

University of Baltimore

I-2.6 Non-Discrimination Policy and Procedures - Complaints of Discrimination Against Students

Approved: November 18, 2020

Policy Prohibiting Discrimination

I. Purpose & Applicability

The University of Baltimore (“UB” or the “University”) is committed to providing a working and learning environment free from all types of discrimination prohibited by State and Federal laws, including on the basis of sex, gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, genetic information, religion, veteran status, sexual orientation, gender identity, gender expression, or other legally protected characteristics (hereinafter “Protected Status”). UB values diversity among its students, faculty and staff and believes that interactions with those holding various perspectives, backgrounds, and beliefs contribute to a well-rounded educational experience and promote personal and professional development. The University is committed to providing access to all academic and employment programs, benefits and activities on the basis of demonstrated ability, performance and merit, without regard to personal factors that are irrelevant to the program involved. Therefore, no person, on the basis of their Protected Status, shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination, harassment or retaliation under any University program or activity including employment terms and conditions.

UB endeavors to foster a climate free from discrimination based on any individual’s Protected Status through training, education, prevention programs, policies, and procedures that promote prompt reporting, prohibit retaliation, and promote timely, fair and impartial investigation and resolution of discrimination cases in a manner that eliminates any discrimination, prevents its recurrence, and addresses its effects. This Policy specifically applies to claims of discrimination based on Protected Status, as defined in this Policy. Matters involving sex and gender based discrimination may also fall under the University’s Title IX Sexual Misconduct Policy, which is available at <http://www.ubalt.edu/about-ub/offices-and-services/government-and-public-affairs/titleix.cfm>.

All University Community members are covered by the University of Baltimore Non-Discrimination Policy and Procedures (hereinafter the “Policy”). The University Community, as defined in Part II, includes all students, faculty, and staff of UB, applicants for employment and/or admission to UB, as well as third Parties, agents, and contractors under University control. UB has jurisdiction over, and this Policy applies to complaints of Prohibited Discrimination against a Student and in connection with any UB office or regional center education programs or activities, including, but not limited to, Prohibited Discrimination: (1) in any UB facility or in any UB property or location under UB control; (2) in connection with any UB sponsored, recognized, or approved program, visit or activity, regardless of location; (3) that impedes equal access to any UB education program or activity or adversely impacts the employment of a member of the UB community; or (4) that otherwise threatens the health or safety of anyone in the UB Community. Nothing

in this Policy is intended to supersede or conflict with any State or Federal compliance obligations.

Retaliation for participating in any way with matters subject to this Policy is prohibited. Any retaliatory action or interference with any person participating in any stage of the process (including, but not limited to, engaging or participating in reasonable intervention, reporting, investigating, resolution and appeal) is strictly prohibited and will be subject to appropriate disciplinary action. Making intentionally baseless allegations is prohibited by this policy. This provision, however, should not deter someone from complaining about or otherwise reporting harassment, retaliation, or other forms of discrimination that they believe they have faced or otherwise become aware of. Complaints made in good faith will not be considered baseless, even if they are not ultimately sustained.

II. Definitions

For purposes of this Policy and the Procedures below, the following definitions apply:

- A. **Complainant** means an individual who experienced the reported Prohibited Discrimination, regardless of whether that individual made the report, participated in the University's review and investigation, or filed a formal complaint alleging violations of this Policy.
- B. **Discriminatory Harassment** is a type of Discrimination that occurs when verbal, physical, electronic, or other conduct based on an individual's Protected Status interferes with that individual's educational or work environment, participation in a University program or activity, or receipt of legitimately requested services and when:
 - (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a UB program or activity (commonly referred to as "Quid Pro Quo Discriminatory Harassment");
 - (2) submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation-related decisions affecting an individual (also Quid Pro Quo Discriminatory Harassment); or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create a hostile working, academic, or social environment (commonly referred to as "Environmental Discriminatory Harassment").
- C. **Interim Measures** means reasonably available steps that UB may take to protect the Parties while a Prohibited Discrimination investigation is pending. Interim Measures may include, but are not limited to, changing academic arrangements for students, changing office responsibilities or locations for employees, prohibiting contact among the Parties and others pending resolution, prohibiting access to certain University facilities, and interim suspensions.
- D. **Parties** refers to the both the Complainant and the Respondent. Individually, a Complainant or Respondent may be referred to as a "Party."

E. Prohibited Discrimination is defined as the unequal treatment of a person based on Protected Status. It also includes any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Status and that is sufficiently serious to unreasonably interfere with or limit:

- A student's access to academic or other University programs and activities;
- An employee's or employment applicant's access to employment or conditions and benefits of employment;
- An authorized volunteer's ability to participate in a volunteer activity; or
- A guest or visitor's ability to participate in, access, or benefit from the University's programs.

Prohibited Discrimination includes failing to provide reasonable accommodations, consistent with State and Federal law, to a qualified person with a disability or to an individual based on their religious beliefs. It also includes Discriminatory Harassment and Retaliation.

F. Protected Status includes sex, gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, genetic information, religion, sexual orientation, gender identity or expression, veteran status, or other legally protected characteristics.

G. Respondent means an individual, group, or organization accused of Prohibited Discrimination.

H. Retaliation means taking an adverse action against an individual because the individual engaged in a protected activity. An adverse action may include harassing, intimidating, threatening, restraining, coercing, or discriminating against the individual who engaged in a protected activity. Protected activities include pursuing any right or privilege secured by law, UB policy or University System of Maryland (USM) policy, making a report, testifying, assisting, or participating in any manner in an investigation or proceeding related to Prohibited Discrimination, and/or opposing Prohibited Discrimination.

I. Student – includes, at the sole determination and discretion of the University, all persons at University of Baltimore, both full-time and part-time, pursuing undergraduate, graduate, law, non-degree, visiting or inter-institutional studies who are:

1. currently enrolled;
2. accepted for admission or readmission;
3. enrolled in a prior semester or summer/winter session and who are eligible to continue enrollment in the semester or summer/winter session that immediately follows;
4. not officially enrolled for a particular term but who have a continuing relationship with University of Baltimore; or
5. suspended or restricted from enrollment for prohibited conduct that occurred while the individual was a student at the University.

- J. Support Person** means a person chosen by the Complainant or Respondent to provide emotional, logistical, or other kinds of assistance. The Support Person is a non-participant who is present to assist a Complainant or Respondent by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the Party in a way that does not disrupt or cause any delay. A Support Person shall not be an active participant or a witness, and the Parties must speak for themselves.
- K. University Community** is broadly defined to include all UB administrators, faculty, staff, students, applicants for admission and/or employment, alumni, volunteers, and third parties and contractors under UB control.
- L. University Premises** include all land, buildings, facilities, and other properties in the possession of, owned, used, managed, contracted or controlled by the University, including adjacent streets and sidewalks to the University Premises.
- M. University Sponsored Student Groups** are all student groups functioning in the name of the University of Baltimore that must register with the appropriate University office or department and remain in compliance with the policies and procedures required by the terms of their registration. Student groups include Registered Student Organizations.
- i. Registered Student Organization (RSO)** is any group of individuals who intend to comply/have complied/were at one time in compliance with the registration requirements outlined in the Registered Student Organization Handbook to become a RSO.
- N. Witness** means anyone who witnesses or provides factual information and/or observations regarding a Prohibited Discrimination matter.

Procedures for Adjudication of Complaints of Prohibited Discrimination

I. Purpose & Scope

These procedures (“Procedures”) provide a process for the prompt and equitable investigation and adjudication of complaints of Prohibited Discrimination against a Student. Any person alleging Prohibited Discrimination against a Student may file a complaint or report against such Student with the University as set forth herein. Complaints against Non-Students shall proceed under the policy and procedures found at: <https://www.ubalt.edu/policies/administrative/II-7.3.pdf>.

The University, on its own, may also initiate, investigate, and adjudicate complaints of Prohibited Discrimination against Students under these Procedures.

These Procedures are effective November 18, 2020 and supersede any former University procedures related to complaints or reports of Prohibited Discrimination filed against a Student including procedures set forth in the Student Rights and Responsibilities Guide.

II. Complaints and Reporting

A. Reporting to UB

Anyone can make a report of a complaint regarding Prohibited Discrimination by a Student. All members of the University Community who witness what they believe to be violations of this Policy by a Student are encouraged to report the behavior as set forth herein. Any University employee who witnesses or becomes aware of what they believe to be violations of this Policy must report the behavior as set forth herein. Complaints of Prohibited Discrimination against Students should be made to the Dean of Students in the Office of Student Support. The contact information for Dean of Students is listed below:

Llatetra Brown Esters, Ed.D.
Dean of Students
1420 N. Charles Street, Academic Center, Room 112
410-837-5429
lesters@ubalt.edu

There are several ways to report to the Dean of Students:

- i.** Leave a private voice message for the Dean of Students;
- ii.** File a complaint or report on the Intake Form which is also available on the following: https://cm.maxient.com/reportingform.php?UnivofBaltimore&layout_id=38;
- iii.** Send a private email to the Dean of Students at lesters@ubalt.edu;

- iv. Mail a letter to the Dean of Students; or
- v. Visit the Dean of Students (it is best to make an appointment first to ensure availability).

B. Timeframe for the Complainant to Submit a Complaint

Complaints shall be reported as promptly as possible after the alleged Prohibited Discrimination occurs, and generally not more than 180 days from when the alleged violation occurred. If the University believes that an alleged incident occurring outside of this timeframe could have a continuing effect on University activities or programs, it may in its discretion choose to investigate such incident. However, its ability to fully investigate and adjudicate the matter may be hindered by the passage of time.

C. Jurisdiction and Role of the Dean of Students

This Policy covers conduct by a Student or University Sponsored Student Group that occurs:

- i. on University Premises;
- ii. during online or remote educational offerings;
- iii. during University-sponsored activities; or
- iv. not on University Premises, if:
 - a. the conduct would constitute a violation of this Policy had it occurred on University Premises; and
 - b. the conduct affects the safety of the UB Community or the orderly operation of the University.

1. Dean of Students Jurisdiction

The Dean of Students has jurisdiction to investigate and resolve complaints alleging Prohibited Discrimination against Students. If any individual reports allegations against a third party who is not affiliated with the University community, under UB control, or subject to University Policies, the Dean of Students, if possible, will convey the allegations to the proper external authority, address the Prohibited Discrimination and take action to limit its discriminatory effects at UB.

2. Dean of Students Initial Assessment

Upon receipt of a complaint, the Dean of Students will conduct an initial assessment to address any immediate risk of harm to the broader campus community; implement any Interim Measures, if appropriate; assess the nature and circumstances of the allegations; and assess whether the matter needs to be referred to another entity on campus for

resolution or consideration. If an initial assessment reveals that the allegations do not fall within the scope or jurisdiction of this Policy, the Dean of Students will, if warranted and available, forward the complaint to any appropriate body at the University for consideration.

3. Dean of Students Role

Upon receipt of a complaint within the scope and jurisdiction of this policy, the Dean of Students will ensure that the Complainant is provided a copy of the relevant UB policies and procedures.

The Dean of Students will provide the following information to the Parties:

- a. The informal and formal resolution options;
- b. The availability of the Dean of Students to coordinate with other campus officials, when appropriate and to the extent possible, to implement Interim Measures such as no-contact orders, rearrangement of working arrangements, or academic accommodations;
- c. The process of a fair and impartial investigation, and the rights of the Parties to have similar and timely access to information the Dean of Students will consider during the adjudication process;
- d. The fact that UB is committed to maintaining the confidentiality of complaints and investigations to the fullest extent possible, but that confidentiality cannot be guaranteed due to the need to conduct a thorough investigation and meet UB's obligations under other laws, rules, regulations, or policies;
- e. The right to have a Support Person present during any stage of the process;
- f. Retaliation for reporting Prohibited Discrimination or participating in an investigation of Prohibited Discrimination is strictly prohibited and any Retaliation should be immediately reported to the Dean of Students to be promptly addressed;
- g. Where applicable, if an individual does not want to pursue a complaint, the Dean of Students will inform the individual that the University may be limited in the actions it can take without the individual's cooperation. However, the University may have a right and/or legal obligation to investigate the complaint in some cases, even if the Complainant does not choose to pursue it; and
- h. If the University determines that Prohibited Discrimination occurred, it will take immediate and appropriate corrective action.

D. Interim Measures

The Dean of Students may implement certain Interim Measures during the investigation of a complaint of violation of this Policy. Such Interim Measures may include the following:

1. Interim Administrative Holds

Any Student or individual members involved in a pending concern relating to the Code of Conduct or Academic Integrity Policy may have a hold placed on their MyUB account that will restrict their activity. These restrictions include, but are not limited to, transcript requests, enrollment, withdrawal and receipt of diploma.

2. Interim Contact Restrictions

The University reserves the right to limit any Student(s) and/or Student group(s)' ability to be in the vicinity of or be in contact with a particular University Community member when there is reason to believe the continued contact could create a health or safety risk to one or both parties. These restrictions may impact a Student's ability to take classes, participate in activities, continue on-campus employment, and access University facilities or services.

Any person who is concerned about their personal safety or the safety of others should immediately contact the University of Baltimore Police Department or local law enforcement to discuss safety options and other protective orders in addition to the contact restrictions set forth here.

Interim contact restrictions are issued from the Office of Student Support, or a designee. When interim contact restrictions are imposed, they become effective immediately and prohibit the listed actions on the notice as well as all forms of communication. The interim contact restrictions will remain in effect until the concern has been adjudicated through the appropriate University process or the Office of Student Support lifts the restrictions. Refusal to adhere to the restrictions may result in interim suspension and further disciplinary action.

If an interim contact restriction has the effect of preventing a student from accessing educational programs or activities, the student will be provided a meeting as set forth below.

3. Interim Access Restrictions

The University reserves the right to limit any Student(s) and/or Student group(s)' ability to use University facilities and resources when there is reason to believe there has been/could be harm or damage done by allowing the Student in question to have access to the facility or resource. These restrictions may impact a Student's ability to take classes, participate in activities and events, continue on-campus employment or be in the vicinity of specified university facilities and/or services.

Any person who is concerned about their personal safety or the safety of others should immediately contact the University of Baltimore Police Department or local law enforcement to discuss safety options and other protective orders in addition to the access

restrictions set forth here.

Interim access restrictions are issued from the Office of Student Support. When interim access restrictions are imposed, they become effective immediately and prohibit the listed actions on the notice. The interim access restrictions will remain in effect until the concern has been adjudicated through the appropriate University process or the Office of Student Support lifts the restrictions. Refusal to adhere to the restrictions may result in interim suspension and further disciplinary action.

If an interim access restriction has the effect of preventing a student from accessing educational programs or activities, the student will be provided a meeting as set forth below.

An interim suspension may be issued when there is reason to believe that a Student's presence on campus or participation in University affiliated activities:

1. puts at risk the health, safety, security or wellbeing of persons in the University Community
- or
2. the Student poses a substantial threat of disruption to, or interference with, the normal operation of the University.

Interim suspension is issued from and imposed by the Office of Student Support. When an interim suspension is imposed, the Student is required to leave University premises immediately and is not permitted to return at any time throughout the duration of the suspension without prior written permission from the Office of Student Support.

When a Student is placed on interim suspension, they will be notified in writing by email or contacted by phone to discuss the terms of the interim suspension. The Student will be provided the opportunity to request a meeting with a representative of the Office of Student Support within 7-10 business days to contest the issuance of the interim suspension. At that meeting, the Student and the representative of the Office of Student Support will discuss the following issues:

- a. The reliability of the information concerning the Student's conduct, including the matter of their identity; and
- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the Student on the University Premises poses a substantial threat to anyone or the stability and continuance of normal University functions.

Following that meeting, the representative from the Office of Student Support will decide whether the interim suspension will remain in place while the concern is being reviewed and adjudicated. The decision of the representative of the Office of Student Support is final and, if the interim suspension is upheld, it will remain in effect until the concern has been reviewed and adjudicated through the appropriate University process or the interim suspension is lifted because it is determined there is not sufficient information to move forward with the adjudication process.

E. Notice To the Parties

Prior to initiating an investigation pursuant to this Policy, the Dean of Students will provide written notice to the Respondent(s) and Complainant(s) that they will be initiating an investigation. The notice to the Respondent shall provide the Respondent with any written complaint, including the Intake Form, provided by a Complainant. If no written complaint is provided by the Complainant, or, if in the discretion of the Dean of Students information on the written complaint or Intake Form is not relevant to a particular Respondent, the Dean of Students shall provide a summary of the allegations against the Respondent. The notice to the Respondent shall also describe the range of possible sanctions, if the Respondent is found to have violated this Policy. Both Parties' notices shall identify the relevant deadlines and, if the Dean of Students believes appropriate, the option to seek informal resolution of the matter, if both Parties agree.

F. Support Person

Student Complainants and Student Respondents going through the University conduct process may have a Support Person with them during any conduct proceeding. A Support Person may not participate in the conduct proceedings. This applies to all individuals, including attorneys. Conduct proceedings will not be changed or delayed as a result of a Support Person's unavailability or failure to attend. Advance notice is required to allow a Support Person's participation in a conduct process. A Support Person may not be permitted to attend the proceeding if advance notice has not been given.

An Adjudicator may dismiss a Support Person from a proceeding if they cause a disruption in any way. The proceeding will continue despite the dismissal of a Support Person. Individuals whose Support Person has been dismissed may choose an alternate individual to serve as a Support Person for future proceedings.

G. Resolution

There are two (2) processes for resolution of an allegation of Prohibited Discrimination: informal and formal resolution. The Dean of Students is available to answer any questions the Parties may have about the informal and formal resolution procedures.

1. Informal Process and Resolution

The Parties may proceed through the informal resolution process only if: (1) the Dean of Students determines that the complaint may be resolved appropriately through informal resolution; and (2) all Parties agree to informal resolution. If either of these conditions are not met, the Dean of Students will not proceed with the informal resolution process, and will notify the Parties in writing of the intention to proceed with formal resolution. If both conditions are met, the Dean of Students will notify the Parties in writing of the decision to proceed through the informal resolution process. At any time during the informal process, either party has the right to notify the Dean of Students that they wish to end the informal process and begin the formal process. Upon receiving such notice, the Dean of

Students will notify the Parties in writing of the intention to proceed with the formal resolution process. Through the informal process, the Parties will either resolve the complaint by agreement of the Parties and approval of the Dean of Students or the formal complaint process will be initiated.

2. Formal Process

a. Timeline & Confidentiality

The Dean of Students shall begin an investigation into the claims by appointing one or more trained investigators from the Office of Student Support, or, if appropriate, any other internal or external investigator. During the investigation, the investigator is not permitted to discuss the investigation with anyone outside of the parties and witnesses except as circumstances warrant on a need-to-know basis. F o r e x a m p l e , the investigator may communicate, as necessary and in compliance with all privacy laws, with University administrators. Generally, the investigation will include interviews with the Complainant, the Respondent, and Witnesses; a review of any pertinent documents and material evidence; and any other actions deemed appropriate by the investigator. The investigator shall make every effort to keep the investigation confidential, although confidentiality cannot be guaranteed. While discretion is important, the Parties are not restricted from discussing and sharing information related to the complaint and investigation with others that may support or assist them in presenting their claims, or as permitted by applicable laws.

The investigator generally shall endeavor to complete the investigation within sixty (60) calendar days of receiving the Complaint. If the investigation cannot be completed within that timeframe, the reasons for delay will be noted in writing for the file and copied to the Complainant and the Respondent.

Requests for extensions: In the event that an extenuating circumstance may warrant an extension to any of the deadlines set forth below, including those in the Appeal section, a request for an extension must be submitted to the investigator or, if applicable, the Appeals Officer, in writing no later than the original deadline. Such requests will be evaluated on a case-by-case basis.

b. Standard of Proof and Evidence

In determining whether the alleged conduct constitutes Prohibited Discrimination, the Dean of Students and/or investigator will examine the totality of the circumstances, including, but not limited to, the nature of the behavior, the particular facts of the case, the nature of the relationship and interactions between the Parties and the context in which the alleged conduct occurred. The Dean of Students and/or investigator will view the facts from the perspective of “a reasonable person within the University Community.” UB applies a “preponderance of the evidence” (i.e. more likely than not) standard under these Procedures.

c. Investigation and Decision

During the investigation, the Parties will have an equal opportunity to present Witnesses and other evidence and equal access to information that the investigator considers, consistent with applicable State and Federal law. Applicable law may prevent the investigator from sharing certain confidential counseling, medical, or education records with the other party. The Parties will each have the opportunity to request that the investigator ask specific questions of the other Party or Witnesses. The investigator will have the discretion to exclude any questions that they deem not relevant to the matter. The Parties will also have the same opportunity to review proposed written findings and provide written comments to the investigator regarding such findings prior to the issuance of the final decision.

Upon completion of the investigation, the investigator shall issue a preliminary report to the Parties to review. The Parties will have ten (10) calendar days after the preliminary report is emailed to them to provide written comments to the investigator.

All information submitted by the Parties in response to the preliminary report will be carefully reviewed by the investigator. The investigator will evaluate this information for relevance and determine whether it is necessary to investigate further and/or modify the preliminary report.

Within fifteen (15) days of the conclusion of the investigation, the Dean of Students or investigator shall issue a written decision (hereinafter “Outcome”) setting forth: (1) case summary; (2) summary of investigative steps; (3) summary of relevant evidence; (4) findings of fact; (5) the Parties’ responses to the proposed findings, if applicable; (6) determination; (7) sanction(s), if applicable; and (8) notification of right to appeal. The University will endeavor to maintain confidentiality throughout the investigation and resultant findings, but cannot guarantee confidentiality due to the need to conduct a thorough investigation and meet the University’s obligations under other laws, rules, regulations, or policies.

Any Outcomes, including sanctions, must be consistent with applicable law and USM and UB policies. Depending on the nature and severity of the findings, the possible sanctions include, but are not limited to:

- *Reprimand*: written notice documenting the misconduct and informing the Respondent that further misconduct will result in additional disciplinary action and will be considered more significant.
- *Probation*: assigned for a specific period of time, during which a Student must not violate the Code of Conduct or other University policies. While on probation, a Student may not represent the University in any capacity nor hold office in any Registered Student Organization.
- *Account Hold*: will require the conduct hold that was placed on the Student’s MyUB account to remain for a period of time beyond the final adjudication decision. This hold places restrictions on the account activity, which include, but are not limited to, requesting transcripts, enrolling/withdrawing from classes, and receiving a diploma.

- *Temporary Loss of Privilege*: withdrawal of specified University privilege(s) and rights, loss of ability to use specified University service(s), or being barred from the University Premises. This loss of privilege can last for no longer than three calendar years.
- *Permanent Loss of Privilege*: permanent withdrawal of specified University privilege(s) and rights, permanent loss of ability to use specified University service(s), or being barred from specified University Premises.
- *Temporary Removal from a University Activity*: immediate removal and banning of a Student from future participation in a specified University activity or event. When the activity or event is reoccurring, the duration of the ban will be specified.
- *Permanent Removal from a University Activity*: immediate and permanent removal and banning of a Student from future participation in a specified University activity or event.
- *Withdrawal from a University Course*: immediate withdrawal of a Student from a specified course(s). The Student is still responsible for any tuition and fees associated with the course.
- *Fines*: a monetary penalty charged for committing a violation.
- *Restitution*: requires payment to the University or to other persons, groups, or organizations as restitution for damages incurred as a result of violation(s) of the Code of Conduct.
- *Reflection Experience*: requires completion of a task or assignment that encourages reflection and skill development. These can be assigned individually or with more than one component.
 - *Reflection Paper/Project*: completion of a paper/project to help the Student avoid further misconduct. Student may also be required to read an identified text/article(s) or conduct research on a topic.
 - *Service Learning Project*: completion of a specified number of service learning hours.
 - *Personal Development Experience*: exploration of University/external resources and/or participation in educational program(s), or required completion of activities or tasks. The experience will assist the Student in learning skills that will help them avoid future misconduct.
- *Meeting(s) with a University Employee*: required attendance of follow-up meetings with a designated University employee and required compliance with directives set by the official.
- *Contact Restrictions*: limitations on a Student's ability to be in the vicinity of and/or have contact with a particular individual(s). This may require restrictions on a Student's ability to take classes and participate in activities with the designated individual(s) as well as

restrictions from specific University Premises.

- *Suspension of Recognition*: suspension of University recognition of a University Sponsored Student Group or other Student organizations for a specific period of time. During that time, the group is not permitted to meet or hold functions and all University privileges are immediately revoked.
- *Termination of Recognition*: termination of University recognition of University Sponsored Student Group, or other Student organizations for a specific or indefinite period of time. Once terminated, the group is not permitted to meet or hold functions and all University privileges are immediately revoked.
- *Suspension*: suspension precludes a Student from registration, class attendance, and use of University facilities for at least one semester but no more than five years. Suspension is recorded for the term of the suspension on the Student's transcript and will permanently remain in the Student's conduct file. Upon termination of the suspension, the record of the suspension will be removed from the Student's academic record and the Student will be permitted to re-enroll or be considered for readmission in compliance with the academic admission standards then in effect. Credits for any course completed at another institution during a suspension are not acceptable transfer credits at the University of Baltimore. Any tuition and fees paid to the University for a semester in which the suspension was issued will not be refunded to the Student.
- *Dismissal*: cancellation of the Student's registration and all permissions and privileges related thereto. Dismissal is permanently recorded in the Student's transcript and in the Student's conduct record. A Student who has been dismissed is not eligible for readmission earlier than one year and no more than five years following dismissal and then only with the approval of the appropriate Dean. Students found responsible for a Code of Conduct violation must submit their readmission request in writing to the Dean of Students. Credits for any course completed at another institution during a period of dismissal are not acceptable as transfer credits at the University of Baltimore. Any tuition and fees paid to the University for a semester in which the disciplinary dismissal is issued will not be refunded to the Student.
- *Expulsion*: permanent dismissal of the Student from registration, class attendance and use of University facilities. The Student's registration is immediately cancelled and all associated privileges and permissions are revoked. Expulsion is permanently recorded on the Student's academic record and in the Student's conduct record. Any tuition and fees paid to the University for a semester in which the expulsion was issued will not be refunded to the Student. Expelled students are never eligible for readmission to the University.

These sanctions may be imposed even after a first offense, under appropriate circumstances. Sanctioning may take into account any previous violation(s) of University Policy and/or the Respondent's current disciplinary status with the University.

The Dean of Students will issue the Outcome to the Complainant and Respondent, as appropriate, and shall copy the Assistant Vice President of Student Success and Support Services, when appropriate. The Dean of Students will notify the Appeal Officer when an Outcome has been rendered.

If either party disagrees with the Outcome, they may file an appeal pursuant to the “Appeal Procedures” section below. If neither party appeals, the Outcome becomes final on the day immediately following the expiration of the time for filing an appeal.

If students from the UB School of Law are referred to Non-Discrimination Policy and Procedures for Student Respondents, the Office of Student Support will notify the Office of the Dean within the UB School of Law and share any pertinent documentation. The School of Law will be responsible for sharing any relevant information and records as part of subsequent character and fitness reviews for Bar examinations or reviews. For more information about this process please contact the Office of the Dean in the School of Law.

H. Appeal Procedures

1. Authority of the Appeal Officer

A representative from the Office of Government and Public Affairs (“Appeal Officer” or “AO”) has the authority to review appeals of either party relating to the Outcome in a Prohibited Discrimination matter where a Student is a Respondent.

Office of Government and Public Affairs
1420 N. Charles Street, Academic Center, Room 114
410-837-4533; ogpa@ubalt.edu

2. Appeal Request

Any party who wishes to appeal must file their appeal with the AO specified in the Outcome within five (5) calendar days of when the Dean of Students e-mailed the Outcome to the Parties. The non-appealing Party will also receive prompt and appropriate notice of the appeal. Appeals submitted after five (5) calendar days without an approved extension will be denied, unless good cause is found.

The appeal must be in writing and must describe the appellant’s desired outcome, as well as specific grounds for the appeal. Mere dissatisfaction with the Outcome is not a valid basis for appeal. Grounds for appeal are limited to the following:

(a) specified procedural errors or errors in interpretation of University policies were so substantial as to deny a Complainant or Respondent notice or a fair opportunity to be heard;

(b) new or significant information that became available and could not have been discovered by a properly diligent party before or during the investigation or

adjudication;

(c) a violation of substantive due process occurred (i.e., the decision was based on an illegal or constitutionally impermissible consideration such as race or exercise of First Amendment freedoms, etc.); or

(d) the sanctions imposed are substantially disproportionate to the severity of the violations.

3. Standard of Review

The AO shall review the Dean of Student's findings and sanctions on the narrow bases above. The burden of proof lies with the appealing party. The AO may affirm, overturn, send the matter back to the Dean of Students for further consideration, or modify the determination and/or sanctions if they find that a proper and supported appeal basis exists.

4. Response by Non-Appealing Party

The AO shall e-mail a non-appealing party a copy of the appeal within five (5) calendar days of receipt by the AO. The non-appealing party may submit a response to the appeal to the AO for consideration within five (5) calendar days of the date the AO e-mailed the appeal.

5. The Appeal Decision

Generally, within ten (10) business days of the submission of a response by the non-appealing party, or the deadline for a submission of a response, where none is filed, the AO will submit a decision in writing to the appropriate Parties and the Dean of Students. This decision shall be the final decision of the University regarding the Prohibited Discrimination.

I. Outside Agency

Any person who believes they have been discriminated, retaliated against or harassed may file an external complaint with any of the organizations below. For information regarding requirements, including time limitations, for filing complaints contact the appropriate agency as set forth below.

Students may contact:

- United States Department of Education, Office for Civil Rights, The Wannamaker Building, 100 Penn Square Street East, Suite 515, Philadelphia, Pennsylvania 19107-3322; 215-656-8541; <http://www2.ed.gov/about/offices/list/ocr/index.html>

Employees may contact:

- Equal Employment Opportunity Commission (EEOC), 131 M Street, N.E., Fourth Floor, Suite 4NW02F, Washington, DC 20507; 800-669-4000; TTY 800-669-6820; <http://www.eeoc.gov>
- Equal Employment Opportunity Commission (EEOC) Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, Maryland 21201; 800-669-4000; TTY 800-669-6820 <http://www.eeoc.gov>
- Maryland Commission on Civil Rights, William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202 800-637-6247; Maryland Relay 7-1-1; mccr@maryland.gov
- United States Department of Education, Office for Civil Rights, The Wannamaker Building, 100 Penn Square Street East, Suite 515, Philadelphia, Pennsylvania 19107-3322; 215-656-8541; <http://www2.ed.gov/about/offices/list/ocr/index.html>

J. Alternative Internal Complaint Mechanisms

Employees pursuing complaints should review the University's Non-Discrimination Policy Complaints Against Non-Students for alternative ways to file complaints within the University. That policy can be found at: <http://www.ubalt.edu/about-ub/offices-and-services/human-resources/employee-and-labor-relations/index.cfm>