

# University Policy 1-012: University Non-discrimination Policy. Revision 2. Effective date February 14, 2017

## 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 those who are also students, such as teaching assistants, research assistants, Medical House staff, 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.

*[User note: This Policy was formerly titled as Interim Policy 1-012 Sexual Misconduct, Sexual Assault, Dating Violence, Domestic Violence and Stalking Prevention and Response. As of February 2017 it was re-titled and significantly revised, along with enactment of a set of associated Rules and procedures. Some contents of the revised Policy and the new Rules and Procedures formerly appeared in Policy 5-210 Discrimination and Sexual Harassment and Response. As of February 2017 this Policy and the set of associated Rules and Procedures replaces Policy 5-210 as the primary University Policy applicable to complaints of discrimination.]*

## 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 benefit 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

801-581-8765 (voice/tdd)

801-585-5766 (fax)

[www.oeo.utah.edu](http://www.oeo.utah.edu)

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*[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](#).]

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#### IV. Rules, Procedures, Guidelines, Forms and other Related Resources

##### A. Rules

[Rule 1-012](#): Discrimination Complaint Rule

[Rule 1-012A](#): Discrimination Complaint Process Rule

[Rule 1-012B](#): Sexual Misconduct Complaint Process Rule

##### B. Procedures

[Procedure 1-012](#): Discrimination Hearing Procedure

##### C. Guidelines

None

##### D. Forms

None

##### E. Other related resource materials

preserved

##### F. 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—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. § 76-9-701 Voyeurism offenses—Penalties

Utah Code Ann. § 77-36-1 Definitions

Utah Code Ann. § 78-7-402 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 5-102](#): Staff Employment Policy

[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

## V. 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

## VI. History

- A. Current version. Revision 2. Approved by the Academic Senate: January 9, 2017. Approved by the Board of Trustees: February 14, 2017, with the designated effective date of February 14, 2017.

Editorial revisions to current version: None

Background information on Revision 2.

- B. Earlier Versions.

Revision 1. Effective dates October 1, 2014 to February 14, 2017.

Revision 0. 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 policy applicable to complaints of discrimination.

**OUTDATED**