



**Maryland University of Integrative Health**  
**Policy and Procedures**  
**Review Period: 3 years**

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**Subject: Non-Discrimination Policy**

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**1. Purpose**

Maryland University of Integrative Health (MUIH) operates with the expectation that all persons are entitled to respect and that each person has a responsibility to act in a way that is respectful to others. Each faculty member, staff member, and student of MUIH is expected to take personal responsibility in helping to promote a workplace and learning environment that is respectful of others and free of harassment and discrimination.

**2. Policy**

MUIH does not discriminate on the basis of sex (including pregnancy, childbirth, or breastfeeding), race, religion (including religious dress), color, gender (including gender identity and gender expression), national origin or ancestry (including accent), physical or mental disability, genetic information, marital status, age, sexual orientation, veteran or military status, or any other basis protected by federal, state,

or local law, ordinance, or regulation. MUIH also prohibits harassment on the basis of these characteristics.

Anyone who feels they have been subject to discrimination or harassment, or those who observe incidents of discrimination or harassment in the MUIH community, should report the matter to the appropriate office. A [Discrimination Complaint Reporting Form](#) should be completed and submitted to the Dean of Student Affairs for students or the Vice President for Human Enrichment for faculty and staff. If a complaint is being filed against either the Dean of Student Affairs and the Vice President for Human Enrichment, either is unavailable, or any other conflict exists in making a report to either, the Reporting Form may be submitted to the other individual for investigation.

Upon receipt of the [Discrimination Complaint Reporting Form](#), prompt action will be taken to investigate the complaint with as much confidentiality as is possible under the circumstances.

Note that this policy only applies to complaints related to discrimination and harassment on the basis of the characteristics outlined above. Complaints related to sexual harassment, sexual misconduct, and/or sexual assault are addressed in [Policy 1020 Sexual Harassment, Sexual Misconduct, Sexual Assault, and Retaliation Policy](#). For complaints related to other forms of harassment and inappropriate behavior, employees should refer to [Policy 3015 Employee Grievances](#) and students should refer to [Policy 7005 Student Grievances](#).

### **3. Procedures**

#### **3.1 Investigation**

Upon receipt of a report of a violation of this policy, MUIH will initiate the following grievance procedures:

1. Within five (5) business days, unless unusual or complex circumstances exist, the e Dean of Student Affairs or the Vice President for Human Enrichment (“the Authorized Party”) will meet with the Complainant to review the complaint and determine if the Complainant wants to file a formal or informal complaint. The Authorized Party will also review all related policies, and identify support resources, interventions, and/or interim measures available to the Complainant.
2. If the Complainant files an informal complaint, the Authorized Party will ordinarily convene a mediated conversation within five (5) business days between the Complainant and the Respondent(s). The Authorized Party or an agreed designee will serve as the mediator. In response to an informal complaint, the University may also provide informal interventions, such as reminding the Respondent about university policy, requesting apologies, etc.
3. In cases where the alleged violation is reported to the University by a third party (i.e., other than by the Complainant), the Complainant will be notified by the Authorized Party that a complaint has been received. The Authorized Party will meet with the Complainant to discuss their options and the resources available at the University.
4. The Authorized Party may take whatever interim measures deemed necessary in response to an allegation in order to protect an individual’s rights and personal safety and the safety of the University community. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of the grievance process), a no-contact

directive, and/or appropriate changes in academic schedule, work location, or any other steps that may be necessary based on the circumstances, as well as direct the individual to resources that can assist with obtaining any necessary changes in housing resources. The Respondent's failure to adhere to the parameters of any interim measure is considered a violation of university policy and may lead to additional disciplinary action.

Such interim measures may be imposed:

- In instances where it is determined that the Respondent poses a potential threat to another;
  - To ensure the safety and well-being of members of the University community and/or preservation of University property;
  - To ensure the Complainant's and/or Respondent's own physical or emotional safety and well-being; or,
  - If the Respondent poses a threat of disruption or interference with normal University operations.
5. Should the Complainant choose to file a formal complaint, the Authorized Party will appoint a trained investigator ("Investigator") within three (3) business days of meeting with the Complainant, unless unusual or complex circumstances exist. The Investigator will conduct a thorough, impartial, and prompt investigation of the complaint and prepare a report of the investigation (the "Investigator's Report"). The investigation and the Investigator's Report shall ordinarily be completed within thirty (30) days from the date on which the Complainant notifies the University of the complaint, unless unusual or complex circumstances exist.
  6. The Investigator, in consultation with the Authorized Party, will establish a timeline and process for the investigation including a plan for notifying the Respondent. The Investigator will conduct interviews as needed with the Complainant, Respondent, and all appropriate individuals that the Investigator in their discretion decides should be interviewed, and will gather any pertinent evidentiary materials. Both the Complainant and the Respondent may each submit a list of proposed witnesses for the Investigator to interview regarding the complaint, and may request specific questions be asked of the witnesses. The Investigator has the authority to determine which witnesses and questions are relevant to the investigation.
  7. Upon completion of the investigation, the Investigator will prepare a report detailing the investigation, including a summary of the interviews and the evidentiary materials gathered. Based on the results of the investigation, the Investigator will make an appropriate finding based on a preponderance of the evidence, either:
    - It is more likely than not that the Respondent is responsible for violating this policy; or,
    - The Respondent is not responsible, either because it is more likely than not that the Respondent did not violate this policy or there is insufficient evidence to find that it is more likely than not that the Respondent violated this policy.

### **3.2 Disciplinary Action**

Anyone who is found to have engaged in discrimination or harassment in violation of this policy is subject to discipline, up to and including, dismissal (in the case of students) and termination (in the case of employees). Upon receipt of the investigator's report, the Dean of Student Affairs (for students) or the

Vice President for Human Enrichment (for faculty and staff) will initiate the appropriate disciplinary action. Disciplinary action will be decided on a case-by-case basis, but may include an oral warning, a written warning, a letter of reprimand, mandatory attendance at an educational program on discrimination, restriction of responsibilities, reassignment or transfer to another department, denial of salary increase, suspension without pay, final written warning, or termination.

The University shall, as determined by the University to be appropriate or as may be required by Title IX, apply to harassment and discrimination claims some or all of [Policy 1020, Sexual Harassment, Sexual Misconduct, Sexual Assault, and Retaliation Policy](#) (which may be applied in addition to or in lieu of this policy, as determined by the University).

### **3.3 Appeal Process**

The Complainant and Respondent have the right to appeal the outcome of the investigation if not satisfied with the result. In most cases, an appeal is confined to a review of the written documentation and/or record of the investigation and pertinent documentation regarding the grounds for appeal.

A written appeal should be submitted to the Authorized Party within two (2) business days following receipt of the Investigator's report. The non-appealing party will receive notice of the appeal from the Authorized Party within three (3) business days and will have two (2) business days to submit a written response to the appeal to the Authorized Party. If the appeal is related to disproportionate sanctions, the administrator who determined the sanction will have two (2) business days to submit a written explanation for the sanctioning decision to the Authorized Party for submission to the Appeal Committee.

#### **3.3.1 Grounds for Appeal**

Disagreement with the finding or sanctions is not, by itself, grounds for an appeal. The only grounds upon which an appeal may be made are:

- Procedural Error: A procedural error occurred that significantly impacted the outcome of the investigation as it applies to the appealing party (e.g. substantiated bias, material deviation from established procedures, etc.). A description of the error and its impact on the outcome of the case as it applies to the appealing party must be included in the written appeal.
- New Information: New information has arisen which was not available or known to the appealing party during the investigation that could have substantially impacted the original finding or sanction(s) had it been available at that time. Information that was known to the appealing party at the time of the investigation but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the findings and/or sanctions must be included in the written appeal; or,
- Disproportionate Sanction(s): The sanctions imposed are substantially disproportionate to the severity of the violation(s). An explanation of why the sanction(s) are disproportionate to the severity of the violation must be included. Mere dislike or disagreement with the sanction(s) or the impact of the sanction(s) on the appealing party is not grounds for an appeal.

#### **3.3.2 Appeal Committee**

The Authorized Party will refer the appeal to the Provost and Vice President for Academic & Student Affairs (for students) and the Vice President for Finance and Administration (for faculty and staff). In cases where the neither the Provost and Vice President for Academic and Student Affairs (for students) and Vice President for Finance and Administration (for employees) can serve, such as for scheduling

reasons, a conflict of interest with the case, or because they recuse themselves, the President and CEO serves as Chair.

### **3.3.3 Appeal Process**

Based on its review of the case and appeal statements, the Provost and Vice President for Academic and Student Affairs (for students) or the Vice President for Finance and Administration (for faculty and staff) will determine if the grounds for the appeal are substantiated. If the grounds for appeal are not substantiated, the appeal will be denied and both parties will be notified in writing. If the appeal is substantiated, appropriate action will be taken.

#### **3.3.3.1 Procedural Error**

If a procedural error occurred that was substantially prejudicial to the outcome of the investigation, the complaint may be returned to the Investigator with instructions to reconvene to cure the error. In rare cases where the procedural error cannot be cured by the Investigator (as in cases of bias), a new investigation with a new investigator may be ordered. The results of a new investigation can be appealed once, on the applicable grounds for appeals.

#### **3.3.3.2 New Information**

If new information should be considered, the Appeal Committee will return the complaint to the Investigator to reconsider the complaint in light of the new information only.

#### **3.3.3.3 Disproportionate Sanction(s)**

If the sanctions imposed are substantially disproportionate to the severity of the violation(s), the Provost and Vice President for Academic and Student Affairs (for students) or Vice President for Finance (for employees) may modify the sanctions as appropriate within the bounds of this policy.

### **3.3.4 Appeal Outcome**

A decision will be made within ten (10) business days after the later of (i) the receipt of the formal appeal, (ii) the response from the other party, or (iii) when the appeal is based on the sanction, the response from the administrator who determined the sanction. The decision is final and an appeal will not be considered further.

All parties (Complainant, Respondent, and Investigator(s)) will be informed of the status of requests for appeal in a timely manner and shall be informed of the outcome as appropriate within the same 24-hour period.

## **3.4 Retaliation**

Individuals who in good faith raise concerns about discrimination and harassment, or who participate in an investigation of discrimination or harassment, are protected from retaliation. If an individual believes they have been subject to retaliation, the individual should report the matter to the Director of Human Enrichment, a department manager, or the Associate Vice President of Student and Alumni Affairs immediately.

### 3.5 Confidentiality

All parties and staff will keep the complaint and fact-finding process confidential, except to the extent that it is necessary to investigate and process the complaint. All student records and access to student records will comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

## 4. Definitions

- **AUTHORIZED PARTY** – Either the Director of Human Enrichment or the Director of Student Affairs who is responsible for receiving, reviewing, investigating, and reporting on discrimination complaints submitted to the University
- **COMPLAINANT** – An individual who either submits a discrimination complaint using the [Discrimination Complaint Reporting Form](#) to the University or is the subject of an alleged discriminatory incident that is reported to the University by a third party
- **DISCRIMINATION** – includes conduct (oral, written, graphic, or physical) directed against any person or group of persons on the basis of sex (including pregnancy, childbirth, or breastfeeding,), race, religion (including religious dress), color, gender (including gender identity and gender expression), national origin or ancestry (including accent), physical or mental disability, genetic information, marital status, age, sexual orientation, veteran or military status or any other basis protected by federal, state, or local law, ordinance, or regulation and that has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating, or hostile environment for that person or group of persons.
- **HARASSMENT** – includes behavior that demonstrates hostility toward another individual based on any protected characteristic, and that has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment; has the purpose or effect of unreasonable interfering with a person’s job or academic performance; or otherwise adversely affects a person’s employment or educational opportunities. Harassing conduct may include, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic materials that denigrate or show hostility or aversion toward an individual or group and that is placed on the University’s premises, circulated in the workplace, or generally published in a manner so as to be viewed by others.
- **RESPONDENT** – An individual who is the subject of a discrimination complaint submitted to the University.

## 5. References

Discrimination Complaint Reporting Form,

[https://my.muih.edu/wp-content/uploads/Discrimination\\_Reporting\\_Form.pdf](https://my.muih.edu/wp-content/uploads/Discrimination_Reporting_Form.pdf)

Policy 1020, Sexual Harassment, Sexual Misconduct, and Retaliation Policy

[https://my.muih.edu/wp-content/uploads/documents/forms-policies/general/standards-practices/enviro-health-safety/Sexual\\_Harassment\\_Misconduct\\_and\\_Retaliation.pdf](https://my.muih.edu/wp-content/uploads/documents/forms-policies/general/standards-practices/enviro-health-safety/Sexual_Harassment_Misconduct_and_Retaliation.pdf)

Policy 3015, Employee Grievances

[https://my.muih.edu/wp-content/uploads/Policy\\_3015\\_Employee\\_Grievances.pdf](https://my.muih.edu/wp-content/uploads/Policy_3015_Employee_Grievances.pdf)

Policy 7005, Student Grievances

[https://my.muih.edu/wp-content/uploads/Policy\\_7005\\_Student\\_Grievances.pdf](https://my.muih.edu/wp-content/uploads/Policy_7005_Student_Grievances.pdf)

## **6. Approval and Revisions**

Approved October 2, 2018 by President and CEO, Steven C. Combs.

- Revision 1

Updated Appeals Committee and titles throughout document.

Approved November 5, 2019 by President and CEO, Marc Levin.

- Revision 2

Updated titles throughout policy.