

University Policy 1-012: DRAFT University Non-discrimination Policy

I. Purpose and Scope

The University of Utah is committed to providing and fostering an environment that is safe and free from prohibited discrimination.

This is the primary policy that informs the University community of the University's commitment to preventing prohibited discrimination and fostering an academic, employment, and health care environment that is free from prohibited discrimination, including harassment and Sexual Misconduct.

This policy applies to all academic and administrative units of the University, and to all members of the University community, including faculty, staff, students, patients, visitors, and participants in University programs or activities. The application of this policy's associated regulations to staff who are also students, such as teaching assistants, research assistants, Medical Housestaff, or other University staff members who are also enrolled as students in a graduate education or other degree program, will be determined by the respective roles of those involved in any alleged violation.

II. Definitions

For purposes of this Policy, the definitions of prohibited discrimination and other words and phrases used in this Policy and its associated Rules and Procedure are provided in Rule R1-012.

III. Non-discrimination Policy

The University of Utah does not discriminate against individuals on the basis of race, ethnicity, color, religion, national origin, age, disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or protected veteran's status ("protected class"), in employment, treatment, admission, access to educational programs and activities, or other University benefits or services. Additionally, the University provides reasonable accommodations to ensure equal access to qualified persons with disabilities.

Retaliation against individuals for engaging in protected activities, such as filing a discrimination complaint or participating in a discrimination complaint process, is prohibited.

Inquiries regarding the University's Non-discrimination Policy and requests for accommodations may be referred to:

Director, Office of Equal Opportunity and Affirmative Action
Title IX/ADA/Section 504 Coordinator
201 South Presidents Circle, Rm.135
Salt Lake City, UT, 84112
801-581-8365 (voice/tdd)
801-585-5746 (fax)
www.oeo.utah.edu

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per [Policy 1-001](#) and [Rule 1-001](#).]

IV. Rules, Procedures, Guidelines, Forms, and other related resources.

A. Rules

Rule 1-012

Rule 1-012A

Rule 1-012B

B. Procedures

Procedure 1-012

C. Guidelines

None

D. Forms

None

E. Other related resource materials.

[reserved]

V. References:

20 U.S.C. § 1092(f)

20 U.S.C. § 1681 *et seq.*

29 U.S.C. § 794 *et seq.*

42 U.S.C. § 2000d *et seq.*

42 U.S.C. § 2000e *et seq.*

42 U.S.C. § 6101 *et seq.*

42 U.S.C. § 12112

42 U.S.C. § 12132

42 U.S.C. § 18116

34 C.F.R. § 668.46 Institutional Security Policies and Crime Statistics

Utah Code Ann. § 76-5-106.5 Stalking—Definitions—Injunction—Penalties

Utah Code Ann. § 76-5-402 to -405 Sexual Offenses

Utah Code Ann. § 76-5-406 Sexual offense against the victim without consent of victim—Circumstances

Utah Code Ann. § 76-5b Sexual Exploitation Act

Utah Code Ann. § 76-9-702.7 Voyeurism offenses—Penalties

Utah Code Ann. § 77-36-1 Definitions

Utah Code Ann. § 78B-7-402 Definitions

Board of Regents Policy No. R256: Student Disciplinary Processes

Board of Regents Policy No. R831: Minimum Requirements for Non-Faculty Staff Employment Grievances Policy

Board of Regents Policy No. R841: Minimum Requirements for Disciplinary Sanctions and Termination of Staff Personnel

Policy 1-004: Violence in the Workplace and Academic Environment

Policy 1-011: Campus Security

Rule 1-012: Discrimination Complaint Rule

Rule 1-012A: Discrimination Complaint Process Rule

◀ Rule 1-012B: Sexual Misconduct Complaint Process Rule

Policy 5-106: Equal Opportunity and Nondiscrimination Employment

Policy 5-107: Consensual Relationships

Policy 5-117: Americans with Disabilities Act (ADA) Policy

Policy 5-203: Staff Employee Grievances

Policy 6-011: Senate Consolidated Hearing Committee

Policy 6-316: Code of Faculty Rights and Responsibilities

Policy 6-400: Code of Student Rights and Responsibilities

VI. **Contacts:**

The designated contact officials for this Policy are:

A. Policy Owner (primary contact person for questions and advice): Office of Equal Opportunity and Affirmative Action

B. Policy Officer: Vice President and General Counsel

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

“A “Policy Officer” will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... ”

“The Policy Officer will identify an “Owner” for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ” University Rule 1-001-III-B & E

VII. History: *{Place for key information about, and documents comprising, the “legislative” history of the Policy, in both its latest revised version, and all previous revisions, by Revision number. The first--originally adopted version of each Policy is “Revision 0” and the first subsequently revised version is “Revision 1”, and so on.. }*

Renumbering: Not Applicable *{If the Policy existed prior to September 2008, it was renumbered at that time as part of the mass reorganization of the entire regulations system, converting from the former “PPM” numbering to the new “University Regulations” numbering system. If the Policy did not exist prior to Sept. 2008, this is Not Applicable. }*

Revision History:

A. Current version. Revision 2. Approved by the Academic Senate: [Date of approval].
Approved by the Board of Trustees: [Date of approval], with the designated effective date of [Effective date].

Editorial revisions to current version: None

Background information on Revision 2. *{Identify and embed hyperlink to legislative history document which explains and shows the changes for this specific revision. Include materials which were included in the agenda for the Academic Senate processing of the proposal, including (i) Senate Cover Sheet form, (ii) explanatory memorandum to cabinet-level administrator describing proposal; (iii) marked up proposal showing changes made from previous version by strikeout and underlining fonts; (iv) any other useful legislative history*

information. **For example** see the legislative history file for Revision 2 of Policy 6-315 Faculty Parental Benefits... http://www.regulations.utah.edu/academics/appendices_6/6-315R2_legislativehistory_2011-05-10.pdf }

B. Earlier versions.

Revision 1. *{embed hyperlink to the past Revision version}* Effective dates October 1, 2014 to [date this Policy is enacted]. *{List the specific dates the prior version was first put into effect to the date it was replaced.} {And if any are available, the legislative history documents explaining the history of each of these earlier versions will be uploaded and listed and hyperlinked from here. For each prior version, the documents accessible/ linked from this History section will include the full contents of that prior version, and all available legislative history documents regarding that prior version.}*

Revision 0. *{embed hyperlink}* Effective dates January 10, 2011 to October 1, 2014.

C. Policy 5-210. This Policy 1-012 replaces Policy 5-210 as the primary University-wide non-discrimination policy.