



# Policies and Procedures

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## Administration Policies

VI-1.05(A)

### UMB Employee Sexual Orientation Non-Discrimination Policy and Procedures

ADMINISTRATION | *Approved October 9, 2012*

RESPONSIBLE VP/AVP

[Roger Ward, EdD, JD, MSL, MPA](#)

REVISION HISTORY

Approved by President, November 6, 1997; Amended October 9, 2012 [*nondiscrimination definition, per USM VI 1.05*]

## Purpose

### Background

Effective July 11, 1997, the Board of Regents of the University System of Maryland specifically prohibited discrimination against faculty and staff on the basis of sexual orientation in recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services. Effective June 22, 2012, the Board of Regents prohibited discrimination based upon sexual identity or expression. The Board reserved the right to observe the terms of any bona fide employee benefit plan such as a retirement, pension, or insurance plan, and to enforce or comply with any Federal or State law, regulation, or guideline, including conditions for the receipt of federal funding. This University reiterates its commitment to the most fundamental principles of academic freedom, equality of opportunity, and human dignity by requiring that treatment of its faculty and staff and applicants for employment be based on individual abilities and qualifications and be free from invidious discrimination.

## Policy Statement

### Related Student Policy

Faculty and staff who interact with students should be aware of the Student Sexual Orientation NonDiscrimination Procedures.

### Policy

Consistent with Board of Regents policy, this University will not discriminate against faculty or staff on the basis of sexual orientation in recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services.

## Complaints and Investigations

Complaints of discrimination based on sexual orientation by a University employee may be processed internally (a) by classified staff, associate staff and faculty, by reporting the matter to the Executive Director, Human Resource Services, for investigation, mediation, and referral for supervisory action; and/or (b) by classified and associate staff employees, by filing grievances through the University's grievance process; and/or (c) by faculty, by filing grievances with the head of the academic unit in which the complaining faculty member is appointed.

Timely reporting of allegations of discrimination based on sexual orientation is crucial and permits effective University intervention. Complaints should be filed within thirty (30) days of an incident perceived as discrimination. Reporting an incident more than thirty (30) days after it occurs can hinder the ability of the University to investigate the matter. Prompt filing of complaints in many cases will enable the University to investigate and attempt to mediate and resolve problems in an expeditious manner. Nevertheless, the University will investigate any and all complaints filed within a reasonable time.

To determine whether alleged conduct constitutes discrimination on the basis of sexual orientation, the University will look at the record as a whole and at the totality of the circumstances. The determination of whether a particular action is discrimination will be made from all the facts, on a case by case basis.

Investigations of alleged discrimination based on sexual orientation often require the complainant's identity to be known by the party or parties whose conduct is being reviewed. However, the investigation shall be kept confidential to the maximum extent possible with the allegations made available only to those who need to know.

The University will not tolerate or condone any form of retaliation against a complainant whose discrimination claim is made in good faith. Deliberate filing of false accusations may be the basis for independent disciplinary action against the accuser.

## Complaints Involving Affiliates' Employees

Many University employees are obligated to work with, supervise, or be supervised by employees of the University's affiliates and teaching sites (e.g., University of Maryland Medical System Corporation, University Physicians, Inc., faculty professional associations, Veterans' Administration Medical Center). It is the University's policy to attempt to secure for its employees in all settings a work environment free of discrimination based on sexual orientation. University employees are prohibited from discriminating on the basis of sexual orientation against employees of affiliates, and such discrimination may be the basis for disciplinary action.

The University's affiliates will be informed of the University's commitment to its employees to provide a workplace free of discrimination based on sexual orientation and will be asked to work with the University to eliminate such discrimination within their respective workplaces through education and, if need be, employee sanctions. The University cannot discipline employees of its affiliates, but the University will cooperate with its affiliates in an attempt to resolve complaints.

University employees, affiliates, and affiliates' employees are encouraged to report to the University, through Employee Relations and Diversity Initiatives, Human Resource Services, any allegations of discrimination based on sexual orientation involving interactions of University employees and employees of affiliates. Employees of affiliates should be aware that their complaints involving University employees should be filed with their own employer as well as with the University. Likewise, University employees should file complaints involving affiliates' employees with the University as well as with the affiliates.

## Personal Counseling and Employee Assistance

Employees of the University are encouraged to work with the Employee Assistance Program (**410-328-5860**) or personal counselors to secure assistance in coping with stress that can result from employment-related discrimination based on sexual orientation or from participation in investigation of complaints based on sexual orientation.

## Education and Consultations

Through Human Resource Services, educational programs and preventive consultations with employees can be arranged. More information is available from Employee/Labor Relations and Diversity Initiatives, 410-706-7302.

## Definitions

Sexual orientation is the identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality.

Gender identity or expression is defined as a person’s actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the person’s gender at birth.

**RELATED POLICIES**

[USM Policy on Non-Discrimination and Equal Opportunity](#)

**RELATED PROCEDURES**

[Reporting Through The UMB Hotline](#)

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