



---

**TOPIC:** Amendments to Board Policy VI-1.05—Non-Discrimination on the Basis of Sexual Orientation

**COMMITTEE:** Finance Committee

**DATE OF COMMITTEE MEETING:** June 19, 2012

**SUMMARY:** In recent months, various institutions have expressed interest in including protections for gender identity and expression in their anti-discrimination codes and policies applicable to employees and students. Gender identity and expression are not included currently in USM anti-discrimination policies, and most institutions are constrained from extending such protections in their own policies by virtue of a 1973 University of Maryland Board of Regents policy (*III—19.00 Policy Statement Regarding Human Relations Codes*) that only authorizes an institution to protect gender identity if the Human Relations Code of the institution's local jurisdiction also permits it. Only four jurisdictions (Baltimore City, and Baltimore, Howard and Montgomery Counties) currently afford such protections, and two USM institutions within those jurisdictions—UB and UMBC—already have adopted gender identity protection provisions in their own human relations codes.

The proposed amendments to the USM's Policy of Non-Discrimination on the Basis of Sexual Orientation (No. VI—1.05) would extend non-discrimination protections to gender identity and expression at all USM institutions. In addition to responding to the specific institution requests noted above, the proposed amendments would align USM policy with Maryland's "Code of Fair Employment Practices," which included gender identity and expression in its State employment anti-discrimination protections in a 2007 Executive Order, as well as the policies of public university systems in 33 other states which have adopted gender identity protections in their anti-discrimination policies.

Other than adding gender identity and expression to the policy's protections, the proposed amendments make no substantive changes to the current policy.

**ALTERNATIVES:** The committee can recommend that the amendments to the policy not be approved.

**FISCAL IMPACT:** No fiscal impact is anticipated.

**CHANCELLOR'S RECOMMENDATION:** That the Finance Committee recommend that Board of Regents approve amendments as submitted.

---

COMMITTEE RECOMMENDATION:

DATE:

---

BOARD ACTION:

DATE:

---

SUBMITTED BY: Joseph F. Vivona (301) 445-1923

---

## **VI-1.05 POLICY OF NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION**

(Approved by the Board of Regents, July 11, 1997; amended \_\_\_\_\_)

### **I. PURPOSE**

This policy affirms that the University System of Maryland's (USM) commitment to the most fundamental principles of academic freedom, equality of opportunity and human dignity includes the protection of members of the USM community from discrimination based on sexual orientation and gender identity and expression. These principles require that the treatment of students, faculty and staff of USM institutions and applicants for admission and employment, be based on individual abilities and qualifications and be free from invidious discrimination.

### **II. DEFINITIONS**

For the purposes of this policy, the following definitions apply:

- A. **"Gender Identity or Expression"** is defined as a person's actual or perceived gender identity, self-image, appearance, behavior or expression, regardless of whether that identity, self-image, appearance, behavior or expression is different from that traditionally associated with the person's gender at birth.
- B. **"Sexual Orientation"** is defined as the identification, perception or status of an individual as to homosexuality, heterosexuality or bisexuality.

### **III. PROHIBITION AGAINST DISCRIMINATION BASED UPON SEXUAL ORIENTATION OR GENDER IDENTITY AND EXPRESSION**

- A. This policy specifically prohibits discrimination against students, faculty and staff on the basis of sexual orientation or gender identity and expression in academic admissions, financial aid, educational services, housing, student programs and activities, recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development and employee services.

- B. The USM reserves the right to comply with conditions on the application of this policy required by the terms of any bona fide employee benefit plan such as a retirement, pension or insurance plan and to enforce or comply with any Federal or State law, regulation or guidelines, including conditions for the receipt of federal funding.

#### **IV. IMPLEMENTATION**

- A. The protections of this policy shall be included in all appropriate USM and institution equal opportunity statements and related documents.
- B. The USM and each institution shall include the protections of this policy in their procedures to implement and enforce their equal opportunity and non-discrimination policies, including the identification of those officials responsible for receiving, investigating and resolving complaints of discrimination prohibited by this policy.