Non-Discrimination, Anti-Harassment, and Grievance Policy

PURPOSE: To ensure all University community members understand the University position on discrimination, the consequences associated with non-compliance, and to provide community members with a formal process for resolving complaints pertaining to conduct that does not fall within the scope of the Title IX Policy.

MONITOR: CEO

AUTHORIZATION: CEO

AUTHORIZATION DATE: October 2019

REVIEWED BY: CEO, Academic Dean of Student Services, Vice President of Enrollment Management, and Vice President of Academic Affairs

REVISION DATE(S): October 2019; clarified division of responsibility for reporting grievances, May 2021; added state of Georgia Grievance procedure, March 2023; update for NC-SARA; update of reporting procedures and roles for grievances

EFFECTIVE DATE: October 2019

NEXT REVIEW DATE: October 2027

POLICY APPLIES TO: All community members, including guests

INTRODUCTION

Virginia University of Integrative Medicine ("VUIM" or "University") is committed to providing Community Members with an environment free from unlawful discrimination, harassment, retaliation, and other forms of misconduct. VUIM seeks to foster an inclusive educational and work environment for all faculty, staff, employees, and students.

SCOPE

This policy applies to Virginia University of Integrative Medicine ("University") students, employees, employees of contractors, visitors, guests, and other third parties.

This policy applies to acts of discrimination, harassment, and retaliation ("DHR Conduct" as defined more fully below), acts of violence, or alcohol and drug violations when:

(1) the conduct occurs on campus or other property owned or controlled by the University;

(2) the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored research, on-line, or internship programs; or

(3) the conduct occurs outside the context of University employment or a University educational program or activity, but has continuing adverse effects on or creates a hostile environment for an individual while on the University's campus or other property owned or controlled by the University or in any University employment or educational program or activity.

This policy sets out procedures for formal complaints pertaining to DHR Conduct and other violations of University policy or the Student Code of Conduct not covered in the Title IX Policy.

This policy does not address sexual assault, dating, domestic or intimate partner violence, sexual exploitation, stalking, complicity, sexual harassment, or gender-based harassment which includes harassment based on gender identity or expression, pregnancy, and sexual orientation. Those categories of prohibited conduct are governed by the Title IX Policy, which provides reporting options and explains how the University assesses, investigates, and resolves reports of such prohibited conduct. Where reported conduct violates this policy and violates the Title IX Policy, the University's response will be governed by the procedures referenced in the Title IX Policy.

Academic complaints, including those pertaining to grades, academic dishonesty, or plagiarism, shall be handled at the academic department level in accordance with the Satisfactory Academic Progress Policy.

POLICY

Non-Discrimination

VUIM prohibits discrimination on the basis of age, race, sex, color, gender, gender identity and expression, national origin, ethnicity, ancestry, sexual orientation, religion, creed, disability, genetic information, marital status or any other legally protected class status in all its programs, activities, and employment practices. VUIM will not tolerate unlawful discrimination or harassment of any kind and subscribes to the principles and adheres to the requirements of state and federal law pertaining to civil rights and equal opportunity. Virginia University of Integrative Medicine (VUIM) is an equal opportunity institution.

VUIM adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964 as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of sex.

Age Discrimination in Employment Act of 1967 (ADEA) as amended - prohibits discrimination on the basis of age.

The Equal Pay Act of 1963 as amended - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

The Genetic Information Nondiscrimination Act of 2008 (GINA) – protects individuals from genetic discrimination in health insurance and employment.

The Virginia Human Rights Act (Title 2.2, chapter 39 of the Code of Virginia) of 1964 - protects employees from discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, and disability from unlawful discrimination.

Grievances and Complaints

It is the policy of VUIM to provide fair and orderly procedures to resolve grievances. Nothing in this policy prevents a student or staff/faculty from discussing a complaint informally with any appropriate college official. This policy intends to provide all community members with a formal avenue for addressing complaints.

The University will maintain records of all submitted formal complaints in the context of the records retention policy.

Children and vulnerable persons

Due to the inherent nature of interactions with Children and other vulnerable persons, great care must be taken to assure that they are protected. VUIM requires that all interactions should be supervised by at least one member of their family or caregiving team outside of the University and its employees. When and if that is not possible, a chaperone must be included in the interaction. See Chaperone policy for more details.

Along with what is noted above, to assure an appropriate visit and reduce risk associated with concerns of this nature, interactions between members of the VUIM community (including students, staff and faculty) and children or vulnerable persons, will always be focused on the primary purpose of the visit (treatment, education planning, etc.). VUIM employees are not permitted to engage in care on behalf of the university outside of regular business hours, office or university activities. No staff, student or faculty member is permitted to treat, engage or interact with children or vulnerable persons alone.

PROCESS

I. Reporting

The University encourages, and in some cases requires, reporting and there are multiple channels for reporting DHR Conduct. The University will support individuals who have experienced DHR Conduct in understanding, assessing, and pursuing their options.

A. Direct Reports

Reports can be made to any Responsible Administrator by those who allege to have been the victim of a violation of this policy, by a third party on a victim's behalf or anonymously. VUIM Responsible Administrators consist of VUIM staff, excluding faculty, academic advisors and student employees. Responsible Administrators are required to promptly report all relevant details they receive about an incident of alleged DHR Conduct (including the names and all other information that personally identifies the reporter, the complainant, the respondent, any witness, and/or any other third party with knowledge of the reported incident) and any other relevant information (including the date, time, and specific location of the reported incident) to the Dean of Student Services. In situations where a reporter's well-being is at stake, a Responsible Administrator may recommend supportive measures, such as no-contact orders between the parties, changes in class assignments, or work assignments to assist in avoiding contact, or other measures to enhance either party's safety, such as increased monitoring of an area.

While certain other employees may also have a reporting obligation, if a report is made to anyone other than one of the Responsible Administrators, the complainant risks the possibility that it will not come to the attention of the proper University officials and may, therefore, not be acted upon.

Reports may also be made to law enforcement if the alleged DHR Conduct constitutes a crime.

B. Confidentiality

If an individual makes a report to a Responsible Administrator, one still has the right to make an anonymous report; to request that the University maintain the report as confidential (i.e., not reveal his/her identity); and/or to request that the University not conduct an investigation or that action not be taken against an alleged perpetrator.

Unless a report is made to someone listed as a Confidential Resource, confidentiality cannot be ensured. However, even VUIM Offices and employees who cannot guarantee confidentiality will maintain one's privacy to the greatest extent possible. The information one provides to a non-confidential resource will be relayed only as necessary to the Dean of Student Services to investigate and/or seek a resolution.

If a complainant requests that his/her name be kept confidential (or if the complainant makes an anonymous complaint), the University's ability to respond to the report may be limited. While the University endeavors to comply with the complainant's wishes, it is not required to honor these requests. Depending on the circumstances, this may or may not be possible. The University has designated the Dean of Student Services as the individual who will evaluate any requests for confidentiality.

A report is not considered a complaint under the procedures for resolution of DHR Conduct. Students, employees, and third parties who have experienced DHR Conduct and want to request

resolution must also file a formal complaint. The University may, in appropriate circumstances, decide it must move forward with an investigation and/or disciplinary processes without a formal complaint. In making such a determination the University must consider its obligation to provide a safe, non-discriminatory environment for all students and employees.

II. Resolution Procedures

A. Resolution of Concerns at the Academic/Employment Unit Level

The University encourages open and honest communication between members of the community. Most conflicts and differences of opinion between members of the University community can be resolved by the individuals directly confronting issues and jointly exploring alternatives. VUIM encourages all community members to informally resolve differences when possible.

Certain reported concerns may be antithetical to VUIM's core values even if they do not yet rise to a violation of this policy. In these circumstances, the university will appropriately and efficiently resolve the reported concerns at the academic department or employment unit level through supportive measures, interventions, education, restorative practices, community dialogue, and/or other measures that can be tailored to the individuals involved and to achieve the goals of this policy. When determining the appropriate response and remedy, the university will take into account the nature and severity of the reported incident and the impact on the complainant and/or university community. The University may also monitor the academic department or employment unit's implementation of resolution measures to verify that they are being properly implemented.

Resources may be available to staff and students. If you would like to better understand the academic resources that may be available, students should contact Dr. Beth Howlett, ehowlett@vuim.edu and staff/faculty should contact Chad Egresi, cegresi@vuim.edu. If the complaint falls under Title IX (Sexual misconduct, harassment or discrimination), it should be reported to the institutional Title IX Coordinator and Dean of Student Services, Beth Howlett at ehowlett@vuim.edu.

Complainants are not required to report or resolve their concerns at the academic department or employment unit level prior to filing a formal complaint. In addition, complainants not satisfied with the resolution at the academic department or employment unit level may file a formal complaint.

B. Submitting a Formal Complaint

An individual who feels they have been discriminated against or harassed (as defined below) may follow the procedures for filing a formal grievance in this policy.

Students:

Students who would like to submit a formal complaint should contact the Dean of Student Services, Beth Howlett, at ehowlett@vuim.edu to initiate the process. Complaints should be submitted within fourteen (14) business days.

1. The student will complete the Grievance Submission Form documenting the complaint.
2. The complaint will be reviewed and investigated by the Dean of Student Services.
3. Under most circumstances, a resolution will be provided within 10 business days.

Staff/Faculty:

Staff who would like to submit a formal complaint should contact Chad Egresi, cegresi@vuim.edu to initiate the process. Complaints should be submitted within fourteen (14) business days.

1. The staff/faculty member will complete the Grievance Submission Form documenting the complaint.
2. The complaint will be reviewed and investigated by Human Resources.
3. Under most circumstances, a resolution will be provided within 10 business days.

C. Student Conduct Hearings

Following receipt of a formal complaint pertaining to DHR Conduct, if the Dean of Student Services (or designee) determines charges are appropriate, the student will be notified of the alleged violation and the appropriate resolution procedure. There are several resolution procedures:

Conduct Hearing

A Conduct Hearing is the basic method of resolution for all offenses that warrant sanctions. Typical sanctions include educational tasks, written warnings, conduct probation, fines, community service, community restitution, referral for resources, suspension or dismissal from the university.

Students have the right to appeal decisions made during a Conduct Hearing via the CEO (or designee), who will serve as the Appellate Officer. In some instances, the case may still be referred to the Community Conduct Council by the Appellate Officer. (See the Appeal Process for more details.)

Expedited Hearing

If a student's continued presence on campus endangers university property, the physical safety or well-being of other members of the campus community, affects his/her physical or emotional safety or well-being or disrupts the educational process of the community, the Dean of Student Services (or designee) may initiate an expedited hearing. An expedited hearing may convene immediately and may void a student's 48-hour notice of hearing.

Additional Information for Each Method of Conduct Resolution

1. Student conduct records are confidential and are available only to persons who have permission from the students. Limited conduct information may be shared with other VUIM administrators and faculty members who have a legitimate need to know.
2. All hearings are closed to the general public.
3. If an accused student fails to appear for a scheduled hearing, the hearing may be decided in his/her absence. The Dean of Student Services (or designee) will hear the case based on the available information. The university will not necessarily drop charges of misconduct if an accused student leaves VUIM for any reason (e.g., voluntary withdrawal, required resignation, separation or dismissal from the university).

4. An accused student may bring an advisor to a hearing. The advisor must be a member of the university community and can be a student, faculty or staff member. During the hearing, the advisor may only advise during recesses granted by the Dean of Student Services and may clarify procedural questions before, during or after the hearing.

5. The Dean of Student Services makes decisions about responsibility and sanction(s). These decisions shall be based on the evidentiary standard of "preponderance of evidence," meaning the Dean of Student Services determines if it is more likely than not the alleged violation occurred.

6. The university requires administrative staff maintain confidentiality regarding conduct matters. Individual(s) who report the alleged violation(s) may be informed of the official decision and assigned sanctions, as deemed appropriate by the Dean of Student Services (or designee). The Dean of Student Services may share information about conduct charges, findings and sanctions with university personnel who, at the discretion of the Dean of Student Services, have a legitimate need to know.

D. Appeal Process

A student found responsible for a violation of this policy or another University policy during a Student Conduct hearing may request an appeal based on one of the following:

1. insufficient information that a policy was violated or the availability of new evidence;
2. a serious procedural error in resolving the case;
3. a sanction inappropriate for the violation; and/or
4. a conflict of interest or bias on the part of the Dean of Student Services (or designee) that affected the outcome.

A request for an appeal to the CEO (or designee) must be made in writing within 72 hours of receipt of the original written decision. Typically, an appeal decision will be rendered within 10 business days, unless the sanction includes suspension or dismissal. After review, the CEO (or designee) may:

1. affirm the finding(s) of the original hearing authority;
2. reverse the finding(s) of the original hearing authority;
3. alter the sanction(s) of the original hearing authority (and, if altered, sanctions may be made more or less severe); or
4. refer the case to an appeal hearing.

A subsequent appeal, which is permitted only in cases in which suspension or dismissal are assigned, must be submitted in writing to the CEO (or designee) within 48 hours of receipt of the appeal decision. CEO (or designee) may:

1. affirm the finding(s) of the original hearing authority;
2. reverse the finding(s) of the original hearing authority;

3. alter the sanction(s) of the original hearing authority (and, if altered, sanctions may be made more or less severe); or

4. uphold the prior appeal decision.

The decision of the CEO (or designee) on all hearing appeals resulting in suspension or dismissal is the final decision for VUIM. The decision of the CEO (or designee) on all other appeals is the final decision for VUIM.

E. Conduct Findings

- Found Responsible: The accused student is responsible for a violation of University policy as charged.
- Found Not Responsible: The accused student is not responsible for a violation of University policy.

F. Sanctions

A sanction is a consequence placed upon a student for violating University policy. The purposes of imposing sanctions are twofold: to protect the university community from behavior that is detrimental to its health, safety and educational mission; and to assist students in understanding what it means to be accountable for their actions and/or what the consequences may be for future behavior.

All students who are sanctioned will be treated with fair consideration, and all circumstances involved in an incident will be considered in sanctioning as each individual case is unique. A student charged as an accessory may be subject to the same sanction(s) as the primary violator.

VUIM employs a progressive discipline system in which succeeding violations entail more serious consequences, including suspension and dismissal from the university.

A student may be sanctioned to one or more of the following depending on the seriousness of the violation. Sanctions are determined by the Dean of Student Services.

- Restriction of activities or privileges: participation in any and/or all organized university activities other than required academic endeavors are restricted for a designated period.
- Written warning: official record that a student has been warned about behavior.
- Fines: monetary sanctions.
- No-contact order: student is prohibited from having any direct or indirect contact or contact via a third-party with a particular person. Violation may result in suspension or dismissal.
- Referral: requires the student seek appropriate guidance or resources for his/her success.
- Removal of property: required removal of property.
- Restitution: reimbursement by the student to cover the cost of repair or replacement of damaged or misappropriated property.

- Conduct probation: period of self-reflection during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in more severe sanctions, including suspension or dismissal from the university. In most cases, when a student is placed on conduct probation, parental notification will be part of the process to discuss a student's success plan.
- Conduct suspension: a temporary cancellation of a student's enrollment at VUIM with approval from the Dean of Student Services (or designee). Once assigned this sanction, a student is immediately removed from classes and banned from university property. A student cannot enter university property during his/her term of suspension without prior permission from the Dean of Student Services (or designee) nor graduate. Any classes taken at another institution while suspended cannot be transferred to VUIM.
- Campus ban: student is banned from being present on either the entire campus or specified areas of the campus.
- Dismissal from the university: a permanent cancellation of a student's enrollment at VUIM with approval from the Dean of Student Services (or designee). Once assigned this sanction, students are immediately removed from classes and banned from university property. A student cannot enter university property once dismissed without prior permission from the Dean of Student Services (or designee) nor re-enroll or graduate from VUIM.

III. Protection from Retaliation

Federal and state laws, as well as University policies, provide members of the University community with protection from retaliation, and underscore that retaliatory conduct may have serious consequences, including disciplinary sanctions.

Retaliation against a person who, in good faith, files a complaint or participates in the reporting, investigation, or adjudication process pertaining to a complaint is a particularly serious offense. Retaliation may include, but is not limited to, threats to personal safety or security and harassment. Complaints of retaliation should be reported as possible violations of University policies.

A complaint of retaliation does not constitute proof of prohibited conduct. Therefore, such a complaint shall not be considered during evaluation or review until a determination has been made that there has been a violation of University policy.

IV. External Complaints

Should the reporting student, or any other affected party remain displeased with the outcome of the matter, an appeal may always be made to the appropriate individual state and/or accreditation authority listed below:

State Council of Higher Education for Virginia (SCHEV)

James Monroe Building, 10th Floor

101 North Fourteenth Street

Richmond, Virginia 23219

Tel: (804) 225-2600; Fax: (804) 225-2604; Website: www.schev.edu

US Department of Veterans Affairs

"The Virginia State Approving Agency (SAA) is the approving authority of education and training programs for Virginia. Our office investigates complaints of GI Bill beneficiaries. While most complaints should initially follow the school grievance policy, if the situation cannot be resolved as the school, the beneficiary should contact our office via email – saa@dvs.virginia.gov

Accreditation Commission for Acupuncture and Herbal Medicine (ACAHM)

500 Lake Street, Suite 204

Excelsior, Minnesota 55331

Tel: (952) 212-2434; Fax: 952/657-7068; Website: www.acahm.org

Georgia Nonpublic Postsecondary Education Commission (GNPEC)

In the event a student is not able to satisfactorily resolve issues with the university using VUIM's complaint and appeals channels, and the student wishes to file a complaint, the Georgia Office of Inspector General is designated as the state agency responsible for receiving such complaints. Students may contact:

Georgia Nonpublic Postsecondary Education Commission

2082 East Exchange Place

Suite 220

Tucker, GA 30084

Phone: (770) 414-3300

Fax: (770) 414-3309

https://gnpec.georgia.gov/student-resources/complaints-against-institution

New Jersey Office of the Secretary of Higher Education (OSHE)

Office of the Secretary of Higher Education

ATTN: Complaints

P.O. Box 542 Trenton, New Jersey 08625-0542

NJ Complaint Form:
https://www.nj.gov/highereducation/documents/pdf/OSHEComplaintForm.pdf

Texas Higher Education Coordinating Board (THECB)

To submit a complaint to the THECB, students are required to provide written evidence of his or her completion/exhaustion of the institution's student complaint process. This includes all institutional appeals.

Students may complete the online student complaint form and upload the required supporting documentation in PDF format. To access the online student complaint form, click **here**.

If a student is unable to submit the online Student Complaint and Release Form, they can print a paper copy to submit by mail. Completed forms and required documentation* may be mailed to:

Texas Higher Education Coordinating Board

Office of General Counsel

1801 Congress Ave. Suite 12.200

P.O. Box 12788

Austin, Texas 78711-2788

If you reside in a state outside of one of our four campus locations (Virginia, New Jersey, Georgia and Texas), and have a complaint that you feel has not been resolved through the university grievance procedures, you may file a complaint with the state in which you reside. In compliance with Federal Department of Education regulations, we are providing the list of all state agencies with contact information: Student Complaint Information by State, also available in the PDF format.

DEFINITIONS

DHR Conduct: Discrimination, harassment, and/or retaliation committed by students or employees as these terms are defined in this policy.

A. **Discrimination:** There are two types of discrimination prohibited by this policy: (1) disparate treatment; and (2) failure to provide reasonable accommodations.

1. **Disparate Treatment:** Disparate (i.e., different) treatment discrimination is adverse treatment of an individual based on one or more of the protected categories unless such different treatment is permitted or required by law. Examples of disparate treatment include denial of an opportunity to participate in or benefit from University services, programs, or activities; and actions that impact the terms, conditions, or benefits of an individual's education, employment, program/activity participation, or other aspects of their experience at the University.

   Disparate treatment includes adverse treatment of an individual based upon their association or relationship with another individual due to that other individual's color, disability, national/ethnic origin, race, religion, or sex.

2. **Failure to Provide Reasonable Accommodations:** The failure to provide a reasonable accommodation for disability, pregnancy, or religion, or the failure to engage in the interactive process for disability, pregnancy, or religious accommodations upon receipt of sufficient notice that an individual is seeking such accommodation, constitutes a form of discrimination.

   "Reasonable accommodation for disability, pregnancy, or religion" is certain modifications or adjustments necessary to ensure an equal opportunity to access or participate in the University's programs and activities, and educational and employment opportunities, unless such modifications or adjustments would fundamentally alter the program or activity or would constitute an undue hardship.

B. **Harassment:** There are two forms of harassment prohibited by this policy:

   1. **Quid pro quo harassment** (i.e., this for that) is conduct where a respondent conditions the provision of an aid, benefit, or service on an individual's unwelcome conduct based on the applicable protected categories.

   2. **Hostile environment harassment** is unwelcome conduct based on one or more protected categories which is sufficiently severe, persistent, or pervasive from both a subjective and objective perspective that it unreasonably interferes with the employment, academic, or program/activity environment or limits or deprives an individual from participating in or benefiting from educational programs and activities.

      A hostile environment can be created by persistent or pervasive conduct, or by a single or isolated incident, if sufficiently severe. The more severe the conduct is, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

C. **Retaliation:**

Retaliation is adverse action taken against an individual for engaging in protected activity. Adverse action is action that would discourage a reasonable person from engaging in protected activity.

Protected activity consists of: (1) complaining of or opposing conduct based on a reasonable good faith belief that the conduct constitutes discrimination, harassment, or retaliation; (2) assisting, testifying in, participating, or refusing to participate in any manner in an investigation, resolution process, or other proceeding related to a complaint of discrimination, harassment, or retaliation; and (3) requesting an accommodation for disability, pregnancy, or religion.

Retaliation that is alleged to have occurred in response to the first and second forms of protected activity may exist even if the underlying allegation(s) are not substantiated during an investigation.

Retaliation does not include good faith actions lawfully pursued in response to a report of DHR Conduct or the exercise of rights protected under the First Amendment.

Protected Categories: Age, color, disability, family medical or genetic information, gender expression, gender identity, marital status, military status (which includes active duty service members, reserve service members, and dependents), national/ethnic origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, and veteran status.