

Interim Policy 1-012: University Non-discrimination Policy

Revision #3. Effective date: August 14, 2020.

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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 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. This Policy is intended to be implemented through a set of associated University Regulations (Rules, Procedures, and Guidance). 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, Harassment, Sexual Misconduct, and other words and phrases used in this Policy and its associated Regulations are provided in Rule 1-012.

III. Policy

A. Non-discrimination Policy

1. 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, 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 to ensure equal access to qualified persons with disabilities.
2. 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 under this Policy or its associated Regulations.

3. If any other University Regulation is inconsistent with the provisions herein, this Policy and its associated Rules shall govern.
4. Inquiries regarding the University's Non-discrimination Policy and associated Regulations, and requests for accommodations may be referred to:

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 1-012: Discrimination Complaint Rule
2. Rule 1-012A: Discrimination Complaint Process Rule
3. Rule 1-012B: Sexual Misconduct Complaint Process Rule

B. Procedures, Guidelines, and Forms.

1. Guideline 1-012A

C. Other Related Resources.

V. References

A. Federal Law

1. 20 U.S.C. Sec. 1092
2. 20 U.S.C. Sec. 1681 et seq.
3. 29 U.S.C. Sec. 794 et seq.
4. 42 U.S.C. Sec. 2000d et seq.
5. 42 U.S.C. Sec.2000e et. seq.
6. 42 U.S.C. Sec. 6101 et seq.
7. 42 U.S.C. Sec, 12112
8. 42 U.S.C. Sec. 12132
9. 42 U.S.C. Sec. 18116
10. 34 C.F.R. Sec. 668.46

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

C. Utah Board of Higher Education Policies

1. Policy R256: Student Disciplinary Processes
2. Policy R831: Minimum Requirements for Non-Faculty Staff Employment
Grievances Policy

3. 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: Requires 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: 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 3.
 1. Approved as an interim regulation with an effective date of August 13, 2020.

2. Legislative History: This Interim Policy Revision 3 was put into effect on August 13, 2020 by University President Ruth Watkins, after consultation with the Academic Senate Executive Committee July 13, 2020, and presentation to and approval of the Executive Committee of the Board of Trustees August 17, 2020. It was subsequently presented for the Information and Recommendations of the Academic Senate, August 31, 2020. It was enacted as an Interim revision (in accord with Policy 1-001) in order to comply with recently changed federal regulations. It will remain in effect until a permanent version is adopted, which is anticipated to occur by August 14, 2022 after review by appropriate internal University groups.

3. Editorial Revisions

- a. Editorially revised August 2, 2022 to move to current regulations template
- b. Editorially revised March 17, 2022 to update OEO's address

B. Previous Versions

- 1. Revision 2: Effective February 14, 2017
- 2. Revision 1: Effective October 1, 2014
- 3. 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.