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1-119 Nondiscrimination and Anti-Harassment

A. The Policy

The Arizona Board of Regents and the universities are committed to creating and maintaining a university system in which students and employees can work and learn together in an environment that is free of unlawful discrimination, harassment, and retaliation. The Board and the universities prohibit unlawful discrimination, harassment, and retaliation, by employees, students, contractors, or agents of the Board and the universities based on a protected classification, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, and gender identity. The Board and the universities also shall comply with the Genetic Information Nondiscrimination Act of 2008.

B. Application of Policy

1. This policy applies to all Board and university employees in all aspects of their employment relationship with the Board or universities; all university students in all aspects of their relationship with the universities related to educational programs, activities, opportunities, and benefits; and all persons participating in or accessing Board or university sponsored programs and activities.
2. Each university president and the executive director of the Board shall maintain policies and procedures to address, investigate, and promptly remedy complaints of discrimination, harassment, and retaliation as prohibited by this policy.
3. The Board and the universities shall provide reasonable religious accommodations and accommodations for persons with disabilities as required by law.

C. Definitions

Discrimination

Discrimination is defined in federal and state law. In general, unlawful discrimination is a failure to treat persons equally if the motivation for treating a person differently is based, at least in part, on a status protected

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under applicable law or policy.

Harassment

Harassment is a specific form of discrimination. For purposes of this policy, harassment is unwelcome behavior, based on a protected classification, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in Board or university sponsored programs or activities. Additionally, sexual harassment, whether between individuals of the same or different sex, includes unwelcome conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual's education, employment, or participation in Board or university sponsored programs or activities, or the submission to or rejection of such conduct is a factor in decisions affecting that individual's education, employment, or participation in Board or university sponsored programs or activities.

Retaliation

Retaliation in the context of non-discrimination and anti-harassment occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of: (1) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates an employment discrimination statute or which board or university policy prohibits; or (2) filing a complaint about such practice; or (3) seeking an accommodation under this policy; or (4) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.

D. Responsibilities

1. All individuals identified in Section B.1. of this policy are responsible for participating in creating and maintaining a system environment free from all forms of prohibited discrimination, including harassment and retaliation, and for cooperating with board and university officials who investigate allegations of violations of this policy.

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2. Individuals charged with supervisory authority are required to engage in appropriate measures to prevent violations of this policy. Individuals charged with supervisory authority who are informed of or who have a reasonable basis to believe that a violation of this policy has occurred are required to promptly report it to the individual or office designated by each university president or, if applicable, the Board's executive director for investigation. Supervisory inaction may be cause for disciplinary action.
3. An individual believing that he or she has been subjected to discrimination, harassment, or retaliation in violation of this policy should report the matter immediately to the university in accordance with the policies and procedures in place at that university. Complaints about alleged violations of this policy by any board employees should be reported to the President of the Board or, if that is not practicable, to the general counsel or the Chair of the Board.

E. Confidentiality and Outside Filing

1. All Board and university employees who, in their administrative capacity, receive reports of discrimination, harassment, or retaliation shall maintain the confidentiality of the information they receive, except where disclosure is required by law or is necessary to facilitate legitimate Board or university processes, including the reporting, investigation, and resolution of discrimination, harassment, or retaliation allegations.
2. An individual's filing with any outside agency will not affect any Board or university investigation concerning the same or similar events.