

Policy 1-012: University Non-Discrimination Policy

Revision 4. Effective date: August 1, 2024.

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I. Purpose and Scope

A. Purpose.

The University of Utah (“University”) 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 healthcare environment that is free from prohibited Discrimination, including Harassment and Sexual Misconduct.

B. Scope.

This policy applies to all University Programs and Activities, including all operations of the University, all academic and administrative units of the University, and all members of the University community, including faculty, staff, students, patients, visitors, and other participants in University Programs or

Activities, as well as any person attempting to participate in any University Program or Activity. This policy is intended to be implemented through a set of associated University regulations (rules, procedures, and guidelines).

This policy shall not be construed to restrict constitutionally protected expression, as allowed by law, even though such expression may be unpleasant or even hateful. Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment which should characterize higher education. In the spirit of a true university environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. With regard to student-on-student speech, the University follows Utah Code 53B-27-402.

II. Definitions

For purposes of this policy, the definitions of Discrimination, Harassment, Sexual Misconduct, Retaliation, and other words and phrases used in this policy and its associated regulations are provided in Rule R1-012A.

III. Policy

A. The University of Utah prohibits discrimination against individuals on the basis of race, ethnicity, color, religion, national origin, age, disability, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, pregnancy-related conditions, genetic information, or protected veteran 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 or modifications to ensure equal access to University Programs and Activities, to qualified persons with disabilities persons who need modification due to pregnancy, childbirth, or related medical conditions, and persons who need accommodation based on a religious belief.

1. Retaliation against individuals for engaging in activities protected under this policy is prohibited. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right

or privilege protected under this policy, or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including an Informal Resolution process, Complaint process, or any other action taken by the University under Policy 1-012 or its associated regulations.

2. If any other University regulation is inconsistent with this policy, this policy and its associated rules shall govern.
3. Inquiries regarding the University's Non-discrimination Policy and associated regulations, and requests for accommodations may be referred to:
 - a. Director, Office of Equal Opportunity and Affirmative Action
Title IX/ADA/Section 504 Coordinator
383 University Street, Level One OEO Suite
Salt Lake City, UT 84112
801-581-8365 (voice)
801-585-5746 (fax)
oeo@utah.edu
www.oeo.utah.edu

Parts IV-VII of this Regulation 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. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules.

1. Rule R1-012A: Non-Discrimination Rule
2. Rule R1-012B: Complaint Process Rule
3. Rule R1-102C: Student Pregnancy or Related Conditions Rule

- B. Procedures, Guidelines, and Forms.
 - 1. Guideline 1-012A: Consent
 - 2. Guideline 1-012B: Advisors and Support Persons
- C. Other Related Resources.

V. References

- A. Federal Law
 - 1. 20 U.S.C. Sec. 1092 (Clery Act)
 - 2. 20 U.S.C. Sec. 1681 et seq. (Title IX of the Education Amendments of 1972)
 - 3. 29 U.S.C. Sec. 794 et seq. (Section 504 of the Rehabilitation Act of 1973)
 - 4. 42 U.S.C. Sec. 2000d et seq. (Title VI of the Civil Rights Act of 1964)
 - 5. 42 U.S.C. Sec.2000e et. seq. (Title VII of the Civil Rights Act of 1964)
 - 6. 42 U.S.C. Sec. 6101 et seq. (Age Discrimination Act of 1975)
 - 7. 42 U.S.C. Sec, 12112 (Title I of the Americans with Disabilities Act of 1990)
 - 8. 42 U.S.C. Sec. 12132 (Title II of the Americans with Disabilities Act of 1990)
 - 9. 42 U.S.C. Sec. 18116 (Patient Protection and Affordable Care Act)
 - 10. 34 C.F.R. Sec. 668.46 (Clery Act regulations)
 - 11. 34 C.F.R. part 100 (Title VI of the Civil Rights Act of 1964 regulations)
 - 12. 34 C.F.R. part 106 (Title XI of the Education Amendments of 1972 regulations)
- B. State Law
 - 1. Utah Code Section 76-5-106.5
 - 2. Utah Code Sections 76-5-402 through 405
 - 3. Utah Code Section 736-5-406

4. Utah Code Title 76, Chapter 5b, Sexual Exploitation Act
 5. Utah Code Section 77-36-1
 6. Utah Code Section 78B-7-402
 7. Utah Code Section 53B-27-601
 8. Utah Code 53B-27-402
- C. Utah Board of Higher Education Policies
1. Policy R256: Student Disciplinary Processes
 2. Policy R481: Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review
 3. Policy R831: Minimum Requirements for Non-Faculty Staff Employment Grievances Policy
 4. Policy R841: Minimum Requirements for Disciplinary Sanctions and Terminations of Staff Personnel
- D. University Regulations
1. Policy 1-004: Violence in the Workplace and Academic Environment
 2. Policy 1-011: Campus Security
 3. Policy 1-020: Required Professional Boundaries in Relationships
 4. Policy 5-106: Equal Opportunity and Non-discrimination Employment
 5. Policy 5-117: Americans with Disabilities Act (ADA) Policy
 6. Policy 5-203: Staff Employee Grievances
 7. Policy 6-011: Functions and Procedures of the Senate Consolidated Hearing Committee
 8. Policy 6-316: Code of Faculty Rights and Responsibilities
 9. Policy 6-400: Code of Student Rights and Responsibilities

VI. Contacts

The designated contact officials for this regulation are

- A. Policy Owner(s) (primary contact person for questions and advice): Director of the Office of Equal Opportunity and Affirmative Action
- B. Policy Officer(s): Vice President and General Counsel

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

- A. Current version. Revision 4.
 - 1. Initially approved by President Randall as an interim policy with an effective date of August 1, 2024. Approved by the Academic Senate Executive Committee under summer authority August 12, 2024 and approved by Board of Trustees September 10, 2024 with no changes.
 - 2. Legislative History
 - 3. Editorial Revisions
- B. Previous Versions
 - 1. Revision 3: Effective August 14, 2020
 - 2. Revision 2: Effective February 14, 2017
 - 3. Revision 1: Effective October 1, 2014
 - 4. Revision 0: Effective January 10, 2011
- C. Renumbering
 - 1. Renumbered from Policy and Procedures Manual 2-32 to Policy 5-210 and then renumbered from Policy 5-210 to this policy.