



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	15-16-28
<b>PCC ID #:</b>	N/A
<b>Title:</b>	Review of Interim University of Maryland Non-Discrimination Policy and Procedures
<b>Presenter:</b>	Stacey Sickels Locke, Chair of the Equity, Diversity, & Inclusion (EDI) Committee
<b>Date of SEC Review:</b>	April 19, 2016
<b>Date of Senate Review:</b>	April 28, 2016
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. In a single vote</li> <li>3. To endorse entire report</li> <li>4. For information only</li> </ol>
<b>Statement of Issue:</b>	<p>In fall 2015, the University Senate Office received a copy of the University of Maryland Non-Discrimination Policy and Procedures, which had been approved on an interim basis by the University President on October 1, 2015. The administration requested that the Senate review the interim policy and procedures, which had been created by a working group as a replacement for Policy VI-1.00(B) University of Maryland Code on Equity, Diversity, and Inclusion (previously known as the Human Relations Code).</p> <p>In November 2015, the Senate Executive Committee (SEC) charged the Equity, Diversity, &amp; Inclusion (EDI) Committee with review of the interim policy and procedures. The SEC originally charged the EDI Committee with joint review of this policy and the interim Disability &amp; Accessibility Policy and Procedures document, as well. However, in order to more efficiently facilitate the reviews during the spring 2016 semester, the SEC decided to separate out the original charge (Senate Doc. 15-16-08) into two separate charges, so that one review would not adversely affect the other. The University President also approved an amended version of the interim Non-Discrimination Policy and Procedures effective March 22, 2016. EDI received an updated, separated charge with the amended version of the policy and procedures on March 23, 2016.</p>

<b>Relevant Policy # &amp; URL:</b>	VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures <a href="http://umd.edu/policies/2014-VI-100b.html">http://umd.edu/policies/2014-VI-100b.html</a>
<b>Recommendation:</b>	The EDI Committee recommends that the Senate approve the recommended revised version of the VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures, which immediately follows the committee’s report.
<b>Committee Work:</b>	<p>The EDI Committee (EDI) began reviewing the original joint charge at the end of the fall 2015 semester. EDI reviewed similar policies and procedures on non-discrimination at peer institutions. EDI found that many of the institutions have policies in place regarding non-discrimination that are also related to their policies prohibiting sexual misconduct and other inappropriate conduct.</p> <p>On March 1, 2016, EDI met with the Title IX Officer from the Office of Civil Rights &amp; Sexual Misconduct (OCRSM) and a representative of the Office of General Counsel, to discuss the pending amendments to the interim policy, before the amended version was approved by the President. EDI discussed the rationale behind the changes to the interim policy and identified other areas of concern to the committee.</p> <p>EDI also reviewed the previous Code on Equity, Diversity, and Inclusion and noticed that it had a statement affirming the University’s commitments to a policy of eliminating discrimination on the basis of a number of protected categories, but it also included “personal appearance.” A majority of committee members felt strongly that personal appearance should be included in a policy that prohibits discrimination at the University. The committee initially wanted to include a broad definition of personal appearance in the Policy Statement. The committee subsequently learned that Prince George’s County Code covers personal appearance on the basis of hairstyle, beards, or manner of dress. Therefore, the committee decided to recommend that the list of protected grounds in the Policy Statement be revised to include personal appearance as defined by Prince George’s County Code. In addition, the committee developed a number of other minor modifications and technical changes to the proposed policy.</p> <p>On April 11, 2016, EDI voted in favor of forwarding its recommended revised version of the Non-Discrimination Policy and Procedures to the Senate for consideration.</p>
<b>Alternatives:</b>	To not approve the EDI Committee’s recommended revisions to the VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures.

<b>Risks:</b>	There are no associated risks.
<b>Financial Implications:</b>	There are no financial implications.
<b>Further Approvals Required:</b>	Senate approval, Presidential approval.

# **Senate Equity, Diversity, & Inclusion (EDI) Committee**

## **Report on Senate Document # 15-16-28**

### **Review of Interim University of Maryland Non-Discrimination Policy & Procedures**

**April 2016**

#### **2015-2016 EDI Committee Members**

Stacey Sickels Locke, Chair

Shaunna Payne Gold, Ex-Officio, Director of the Office of Diversity & Inclusion Rep

Kumea Shorter-Gooden, Ex-Officio, Provost's Rep

Anne Martens, Ex-Officio, VP Administration & Finance Rep

Steve Petkas, Ex-Officio, VP Student Affairs Rep

Jennifer Dindinger, Faculty

Typhanye Dyer, Faculty

John Stevenson, Faculty

Yukako Tatsumi, Faculty

Wendy Peer, Faculty

Tim Tormoen, Exempt Staff

Syndy Shilling, Exempt Staff

Maya Aduba, Exempt Staff

Jordan Carter-Reich, Non-Exempt Staff

Amir Mojtahedi, Non-Exempt Staff

Rishvi Jayathilake, Graduate Student

Ashlee Wilkins, Graduate Student

Damon King, Undergraduate Student

Sumayyah Milstein, Undergraduate Student

## **BACKGROUND**

In the fall of 2015, the University Senate Office received a copy of the University of Maryland Non-Discrimination Policy and Procedures, which had been approved on an interim basis by the University President on October 1, 2015. The administration requested that the Senate review the interim policy and procedures, which had been created by a working group as a replacement for Policy VI-1.00(B) University of Maryland Code on Equity, Diversity, and Inclusion (previously known as the Human Relations Code).

In November 2015, the Senate Executive Committee (SEC) charged the Equity, Diversity, & Inclusion (EDI) Committee with review of the interim policy and procedures. The SEC originally charged the EDI Committee with joint review of this policy and the interim Disability & Accessibility Policy and Procedures document, as well. However, in order to more efficiently facilitate the reviews during the spring 2016 semester, the SEC decided to separate out the original charge (Senate Doc. 15-16-08) into two separate charges, so that one review would not adversely affect the other. The University President also approved an amended version of the interim Non-Discrimination Policy and Procedures effective March 22, 2016. The EDI Committee received an updated, separated charge with the amended version of the policy and procedures on March 23, 2016 (Appendix 1).

## **COMMITTEE WORK**

The EDI Committee began reviewing the original joint charge at the end of the fall 2015 semester. As instructed by the charge, the committee reviewed a sampling of similar policies and procedures on non-discrimination at peer institutions, including the University of Illinois at Urbana-Champaign, Indiana University, the University of Iowa, the University of Michigan, Michigan State University, the University of Minnesota-Twin Cities, the University of Nebraska-Lincoln, Northwestern University, Ohio State University, Pennsylvania State University, Purdue University, the University of Wisconsin-Madison, Rutgers University, the University of North Carolina, Chapel Hill, the University of California, Berkeley, and the University of California, Los Angeles (Appendix 2). The committee found that many of the institutions have policies in place regarding non-discrimination that are also related to their policies prohibiting sexual misconduct and other inappropriate conduct.

On March 1, 2016, the committee met with the Title IX Officer from the Office of Civil Rights & Sexual Misconduct (OCRSM) and a representative of the Office of General Counsel (OGC), to discuss the pending amendments to the interim policy, before the amended version was approved by the President. The committee discussed the rationale behind the changes to the interim policy and identified other areas of concern to the committee. During the meeting, it was explained that the definition of harassment had been slightly modified and made clear that harassment is a form of discrimination (section III). In addition, it was noted that changes had been made to the section regarding the "Initial Assessment" (IV.C), to encourage a written complaint and, where there is none, to require the OCRSM to prepare a written statement of verbal allegations and obtain the Complainant's written acknowledgement of the verbal allegations. Also, it was noted that the OCRSM will notify the Complainant after the Initial Assessment regarding whether or not an investigation will go forward, and if not, why. In

addition, the committee learned that the “Informal Resolution Process” had been renamed as the “Alternative Resolution Process” (IV.D), and a statement had been included that the OCRM will begin investigating if Alternative Resolution is not successful within 45 business days. The committee also learned that the Investigation section (IV.E) had been reorganized; the requirement to conduct an “adequate, impartial and thorough investigation” had been changed to an “impartial investigation,” and the parties’ right to have an advisor present was clarified (in particular, to clarify that the advisor cannot speak or act for a party). The definition of the Standard of Review was also inserted for clarification purposes. The committee learned that the “Refusal to Participate in Investigation” section (IV.E.2) had been renamed as “Expectation of Cooperation.” A statement saying, “Failure to cooperate is violation of policy...and may be subject to disciplinary action” had been deleted. It was also explained that the section called “Review of Draft Report” (IV.E.4) had been changed to “Written Investigation Report and Findings.” The committee learned that the parties’ opportunity to review the draft report had been removed, because it was deemed unnecessary and likely to contribute to delays in completing investigations. It was confirmed that the parties have a right to appeal the findings, and Respondents typically had a right to grieve if found in violation of the policy. The committee also learned that the “Appeal” section (VI) had been expanded to add specific procedures, and the grounds for appeal had been slightly revised. Lastly, it was explained that the section on “Disciplinary Action” (VIII.A) had been modified to reflect that disciplinary suspension and expulsion related to students is subject to approval by the Vice President of Student Affairs, and any reference to the President signing off on expulsions had been removed. The committee found the proposed changes discussed to be acceptable.

However, the committee also reviewed the previous Code on Equity, Diversity, and Inclusion, which was originally created in 1976, revised in 1998, and amended in 2010 and 2012 (Appendix 3). In particular, the committee noticed that the previous Code on Equity, Diversity, and Inclusion had a statement affirming the University’s commitments to a policy of eliminating discrimination on the basis of a number of protected categories, but it also included “personal appearance.” A majority of committee members felt strongly that personal appearance should be included in a policy that prohibits discrimination at the University of Maryland. The committee initially wanted to include a broad definition of personal appearance in the Policy Statement. The committee subsequently learned that Prince George’s County Code covers personal appearance on the basis of hairstyle, beards, or manner of dress. Therefore, the committee decided to recommend that the list of protected grounds in the Policy Statement be revised to include personal appearance as defined by Prince George’s County Code. In addition, the committee developed a number of other minor modifications and technical changes to the proposed policy.

On April 11, 2016, the EDI Committee voted in favor of forwarding its recommended revised version of the University of Maryland Non-Discrimination Policy and Procedures to the Senate for consideration.

## **RECOMMENDATIONS**

The EDI Committee recommends that the Senate approve the recommended revised version of the VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures, which immediately follows this report.

If approved by the Senate and the President, all reference documents, including the Faculty Handbook, should likewise be updated to reflect the revised policy.

### **APPENDICES**

Appendix 1 – Charge from the Senate Executive Committee (SEC), dated March 23, 2016

Appendix 2 – Sampling of Peer Institution Research, conducted in fall 2015

Appendix 3 – Previous University of Maryland Code on Equity, Diversity, and Inclusion

## **VI-1.00(B) UNIVERSITY OF MARYLAND NON-DISCRIMINATION POLICY AND PROCEDURES**

(Approved on an Interim Basis by the President October 1, 2015, amended March 22, 2016)

### **I. POLICY STATEMENT**

The University of Maryland is committed to creating and maintaining an educational, working, and living environment that is free from discrimination and harassment. This Policy prohibits discrimination on grounds protected under Federal and Maryland law and Board of Regents policies. University programs, activities, and facilities are available to all without regard to race, color, sex<sup>1</sup>, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability<sup>2</sup>, religion, protected veteran status, genetic information, **personal appearance**, or any other legally protected class. Retaliation against any individual who files a complaint, or participates in an investigation, under this Policy is strictly prohibited. In furtherance of the University's commitment to equal opportunity, this Policy and associated procedures are established to address and remedy complaints of discrimination, harassment, and retaliation based on a protected class.

The **Office of Civil Rights & Sexual Misconduct (OCRSM)** shall receive all complaints of discrimination and harassment made pursuant to this Policy. Complaints may also be filed online [here](#).

#### **Office of Civil Rights & Sexual Misconduct (OCRSM)**

University of Maryland  
4113 Susquehanna Hall, 4200 Lehigh Road  
College Park, MD 20742-5031  
E-mail: [civilrights@umd.edu](mailto:civilrights@umd.edu)  
Phone: 301-405-1142 | Fax: 301-405-2837  
<http://www.umd.edu/ocrsm/>

### **II. APPLICABILITY**

This policy applies to members of the University community, including students, trainees, faculty, staff, and certain third parties (e.g., visitors, volunteers, applicants for admission or

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<sup>1</sup> Complaints based on sexual misconduct will be addressed under the University's Sexual Misconduct Policy & **Procedures** VI-1.60(A) as appropriate. Complaints of discrimination based on sex or gender that do not involve misconduct of a sexual nature will be addressed under this Non-Discrimination Policy.

<sup>2</sup> The University's policy and procedures for requesting disability accommodations may be found in the VI-1.00(D) University of Maryland Disability and Accessibility Policy and Procedures. Complaints of discrimination on the basis of disability may be made under this Non-Discrimination Policy.

employment, vendors, and contractors) while on University property or while participating in University sponsored activities who either carry out discrimination or are subject to it.

This policy applies to discrimination, harassment, or retaliation:

- On University premises, in any University facility, or on University property;
- At any University sponsored, recognized, or approved program, visit, or activity, regardless of location;
- That impedes equal access to any University education program or activity or that adversely impacts the education or employment of a member of the University community regardless of where the conduct occurred; or
- That otherwise threatens the health or safety of a member of the University community.

### III. DEFINITIONS

**“Discrimination”** is unequal treatment based on a legally protected status that is sufficiently serious to unreasonably interfere with or limit an individual’s opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual’s employment or education.

**“Harassment”** is a form of discrimination (as defined above) that encompasses unwelcome conduct based on a person’s protected status. Harassment is conduct that negatively affects the particular individual and also would negatively affect a reasonable person under the same circumstances. Harassment in violation of this Policy depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. Harassing behaviors may include, but are not limited to, the following, when based on a person’s protected status:

- Conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group;
- Epithets, slurs, or negative stereotyping, jokes, or nicknames;
- Written, printed, or graphic material that contains offensive, denigrating, or demeaning comments, or pictures; and
- The display of offensive, denigrating, or demeaning objects, e-mails, text messages, or cell phone pictures.

**“Personal appearance” means the outward appearance of any person irrespective of sex with regard to hairstyle, beards, or manner of dress. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire when uniformly applied for admittance to a public accommodation or a class of employees for a customary or reasonable business-related purpose.”**

“**Retaliation**” refers to action that is taken against an individual because **she/he they** reported discrimination, filed a complaint of discrimination, or participated in an investigation or proceeding concerning a discrimination complaint.

#### **IV. COMPLAINT PROCEDURES**

Generally, a complaint filed under another University **P**policy or Maryland statute cannot also be addressed under this Policy. Students, staff, and faculty must choose between the different complaint processes available to them.

##### **A. Reporting**

Individuals who experience violations of this Policy are encouraged to promptly file a complaint with **the** OCRSM or bring it directly to the attention of their supervisor.

Supervisors, faculty, and University administrators who receive or become aware of a complaint of conduct in violation of this Policy are encouraged to report it to the OCRSM. This does not apply to confidential resources on campus, such as the University Counseling Center, Health Center, Mental Health Services, and University Chaplains.

##### **B. Timeliness**

Complaints must be made within ninety (90) business days of the incident(s). The OCRSM may waive the time limit upon a showing of good cause.

##### **C. Initial Assessment**

Written complaints are encouraged, but not required. If a verbal complaint is made, **the** OCRSM will prepare a written statement of the allegations and the Complainant will be required to acknowledge its accuracy in writing. The OCRSM will acknowledge receipt of the complaint by sending a notification letter or contacting the Complainant directly within five (5) business days of receipt. The OCRSM will then conduct an initial assessment of the complaint to determine whether the complaint should be investigated, and will consider the Complainant’s request that the complaint be investigated or not investigated. **The** OCRSM will then notify the complainant whether:

- **¶**the complaint is appropriately filed with the OCRSM and **the** OCRSM has jurisdiction over the alleged conduct and the Respondent;
- **¶**the complaint has previously been filed under another University policy or Maryland statute;
- **¶**the complaint is suitable for alternative resolution; **and**
- **¶**the allegations, if true, would constitute a Policy violation.

If it is determined **that** the complaint is not appropriately filed with the OCRSM, the Complainant will be informed of the reason.

#### **D. Alternative Resolution Process**

When determined appropriate by **the** OCRSM, the Complainant may elect to resolve a complaint through ~~a~~**A**lternative ~~r~~**R**esolution. The purpose of ~~a~~**A**lternative ~~r~~**R**esolution is to resolve the complaint by conference and conciliation. The OCRSM will notify and advise supervisors and other administrators, as appropriate, of the complaint and efforts by the parties to proceed with ~~a~~**A**lternative ~~r~~**R**esolution. The OCRSM shall document efforts to resolve the complaint and whether or not those efforts were successful. When ~~a~~**A**lternative ~~r~~**R**esolution is successful, the OCRSM shall summarize the resolution in writing, have it signed by the parties, and provide signed copies to the respective parties and supervisors and administrators, as appropriate. **The** OCRSM will also monitor implementation of the resolution agreement and/or close the case. When ~~a~~**A**lternative ~~r~~**R**esolution does not succeed within forty-five (45) business days of the date the complaint is filed, **the** OCRSM will cease that process and begin the investigation process.

#### **E. Investigation**

When the Initial Assessment or a failure of the Alternative Resolution process results in a determination that **the** OCRSM will investigate the complaint, **the** OCRSM shall advise the Complainant and Respondent of their rights under this Policy, including the following:

- ~~B~~**b**oth parties have a right to an impartial investigation;
- ~~B~~**b**oth parties have a right to produce relevant documents, witnesses, and other material they would like the investigation to include; and
- ~~B~~**b**oth parties may have an advisor of their choice present to provide advice during the investigative interview; however, the advisor may not speak or act ~~for~~ **on behalf of** the party.

The OCRSM will ~~then~~ assign an investigator<sup>3</sup> ~~to~~ **who will** conduct an **adequate, reliable, and** impartial investigation of the complaint. The investigator will interview the Complainant and the Respondent and any other available relevant witnesses, and review available relevant documents.

##### **1. Standard of Review**

In making the determination of whether a Policy violation has occurred, the standard of review is “preponderance of the evidence,” which means it is more likely than not that a Policy violation occurred.

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<sup>3</sup> An investigator in the OCRSM, for purposes of state employment regulations, is also considered to be the Fair Practices Officer.

## **2. Expectation of Cooperation**

Absent good cause, all parties and identified witnesses shall cooperate during the investigation by being available during reasonable business hours to discuss the complaint and by making available any relevant information requested by the investigator.

## **3. Investigation Timeline**

The OCRSM seeks to complete an investigation within sixty (60) business days and may extend the time frames set forth in this Policy for good cause. Exceptions to this timeframe may vary depending on the complexity of the investigation, access to relevant parties, and the severity and extent of the alleged discrimination.

## **4. False Information**

Anyone who knowingly files a false complaint under this Policy or who knowingly provides false information to the OCRSM during an investigation will be subject to appropriate disciplinary action.

## **5. Written Investigation Report and Findings**

The OCRSM shall complete a written report of its investigation, including a summary of the allegations, evidence reviewed and witness statements, findings of material fact and an analysis of those facts, and a conclusion stating whether the Policy was violated, based on the preponderance of evidence standard. The OCRSM then will issue a *Notice of Findings* and/or provide a copy of the investigation report to the parties and to the appropriate supervisors or department/unit heads, or the Office of Student Conduct, depending on the status of the parties. Copies of the investigation report may be redacted to comply with applicable law.

# **V. APPEAL**

The Complainant and/or Respondent may appeal the investigation finding within five (5) business days of the date of receipt of the *Notice of Findings* by submitting to the OCRSM at [civilrights@umd.edu](mailto:civilrights@umd.edu) a written statement of their intent to appeal and the stated grounds. The scope of the appeal is limited to the grounds set forth below. Mere dissatisfaction with the finding is not a valid basis for appeal. If an appeal is received by the OCRSM, the other party will be notified and given five (5) business days from the date of receipt of that notice to respond by submitting a written statement to the OCRSM at [civilrights@umd.edu](mailto:civilrights@umd.edu). All appeals and responses shall include the case name, number, and the party's name and contact information. Appeals filed by more than one party will be considered together in one appeal review process. All appeal documents submitted by a party will be shared with the other party.

If neither party submits an appeal, the decision will be considered final five (5) business days after the last date either party received the *Notice of Findings*. Appeals submitted after five (5) business days shall be denied, except upon a showing of good cause.

### **A. Grounds for Appeal**

Either party may appeal the Finding only on the following grounds:

## 1. Substantial Procedural Error

Procedural errors or errors in interpretation of University policy were so substantial as to effectively deny a Complainant or Respondent notice or a fair opportunity to be heard.

## 2. New Evidence

New relevant, material evidence that a reasonably diligent person could not have discovered prior to the issuance of the *Notice of Findings* has become available.

## B. Review

The appealing party has the burden of proof, and the standard of proof is preponderance of the evidence. Appeals are not intended to allow for a review of the entire investigation, with the exception of new evidence, as referenced above. The appellate review will be based on the written record; parties are not entitled to a hearing or meeting with the reviewing administrator or designee.

Appeals will be reviewed in accordance with the Respondent's status as listed below:

- Appeals involving a Staff Respondent shall be reviewed by the Vice President for Administration & Finance or designee;
- Appeals involving a Faculty Respondent shall be reviewed by the Senior Vice President and Provost or designee;
- Appeals involving a Student Respondent shall be reviewed by the Vice President for Student Affairs or designee;
- Appeals that do not directly involve a faculty, staff, or student Respondent shall be reviewed by the Vice President for Administration & Finance or designee.

## C. Outcome

Upon receipt of the appeal and response, the OCRSM will forward them to the respective Vice President's Office. Within five (5) business days, the Vice President will issue a written determination stating whether the Appeal was granted or denied, including a summary of its rationale (the "Appeal Outcome"). The Appeal Outcome shall either:

- Affirm the Finding,
- Overturn and Reverse Finding, or
- Send the Case Back to the Special Investigator with specific directions to reconsider the Finding.

The decision of the Vice President or designee as set forth in the Appeal Outcome shall be final. The Vice President shall forward a copy of the Appeal Outcome to the OCRSM via email to [civilrights@umd.edu](mailto:civilrights@umd.edu). The OCRSM will forward a copy of the Appeal Outcome to the parties and respective supervisor/unit head/Department Chair or Dean/Director of Student Conduct as soon as possible.

## VI. RECOMMENDATIONS FOR CORRECTIVE ACTION

The OCRSM may provide the appropriate Vice President, ~~S~~supervisor, and ~~D~~department **chair** ~~Head/Dean~~ with a *Recommendation for Corrective Action*. The final decision for determining and implementing any necessary corrective action shall remain the responsibility of the appropriate Vice President or designee. The Vice President or designee will notify the OCRSM within ten (10) business days of any corrective action that has been implemented.

The OCRSM is responsible for monitoring efforts to ensure that any ongoing violations of the Policy cease. In the event corrective action requires specific anti-discrimination training not readily available to the parties, the OCRSM will work with the supervisor and/or department/**unit** head to ensure training occurs as soon as feasible.

## VII. DISCIPLINARY ACTION

### A. Students

With respect to Student Respondents, the Director of the Office of Student Conduct (OSC) in accordance with the provisions of the **Student** Code of **Student** Conduct is responsible for imposing disciplinary action.

1. Discipline that impacts a student's status with the University includes: expulsion, suspension for a definite or indefinite period, and disciplinary probation for a definite or indefinite period. Expulsion, suspension, and disciplinary probation will be noted on a student's transcript. Disciplinary suspensions and expulsions are subject to the approval of the Vice President for Student Affairs.
2. Discipline that does not impact a student's status with the University includes but is not limited to: educational requirements, "no contact" orders, housing restrictions, community service, and disciplinary reprimand. Failure to comply with any of the sanctions listed above may result in further disciplinary action that could impact a student's disciplinary status with the University.

The OCRSM may provide other remedies, in consultation with the OSC, as appropriate. These remedies will identify reasonable long-term or permanent remedies to address the effects of the conduct on the Complainant, restore the Complainant's safety and well-being and maximize the Complainant's educational and employment opportunities. Remedies may also be identified to address the effects of the conduct on the University community.

Students may appeal discipline imposed as a result of a violation of this Policy in accordance with the **Student** Code of **Student** Conduct.

## B. Staff

With respect to Staff Respondents, any disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Assistant Vice President ~~of~~ **for** Human Resources, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- ~~U~~**unit** transfers;
- ~~R~~**re**assignment of duties;
- ~~M~~**m**andatory training;
- ~~O~~**ra**l **verbal** reminders;
- ~~W~~**w**ritten reminders/~~L~~**l**etters of reprimand;
- ~~S~~**s**uspension without Pay;
- ~~S~~**s**uspension ~~P~~**p**ending ~~C~~**c**harges of ~~R~~**r**emoval; and
- ~~T~~**t**ermination.

Staff may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

## C. Faculty

With respect to Faculty Respondents, disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Office of the Senior Vice President and Provost, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- ~~R~~**r**eassignment of duties;
- ~~M~~**m**andatory training;
- ~~O~~**ra**l **verbal** reminders;
- ~~W~~**w**ritten reminders/~~L~~**l**etters of reprimand;
- ~~S~~**s**uspension with or without ~~P~~**p**ay; **and**
- ~~T~~**t**ermination.

Faculty may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

## D. Records Retention

The OCRSM will maintain the records relating to the investigation. The respective unit responsible for issuing any discipline will maintain any disciplinary records in accordance with the University's records retention schedule. The respective unit shall also provide a copy of the disciplinary records to the OCRSM.

## VIII. **EXTERNAL GOVERNMENT AGENCIES THAT ADDRESS DISCRIMINATION COMPLAINTS**

Filing an employment discrimination complaint under this Policy or an alternative campus procedure does not preclude an employee from filing a complaint with the Maryland Commission on Civil Rights, the Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. Department of Education.

Complainants who wish to file discrimination complaints that are not connected with the official functions of the University or not falling within the scope of this Policy, will be referred to appropriate University, County, State, or Federal agencies by the OCRSM.

### **Office for Civil Rights U.S. Department of Education**

Philadelphia Office (Regional Office for Maryland)

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Phone: 215-656-8541

FAX: 215-656-8605

TDD: 800-877-8339

Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

### **Maryland Commission on Civil Rights**

Phone: 410-767-8600

Website: <http://mccr.maryland.gov/>

### **Equal Employment Opportunity Commission**

Phone: 800-669-4000

TTY: 800-669-6820

Website: <https://egov.eeoc.gov/eas/>

It is important to note that in order to protect certain legal rights and remedies, Complainants must comply with certain time limits and deadlines. Affected persons should contact the relevant agencies listed above to verify time limits for filing. Failure to meet required deadlines may result in a loss of rights to seek a legal remedy.

Replacement for:

*Policy VI-1.00(B) University of Maryland Code on Equity, Diversity and Inclusion*