



Title: Non-Discrimination and Anti-Harassment Policy
Effective Date: July 15, 2026
Issuing Authority: President
Policy Contact: Associate Vice President of Equity and Compliance/Director of Title IX
Office of Equity and Compliance, 478-301-2788

Purpose

Mercer University ("the University") is committed to maintaining a fair and respectful environment for living, work and study. To that end, and in accordance with federal, state and local law and University policies, the University prohibits harassment of or discrimination against any person because of race, color, national or ethnic origin, disability, marital status, veteran status, sex (including pregnancy or a pregnancy related condition), sexual orientation, gender identity, gender expression, genetic information, age, or religion (except in limited circumstances where religious preference is permitted by law), or any other protected status or characteristic as defined by law.

Scope

This policy applies to all Members of the University Community, as defined below.

Exclusions

None

Definitions

As used in this policy, the following term(s) have the meaning specified below:

Discrimination: "Discrimination" is defined as disparate treatment or unfavorable conduct directed at an individual based on any status or characteristic identified in this policy or as defined and protected by applicable law.

Discriminatory Harassment: "Discriminatory Harassment" is defined as unwelcome verbal, written or physical conduct based on any status or characteristic outlined in this policy, which a reasonable person would consider intimidating, hostile or abusive. Discriminatory harassment may include slurs, taunts in the guise of jokes, disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, displays or circulation of written or visual materials, taunts on manner of speech, and negative reference to customs when such conduct is based on or motivated by any status or characteristic identified in this policy or as defined and protected by applicable law.

Members of the University Community: “Members of the University Community” are any persons employed by, or affiliated with, the University in any way and persons participating in any University program or activity, including, but not limited to:

- (1) University faculty, staff, administrators, and employees, of the University;
- (2) University students;
- (3) Volunteers and participants in any University program or activity, guests, visitors, contractors and individuals doing business with the University or on any property owned or leased by the University, or to any property owned or leased by any University-affiliated organization or group.¹

Policy Statement

A. Reporting

All University employees (faculty, staff, student employees, and administrators) are expected to immediately report actual or suspected discrimination or discriminatory harassment as defined by this policy, to the Associate Vice President of Equity and Compliance/Title IX Coordinator. Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not directly reported to them. Failure to report an incident, defined by this policy, of which they become aware, is a violation of university policy and can be subject to disciplinary actions for failure to comply.

Individuals who wish to report discrimination or discriminatory harassment by a Member of the University Community should contact the Associate Vice President of Equity and Compliance/Title IX Coordinator.

Upon receipt of a complaint of discrimination or discriminatory harassment by a Member of the University Community, the Associate Vice President of Equity and Compliance/Title IX Coordinator shall make an initial assessment as to whether the report alleges discrimination or discriminatory harassment and whether the conduct is covered by this policy. The Associate Vice President of Equity and Compliance/Title IX Coordinator will discuss the matter with the complainant and determine how the matter will be handled, including considering whether the matter will be handled through the informal or formal process outlined below.

Remedial and preventative measures may be imposed by the Associate Vice President of Equity and Compliance/Title IX Coordinator even in the absence of a violation of this policy if conduct is found to occur that may, if not addressed, rise to the level of a violation.

¹ The university reserves the right to remove any volunteer, participant, guest, visitor, contractor or individual doing business with or on any property owned or leased by the university or any university-affiliated organization or group, at any time, following a report of concern or policy violation.

Incidents of unlawful harassment and discrimination will be met with appropriate disciplinary action, up to and including termination of employment, dismissal or expulsion from the University. For allegations of sexual misconduct, the University will follow the Sexual Misconduct Policy found at <https://equityandcompliance.mercer.edu/>.

B. Informal Process

Use of the informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. Parties have the option of informally resolving complaints and the University has the discretion to determine whether the informal process is appropriate. Participation by both the complainant and the respondent is voluntary and either party can request to end the informal process. Information gathered and utilized in the informal process may be used in any other University process.

During an informal process, the Associate Vice President of Equity and Compliance/Title IX Coordinator or designee may conduct a short investigation of the matter; which may include requesting a written statement from the complainant outlining the nature of the complaint. In addition, the Associate Vice President of Equity and Compliance/Title IX Coordinator may meet with the complainant, the respondent, the respondent's supervisor, and/or with the next level supervisor(s), if applicable, and other departments, as necessary, in an attempt to resolve the matter informally. In the informal process, fact-finding may occur to the extent necessary to resolve the concern and protect the interest of the parties and the University Community.

The complainant, respondent or the University always has the option to end the informal process and request a formal process. Informal resolutions may include, but are not limited to:

- Training;
- Changes to housing/work/classroom/campus arrangements;
- Informal educational discussion with person(s) about their conduct;
- Advisory discussion with the respondent's supervisor, and
- No contact directive to one or more of the parties;
- Any other discretionary actions that are directly related to the allegations and that are aimed at eliminating the conduct, preventing its recurrence, or addressing its effects on the complainant and, if applicable, the University community.

C. Formal Process

If the informal process does not resolve the complaint, the informal process does not apply, or the complainant, the respondent or the University does not wish to resolve the issue informally, the following formal process will be implemented for students, faculty members and employees.

1. Written Complaint and Response

The complainant shall submit a written complaint to the Associate Vice President of

Equity and Compliance/Title IX Coordinator. The written complaint shall identify the complainant and the respondent, state on what basis they have experienced discriminatory harassment or discrimination, the specific behaviors and/or actions they believe to be discriminatory harassment or discrimination.

The Associate Vice President of Equity and Compliance/Title IX Coordinator has discretion to file a written complaint when it is alleged by an individual outside of the University Community, or when the alleged conduct may pose a threat to the health, safety and well-being of the community. The Associate Vice President of Equity and Compliance/Title IX Coordinator may consider the following factors: the seriousness of the alleged conduct and/or whether there have been other complaints against the same respondent.

Upon receipt of the written complaint, the Associate Vice President of Equity and Compliance/Title IX Coordinator shall promptly notify the respondent and, when deemed necessary, the respondent's supervisor, and/or with the next level supervisor(s), if applicable and other departments, as necessary. Within 10 business days of receipt of a copy of the written complaint, the respondent should submit to the Associate Vice President of Equity and Compliance/Title IX Coordinator a written response to the complaint.

2. Investigation

Within 5 business days of receipt of the respondent's written response or 5 business days of the respondent's deadline, if they choose not to submit a response, unless the complainant withdraws the complaint, the Associate Vice President of Equity and Compliance/Title IX Coordinator will assign investigator(s) to begin a formal investigation. Notification of the investigation will be provided the Associate Vice President of Human Resources, the Vice President of Student Affairs or the Provost, as appropriate based on respondent's identity. The investigator(s) will then:

- Inform the complainant and the respondent of their right to be interviewed and provide evidence;
- Obtain information and evidence, including the identity of any witnesses, from the complainant and the respondent;
- Attempt to obtain information from the identified witnesses;
- Conduct interviews;
- Ask questions deemed relevant by the investigator(s);
- Collect and maintain appropriate documentation of the investigation;
- Disclose appropriate information to others only on a need-to-know basis consistent with state and federal law;
- Compile a written investigative report for use by the Associate Vice President of Equity and Compliance/Title IX Coordinator in determining a finding of responsible or not responsible.

A copy of the investigative report will be made available to both the complainant and the respondent and they will be given 5 business days to provide any relevant corrections and/or additions. The Associate Vice President of Equity and Compliance/Title IX Coordinator will determine the relevance of any additions or corrections received.

3. Finding

Within 10 business days of the deadline for any subsequent relevant corrections or additions to the investigative report, the Associate Vice President of Equity and Compliance/Title IX Coordinator will make a determination of responsible or not responsible or will advise the parties of the additional estimated amount of time needed for the investigation.

The Associate Vice President of Equity and Compliance/Title IX Coordinator will notify the complainant and respondent, in writing, of the determination of responsible or not responsible and of the next procedural step regarding sanctions. In making this determination, the burden of proof that is adequate cause exists for a finding of responsibility rests with the institution and shall be satisfied only by preponderance of the evidence standard in the record considered as a whole.

4. Remedies and Sanctions

If a finding of not responsible has been made, the matter is considered closed.

If a finding of responsible has been made, the Associate Vice President of Equity and Compliance/Title IX Coordinator will take one of the following actions:

- (i) Refer the matter to the Vice President of Student Affairs/Dean of Students for a determination of appropriate sanctions for matters in which the respondent is a student or a student organization;
- (ii) Refer the matter to the Associate Vice President of Human Resources for a determination of appropriate sanctions for matters in which the respondent is a non-faculty employee; or
- (iii) Refer the matter to the Provost's designee for a determination of appropriate sanctions for matters in which the respondent is a faculty member.

Within 10 business days of receiving the matter, the Vice President of Student Affairs, Associate Vice President of Human Resources, or Provost's designee, as appropriate based on the status of the respondent, shall:

- (i) Make a determination regarding remedies and/or sanctions; and
- (ii) Notify the complainant and the respondent, in writing, of the results of the investigation, and, when appropriate and not subject to confidentiality, any associated remedies, discipline and/or sanctions.

The written decision will be disclosed only to the complainant, the respondent, and University officials as appropriate to determine and enforce any remedies and/or sanctions, and to prepare for any appeals.

5. Appeals

All parties shall have the right to appeal a finding of responsibility or sanctions resulting from the formal process as follows:

- (i) Decisions in matters where the respondent is a student or student organization may be appealed to the Provost;
- (ii) Decisions in matters where the respondent is a non-faculty employee may be appealed to the Senior Vice President for Administration and Finance; and
- (iii) Decisions in matters where the respondent is a faculty member may be appealed to the Provost.

The Senior Vice President for Administration and Finance or Provost ("Appeal Officer") must receive a written appeal within 5 business days after the receipt of the written notification of the decision being appealed. All materials that the party wishes to include in support of their appeal must be turned in at the same time as the notice of appeal to the Appeal Officer. In addition, the appeal must identify one or more of the following factors upon which the appeal is based:

- (i) Procedural irregularity that affected the outcome of the matter;
- (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or sanction was made, that could affect the outcome of the matter;
- (iii) The Associate Vice President of Equity and Compliance/Title IX Coordinator, Investigator(s), the Vice President of Student Affairs, Associate Vice President of Human Resources, or Provost's Office had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter; and/or
- (iv) The imposition of sanctions which are disproportionate to the offense.

The Appeal Officer will notify the non-appealing party of the appeal and provide the party 5 business days to respond in writing. The Appeal Officer may request additional information if they believe such information would aid in the appeal.

The Appeal Officer shall:

- (i) Affirm the original finding and sanction;
- (ii) Affirm the original finding but issue a new sanction of greater or lesser severity;
- (iii) Remand the case back to the Associate Vice President of Equity and Compliance/Title IX Coordinator to correct a procedural or factual defect; or

- (iv) Reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

A decision by the Appeal Officer will be made within a reasonable time and the Associate Vice President of Equity and Compliance/Title IX Coordinator, the complainant, and the respondent will be notified in writing of the decision on the appeal. The decision on appeal is final. If an appeal is not filed within the appeal period, the findings become final and are not subject to any review.

Mercer Community members may raise concerns and make reports without fear of retaliation.

Additional Resources

1. Faculty Handbook: <https://provost.mercer.edu/resources/handbooks/faculty-handbooks/>
2. Non-Faculty Employee Handbook: <https://hr.mercer.edu/wp-content/uploads/sites/95/2024/09/MU-Handbook.pdf>
3. Sexual Misconduct Policy: <https://equityandcompliance.mercer.edu/sexual-misconduct-title-ix/policy/>

Website Address

Office of Equity and Compliance: [Equityandcompliance.mercer.edu](https://equityandcompliance.mercer.edu)

History

Revised August 18, 2023

Revised August 1, 2024

Revised July 10, 2026