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Policy 1.3

Equal Opportunity and Discriminatory Harassment Policy

Responsible Official:	University President
Administering Division/Department:	Department of Equity and Civil Rights Compliance
Effective Date:	May 20, 2025
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OVERVIEW

Emory University (“Emory” or the “University”) is committed to maintaining an environment that is free of unlawful Harassment and Discrimination, as well as related Retaliation. In accordance with federal law, Emory cannot and will not tolerate discrimination against or harassment of any individual or group based upon race, color, ethnic or national origin,¹ religion, sex, gender identity, gender expression, sexual orientation, pregnancy, age, disability, genetic information, veteran’s status, or any factor that is a prohibited consideration under applicable law (each a “Protected Class”). Emory welcomes and promotes an open and genuinely diverse environment.

¹ Discrimination or Harassment based on race, color, or national origin includes conduct based on actual or perceived (i) shared ancestry or ethnic characteristics or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. This could include conduct such as use of ethnic or ancestral slurs; harassment for how a person looks, dresses, or speaks in ways linked to ethnicity or ancestry (e.g. skin color, religious attire, language spoken, tribe, caste, ethnoreligious identity, or any other physical, cultural, linguistic or social characteristics of a group from which a person descends); or stereotypes based on perceived shared ancestral or ethnic characteristics. Examples of people who may experience Discrimination or Harassment based on shared ancestry or ethnic characteristics include, but are not limited to, Hindu, Jewish, Muslim, and Sikh individuals.

Emory has adopted this Equal Opportunity, Discrimination, and Harassment Policy (the “Policy”) in order to advance its goal of maintaining an environment free of Discrimination, Harassment, and Retaliation and to satisfy its commitments under civil rights laws including, but not limited to, Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, the Pregnant Workers Fairness Act, Genetic Information Nondiscrimination Act, and the Vietnam Era Veterans’ Readjustment Assistance Act (collectively, “civil rights laws”).

The University’s commitment to nondiscrimination encompasses its living, learning, and working environments, including, but not limited to, applications for enrollment and/or employment. Emory has adopted complaint procedures, set forward in this Policy, which provide for the prompt and equitable resolution of Complaints alleging Discrimination, Harassment, or Retaliation (collectively, “Prohibited Conduct”). Emory encourages anyone who has knowledge of Prohibited Conduct to promptly make a Report of any alleged violations of this Policy using any of the reporting options described in this Policy. Emory will take appropriate steps to eliminate the behavior, prevent its recurrence, and address its effects.

This Policy is intended to complement other University policies which implement civil rights laws, including, but not limited to, the University’s “Sex and Gender-Based Harassment and Discrimination Policy” (Policy 8.2).

APPLICABILITY

The behavioral expectations of this Policy apply to all Emory Students, Employees (including faculty, administrators, staff, and Employees working pursuant to collective bargaining agreements), trustees, officers, applicants for admission or employment, volunteers, independent contractors, and other individuals participating in Emory’s programs or activities, including all Covered Third Parties, as defined below.

POLICY DETAILS

Emory will address conduct that creates a hostile environment in its programs and activities by taking steps reasonably determined to (a) end the harassment, (b) eliminate the hostile environment and its effects, and (c) prevent the harassment from recurring, including by extending interim measures (also known as “supportive measures,” see Section XIV of this Policy, below) and/or by extending opportunities for, as appropriate, informal resolution and/or a formal resolution (investigation and adjudication) (see Section XVIII of this Policy, below). A formal resolution may result in the imposition of Disciplinary Sanctions and/or the extension of Remedies to any individual(s) whose equal access to a University program or activity was determined to have been limited or denied, including the implementation of corrective action(s) which is/are designed to address environmental or campus climate concerns.

The University will take these steps to address a hostile environment even if the underlying conduct itself occurred outside the University’s programs or activities, including if it occurred outside the United States. For the avoidance of doubt, this Policy applies to such conduct occurring online (via computer and internet networks or on digital platforms, including social media sites).

I. Reporting Prohibited Conduct to DECRC

a. DECRC Contact Information

Anyone who becomes aware of Prohibited Conduct alleged to have been committed by a faculty member, staff member, administrator, Student, or Covered Third Party (e.g., vendor, contractor, guest, or patron on campus) is encouraged to make a Report to the DECRC Director, who is also the University’s EO/AA Compliance Officer² at the DECRC email

² References to the DECRC Director herein generally apply to any of the DECRC Director’s designees. In the event of Reports or Complaints pertaining to the conduct of the DECRC Director, or concerns about conflict of interest or bias (in favor of or against a specific Complainant or Respondent, or Complainants or Respondents generally) (“bias”) by

address, or by completing the EO, Discrimination, and Harassment Complaint Form that may be found here: [Guardian | Emory University](#).

DECRC staff are available to receive Reports or Complaints about behavior that may constitute Prohibited Conduct and are available to meet with any individual, including a Complainant, a Respondent, or a third party, to provide information, resources, and various procedural options. The DECRC Director and DECRC office can be reached at:

Niger R. Thomas
Director, EO/AA Compliance Officer
Department of Equity and Civil Rights Compliance
201 Dowman Drive
Administration Bldg, Suite 305
Atlanta, GA 30322
(404) 727-1280
niger.thomas@emory.edu

[Department of Equity and Civil Rights Compliance \(DECRC\)](#)
201 Dowman Drive
Administration Bldg, Suite 305
Atlanta, GA 30322
decrc@emory.edu
<https://equityandcompliance.emory.edu/civil-rights-compliance>
[File a complaint electronically: Guardian | Emory University](#)

b. Anonymous Reporting

Any individual may make an anonymous Report. This means that they may report an incident without disclosing their name, for example, or withholding certain details, including, but not limited to, the identity of the Respondent. However, Emory's ability to respond will be limited when there is limited information available due to the anonymity of one or both parties. This includes, but is not limited to, the possibility that Emory will not be able to pursue complaint procedures against the individual alleged to have engaged in Prohibited Conduct. When a known Complainant wishes to remain anonymous, Emory will seek to respect the request of the Complainant, and where it cannot do so, will explain why.

c. Time Frame for Making a Report

Individuals are strongly encouraged to report incidents of alleged Prohibited Conduct as soon as possible and within 180 days. This will enhance the University's ability to address the conduct at issue, including by implementing interim measures, and, if applicable, by investigating effectively, when Relevant evidence and witnesses are most available.

d. Amnesty for Students Who Report Prohibited Conduct

Students who were drinking alcohol or using drugs at the time an incident of alleged Prohibited Conduct occurs may be hesitant to make a Report or Complaint or participate as a Party or witness in an investigation due to concerns about being charged with disciplinary violations. In order to address these concerns, and encourage the prompt reporting of information related to known or suspected Prohibited Conduct, Emory will generally not pursue disciplinary action for alcohol or drug offenses when information involving alcohol or drug use is revealed as part of a Report or Complaint, or an investigation. However, Emory may require Students to participate in educational interventions related to drugs and alcohol.

the DECRC Director, contact Maurice Middleton, Associate Vice Provost for Institutional Equity and Compliance, Office of Institutional Equity and Compliance.

If there are other concerns about conflict of interest or bias involving other responsive personnel (i.e., a facilitator of an informal resolution, investigator, decisionmaker, or appeals decisionmaker), the Party should direct those concerns to the Provost or their designee.

e. *Emory's Commitment to Procedural Fairness*

Emory is committed to procedural fairness in any process undertaken under this Policy. This means that DECRC will maintain a neutral role in responding to Reports and Complaints under this Policy and will ensure that parties are afforded equal opportunity to provide information and evidence pertaining to the allegations at issue. DECRC will not make a determination on the outcome before the completion of an investigation.

It is presumed that Reports and Complaints are made in good faith. However, making deliberately false allegations and statements is a violation of Emory policy and individuals, including witnesses, who knowingly make false allegations, provide false statements or evidence, or commit similar acts of dishonesty may be subject to disciplinary action.

II. Reporting Conduct External to Emory

An individual may file a complaint about alleged violations of their civil rights to the relevant federal enforcement agency. Filing a Complaint with DECRC regarding Prohibited Conduct under this Policy does not foreclose an individual from pursuing an external complaint with one of the following agencies:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Phone: (800) 421-3481
Fax: (202) 453-6012
TDD#: (877) 521-2172

Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)
Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303
Phone: (800) 669-4000
Fax: (404) 562-6909
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122
Email: info@eeoc.gov
Web: <https://publicportal.eeoc.gov/Portal/Login.aspx>

IN THE EVENT OF EMERGENCY SITUATIONS AND MATTERS REQUIRING IMMEDIATE LAW ENFORCEMENT ASSISTANCE, PLEASE CONTACT 911.

III. Reporting Conduct to Law Enforcement and Pursuing a Criminal Complaint

An individual may choose to report conduct to law enforcement and to DECRC simultaneously. Additionally, an individual may choose to participate in a complaint process under this Policy, an external criminal process, both, or neither.

IV. Academic Freedom Statement

Emory is an inquiry-driven, ethically engaged, and diverse community dedicated to the ideals of free academic discourse in teaching, scholarship, and community service. Emory abides by the values of academic freedom and is built on the assumption that contention among different views is positive and necessary for the expansion of knowledge, both for the University itself and as a training ground for society at large. Emory recognizes the centrality of academic freedom and the University's determination to protect the full and frank discussion of ideas. This Policy does not conflict with any rights afforded by Emory's Respect for Open Expression Policy (Policy 8.14).

V. Privacy and Confidentiality

a. *Privacy*

Although often conflated, privacy and confidentiality are distinct terms with distinct meanings. Privacy refers to Emory's commitment to sharing information related to any Report, Complaint, connection to support services, or complaint procedures under this Policy only when required or permitted by law.

Other than with respect to the University's prohibition on Retaliation, Emory will not prohibit the ability of a Party to discuss the allegations prompting a Report or Complaint. However, the University will request that parties and witnesses maintain privacy during a complaint process to protect against Retaliation and to uphold the integrity of the process. Additionally, any documents prepared in connection with an investigation and adjudication (including Complaints, written notices, investigative reports, and any appeals-related documents) may not be disclosed or shared by Parties or others acting on their behalf other than as provided for by this Policy, and as may be required or authorized by law.

b. Confidentiality and Confidential Resources

Confidentiality means that designated campus or community professionals are prohibited from revealing identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law. Those campus professionals (“Confidential Employees”) who maintain information confidentially are:

- Chaplains and Clergy who provide pastoral counseling in their professional roles in the Office of Spiritual and Religious Life (OSRL)
- Licensed mental health professionals within the Faculty Staff Assistance Program (FSAP)
- Licensed counselors who provide mental health counseling to Students at Counseling and Psychological Services (CAPS)

Confidential Employees are not required to notify DECRC when a person informs them of conduct that may constitute Prohibited Conduct, if that information is provided while the Confidential Employee is functioning within the scope of their duties to which confidentiality applies. Also included in the category of Confidential Employees are individuals who conduct human subjects-research studies that have been approved by the Institutional Review Board (“IRB”) and which are designed to gather information about Discrimination, with respect to information disclosed in the course of conducting the approved study.

Importantly, Confidential Employees still must, upon receipt of such information, explain that they are a Confidential Employee; provide contact information for the DECRC Director; explain how to report Prohibited Conduct; and inform the disclosing individual that the DECRC Director may be able to offer connection to available support services, as well as initiate complaint procedures.

VI. Employee Responsibilities under this Policy

a. Duty to Report

All University Employees who are not Confidential Employees are strongly encouraged to report to DECRC upon receipt of information about conduct that may constitute Prohibited Conduct. All Employees – faculty and staff – who have supervisory authority or who serve in a management role, including Vice Presidents, Vice Provosts, Deans, and Department Chairs, and professional staff working in University Human Resources and Student Conduct Offices, are required to report Prohibited Conduct to DECRC directly.

This obligation complements the obligation of responsible employees, as defined by the University’s “Sex and Gender-Based Harassment and Discrimination Policy” ([Policy 8.2](#)), to report conduct prohibited under that policy to the University’s Title IX Coordinator.

b. Duty to Cooperate

All individuals to whom this Policy applies are expected to cooperate in any process undertaken under this Policy. All University Employees are required to participate fully in any process undertaken pursuant to this Policy. This includes participating in investigative interviews and providing information and documentation as requested.

VII. University Response to Reports

The University will review and respond to all Reports of Prohibited Conduct. Upon receiving a Report, DECRC will promptly contact the Complainant to provide information about the complaint process, advise them of the availability of support services and resources, and discuss any procedural options available to the Complainant Reporter and/or Complainant under this Policy. Emory will also assess whether there are any immediate threats to safety that must be addressed.

Importantly, if the alleged conduct, if established, would not constitute a violation of this Policy, the Complainant will be informed of and provided information about other resources and options available, including referral for action under a separate policy as applicable. Similarly, in cases in which the Respondent is not an Emory affiliate and complaint procedures would not be available to the Complainant, the DECRC Director will offer available resources and support and take other action as appropriate, if any, to address the behavior at issue.

VIII. Consolidation of Complaints

In cases in which allegations of Prohibited Conduct are connected to other alleged misconduct by the Respondent which would ordinarily be addressed by another Emory policy or office, Emory may, in its sole discretion, elect for DECRC to address all related conduct in a consolidated manner. Emory may choose to involve the office authorized to administer the other relevant Emory policy or policies at issue in the Complaint, or another office as applicable, in the Complaint procedures under this Policy.

Similarly, Emory may, in its sole discretion, consolidate Complaints of Prohibited Conduct brought against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party (“cross complaints”), where the allegations arise out of the same facts or circumstances.

IX. Referral Process for Complaints Originating Under Emory’s Sex and Gender-Based Harassment and Discrimination Policy 8.2

Emory’s Sex and Gender-Based Harassment and Discrimination Policy 8.2 governs prohibited sexual misconduct, including sexual harassment, sexual assault, dating and domestic violence, and stalking, under Title IX of the Education Amendments Act of 1972. When a Complaint of prohibited conduct under Policy 8.2 which is brought against an Employee Respondent, and the allegations (a) do not on their face constitute Title IX Sexual Misconduct, as defined by Policy 8.2, or (b) meet the definition of Title IX Sexual Misconduct, but does not occur within a University Program or Activity against a person in the United States, all as defined in Policy 8.2, Policy 8.2 directs the University Title IX Coordinator to dismiss the Complaint and refer it to DECRC for review under this Policy 1.3.³

DECRC will adjudicate Complaints of conduct which, if true, would constitute Sexual Harassment in Employment, as defined in this Policy 1.3, pursuant to the complaint procedures outlined herein.

Upon review, if DECRC determines that the alleged conduct would not, if true, meet the definition of Sexual Harassment in Employment, as defined herein, DECRC will refer the matter to the appropriate department for review as outlined below:

Faculty: For matters involving a faculty Respondent, the Complaint will be referred to the Chief Human Resources Officer (CHRO) or their designee. The CHRO or their designee will work closely with the relevant Dean or Deans and/or Faculty Affairs representative in the school.

Staff: For matters involving a staff Respondent, the Complaint will be referred to the University’s Chief Human Resources Officer or their designee.

Covered Third Parties and Non-Affiliates: For matters involving a covered third party and/or non-affiliates, DECRC will work with the appropriate office and HR to ensure the matter is investigated. The employer or entity that controls the Respondent will also be asked to address the Complaint.

X. Interim Measures

Interim measures (also known as supportive measures) are non-disciplinary, non-punitive individualized measures offered, as appropriate, as reasonably available, and without fee or charge, to a Complainant or Respondent. Interim measures are designed to restore or preserve a Party’s access to Emory’s programs or activities, including by protecting the safety of the Party/Parties or the educational environment, and/or by providing support to the Party/Parties during complaint procedures.

DECRC maintains the ability to implement interim measures in coordination with relevant campus offices during the pendency of any process under this Policy. DECRC will determine what interim measures may be necessary on a case-by-case basis given the circumstances of each Complaint. This may include No Contact Orders/Directives, referrals for

³ When a Student Complainant makes allegations of prohibited conduct under Policy 8.2 against another Student, Policy 8.2 directs the Complaint to be addressed under the procedures of Policy 8.2. Therefore, Policy 1.3 does not address complaints of prohibited conduct as defined by Policy 8.2 when both parties are Students.

mental or physical healthcare, spiritual and religious resources, training and education programs, and academic modifications (i.e., change in class schedule or class section).

Interim measures are available before or after the filing of a Complaint, as well as in cases in which no Complaint is ever filed. Information about interim measures provided to a person will not be disclosed, including informing one Party of interim measures provided to another Party, except when necessary to provide the interim measures, or restore or preserve a Party's access to the Emory work environment and/or academic programs or activities.

XI. Interim Suspension (Students) and Administrative Leave (Employees)

a. Interim Suspension (Students)

A Student Respondent may be removed from Emory's programs or activities, or certain aspects thereof (such as, but not limited to, access to Emory facilities, housing, classes, and/or student activities) in accordance with the University's interest in protecting the safety and well-being of the campus community. In the event an interim suspension is imposed, the Student Respondent will be given the opportunity to seek reversal of the suspension pursuant to the applicable student conduct policy.

b. Administrative Leave (Employees)

With respect to Employee Respondents, administrative leave from University employment is permitted during the pendency of the complaint procedure in coordination with Human Resources. Administrative leave may include complete removal from the workplace or limitations on access to the workplace and may be imposed with or without pay.

XII. Accommodations for Individuals with Disabilities

Parties are entitled to reasonable accommodations that enable them to participate in all processes provided for under this Policy, including, but not limited to, making a Report or Complaint, and participating in complaint procedures. If a person requires reasonable accommodations due to a documented disability, they should promptly notify the DECRC Director, who may consult, as appropriate, with the Party or Emory's Department of Accessibility Services ("DAS"). A Party should not assume that the DECRC Director is on notice that they have a disability, even if registered to receive accommodations via DAS.

XIII. Advisors

Each Party may be accompanied by an advisor of their choice to any meeting, interview, or proceeding related to a Report or Complaint under this Policy. The advisor is a non-speaking role present to advise and support the Party and may be, but is not required to be, an attorney.

Delays will not normally be allowed due to scheduling conflicts with advisors. If, at any point, an advisor becomes disruptive or fails to comply with the provisions of this Policy or any additional rules of decorum provided by Emory, Emory may remove the advisor from the meeting, interview, or proceeding, and, if appropriate, any future meetings, interviews, or proceedings. Such a removal of an advisor is not appealable. If a Party's advisor is removed, they may choose another advisor.

XIV. Complaint Procedures

a. Initial Assessment

Upon receipt of a Complaint, DECRC will undertake an initial assessment to determine whether DECRC is authorized to resolve the allegations. This assessment will consider the following two factors: whether the Complaint falls within the scope of this Policy as outlined herein and whether the allegations, if true, would violate the Policy.

If both of these factors are present, DECRC will proceed with the Complaint procedures outlined herein.

If only one, or neither, factor is present, DECRC is not authorized to resolve the allegations and will proceed with the following referrals:

- *For matters involving a student Respondent*, the Complaint will be referred to the Student Conduct Office/Student Conduct Officer in the school in which the Respondent is enrolled. In the event the student is a dual degree student, the Complaint will be referred to *both* Student Conduct Offices/Officers for joint review.
- *For matters involving a staff Respondent*, the Complaint will be referred to the Chief Human Resources Officer or their designee.
- *For matters involving a faculty Respondent*, the Complaint will be referred to the Chief Human Resources Officer (CHRO) or their designee. The CHRO or their designee will work closely with the relevant Dean or Deans and/or Faculty Affairs representative in the school.
- *For matters involving covered third parties and non-affiliates*, DECRC will work with the appropriate office and HR to ensure the matter is investigated. The employer or entity that controls the Respondent will also be asked to address the Complaint.

b. Informal Resolution

An informal resolution may be pursued by DECRC to respond to Reports as DECRC deems appropriate. The informal resolution is not a prerequisite to the investigative process and in certain cases an informal resolution may not be appropriate.

DECRC retains the discretion to determine when informal resolution is appropriate. If a Complainant or Respondent requests informal resolution, the University will assess the request in consideration of factors such as the University's obligation to provide a non-discriminatory and non-retaliatory environment free of unlawful harassment and discrimination.

Every informal resolution will be tailored to the facts and circumstances of the individual case.

If informal resolution is appropriate as determined by DECRC, DECRC staff may confer with the Complainant or the Respondent, ask the Parties to submit information, and take other steps useful in promoting the resolution. Informal resolution may involve resolutions that focus on supporting the Complainant with no participation by the Respondent, such as resources for the Complainant or conducting educational programming or training for specific groups. DECRC will document in its files any informal resolution reached and will inform the Parties of the outcome in writing.

Before initiating an informal resolution, Emory will notify the Parties of:

- the reported concerns;
- the requirements of the informal resolution process; and
- that the conclusion of the informal resolution precludes the Parties from initiating or resuming an investigation and adjudication arising from the same allegations.

c. University-Initiated Complaints

In the absence of a Complaint made by a Complainant, upon review of an anonymous Complaint, or in the event of the withdrawal of any or all of the allegations in a Complaint, the DECRC Director will determine whether to initiate a Complaint. Such a determination is fact-specific and will be made in consideration of factors including, but not limited to:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
- The severity of the alleged Prohibited Conduct, including whether, if established, Emory would require the removal of the Respondent from campus or impose another Disciplinary Sanction to end the Prohibited Conduct and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an Employee;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing conduct, or conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Prohibited Conduct occurred; and

- Whether Emory could end the alleged Prohibited Conduct and prevent its recurrence without an investigation and adjudication.

After considering these and other relevant factors, the DECRC Director may initiate a Complaint. Prior to doing so, they will notify the Complainant, if possible, and appropriately address reasonable concerns about their safety or the safety of others, including by offering interim measures. Regardless of whether a Complaint is initiated, Emory will take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur.

d. Dismissal or Withdrawal of Complaint

A Complaint may be dismissed, in whole or in part, if it is determined, at any time, that:

- Emory cannot identify the Respondent after taking reasonable steps to do so;
- The Respondent is not, or is no longer, enrolled or employed by Emory;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint,⁴ the DECRC Director declines to initiate a Complaint, and without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Prohibited Conduct even if established; and/or
- The conduct alleged (after reasonable efforts to clarify have been made, as appropriate), if established, would not constitute Prohibited Conduct.

In the event of a dismissal, interim measures may still be provided, and the matter may be referred to another, appropriate office for review and response. Dismissals are not appealable.

e. Investigation and Adjudication

i. Notice of Allegations

Investigations begin with the sending of a Notice of Allegations to the Complainant and Respondent. If the Complaint was initiated by Emory, the Complainant will still receive the Notice of Allegations (if possible), but is not required to participate in the investigation or related activities. The Notice of Allegations will include:

- information about informal resolution or investigation and adjudication;
- the identities of the Parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known;
- information about Emory's prohibition on Retaliation;
- a statement that DECRC is a neutral fact-finder and will not make any determinations until the investigation has been completed, if applicable;
- notice that knowingly making false statements or submitting false information is prohibited;
- information about interim measures;
- a statement regarding the Standard of Proof to be used in considering the facts and evidence;
- information regarding the procedural steps involved, including the appeals process.

If, in the course of an investigation, Emory decides to investigate additional allegations of Prohibited Conduct not included in the original Notice of Allegations about the Respondent's conduct toward the Complainant, or which are otherwise consolidated with the ongoing investigation, Emory will provide notice of the additional allegations to the Parties whose identities are known. If Emory has reasonable concerns for the safety of any person as a result of providing this Notice of Allegations, it may reasonably delay in providing it in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

⁴ If a Complainant requests dismissal, they can re-file the Complaint at a later date. The DECRC Director considers requests in light of the factors laid out above relating to University-initiated Complaints. If the request is refused, the DECRC Director will notify the Complainant.

ii. Time Frames

The investigation will be adequate, reliable, fair, and impartial, and will be completed in a reasonably prompt timeframe, typically 90 business days. Any timelines provided herein create no rights for the Parties and may be extended or changed by Emory for good cause shown, in the University's sole discretion. In the event a deadline is extended or changed, both Parties will be notified in writing regarding the reason for and expected duration of, the delay.

iii. Investigation Process

When an investigation is commenced under this Policy, Emory will charge a trained investigator – who may be the DECRC Director – with the task of gathering facts about the allegations raised in the Complaint, objectively evaluating the Relevant evidence, and preparing an investigative report.

The investigator will meet with each Party and Relevant witnesses. The investigator will, prior to any interviews or meetings with the Parties, provide written notice of the date, time, location, and purpose of the interview or meeting, with sufficient time for the Party to prepare for the interview or meeting. Each Party will have the equal opportunity to gather and present Relevant evidence and fact witnesses to the investigator. However, the burden of gathering evidence, and satisfying the Standard of Proof, is on the University.

The opportunity to provide information to the investigator through an interview, through the submission of documents, or both, will be offered to all Parties. Parties and witnesses who are not Employees are expected to participate in the investigation and provide information; Employees are *required* to participate in the investigation and provide information. In those circumstances, a person's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report. Employee Parties and witnesses must comply with DECRC's request for participation in a complaint process implemented under this Policy.

In cases involving a Student (as either Party or both Parties), the draft investigative report will be submitted to both Parties for their review. The Parties will have five business days to provide written feedback to the investigator, who will consider such responses before completing the final investigative report.

iv. Faculty Review Panel

If, during the investigation, a Respondent who is a faculty member facing allegations pertaining to having created a hostile educational environment in an academic setting raises a bona fide question of whether the conduct at issue is solely within the bounds of academic freedom, the investigator, through the DECRC Director, may request that the Provost or their designee determine whether a bona fide conflict exists between the principles of academic freedom and the requirements of this Policy. If the Provost determines that it does, the Provost or their designee will appoint a Faculty Review Panel to review the evidence and provide written recommendations.

The convening, review, and recommendation of the Faculty Review Panel will be concurrent with the investigation. The Faculty Review Panel will consist of a group of five faculty members, three of whom are from the Respondent's school, who will be chosen by the Provost.

The Faculty Review Panel will review and discuss the investigative report. The procedures shall be strictly private, so as to respect the rights of all involved parties. At the conclusion of its review, which should be concluded within 30 business days, the Faculty Review Panel shall provide a recommendation to the investigator as to whether it believes that there was a violation of the Policy, with rationale. The investigator shall include the recommendation of the Faculty Review Panel in the final investigative report.

v. Adjudication/Decisionmaking

The investigator will objectively evaluate all Relevant evidence and reach a determination of whether this Policy was violated. The investigator will apply the Standard of Proof to all available and relevant evidence in making this determination. The investigator's analysis will include an assessment of credibility of the Parties and witnesses, to the extent credibility is both in dispute and Relevant to evaluating the allegations. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The investigator will prepare a written determination. The written determination will be provided to the Parties, to the extent directly related to them, and to the extent permitted by state and federal privacy statutes, including, but not limited to, the Family Educational Rights and Privacy Act (“FERPA”). Subject to the foregoing, the written determination will include the findings of fact based on the evidence gathered; as to each allegation, the conclusion(s) as to whether Prohibited Conduct occurred and the reasons or rationale for each conclusion(s); and any Disciplinary Sanctions to be imposed and/or whether Remedies will be provided. The written determination will also include appeals information and a reminder that any further incidents of Prohibited Conduct, including Retaliation, should be promptly reported to the University.⁵ The written determination will typically be issued within ten business days of the completion of the final investigative report.

In the event an Employee Respondent is found in violation of this Policy, the determination will be promptly submitted to the relevant Supervisor, including Deans for faculty, or Human Resources officer who will determine if any disciplinary sanctions or remedies will be imposed.

In the event a Student Respondent is found in violation of this Policy, the determination will include disciplinary sanctions imposed, if any, and any remedies implemented, as appropriate.

Both Parties are provided the written determination, and both Parties have the right to appeal on the bases set out below.

vi. Remedies; Disciplinary Sanctions

1. *Remedies*

Remedies are designed to ensure the Complainant has access to a nondiscriminatory and safe academic or work environment. This may include, for instance, DECRC recommending an adjustment of work duties that does not affect rank or pay in the case of Employees, or ensuring that a Student can obtain alternative housing. Remedies may also include corrective actions such as training, education, or other campus programming that addresses environmental or campus climate concerns.

2. *Disciplinary Sanctions*

Disciplinary Sanctions are designed to stop the misconduct, prevent its recurrence, and remedy its effects, and will consider factors including the nature and gravity of the misconduct, and any record of prior misconduct, if applicable. Disciplinary Sanctions for Students may include, but are not limited to:

- mandatory participation in educational or training programs;
- an apology to the person(s) affected;
- verbal reprimand;
- written reprimand;
- disciplinary probation;
- loss of housing;
- delay or revocation of the award of a degree or credential;
- suspension; and/or
- expulsion.

For cases involving Student Respondents, DECRC will assign appropriate disciplinary sanctions and remedies when it has been determined that the Respondent violated the Policy. To determine the appropriate response, DECRC will coordinate with the relevant Student Conduct Office over the Respondent(s) and consider past disciplinary history and other relevant community-specific factors.

For Employee Respondents, the relevant supervisor or authority over the Respondent will determine disciplinary sanctions, as appropriate and in consultation with DECRC. The range of possible Employee Disciplinary Sanctions will be consistent with Emory’s Standards of Conduct Policy 4.62.

⁵ Any non-Party individual(s) to whom Remedies are provided will be similarly advised to promptly report incidents of Prohibited Conduct, including Retaliation, to the University.

The determination regarding whether this Policy was violated becomes final either on the date that Emory provides the written determination of the results of any appeal(s), or, if no appeal is filed, the date on which an appeal would no longer be considered timely. Any Disciplinary Sanctions and/or Remedies will be implemented at this time.

vii. Appeals

Students and Employees have the ability to appeal the determination under this Policy. Appeals can be based on one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the dismissal or the determination regarding responsibility that could affect the outcome of the matter; and/or
- The DECRC Director or investigator(s)/decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Party in particular, and that bias affected the outcome of the matter.

Appeals must be submitted in writing to the DECRC Director within five business days of the date of the written outcome determination. The DECRC Director shall immediately provide notice of any appeal(s) to the other Party, who has five business days to submit a written response, limited to the grounds alleged in the appeal. The DECRC Director will then submit the appeal and response, if any, to the appeals decisionmaker, the Associate Vice Provost for Institutional Equity and Compliance, or their designee.

The appeals review will be based only on the written record. Any alleged new evidence related to the grounds for the appeal should be appended to the appeal. The appeal is not an opportunity for a re-investigation. The decisionmaker decides whether to approve, reject, or modify the decision and/or Disciplinary Sanctions and/or Remedies, and may remand the case for further proceedings consistent with the appeals decision.

The decisionmaker will submit a final written decision on the appeal, including a rationale, within fifteen business days of receipt of the appeals materials. Notice of the appeal outcome and rationale will be simultaneously distributed to the Parties. The appeals decisionmaker's decision is final.

DEFINITIONS

The following behaviors constitute Prohibited Conduct under this Policy.

Discrimination

Discrimination is subjecting an individual or group to adverse action – including differential treatment – on the basis of actual or perceived membership in a Protected Class under this Policy. Adverse actions can include (but are not limited to) termination, denial of a promotion, or denial of access to the educational environment.⁶

Harassment

Harassment is unwelcome conduct on the basis of actual or perceived membership in a Protected Class under this Policy that is sufficiently severe or pervasive so as to unreasonably interfere with, limit, or deny the ability of an individual to participate in or benefit from Emory's programs or activities by creating a hostile environment. This will be evaluated based on the totality of the circumstances and evaluated subjectively and objectively.

⁶ Student groups, organizations, and Employee Resource Groups that involve membership based on an identity may be exempt from the restrictions of this Policy.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will usually not rise to the level of a policy violation. To violate this Policy, the conduct must create an academic, work, extracurricular, or residential environment that would be hostile, offensive, or intimidating to a reasonable person. Such conduct can include verbal, oral, written, electronic, graphic, or physical conduct, such as offensive jokes, slurs, epithets, or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with academic, work, or extracurricular performance. Such conduct may also include that which that denigrates or shows hostility or aversion toward an individual or group on the basis of Protected Class. Harassment can occur in a variety of circumstances and includes conduct affecting Emory's living, learning, and working environments (e.g., an individual's work performance or a Student's academic performance).

Determining whether conduct has created a hostile environment is a fact-specific inquiry which may include many factors such as, but not limited to: the degree to which the conduct affected the Complainant's ability to access University's programs or activities, including the Complainant's work environment; the type, frequency, and duration of the conduct; the Parties' ages, roles, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the alleged unwelcome conduct; the location and context in which the conduct occurred; and other similar conduct in the University's programs or activities.

Sexual Harassment in Employment

Sexual Harassment in Employment is unwelcome conduct on the basis of sex or gender when:

- Submission to such conduct is either made explicitly or implicitly a term or condition of an individual's employment status;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
- Such conduct is so severe and/or pervasive it has the purpose or effect of unreasonably interfering with a person's university employment or creates a working environment that a reasonable person would find intimidating, hostile, or offensive.

Sexual Harassment in Employment includes, but is not limited to, an attempt to coerce an unwilling person into a sexual relationship; to punish a refusal to comply with a sexual based request; unwanted sexual attention; and discussing or displaying visual depictions of sex acts or making sexual remarks in the work environment. Sexually harassing conduct that occurs outside of the workplace but affects the work environment, such as conduct that occurs at a professional conference, an employer-sponsored holiday party, and during work-related travel, is also covered by this Policy.

Conduct which, if true, would constitute Sexual Harassment in Employment, as defined herein, is governed by this Policy when a Complaint is directly reported to DECRC or referred to DECRC as outlined in the University's "Sex and Gender-Based Harassment and Discrimination Policy" (Policy 8.2). Please see Section XIII, below ("Referral Process for Complaints Originating Under Emory's Sex and Gender-Based Harassment and Discrimination Policy 8.2"), for more information about the DECRC's response to Title IX Sexual Misconduct and other conduct prohibited under Policy 8.2.

Retaliation

An adverse action, statement, or conduct directed at an individual by the University, a Student, an Employee, or any other person authorized by the University to provide aid, benefits, or services, for the purpose of interfering with that individual's right(s) under this Policy, or because the individual has made a good faith Report or Complaint under this Policy; made a report or complaint to an external agency or to law enforcement; or participated or, where permitted, refused to participate in any investigation or other proceeding under this Policy.

Retaliation includes Retaliation by peers, but also Retaliation by a Student against an Employee, or by an Employee against a Student, as well as by an Employee against another Employee of more or less senior role. An individual need not be a Complainant or Respondent to have committed or been affected by Retaliation.

It is not Retaliation for the University to require an Employee to participate as a witness in, or otherwise assist with, any investigation under this Policy.

Other Definitions

Complainant

A Student, Employee, or other individual who is alleged to have been subjected to Prohibited Conduct. In the event of a University-initiated Complaint, the individual affected by the alleged Prohibited Conduct that is the subject of the Complaint remains the Complainant, and Emory does not become the Complainant.

Complaint

A request, preferably in writing, for the University to investigate and adjudicate alleged Prohibited Conduct under this Policy. A Complaint is filed by a Complainant or the University upon notice of alleged Prohibited Conduct. It is the University's practice to confirm a Complainant's request in writing prior to initiating an investigation if the Complainant makes a verbal Complaint.

A Complaint can be made by a Complainant or the DECRC Director. A Complainant must have been enrolled, employed, or otherwise participating or attempting to participate in an Emory program or activity at the time the alleged Prohibited Conduct occurred in order to file a Complaint under this Policy, although the Complainant need not be enrolled, employed, or otherwise participating in or attempting to participate in an Emory program or activity at the time the Complaint is made.

Disciplinary Sanctions

Consequences imposed on a Respondent following a determination that the Respondent engaged in Prohibited Conduct in violation of Policy 1.3.

Party

A Complainant or Respondent (collectively, the Parties).

Relevant

Related to the allegations of Prohibited Conduct at issue and whether or not the alleged Prohibited Conduct occurred. Questions are Relevant if they may aid in showing whether the alleged Prohibited Conduct occurred., and evidence is Relevant if it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. The following evidence is impermissible (and will not be considered Relevant) even if it would otherwise be considered Relevant:

- evidence protected under a privilege recognized by federal or state law, unless the person holding the privilege has waived it voluntarily;
- records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, unless the person has voluntarily consented, in writing, to the use of such records in the complaint process; and/or
- evidence and questions about the Complainant's sexual interests or prior sexual conduct, unless:
 - offered to prove that someone other than the Respondent committed the conduct alleged, or
 - if concerning specific incidents of prior sexual activity with the Respondent which are offered to prove consent.

Such impermissible evidence will not be accessed, considered, disclosed, or used, except to determine whether one of the preceding exceptions applies.

Remedies

Measures provided, as appropriate, to a Complainant or other person whose equal access to a University program or activity was determined to have been limited or denied by Prohibited Conduct, in order to restore or preserve that person's access. Remedies can also include corrective action which is designed to address environmental or campus climate concerns.

Report

Any notice, including written or verbal, of conduct that may constitute Prohibited Conduct. A Report may come from any individual, not just a Complainant. Not every Report is or will result in a Complaint.

Respondent

A person, group, or entity who or which is alleged to have violated this Policy.

Standard of Proof

A preponderance of the evidence, meaning that it is more likely than not, based on the Relevant evidence, that the Respondent engaged in the Prohibited Conduct.

Student

A person who has gained admission to Emory.

Employee

All regular instructional faculty, supplemental instructional faculty, research track faculty, visiting scholars and faculty, adjunct faculty, or any individual who has an appointment at the University, librarians, archivists, curators, and all regular and temporary staff.

Covered Third Party

All University contractors, guests, vendors, visitors, volunteers, and any individual who is participating in or attempting to participate in a University program or activity, but who is neither enrolled in an academic program and/or course at the University nor acting as a University Employee (e.g., an individual who is participating in a summer camp; an individual who is attending a University program or activity by invitation or that is open to the public). When adjudicating a Complaint involving a Covered Third Party, DECRC may apply a process it deems appropriate in light of the circumstances in lieu of the complaint process as outlined in this Policy

RELATED LINKS

[EO, Discrimination, and Harassment Complaint Form](#)
[Emory University Institutional Equity & Compliance](#)
[Office for Civil Rights \(OCR\)](#)
[Equal Employment Opportunity Commission \(EEOC\)](#)

Related Policies

[Policy 8.2: Sex and Gender-Based Harassment and Discrimination Policy](#)
[Policy 4.62: Standards of Conduct](#)
[Policy 8.14: Respect for Open Expression Policy](#)

Contact Information

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- Version Published on: Jun 02, 2015 (Updated contact)
- Version Published on: Aug 28, 2014 (Update with office name change)
- Version Published on: Jan 16, 2014 (Rewrite of policy)
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