University of Mary Hardin-Baylor

Grievance Procedure for Complaints
Involving Discrimination Not on the Basis of Sex

When the designated Non-Discrimination Compliance Officer for the university receives notice of a complaint alleging discrimination on the basis of race, color, religion, age, nationality, ethnic origin, military status or disability in violation of University policies or applicable law related to its workplace, education programs, or activities, the Compliance Officer shall coordinate a University response that is prompt and reasonable in light of the known circumstances and includes at least the following:

- Promptly contacting any person who is alleged to have experienced unlawful discrimination (Complainant) to discuss the complaint.
- Explaining to the Complainant the discrimination grievance procedures
- Reviewing with the Complaint the availability of supportive measures designed to restore or preserve equal access to the university's education programs and activities.

If the information available to the Compliance Officer indicates that discrimination in violation of University policies or applicable law may have occurred by an individual (Respondent), the Compliance Officer will take the following additional steps:

- Investigate or designate one or more investigators to investigate the alleged violation(s)
- If applicable;
    - provide any accused person (Respondent) notice of the complaint
    - Explain to the Respondent the University's grievance procedures for resolving the complaint and supportive measures available to the Respondent
    - Notify the Respondent of the University's policy which prohibits retaliation against any person who makes a complaint of discrimination or participates in the University's investigation of any complaint
- Treat all Complainants and Respondents equitably
- Following the University's grievance procedures before the imposition of any disciplinary sanctions or other actions that are not supportive measures.

Supportive measures which do not unreasonably burden any Complainant or Respondent may be provided by the University to Complainants or Respondents at any time before, during, or after any investigation and related disciplinary process.

All parties will have an opportunity to provide evidence and identify witnesses as a part of the investigation. The burden of proof and the burden of gathering evidence sufficient to reach a determination whether any violation has occurred rest on the University and not on any Complainant or Respondent.

Based on its investigation, the University will take appropriate steps to eliminate any unlawful discrimination as quickly as possible; to restore full access to the University's education programs and activities, and to remedy the results of any past discrimination.

If a Respondent is found responsible for violating the University's non-discrimination policies, the University can impose a range of disciplinary sanctions and remedies which may include:

1. Imposing, continuing, or modifying any supportive measures.
2. Warning: A reminder to the respondent about relevant University rules, regulations, or policies and the potential consequences for violating them.
3. No contact order: A directive to initiate no contact with the Complainant, including contact in person or by phone, email, text message, social network, or any other means, either directly or through a third party.
4. Reprimand: Written notice that University rules, regulations, or policies have been violated and that continuation or repetition of misconduct may result in a more severe sanction.
5. Restitution: Reimbursement or other compensation for damage or loss of property.

Additionally, for employees, disciplinary sanctions and remedies may include:

- any change to terms and conditions of employment, up to and including termination.

Additionally, for students, disciplinary sanctions and remedies may include:

- Fines: A monetary fine assessed for a disciplinary violation.
- Probation: Written notice explaining the serious nature of misconduct and outlining the terms of probation. The terms of probation may prohibit a student from participating in co-curricular activities and provide for expulsion for violating the terms of probation.
- Eviction: Probation or removal from campus housing.
- Suspension- Termination of student status at the University for a specified period of time.
- Expulsion- Termination of student status at the University permanently or for an indefinite period of time.

A Complainant or Respondent may appeal a determination regarding responsibility or the imposition of disciplinary sanctions. The Complainant and Respondent will be promptly notified of a fair equitable process for making an appeal.

Any of the following will be an appropriate basis for appeal:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made; or

- The Compliance Officer or other investigator or other university official taking part in the grievance procedure had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Complaints Not Constituting Discrimination

If a student's complaint is regarding another student and would not constitute unlawful discrimination even if proven, the complaint will be transferred to the Dean of Students, who will follow the process outlined in the Student Handbook for investigating and adjudicating student misconduct.

If the student's complaint is regarding an employee and would not constitute unlawful discrimination even if proven, the complaint will be transferred to the Vice President or other university administrator for review.

If the student's complaint is regarding a university policy or procedure and would not constitute unlawful discrimination even if proven, the complaint will be transferred to the appropriate Vice President or other university administrator for review.

The university's Compliance Officer may dismiss a complaint if circumstances warrant. Examples include but not be limited to:

- If the Respondent is not enrolled or employed by the University at all times during the grievance procedure
- If there are circumstances which prevent the University from gathering evidence sufficient to reach a determination as to complaint or allegations in it.

CONTACT:

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Grievance Procedure for Complaints Involving Discrimination on the Basis of Sex (including Sexual Harassment, Sexual Violence, Dating/Domestic Violence and Stalking) are published on the university's Title IX webpage.