



APS JUSTIFICATION

Policy Title: Protected Class Nondiscrimination

APS Number: 5065

APS Functional Area: **COMPLIANCE**

Date Submitted:	April 1, 2024
Proposed Action:	New
Brief Description:	Prohibits protected class discrimination and harassment, retaliation, failure to report, providing false or misleading information, interference with reporting, and failing to abide with the orders or sanctions of the Equity Office or other authorized officials.
Desired Effective Date:	July 1, 2024
Responsible University Officer:	Vice President of Compliance and Equity
Responsible Office:	Offices of Equity
Policy Contact:	Offices of Equity
Applies to:	All campuses. The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements stated herein.

Reason for Policy: This Policy and the required campus resolution procedures are intended to comply with the requirements of all applicable federal and state civil rights and nondiscrimination laws, their implementing regulations, and the Laws of the Regents. The information contained within this Policy is intended to provide information to members of the university community and is not intended to, nor does it, create an express or implied contract between the university and community members.

I. REASON FOR PROPOSED ACTION

- A. Align three campus nondiscrimination policies to provide consistent definitions for discrimination, harassment/hostile environment, retaliation, related violations and protected classes;
- B. Incorporate new Regent Policy 10.A;
- C. Ensure compliance with recent changes to state law (POWR Act);
- D. Provide clarification for nondiscrimination provisions;
- E. Provide guidance and resources for reporting options and confidential resources; and
- F. Describe role and jurisdiction of Equity Offices.

II. STAKEHOLDER ENGAGEMENT IN THE POLICY REVIEW

Systemwide working group comprised of Office of Ethics, Risk, and Compliance (VP of Compliance and Equity and System Title IX Coordinator), Office of University Counsel from all campuses, and Office of Equity from all campuses met for the last year and drafted policy. Shared initial drafts with campus stakeholder offices and will proceed with review through system Office of Policy and Efficiency for stakeholder engagement with students, faculty, and staff, campus governance groups and external stakeholders.

III. LEGAL REVIEW

The policy is intended to comply with the requirements of all applicable federal and state civil rights and nondiscrimination laws, their implementing regulations, and the Laws of the Regents. Draft policy has been reviewed by the Office of University Counsel and final review provided March 28, 2024, by Senior Assistant University Counsel Julie Steeler.

IV. FISCAL REVIEW

There are no additional financial (human resources, technology, operations, training, etc.) or other resource impacts of implementing this policy as the Equity Offices currently enforce campus nondiscrimination policies and will enforce new system nondiscrimination policy.