

ADMINISTRATIVE PROCEDURE

Sub-unit: **College of Agriculture and Natural Resources
Academic Units, University of Maryland Extension, Maryland Agricultural
Experiment Station, and Administrative Units**

Subject: **Anti-Harassment Procedure – Respectful Workplaces, Reporting Procedures, and
Responsibilities**

Effective Date: **April 26, 2023**

A. Purpose

The College of Agriculture and Natural Resources (AGNR) strives to create an environment where all employees, students, beneficiaries, and customers alike are treated with civility, decency and most importantly, respect – one of our core values. As the cornerstone college of the University of Maryland (UMD) and the “people’s” college, our commitment to building and maintaining a community which reflects our value system, fosters our fundamental land-grant mission and celebrates individual differences and diversity is an integral part of our existence. AGNR has a **zero-tolerance** policy for conduct prohibited by UMD policies, including but not limited to bullying, discrimination, harassment (including but not limited to sexual harassment), sexual misconduct, and retaliation. Therefore, the following procedure applies to all operating units within AGNR including, but not limited to, Academic Units, University of Maryland Extension (UME), Maryland Agricultural Experiment Station (MAES) and AGNR Administrative Units. To this end, all AGNR employees, regardless of their positions, are subject to this administrative procedure and are expected to comply with its provisions as appropriate.

B. Background and Authority

AGNR, as a UMD constituent college and recipient of federal financial assistance, is subject to applicable Federal and state civil rights laws and regulations, including but not limited to, the United States Department of Agriculture (USDA) regulations at 7 C.F.R. Part 15, as well as University System of Maryland (USM) and UMD nondiscrimination policies and procedures. In addition, AGNR is tasked within UMD to effectuate UMD’s land-grant mission. These laws, regulations, and policies include, but are not limited to, those listed below:

- Title VI of the Civil Rights Act of 1964¹
- Title VII of the Civil Rights Act of 1964²
- Americans with Disabilities Act of 1990, as amended 2008³
- Section 504 of the Rehabilitation Act of 1973⁴
- Title IX of the Education Amendments of 1972⁵
- Age Discrimination Act of 1975⁶
- Age Discrimination in Employment Act of 1967⁷
- USDA implementing regulations⁸

¹ 42 U.S.C. § 2000d et seq.

² 42 U.S.C. § 2000e et seq.

³ 42 U.S.C. § 12111 et seq.

⁴ 29 U.S.C. § 794 et seq.

⁵ 20 U.S.C. § 1681 et seq.

⁶ 42 U.S.C. § 6101 et seq.

⁷ 29 U.S.C. § 621 et seq.

⁸ 7 C.F.R. Part 15, Subpart A-Nondiscrimination in Federally assisted Programs of the Department of Agriculture-Effectuation of Title VI of the Civil Rights Act of 1964, 7 C.F.R. Part 15a, Subpart D-Discrimination on the Basis of Sex in Education Program and Activities Prohibited; 7 C.F.R. Part 15b, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance; Department Regulation 4330-2 Nondiscrimination in Programs and Activities Receiving Financial Assistance from USDA.

- Department of Justice implementing regulations⁹
- USM Policy on Professional Conduct and Workplace Bullying VII-8.05
- UMD Equal Employment Opportunity and Affirmative Action Statement of Policy VI-1.00 (A)
- UMD Nondiscrimination Policy and Procedures VI-1.00 (B)
- UMD Disability & Accessibility Policy and Procedures VI-1.00 (D)
- UMD Policy on Threatening and Intimidating Conduct VI-1.00 (F)
- UMD Policy and Procedures on Sexual Harassment and Other Sexual Misconduct VI-1.60 (A)

C. Scope

All AGNR University members are expected to conduct themselves in a manner that promotes an atmosphere free from bullying, discrimination, harassment, sexual misconduct, and retaliation. Discrimination, including harassment based on an individual's race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected class, and retaliation, is prohibited by UMD policies and expressly rejected by this college. Any individual who engages in or promotes prohibited conduct is in direct conflict of these values.

The AGNR Office of Human Resources Management, Compliance, and Diversity Programs (HRMCDP) is tasked with managing AGNR's compliance with certain land-grant regulations applicable to AGNR, UMD policies and procedures, and civil rights and equity programs. HRMCDP will monitor the implementation of this procedure and coordinate with the Associate Dean for Academic Affairs Office, UMD's Office of Civil Rights and Sexual Misconduct (OCRSM), other appropriate UMD offices, and/or USDA/National Institute of Food and Agriculture (NIFA) as needed.

D. Procedure

AGNR employees are encouraged to report conduct that may be considered discrimination, harassment (including but not limited to sexual harassment), sexual misconduct, retaliation or bullying to the appropriate UMD office (as noted on pages 3/4), pursuant to UMD policies and procedures. In some instances, UMD policy requires supervisors, faculty, and staff to report such conduct. For example, Responsible University Employees, as defined by UMD Policy and Procedures on Sexual Harassment and Other Sexual Misconduct VI-1.60 (A), includes "all University administrators, supervisors, faculty members, graduate assistants, UMPD, athletic coaches, athletic trainers, resident assistants, and first responders, who are not confidential resources," are required to report instances of sexual harassment, sexual assault, and other sexual misconduct prohibited by that Policy to the Office of Civil Rights and Sexual Misconduct.

Maintaining discretion is an expectation of all individuals who participate in the reporting or disclosure notification, at any and all intervals, and such individuals are expected to display a heightened regard for professionalism to ensure an individual's civil rights are not infringed upon – to include rights protected under Family Educational Rights and Privacy Act (FERPA). Given AGNR's unique mission, there are several UMD, State, and Federal entities involved in reporting selected areas of misconduct, including the internal and external reporting avenues identified in sections (E) and (F).

If an individual believes that they have been subjected to any form of discrimination (including harassment), sexual misconduct, or retaliation, they may file a complaint with any of the reporting avenues identified in sections E/F of this procedure. Members of the UMD community, including students, staff, faculty, and certain third parties such as visitors, vendors, and contractors, may file a complaint of

⁹ 28 C.F.R. Part 41-Implementation of Executive Order 12250, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs; 28 C.F.R. Part 42, Subpart F-Coordination of Enforcement of Nondiscrimination Federally Assisted Programs.

discrimination (including harassment), sexual misconduct, or retaliation internally with OCRSM consistent with UMD policies and procedures. Instances of bullying and/or professional misconduct should be reported through appropriate organizational structure starting with the appropriate supervisor. AGNR customers such as UME or MAES clientele and volunteers may report prohibited conduct to UMD via the Office of Human Resources Management, Compliance, and Diversity Programs, the Office of Civil Rights and Sexual Misconduct, and/or to external agencies such as those identified in Section F as determined by the individual complainant.

Reports and complaints of prohibited conduct made to UMD will be promptly reviewed for appropriate action pursuant to UMD policies and procedures. HRMCDP may refer matters to OCRSM or other appropriate UMD offices for review.

E. Reporting Avenues – Internal

AGNR Office of Human Resources Management, Compliance, and Diversity Programs
1124 Symons Hall/7998 Regents Drive
College Park, Maryland 20742
Email: agnrhrmcp@umd.edu

Office of Civil Rights & Sexual Misconduct, UMD
3101 Susquehanna Hall/4200 Lehigh Road,
College Park, MD 20742
Email: titleixcoordinator@umd.edu

Information for AGNR program applicants and recipients, faculty, staff, and graduate students on USDA and College civil rights matters. Responds to all incidents of program discrimination as a recipient and works collectively with UMD OCRSM/USDA/NIFA and external stakeholders regarding discrimination complaints.

Responds to all incidents of discrimination, including harassment, and sexual misconduct. OCRSM conducts initial outreach, information about Title IX accommodations, available resources, reporting options, and is responsible for investigating discrimination, including harassment, and sexual misconduct.

F. Reporting Avenues – External

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
Email: program.intake@usda.gov

U.S. Department of Education
Office for Civil Rights – Philadelphia Office
The Wanamaker Building, Suite 515
100 Penn Square East
Philadelphia, PA 19107
Email: OCR.Philadelphia@ed.gov

The Office of the Assistant Secretary for Civil Rights’ “mission is to provide leadership and direction for the fair and equitable treatment of all USDA customers and employees while ensuring the delivery of quality programs and enforcement of civil rights.”

The Office for Civil Rights’ “mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation’s schools and enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education.”

Equal Employment Opportunity Commission
GH Fallon Federal Building
31 Hopkins Plaza, Suite 1432
Baltimore, MD 21201
Email: BFOContact@eoc.gov

Maryland Commission on Civil Rights
6 Saint Paul Street, Suite 900
Baltimore, MD 21202 Email: mccr@maryland.gov

U.S. Equal Employment Opportunity Commission (EEOC) is responsible for “enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy and related conditions, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.”

Maryland Commission on Civil Rights’ “mission is to ensure opportunity for all through the enforcement of Maryland’s laws against discrimination in employment, housing, public accommodations, and state contracts.”

U.S. Department of Labor
Office of Federal Contract Compliance Programs
Two Hopkins Plaza, Suite 600
Baltimore, MD 21201
Email: OFCCP-MA-CC4@dol.gov

The Office of Federal Contract Compliance Programs (OFCCP) “protect workers, promote diversity and enforce the law. OFCCP holds those who do business with the federal government (contractors and subcontractors) responsible for complying with the legal requirement to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran.”

University of Maryland Police/Department of Public Safety
Pocomoke Building
7569 Baltimore Avenue
College Park, MD 20742
Website: <http://www.umpd.umd.edu>

Responds to crime reports including reports of stalking, dating violence, and sexual assault. University of Maryland Police Department (UMPD) response to crime reports is independent from the University’s Title IX response. When these issues overlap, OCRSM and UMPD communicate and coordinate their independent obligations.

G. Special Instructions

This procedure will serve as a notification regarding employee reporting expectations as members of AGNR and UMD. Additional training elements related to this procedure will be provided on an ongoing basis as appropriate and scheduling or topic related information can be found at <https://agnr.umd.edu/about/information/faculty-staff/administrative-services/ume-compliance>. Questions relating to this procedure are to be directed to the Assistant Director of Compliance, AGNR’s Office of Human Resources Management, Compliance, and Diversity Programs.