person filed a complaint of discrimination or because the person participated in any manner in the investigation and resolution of a complaint of discrimination or harassment.

REASON FOR POLICY

Discrimination in the employment context is prohibited by Title VII of the Civil Rights Act of 1964, the Pregnancy Discrimination Act, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, Sections 501, 503, and 504 of the Rehabilitation Act of 1973, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act of 2008, and the South Carolina Human Affairs Law. Discrimination in the educational context is prohibited by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and Title II

of the Americans with Disabilities Act of 1990. This policy is intended to promote the University's compliance with these and other federal and state laws that prohibit discrimination and harassment in employment and in educational institutions because of specified traits, characteristics, and conduct.

ENTITIES AFFECTED BY THIS POLICY

- All colleges/divisions of the University

WEB ADDRESS FOR THIS POLICY

http://media.clemson.edu/humanres/policies_procedures/non-discrimination-and-anti-harassment-policy.pdf
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CONTACTS

Subject Matter	Office	Telephone	E-mail/Web Address
Policy Clarification and Interpretation	OHR	<u>(864) 656-2000</u>	Clemson.edu/employment/contact_hr/ Ask-HR (https://www.clemson.edu/employment/contact_hr/)

PRINCIPLES

Any person who experiences or observes discrimination, harassment or retaliation as prohibited by this policy should report the matter immediately to any of the following: Office of Human Resources, Office of Access & Equity, Office of Community and Ethical Standards, the Title IX Coordinator, the Deputy Title IX Coordinator, the Office of University Compliance or the Ethics/Safety Hotline. In addition, employees who experience or observe discrimination, harassment or retaliation as prohibited by this policy are encouraged to report complaints to their supervisors, unless the supervisor is the person who is discriminating, harassing, or retaliating against the employee, in which case the employee should report the matter to the next highest supervisor in the chain of command. Complaints will normally be investigated by the following offices:

- A. Employee complaints regarding discrimination, harassment or retaliation in the workplace will be investigated by the Office of Human Resources. The Office of Human Resources has the authority to take remedial action regarding employee conduct that violates this policy.
- B. Student complaints regarding discrimination, harassment, or retaliation in their educational environment by another student will be investigated by the Office of Community and Ethical Standards (OCES). OCES has the authority to take remedial action regarding student conduct that violates this policy.

C. Student complaints regarding discrimination or harassment in their educational environment by an employee will be investigated by the Office of Human Resources. The Office of Human Resources has the authority to take remedial action regarding employee conduct that violates this policy.

D. Complaints alleging Sexual Harassment (including but not limited to sexual violence and/or relationship violence) pursuant to Title IX by an employee or a student will be initially reviewed by the Title IX Coordinator to determine if the matter will be handled as a Title IX Formal Complaint and then referred to the appropriate office (either the Office of Human Resources or the Office of Community and Ethical Standards) for investigation or other action as appropriate.

E. Complaints of student-workers regarding discrimination, harassment or retaliation in the workplace will be investigated by the Office of Human Resources. The Office of Human Resources has the authority to take remedial action regarding employee conduct that violates this policy.

F. Guest or visitor complaints will be investigated by the Office of Human Resources if the accused is an employee, volunteer or visitor and by OCES if the accused is a student. If the accused is neither an employee nor a student, the complaint may be investigated by the Clemson University Police Department to the extent that the conduct may constitute a crime.

For more information regarding procedures related to complaints against Clemson University employees, access [Procedures for Resolution of Discrimination/Harassment/Retaliation Complaints Against Employees \(PDF\) \(https://media.clemson.edu/humanres/policies_procedures/resolution-of-discrimination-harassment-retaliation-complaints-against-employees.pdf\)](https://media.clemson.edu/humanres/policies_procedures/resolution-of-discrimination-harassment-retaliation-complaints-against-employees.pdf).

To the extent practicable, the identity of individuals involved in any investigation under this policy as well as information obtained during the investigation will be kept confidential. All employees and students are encouraged to cooperate in investigations under to this policy.

Consequences:

Clemson University will respond promptly to all complaints of discrimination, harassment or retaliation. Any person, regardless of position or title, who is determined to have engaged in discrimination, harassment or retaliation as prohibited by this policy will be subject to prompt and appropriate corrective action, up to and including dismissal or termination from the University, or in the case of visitors, exclusion from University property and/or programs.

DEFINITIONS

As used in this policy, the following terms have the following meaning:

A. Discrimination

“Discrimination” means treating a person or group of persons 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 persons from participation in or receiving the benefits of any program or activity of the University, including employment decisions, because of one or more of the protected characteristics specified above.

B. Harassment

“Harassment” means unwelcome verbal or physical conduct directed toward a person or group of persons motivated by a protected characteristic 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, epithets, slurs, and jokes.

C. Sexual harassment

“Sexual harassment” is prohibited in the workplace, education programs and activities. See **Policy and Procedures Related to Sexual Harassment and Sexual Violence** (https://media.clemson.edu/humanres/policies_procedures/policy-and-procedures-related-to-sexual-harassment-and-sexual-violence-VAWA.pdf), which provides more detailed information.

For more definitions, access the **Office of Human Resources Glossary of Terms** (https://hr.app.clemson.edu/poly-proc/Glossary_of_Terms.pdf).

RELATED RESOURCES

University Policies and Documents

- **Policy and Procedures Related to Sexual Harassment and Sexual Violence (including provisions required by the Violence Against Women Act [VAWA])** (https://media.clemson.edu/humanres/policies_procedures/policy-and-procedures-related-to-sexual-harassment-and-sexual-violence-VAWA.pdf)
- **Procedures for Resolution of Discrimination/Harassment/Retaliation Complaints Against Employees** (https://media.clemson.edu/humanres/policies_procedures/resolution-of-discrimination-harassment-retaliation-complaints-against-employees.pdf)
- **Student Code of Conduct** (https://www.clemson.edu/studentaffairs/student-handbook/code-of-conduct/student_code_of_conduct.pdf)

University Forms and Systems

- **Office of Human Resources Policies and Procedures Manual** (<https://hr.app.clemson.edu/poly-proc/index.php>)
- **Staff and Faculty Relations Online Reporting Form** (<https://www.clemson.edu/human-resources/staff-and-faculty-relations/reporting/>)