

## POLICY S16 Nondiscrimination

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Policy Name: Nondiscrimination Policy Category & Number: S16 Person Responsible: Director of Compliance and Risk Management Approved by: RHEI Leadership Effective Date: September 6 <sup>th</sup> , 2022 Version:1.0 Policy Status: Approved
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- I. Policy:  
Nondiscrimination
  
- II. Purpose:  
Bon Secours St. May's hospital School of Medical Imaging (SOMI or the "School") is committed to a teaching, learning, and working environment free from all forms of discrimination and harassment. The School prohibits unlawful discrimination in employment and in its educational programs and activities, including internal promotions, training, opportunities for advancement, terminations, relationships with outside vendors, use of contractors and consultants and in its admission or access thereto, on the basis of race, ethnicity, national origin or descent, color, creed, religion, sex, age, marital status, disability (including physical, disease, psychiatric or psychological disability), medical condition, pregnancy, veteran status, sexual orientation, gender identification or expression, or physical characteristics. The School will conduct its program, services, and activities consistent with applicable federal, state and local laws, regulations, and orders
  
- III. Scope:  
This policy applies to all students and to all third parties conducting business on behalf of the School. The Bon Secours Mercy Health Non-Harassment and Non-Discrimination Policy applies to all School associates.
  
- IV. Policy Details:  
Discrimination prohibited under this Policy is defined as treating someone differently because of their membership in a protected class (or a perception that someone is a member of a protected class) in matters of admissions, employment, services, or any other educational programs or activities of the School Disparate treatment discrimination occurs when there has been an

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adverse impact on the individual's work or educational environment, individuals outside of the protected class have received more favorable treatment, and there is no legitimate, non-discriminatory reason for the action. Disparate impact discrimination occurs when a School policy or practice adversely impacts persons in a protected class even though the policy or practice is neutral on its face. Harassment prohibited under this Policy is defined as verbal or physical conduct (including conduct using technology) directed toward an individual because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile or offensive working or academic environment. The School will promptly and thoroughly investigate all allegations of discrimination and harassment. If an individual is found to have violated this Nondiscrimination Policy, the School will take appropriate action to prevent recurrence of the discrimination and/or harassment and take steps to correct its discriminatory effects on the complainant and others, if appropriate. Individuals found responsible will face disciplinary action, up to and including expulsion. Any member of the School community who is a witness to or victim of discrimination should immediately notify the appropriate Designated School Official as listed below. The School prohibits retaliation based upon reporting of violations of this Policy.

### **COMPLAINTS OF DISCRIMINATION:**

Any person may file a complaint alleging discrimination or harassment in violation of this Policy. Complaints may allege discrimination or harassment carried out by associates, students, or third parties. Complaints should be submitted in writing to the following Designated School Officials:

#### **Student Disability Complaints**

Dia Lisner  
Director of Student Success  
8550 Magellan Parkway, Suite 1100  
Richmond, VA 23227  
804-627-5335  
[Lydia.Lisner@bshsi.org](mailto:Lydia.Lisner@bshsi.org)

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### **Sex Discrimination Complaints**

Monique Bates  
Director of Compliance and Risk Management - Title IX Coordinator  
8550 Magellan Parkway, Suite 1100  
Richmond, VA 23227  
804-627-5457  
[monique\\_bates@bshsi.org](mailto:monique_bates@bshsi.org)

### **All Other Discrimination / Harassment Complaints**

Benji Djeukeng  
Dean of Administration  
8550 Magellan Parkway, Ste. 1100  
Richmond, VA 23227  
804-627-5306  
[benjamin\\_djeukeng@bshsi.org](mailto:benjamin_djeukeng@bshsi.org)

A member of the administration, faculty, or staff that receives a complaint of discrimination or harassment shall immediately forward such complaint to the appropriate Designated School Official listed above.

Complaints involving Sexual Harassment as defined by the Sexual Harassment Policy shall be addressed exclusively through that policy and process. This Policy addresses all other forms of sex-based discrimination, including sex-based harassment that does not rise to the level of Sexual Harassment as defined in the S11 Title IX Sexual Harassment Policy.

Complaints of disability discrimination, including disability harassment, involving students or third parties will be processed pursuant to the procedures below, which constitute the School's grievance procedures. Complaints of all other forms of discrimination and harassment will also be processed pursuant to the procedures set forth below.

All complaints involving associates (other than Sexual Harassment as discussed above) will be referred to Human Resources for processing under the Bon Secours Mercy Health Non-Harassment and Non-Discrimination Policy.

### **RELATED POLICIES AND PROCEDURES:**

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Conduct that is of a discriminatory or harassing nature may also implicate other School policies. The G24 Student Conduct – Rights and Responsibilities policy may be relevant to complaints of discrimination and used by the School to address the underlying allegations of misconduct:

### **OUTSIDE OPTIONS FOR RESOLUTION OF COMPLAINTS:**

Complaints of discrimination may be filed with the Office for Civil Rights, U.S. Department of Education at the following address:

Office for Civil Rights, U.S. Department of Education  
Washington DC (Metro)  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475  
Telephone: 202-453-6020  
FAX: 202-453-6021; TDD: 800-877-8339  
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

### **PROCEDURES**

#### **INVESTIGATION OF COMPLAINTS:**

1. The appropriate Designated School Official will commence an investigation within seven (7) business days of receiving a complaint. The Designated School Official (or assigned investigator) will speak to all parties involved (complainant, respondent, and witnesses) and collect any non-testimonial evidence. Both the complainant and respondent will have an equal opportunity to identify and have considered witnesses and other relevant evidence.
2. The investigation will conclude no later than 90 calendar days after the start of the investigation unless good cause exists to extend the time period for investigation. Both parties will be provided periodic updates of the status of the investigation and will be notified if the time period for investigation has been extended.
3. The School will use a preponderance of the evidence standard in determining responsibility of discrimination or harassment.

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4. The Designated School Official will provide written notice to both parties of the outcome of the investigation, including the rationale for the decision reached.
5. When a preponderance of the evidence supports a finding that this Policy has been violated, the matter will be referred for appropriate disciplinary and remedial action as outlined below.
6. When there is insufficient evidence to find a violation of this Policy, the complaint will be closed, and the complainant notified of the right to pursue the matter with external enforcement agencies. Such a finding does not preclude further review or action by other administrative offices if the underlying conduct could constitute a violation of other School policies.
7. Either party may appeal the finding on the following grounds:
  - A procedural irregularity affected the outcome;
  - There is new evidence that was not reasonably available during the investigation that could have affected the outcome; or
  - The investigator had a conflict of interest or bias against the appealing party that affected the outcome.
8. The appeal must be filed in writing with the Vice President, Richmond Higher Education Institutions' office within ten (10) business days of receipt of the written determination. The appeal must include:
  - Name of the complainant;
  - Name of the respondent;
  - A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and,
  - Requested action, if any.

Any appeal that is untimely or does not contain at least one permitted ground for appeal will be rejected.

9. The Vice President, Richmond Higher Education Institutions' office will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) business days. The Vice President, Richmond Higher Education Institutions will also promptly obtain from the Designated School Official all records from the investigation necessary to resolve the grounds raised in the appeal.
10. The Vice President, Richmond Higher Education Institutions will resolve the appeal within fifteen (15) business days of receiving the appeal and any written

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opposition to it and may take any and all actions that the Vice President, Richmond Higher Education Institutions determines to be in the interest of a fair and just decision. The decision of the Vice President, Richmond Higher Education Institutions is final.

11. The Vice President, Richmond Higher Education Institutions shall issue a short and plain, written statement of the resolution of the appeal that explains the outcome of the appeal and the rationale. The written statement shall be provided to the complainant, the respondent, and the Designated School Official.
12. The determination of a complaint becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the Vice President, Richmond Higher Education Institutions has resolved all appeals. No further review beyond the appeal is permitted.

### **Possible Sanctions:**

If the investigation determines that a student has violated this Policy, the student will be disciplined in accordance with the process outlined in G24 Student Conduct – Rights and Responsibilities. Possible disciplinary can range from a warning to expulsion depending on the severity of the incident.

### **Vendors, Contractors and Third Parties:**

The School does business with various vendors, contractors, and other third parties who are not students or associates of the School. Notwithstanding any rights that a given vendor, contractor, or third-party respondent may have under this policy, the School retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the School retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

### **PROHIBITION AGAINST RETALIATION:**

The School prohibits retaliation against any individual that files a discrimination / harassment complaint or participates in the investigation or resolution process. Incidents of retaliation should be reported immediately to the Designated School Official.

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V. Definitions:  
N/A

VI. Attachments:  
None

VII. Related Policies:  
G24 - Student Conduct – Rights and Responsibilities  
S11 - Title IX Sexual Harassment  
Bon Secours Mercy Health Non-Harassment and Non-Discrimination Policy

VIII. Disclaimers:  
a. Nothing in this policy creates a contractual relationship between Bon Secours St. Mary's Hospital School of Medical Imaging (SOMI) and any party. SOMI, in its sole discretions, reserves the right to amend, terminate or discontinue this policy at any time, with or without advance notice.

IX. Version Control

Version	Date	Description	Prepared by
1.0	09/06/2022	Initial Policy	Director of Compliance and Risk Management