

**5 F-NCB5 6 C5 F8 C: F9; 9 BHG**  
**POLICY MANUAL**

1-119      Nondiscrimination and Anti-Harassment

Revision Dates

10/2/2020 (effective 8/20/2020), 9/27/2018, 6/15/2012, 4/6/2012, 9/24/2010, 12/4/2009  
(adopted)

A.      The Policy

The Arizona Board of Regents and the universities are committed to creating and maintaining a university system with an environment free from unlawful discrimination, including harassment, and retaliation. In support of this commitment, the board and the universities prohibit unlawful discrimination, harassment, and retaliation based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, and genetic information.

The board and universities will take prompt and appropriate action to: (1) thoroughly investigate complaints under this policy; and (2) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy.

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; all board or university applicants, whether for employment or for admission to educational programs; all persons participating in or accessing board or university sponsored programs and activities; and all vendors, contractors, or volunteers in all aspects of their relationships with the board or universities.
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 accommodations for religious practices and for persons with disabilities as required by law.
4.      Enforcement of this Policy is subject to constitutional protections related to freedom of speech, association, and the press. Additionally, an individual's complaint filed with any outside agency will not affect any board or University investigation concerning the same or similar events.



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or disseminating such materials; or

- f. The inappropriate display or circulation of sexually explicit materials such as photos, pictures, posters, magazines, cartoons, or statements, whether in printed or electronic form.
3. Title IX Sexual Harassment (“sexual harassment as regulated by Title IX of the Education Amendments of 1972 and its applicable regulations”), is conduct based on sex, that constitutes one or more of the following:
- a. Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to board or university sponsored education programs or activity.
  - b. An employee conditioning the provision of an aid, benefit, or service of the board or university on an individual’s participation in unwelcome sexual conduct.
  - c. Any of the following specific acts of sexual harassment taking place within the United States and within a board or university sponsored program or activity: sexual assault, dating violence, domestic violence, and stalking.
4. Retaliation
- Retaliation in the context of non-discrimination and anti-harassment occurs when an adverse action is taken against an individual for engaging

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 executive director of the board or, if that is not practicable, to the general counsel or the Chair of the board.
4. Each University shall maintain at least one Title IX Coordinator to assist with complaints with Title IX of the Education Amendments of 1972 and shall establish a process for addressing formal complaints of Title IX Sexual Harassment in compliance with applicable law.

**E. Confidentiality**

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.

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Policy History

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| 12/4/2009 | Approved by the Board on second reading.  |
| 9/24/2010 | Policy revision approved by the Board on second reading.                              |
| 4/6/2012  | Policy revision approved by the Board on second reading.                              |
| 6/15/2012 | Policy revision approved by the Board on second reading.                              |
| 9/27/2018 | Policy revised to reflect "Executive Director" of the Board in place of "President."  |
| 8/20/2020 | Policy revision approved by the Board on first reading with immediate implementation. |
| 10/2/2020 | Policy revision approved by the Board on second reading.                              |

Related Information