

Windsor University School Of Medicine (WUSOM)	<b>Nondiscrimination Policy</b>
<b>Administration 1.10</b>	

**Policy Statement**

It is the policy of the WUSOM that no persons shall, on the basis of race, color, disability, gender, religion, ethnicity, place of origin, age, or other characteristic protected by law, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, activities, or employment. This applies to students and employees (faculty and staff) under WUSOM.

**Application and Purpose**

This policy applies to all administrators, faculty, staff, students, and applicants for employment or admission. This policy is the principal prohibition of all forms of discrimination on campus, except:

- The controlling policy and procedures relating to sexual harassment and sexual misconduct, which can be found in the WUSOM Sexual Harassment/Sexual Misconduct Policy.
- Complaints concerning wages, hours of work, working conditions, performance evaluations, merit raises, job assignments, demotions, reprimands, and the interpretation or application of a rule, regulation, or policy governed by WUSOM Academic and Non-Academic Grievance policies and procedures.

**Definitions**

Discrimination: Including harassment, is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education on account of race, ethnicity, color, sex, sexual orientation, gender, gender identity, religion, creed, national origin, age, non-disqualifying disability, military and veteran’s status.

Harassment: As a form of discrimination, is defined as verbal or physical conduct that is directed at an individual or group because of race, ethnicity, color, sex, sexual orientation, gender, gender identity, religion, national origin, age, disability, and veteran’s status when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or, of creating a hostile academic or work environment. Constitutionally protected expression cannot be considered harassment under the policy.

**Procedures**

**1. Complaint Procedures** – This section describes the general process used in reviewing and resolving complaints. Note that specific steps, such as the timing of interviews, may vary somewhat based on the facts and circumstances of the matter.

**Responsibility:** All WUSOM personnel

a. Complaint procedures pursuant to this policy apply to complaints and grievances alleging unlawful discrimination on the basis of race, ethnicity, color, sex, sexual orientation, gender, gender identity, religion, creed, national origin, age, non-disqualifying disability, military and veteran's status.

**2. Reporting** – The WUSOM encourages any person who believes that he or she has been subjected to discrimination or harassment to immediately report the incident to his or her immediate supervisor, to the immediate supervisor of the accused faculty member or employee, or when faculty and students, are the accused individuals, to the Dean of Student Affairs & Vice Dean.

**Responsibility:** Complainant

a. The complainant will be advised of procedures for submitting and filing a formal complaint of discrimination. When a Supervisor, Assistant Dean, Associate Dean, Dean of Student Affairs, Dean of the respective college/school receives a discrimination complaint, he or she will take immediate steps to notify the & Vice Dean or the Chief Administrative Officer, as appropriate. In the event a complainant addresses the complaint directly to the & Vice Dean or the Chief Administrative Officer directly, the & Vice Dean or the Chief Administrative Officer will take immediate steps to notify the other school official of the complaint.

b. Complaints should be filed as soon as possible after the conduct giving rise to the complaint, but no later than thirty (30) working days after the event occurred. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the complaint may be filed within thirty (30) working days after the end of that semester.

c. In order to initiate the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); any documents or information that is relevant to the complaint; and, the resolution sought. While an investigation may begin based on an oral complaint, the complainant is encouraged to additionally file a written complaint.

**3. Complaint Investigation** – The Dean of Student Affairs or Vice Dean, as appropriate, is responsible for:

a. Investigating formal complaints for faculty, residents, students, while the Chief Administrative Officer is responsible for all other staff. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and seek to obtain verification of the complaint from the complainant.

b. Within ten (10) working days of receipt of a complaint, the Dean of Student Affairs or Vice Dean, and/or the Chief Administrative Officer as appropriate, will authorize an investigation of the complaint.

c. As part of the investigation process, the accused individual shall be provided with a copy of the allegations and allowed ten (10) calendar days from the date the accused received the complaint within which to file a written response.

d. The complainant and the accused individual may present any document or information that is believed to be relevant to the complaint.

e. Any persons thought to have information relevant to the complaint shall be interviewed and such interviews shall be appropriately documented.

f. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint.

g. The complainant, accused individual, and supervisor will be provided an update on the progress of the investigation after the review. Upon completion of the investigation, a written report will be issued. The report shall include: a recommendation of whether a violation of the policy occurred, an analysis of the facts discovered during the investigation, any relevant evidence and recommended disciplinary action if a violation of the policy occurred.

h. A copy of the report will be sent to the appropriate administrative official. Written notification of the findings of the investigation and outcome will be sent to the complainant and the respondent by the appropriate administrative official. The complainant and the respondent have seven (7) working days from the date of the notification letter to submit comments regarding the investigation to the administrative official. However, if a complaint is filed against a student, then the complainant and respondent may not receive or comment on the notification letter in accordance with the Family Education Rights and Privacy Act's restrictions on disclosure of educational records.

i. Within thirty (30) working days of receiving any comments submitted by the complainant or respondent, the appropriate administrative official will take one of the following actions:

i. Request further investigation into the complaint,

ii. Dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or,

iii. Find that this policy was violated. A decision that this policy was violated shall be made upon the record provided by the investigator and any comments submitted by the complainant or respondent; and, shall be based on the totality of circumstances surrounding the conduct of complained of, including but not limited to; the context of that conduct, its severity, frequency, whether it was physically threatening, humiliating, or was simply offensive in nature. Facts will be considered based on what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

iv. If the appropriate administrative official determines that this policy was violated, he or she will take disciplinary action that is appropriate for the severity of the conduct. Disciplinary actions can include, but are not limited to verbal reprimands, written reprimands, and the imposition of conditions, reassignment, suspension, and dismissal.

v. The complainant and the respondent shall be informed in writing of the administrative official's decision. However, if a complaint is filed against a student, then the determination letter sent to the complainant will be written in compliance with the Family Education Rights and Privacy Act.

vi. Implementation of disciplinary action against administrators, faculty and staff will be handled in accordance with WUSOM policy and procedures for discipline and dismissal of administrators, faculty, and staff. The Dean of Student Affairs or the respective will impose disciplinary action, if any, against a student, resident or fellow in accordance with the WUSOM's appropriate disciplinary procedures.

#### 4. Provisions Applicable to All Complaints

**Responsibilities:** Administrators, Faculty, Staff, Employees, Students, Residents, and Fellows

- a. Assistance: During the complaint process, a complainant or respondent may be assisted by a person of his or her choice; however, the assistant may not examine witnesses or otherwise actively participate in a meeting or interview.
- b. Retaliation: An administrator, faculty member, student, resident, or employee who retaliates in any way against an individual who has brought a complaint pursuant to this policy or an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal.
- c. False Complaints: Any person who knowingly and intentionally files a false complaint under this policy or any person who knowingly and intentionally makes false statements within the course of the investigation is subject to disciplinary action up to and including dismissal from the WUSOM.
- d. Confidentiality and Documentation: The WUSOM shall document complaints and their resolution for faculty, residents, students by the Dean of Student Affairs & Vice Dean.
- e. For faculty, residents, students and, the respective Deans will forward documentation of resolutions to the President at the conclusion of the process.
- f. The President will retain related official documentation. For other informal resolutions, the Office will retain the documentation.
- g. To the extent permitted by law, complaints and information received during the investigation will remain confidential. Relevant information will be provided only to those persons who need to know in order to achieve a timely resolution of the complaint.

#### 5. Dissemination of Policy

- a. Periodic notices sent to administrators, faculty, staff, students, residents, fellows, and post-docs about the WUSOM nondiscrimination policy will include information about the complaint procedure and will refer individuals to designated offices for additional information.
- b. The WUSOM will periodically educate and train employees and supervisors regarding the policy and conduct that could constitute a violation of the policy.

**Policy Owner:** Office of the WUSOM President

<b>Approved: 07.23.2021</b>	<b>Revised: 07.01.2021</b>
<b>Effective: 07.23.2021</b>	<b>Next review due: 06.30.2022</b>

