



NON-DISCRIMINATION AND NON-HARASSMENT POLICY

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Table of Contents

NON-DISCRIMINATION AND NON-HARASSMENT POLICY	1
I. PURPOSE.....	3
II. SCOPE.....	3
III. DEFINITIONS.....	4
A. Definitions of Prohibited Conduct	4
B. Other Definitions.....	6
IV. REPORTING	7
A. Overview	7

B.	Employee Reports – Who Should Employees Report To	7
C.	Student Reports - Who Should Students Report To.....	7
D.	Mandatory Reporting	8
V.	RESOLUTION PROCEDURES	8
A.	Report Review.....	8
B.	Supportive Measures	10
C.	Informal Resolution	10
D.	Investigation	11
VI.	CORRECTIVE ACTION	11
VII.	COMMITMENT TO ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION.....	11
VIII.	PROTECTION AGAINST RETALIATION.....	12
IX.	FALSE ACCUSATION AND INFORMATION	12

I. PURPOSE

Davidson College fosters a positive community environment in which all employees and students enjoy an academic and work environment free from illegal discrimination or harassment.

Davidson College expressly prohibits any form of discrimination or harassment based on race, color, national or ethnic origin (including shared ancestry or ethnic characteristics; or citizenship or residency in a country with a dominant religion or distinct religious identity), ethnicity, religion, age, sex (which includes pregnancy and related medical conditions), gender, gender identity, sexual orientation, disability, genetic information, veteran status, military status, or any other status protected by applicable federal, state, or local law. The college prohibits such discrimination or harassment by all employees, students, and other individuals associated with the college's programs and activities. The college does not condone such conduct by business partners, vendors, guests, or other third parties with whom the college has business or educational dealings.

The intent of this policy is to prevent the occurrence of any form of discrimination or harassment by expressing the college's prohibition of such conduct, providing a means for community members to report incidents of discrimination or harassment, setting forth procedures for handling allegations, appropriately sanctioning those who violate this policy, and informing community members of their right to raise issues of discrimination or harassment and the procedures to be followed in doing so.

This policy protects the rights of complainants and respondents. Davidson College complies with all applicable local, state, and federal laws, and regulations related to the prevention and resolution of complaints addressing discrimination and harassment. This policy has been developed consistent with Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act Amendments of 2008 and Section 504 of the Rehabilitation Act. Nothing in this policy is intended to infringe upon a student's rights to expression as outlined in Article XII of the College Constitution, or upon faculty member's rights to academic freedom as outlined in Article X of the College Constitution.

II. SCOPE

This policy applies to reports of prohibited conduct by all students, faculty, and staff occurring in connection with the college's education programs and activities, including

its workplace. Any member of the Campus Community may bring forth a concern under this policy, including students, faculty, and staff. This policy may also pertain to instances in which the conduct occurred outside the campus or college-sponsored activity if the college determines that the off-campus conduct affects a substantial college interest, including access to the education program or activity, safety and security, compliance with applicable law, or meeting its educational mission.

The applicable definitions and procedures also depend on your status in the college's community as a student, faculty, staff, volunteer, or third-party. Please do not let the legal complexities deter you from bringing a concern to the college's attention or asking questions about these definitions and procedures.

Relating to Employment

This policy applies to Prohibited Conduct in employment that occurs:

- In the workplace (including the remote workplace during working time) or anywhere on college's property while employees are working;
- Off-campus, if the Prohibited Conduct in employment occurred during a college work event, activity, program, or event (including authorized travel to and from the event); or
- Off-campus, if the off-duty Prohibited Conduct has or reasonably may have the effect of creating a hostile work environment for an employee.

For students who are also student-employees, their status at the time the incident occurred will determine whether they will be treated as an employee or a student under this Policy.

III. DEFINITIONS

For purposes of this policy, the terms below have the following meanings:

A. Definitions of Prohibited Conduct

Protected Status

An individual's race, color, national or ethnic origin (including shared ancestry or ethnic characteristics; or citizenship or residency in a country with a dominant religion or distinct

religious identity), ethnicity, religion, age, sex (which includes pregnancy and related medical conditions), gender, gender identity, sexual orientation, disability, genetic information, veteran status, military status, or any other status protected by applicable federal, state, or local law. (Sex is also a Protected Status. Discrimination based on sex will be handled under this policy. Harassment based on sex will be reviewed by the Title IX Coordinator under the [*Student Title IX Policy, Procedures, & Information*](#) or the [*Employee Title IX Policy, Procedures, & Information*](#) to determine the appropriate support and resolutions options for the complainant which could include investigation and resolution under this Policy.)

Discrimination

Discrimination involves an adverse action, decision, impact, or treating a person or group of people differently because of a Protected Status or because of perceived or actual affiliation/association with other individuals in a Protected Status.

Harassment

Hostile Environment Harassment or Quid Pro Quo Harassment as defined by this Policy.

Hostile Environment Harassment

Unwelcome conduct based on a Protected Status that is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a college Education Program or Activity.

Determining whether a hostile environment has been created is a fact-specific inquiry that considers the totality of the circumstances and may include consideration of the following: the degree to which the conduct at issue affected the Complainant's ability to access the college's Education Program or Activity; the nature, scope, type, frequency, and duration of the conduct at issue; the ages, identity, and relationships of the persons involved; and other Hostile Environment Harassment in the college's Education Program or Activity, if any.

Quid pro quo harassment

A form of sexual harassment where someone with authority or a perception of authority conditions a job or academic benefit on the submission or tolerance of sexual advances or other conduct based on sex. Submission to, tolerance, or rejection of such conduct is used as an explicit or implicit condition or basis for employment or academic decisions affecting an individual's welfare.

B. Other Definitions

Complainant

An individual who is alleged to have experience Prohibited Conduct that violates this policy. Complainants under this policy may include students, faculty, staff, and participants in the college's education programs and activities, as well as, admitted students, and applicants for admission and employment.

Education Program or Activity

All campus operations, including off-campus settings that are operated or overseen by the college, including, for example, field trips, online classes, and athletic programs; conduct subject to the college's disciplinary authority that occurs off-campus; conduct that takes place via college-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the college. Further, conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

Preponderance of the Evidence

The decision maker considers the greater weight of the credible evidence to determine whether a Policy violation occurred. Under this evidence review standard, the decision maker, after considering all evidence, would find that a policy violation occurred if the alleged violation is more likely than not to be true than untrue.

Respondent

An individual over whom the college exercises disciplinary authority, whose conduct is alleged to have violated this Policy and whose conduct is being investigated.

Retaliation

Any adverse action taken against a person or group because they engaged in a protected activity. Protected activities include making a complaint, cooperating with an investigation, participating in a college accountability or resolution process, as well as, requesting an accommodation or adjustment based on disability, religion, or pregnancy or a related condition. Adverse actions can include but are not limited to: bullying, threats, or intimidation. Any individual or group of individuals, not just a Complainant or Respondent, can engage in retaliation.

Supportive Measures

Adjustments made to a Complainant, Respondent, or witness's academics, extracurriculars, on campus employment or housing to ensure safety or support during a

complaint resolution process, or preservation of the individual's access to the college's Education Program or Activity based on an individualized assessment to determine appropriate measures.

IV. REPORTING

A. Overview

There is no time limit by which complaints must be submitted after an incident. However, the ability of the college to fully investigate an incident is impacted by how much time has elapsed since an incident occurred.

Complaints (whether oral or in writing) should include as much information as is known to the Complainant, including the name(s) of all known involved parties or others who may have information concerning the allegation of prohibited conduct and all known facts about the incident.

B. Employee Reports – Who Should Employees Report To

Any employee who believes they have been subjected to inappropriate behavior that violates this policy should promptly report the matter to their immediate supervisor, Human Resources, and/or their division head.

Employees may seek supportive measures and file complaints against employees under this policy. Formal complaints by employees against students are heard under the Code of Responsibility.

C. Student Reports - Who Should Students Report To

Any student who believes they have been subjected to inappropriate behavior in violation of this policy should promptly report the matter to the Vice President of Student Life and Dean of Students (the "Dean of Students") or a member of their staff. Students may seek supportive measures and file complaints against employees under this policy. Complaints filed by students against students are heard under the Code of Responsibility.

Written complaints alleging violations of the Code of Responsibility may be submitted online at: [Report an Incident](#). Individuals who are unable to access or use the online form should contact the Dean of Students Office at deanofstudents@davidson.edu.

D. Mandatory Reporting

All supervisors are required to report to Human Resources (in the case of an employee) or the Dean of Students (in the case of a student) if they receive a report of discrimination or harassment based on a Protected Status. The department to whom the complaint is brought will then counsel the reporter on the process available under this policy and/or other applicable Davidson College policies, and if warranted by the information make referrals to the Title VI or Title IX Coordinator for further review and support.

Any employee or student that is not a supervisor and has observed or received a report that another employee or student is being subjected to discrimination or harassment prohibited under this policy is highly encouraged to promptly report such conduct to Human Resources (in the case of an employee) or the Dean of Students (in the case of a student).

V. RESOLUTION PROCEDURES

As a general rule, raising a concern will in no way obligate an individual to pursue any particular course of action. However, the seriousness of an alleged offense may require the college to act on information it has received even if the person providing the information chooses not to request an investigation.

Davidson College will make every effort to handle investigations with sensitivity to both the rights of the person who complains and the rights of the accused, and will endeavor to maintain confidentiality throughout the investigatory process to the extent practicable and appropriate under the circumstances. However, in order to conduct an effective investigation, Davidson College may need to discuss the allegations with the subject of the complaint, potential witnesses, or campus partners on a need-to-know basis. Records relating to Prohibited Conduct investigations will be maintained only in confidential files, and all individuals receiving information about the allegations will be warned of the consequences of retaliation.

A. Report Review

All reports received under this policy will be reviewed to determine whether they meet the definition(s) of Prohibited Conduct and are within the jurisdiction of this Policy. If so, they will be investigated as deemed appropriate by the college, and appropriate action will be taken to address the matter. The specific steps in the college's inquiry will vary depending on the nature of the allegations; the information available to the college;

whether the affected party elects to participate in a formal investigation or requests the college not to pursue actions; and other factors.

Upon receipt of a report, the college in consultation with the affected party (if available) will determine the appropriate office to proceed with any supportive measures, informal resolutions, or formal resolution under this policy or other college policies deemed more appropriate.

1. Title VI Coordinator Review

The Title VI Coordinator is responsible for overseeing the college's response to Title VI reports and identifying and addressing any patterns or systemic problems revealed by such reports. This includes reports made directly to the Title VI Coordinator, as well as relevant reports made to other campus departments.

The Title VI Coordinator will review relevant reports to determine if the alleged conduct falls within the scope of Title VI conduct. Title VI prohibits discrimination in the college's Education Program or Activity based on race, color, or national origin and extends to individuals who experience discrimination, including harassment, based on their 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.

If the Title VI Coordinator's review finds that a report or Complaint of alleged discrimination and harassment is primarily Title VI conduct, the Title VI Coordinator will provide the Complainant with the option to resolve the report or Complaint via the *college's Title VI Procedures for Review and Resolution*. This resolution process may be used instead of or in addition to a Complaint through the Non-Discrimination & Non-Harassment Policy.

For further detail, please see the college's *Title VI Procedures for Review and Resolution*, or contact Title VI Coordinator: Chloe Poston chposton@davison.edu or 704-894-2435

2. Title IX Coordinator Review

The Title IX Coordinator is responsible for overseeing the college's response to Title IX reports and identifying and addressing any patterns or systemic problems revealed by such reports. This includes reports made directly to the Title IX Coordinator, as well as relevant reports made to other campus departments.

The Title IX Coordinator will review relevant reports to determine if the alleged conduct falls within the scope of Title IX conduct. Title IX prohibits discrimination on the basis of sex in the college's Education Program or Activity.

If the Title IX Coordinator's review finds that a report or Complaint of alleged discrimination and harassment is primarily Title IX conduct, the Title IX Coordinator will provide the Complainant with the option to resolve the issue via the *college's [Student Title IX Policy, Procedures, & Information](#) or the [Employee Title IX Policy, Procedures, & Information](#)*. This resolution process may be used instead of or in addition to a Complaint through the Non-Discrimination & Non-Harassment Policy depending on the individual's circumstance.

For further detail, please see the *[Student Title IX Policy, Procedures, & Information](#) or the [Employee Title IX Policy, Procedures, & Information](#)* or contact Title IX Coordinator: Carley Dix at cadix@davidson.edu or 704-894-2591.

B. Supportive Measures

Upon receipt of a report of an alleged Policy violation, the college may determine that supportive measures are necessary to ensure a safe and nondiscriminatory environment. Supportive measures may include changes made to a party's academics, extracurriculars, housing, work schedule, work location, or work assignments. Supportive measures are voluntary and may be modified or discontinued at any time at the request of the requesting party.

Supportive measures are separate from any disciplinary action imposed after the decision maker makes a determination of responsibility and are not disciplinary in nature. If measures are determined to be appropriate, they are facilitated by the Dean of Students, Human Resources, or the Title VI Coordinator, regardless of whether formal complaint resolution occurs. Supportive measures may be extended beyond and/or imposed after complaint resolution procedures are completed.

C. Informal Resolution

Complainants may determine upon filing a complaint or after Complaint investigation that they would prefer to resolve their Complaint of discrimination or harassment informally.

- When an employee is the Respondent, Human Resources will work with the Complainant to determine if the Complaint is appropriate for informal resolution and possible options for moving forward. In some case, informal resolution will not appropriate because an allegation once learned by the College must be

addressed immediately [Disciplinary Action Policy](#) in the Employee Guide due to safety or other campus environment concerns.

- When a student is the Respondent, the Dean of Students Office will follow the Davidson College Code of Responsibility and Code of Disciplinary Procedures ([Student Handbook \(PDF\)](#)) to provide non-disciplinary resolution options for the Complaint parties.

D. Investigation

Investigations under this and related college policies will be conducted in a prompt, fair, thorough, and impartial manner. The investigation will be free from presumptions of conduct or responsibility for either party.

All individuals raising a Complaint and, all persons accused of violating this policy and all employees shall fully cooperate with any investigation, including supplying written statements, if requested.

VI. CORRECTIVE ACTION

For matters involving employees, after an investigation is complete, Human Resources will review the results of any investigation. Such a review often will be in concert with legal counsel and the division heads in which the Complainant and Respondent work. In an employee matter that also involves a student, Human Resources will also coordinate with the Dean of Students. When determining whether the Respondent has violated this policy, the Preponderance of the Evidence standard will be used.

The Complaint will then either be dismissed, or appropriate corrective and/or disciplinary action will be taken, in accordance with applicable college policies and procedures. If the subject of a Complaint is a faculty member, the relevant provisions of the Davidson [College Constitution](#) shall apply. If the subject of a complaint is a student, the relevant provisions of the Davidson College Code of Responsibility and Code of Disciplinary Procedures ([Student Handbook \(PDF\)](#)) shall apply.

VII. COMMITMENT TO ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION

Teaching, performing research, and learning are subject to the protections of "academic freedom" as described in the [College Constitution](#). Actions or words used in the context of the academic curriculum and teaching environments that serve legitimate and reasonable educational purposes, and are not so severe, pervasive or persistent so as to create a hostile environment will likely be protected by the principles underlying academic freedom. Further, the college will not infringe upon a student's rights to freedom of expression, association, and assembly as described in the College Constitution. However, academic freedom or freedom of expression, association or assembly are not a legitimate defense in the case of bona fide discrimination or harassment.

VIII. PROTECTION AGAINST RETALIATION

Retaliation against any individual who, in good faith, makes a complaint or participates or assists in an investigation under this policy is expressly prohibited. Retaliation is itself a separate violation of this policy and should be reported in the same manner as a complaint of discrimination or harassment.

Any attempt to coerce, intimidate, or retaliate against anyone who in good faith complains of a violation of this policy or who in good faith participates in an investigation under this policy will not be tolerated. If Davidson College determines that retaliation has occurred, the college will take appropriate corrective and/or disciplinary action, up to and including dismissal.

IX. FALSE ACCUSATION AND INFORMATION

Davidson College recognizes that false accusations under this policy and the providing of false information in an investigation can have a serious effect on the parties. Thus, although the college encourages the reporting of unwelcome conduct perceived to be a violation of this policy, if the college determines that a person has provided materially false information in making a complaint or as part of an investigation under this policy, the college will take appropriate corrective and/or disciplinary action, up to and including dismissal.