

## Policy on Nondiscrimination

<b>Policy Title</b>	<b>Policy on Nondiscrimination</b>
<b>Policy #</b>	01.002.2
<b>Policy Owner</b>	Director, Office of Affirmative Action, Equal Opportunity, and Diversity
<b>Contact Information</b>	Questions regarding this policy should be directed to the Director, Office of Affirmative Action, Equal Opportunity, and Diversity at (401) 874-2442
<b>Approved By</b>	The University of Rhode Island Board of Trustees (September 24, 2021; Administrative Policy Committee approval on June 2, 2021)
<b>Effective Date</b>	June 2, 2021
<b>Next Review Date</b>	No later than June 30, 2023
<b>Who Needs to Know About this Policy</b>	All faculty, staff, students, visitors, and affiliates of the University, including University contractors and vendors with a presence on University Property.
<b>Definitions</b>	<p><b>Complainant.</b> An individual reporting or claiming to be subjected to conduct that constitutes prohibited discrimination or retaliation.</p> <p><b>Covered Individuals.</b> University employees, students, volunteers, visitors, affiliates, and contractors.</p> <p><b>Respondent.</b> An individual who has been reported to be the perpetrator of conduct that could constitute prohibited discrimination or retaliation.</p> <p><b>University Property.</b> Property belonging to the State of Rhode Island and held in trust by the University of Rhode Island Board of Trustees; property held by the University of Rhode Island or any of its component units in its own name; and property owned by third parties but assigned to, occupied by, or managed by the University or any of its component units.</p> <p><b>University-Related Activity.</b> Any activity undertaken by URI faculty, staff, or students, by recognized student groups, or by contractors or agents of URI on behalf of URI, which relate in whole or in part to any academic, research, public service, administrative, or other function or purpose performed under the auspices of URI, or in pursuance of URI employment-related obligations, URI academic or curricular programs, or recognized URI extracurricular activities.</p>

<p><b>Statutes, Regulations, and Policies Governing or Necessitating This Policy</b></p>	<p>42 USC § 2000e et seq. (Title VII of the Civil Rights Act of 1964 ["Title VII"], as amended)</p> <p>29 USC § 206 (Equal Pay Act (EPA) of 1963, as amended)</p> <p>29 USC §§ 621-634 (Age Discrimination in Employment Act (ADEA) of 1967)</p> <p>29 USC § 793 (Section 503 of the Rehabilitation Act of 1973, as Amended)</p> <p>38 USC Sec. 4212, Sub-Section 402 (Vietnam Era Veterans Readjustment Assistance Act of 1974)</p> <p>20 USC § 1681 et seq. (Title IX of the Education Amendments of 1972)</p> <p>42 USC § 12101 et seq. (The Americans with Disabilities Act (ADA) of 1990)</p> <p>42 USC §2000d et seq. (Title VI of the Civil Rights Act of 1964 ["Title VI"], as amended)</p> <p>42 USC § 20000ff et seq. (Genetic Information Nondiscrimination Act (GINA) of 2008)</p> <p>28 CFR Parts 35 and 36</p> <p>29 CFR Parts 1614, 1615, 1620, 1621, 1625, 1626, 1630, 1635 (Section 504 Regulations)</p> <p>34 CFR Part 104</p> <p>34 CFR Part 106</p> <p>36 CFR Part 1194, Appendix D (Electronic and Information Technology Accessibility Standards)</p> <p>Executive Order 11246, as Amended</p> <p>Rhode Island General Law § 28-5-7 (Rhode Island Fair Employment Practices Act)</p> <p>University of Rhode Island Student Handbook</p> <p>University Manual</p> <p>University of Rhode Island Policy on Sexual Misconduct</p>
<p><b>Reason for Policy / Purpose</b></p>	<p>To eliminate, prevent, and address conduct that constitutes prohibited discrimination or retaliation at the University. This policy describes the prohibited conduct, sets standards by which the University will manage allegations, and defines roles and responsibilities for all parties involved.</p>
<p><b>Forms Related to this Policy</b></p>	<p>Incident Report Form</p>

## Policy Statement

### I. GENERAL

The University of Rhode Island is committed to maintaining an educational and working environment free from discrimination. Consistent with this commitment, the University prohibits all forms of illegal discrimination in all University programs and activities. The University prohibits students, employees, affiliates, volunteers, visitors, and contractors (collectively, “Covered Individuals”) from engaging in illegal discrimination (including discriminatory harassment) based on an individual’s race, color, creed, national or ethnic origin, gender, gender identity or expression, religion, disability, age, sexual orientation, genetic information, marital status, citizenship status, veteran status, and any other legally protected characteristic, and from engaging in acts of retaliation for another’s making a complaint of discrimination or cooperating in an investigation of discrimination. This prohibition applies to all programs and activities—including admissions and all employment actions including but not limited to recruiting, hiring, promotion, demotion, compensation, and benefits. The University will investigate, to the full extent possible, all complaints made in good faith under this policy that allege the occurrence of behavior or actions by Covered Individuals that might constitute prohibited discrimination, and, when it is determined that prohibited discrimination has occurred, take appropriate action, as warranted, to appropriately sanction the responsible individuals, prevent the recurrence of prohibited discrimination, and remedy its effects.

### II. BACKGROUND

This policy is intended to be consistent and compliant with the procedural and substantive provisions of appropriate state and federal laws and regulations. The Office of Affirmative Action, Equal Opportunity and Diversity, in close consultation with relevant campus stakeholders, is responsible for developing, publishing, and revising from time to time the Procedures needed to implement this policy in compliance with applicable laws. Detailed reporting, investigation, and resolution procedures are set forth in the Procedures accompanying this policy.

### III. APPLICABILITY

#### A. GENERAL

This policy applies to the perpetration of prohibited discrimination or retaliation by Covered Individuals. All Covered Individuals must comply with this policy.

#### B. RELATIONSHIP TO THE UNIVERSITY OF RHODE ISLAND SEXUAL MISCONDUCT POLICY

Complaints involving sexual misconduct as defined by the Sexual Misconduct Policy will be addressed exclusively through that policy and its accompanying procedures. This nondiscrimination policy addresses all other forms of prohibited discrimination, including sex-based harassment that is not sexual misconduct as defined in the Sexual Misconduct Policy.

#### **IV. DEFINITIONS**

##### **A. DISCRIMINATION**

Discrimination prohibited under this policy is defined as treating a person differently because of their membership in a protected class (or a perception that the person is a member of a protected class) in matters of admissions, employment, housing, services, or any other educational programs or activities of the University. Disparate treatment discrimination occurs when there has been an adverse impact on the individual's work or educational environment, individuals outside of the protected class have received more favorable treatment, and there is no legitimate, non-discriminatory reason for the action. Disparate impact discrimination occurs when a University's policy or practice has a disproportionately negative effect on members of a protected class even though the policy or practice is nondiscriminatory on its face, i.e., any discrimination is unintentional but still results in adverse impact.

##### **B. DISCRIMINATORY HARASSMENT**

Discriminatory Harassment, which is a form of discrimination, is defined as verbal or physical conduct (including conduct using digital technology) directed toward an individual because of their membership in a protected class (or a perception that the person is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile, or offensive working or academic environment.

A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University's education or employment programs and/or activities. In determining whether a hostile environment exists, the University of Rhode Island examines the context, nature, scope, frequency, duration, and location of incidents as well as the relationships of the persons involved. Examples of harassment can include offensive jokes, slurs, name-calling, intimidation, ridicule, or mockery, or displaying or circulating offensive objects and pictures that are based on a protected class.

##### **C. RETALIATION**

Retaliation consists of materially adverse action taken against a person because the person made a good faith report of discrimination or harassment or participated in the investigation of a report of discrimination or harassment (such as by serving as a witness or support person).

Retaliation against any complainant or witness is prohibited and shall be treated as a separate violation under this policy. Furthermore, no member of the University community shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of law or the University's policies or procedures.

## **V. FILING A COMPLAINT**

Complaints alleging discrimination or harassment in violation of this policy, or questions regarding this policy and its procedures, should be directed to the following:

University of Rhode Island Office of Affirmative Action, Equal Opportunity, and Diversity  
201 Carlotti Administration Building  
75 Lower College Road  
Kingston, RI 02881  
Phone: 401-874-2442

Complaints specifically regarding the President, members of the Board of Trustees, or employees of the Office of Affirmative Action, Equal Opportunity, and Diversity should be filed with the Office of General Counsel.

Complaints involving prohibited discrimination, including harassment or retaliation, against a group or class of individuals that reflects an apparent pattern or practice of discrimination will be investigated and addressed pursuant to this policy by the University regardless of whether there is an identified Complainant.

The provisions of the collective bargaining agreements governing unionized employees may provide additional mechanisms for addressing allegations of discrimination or harassment.

## **VI. GOOD FAITH REPORTS**

The University encourages the good faith reporting of discrimination and harassment. However, the University will not allow this policy or the attendant procedures to be abused for improper means. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the false complaint may be subject to discipline, up to and including termination and/or expulsion. Such disciplinary action will not constitute prohibited retaliation. A person makes a bad faith report of discrimination or harassment if, at the time they make the report, they know the report to be false or frivolous.

Further, the University may take disciplinary action against any person who knowingly provides false information during the investigation and resolution of a complaint of discrimination or harassment. Such disciplinary action will not constitute prohibited retaliation.

## **VII. REPORTING OBLIGATION**

All members of the University community are strongly encouraged to report discrimination or harassment in violation of this policy when they receive a report of such conduct or witness such conduct. The report should be made to the appropriate office listed above and should include all known relevant details of the alleged discrimination or harassment. Employees with supervisory authority over other employees are required to report discrimination or harassment in violation of this policy about which they have information, except mental health counselors, pastoral counselors, psychologists, health services staff, or other employees with a professional license that requires confidentiality. Failure to report in accordance with this policy may be grounds for discipline, up to and including termination.

**VIII. THIRD-PARTY REPORTING**

Any individual may make a report of discrimination or harassment. The report may be made without disclosing the identities of the parties involved. However, the University’s ability to respond to a third-party report of discrimination or harassment may be limited by the amount of information provided.

**IX. FREE SPEECH AND ACADEMIC FREEDOM**

The University of Rhode Island is committed to the principles of free expression and critical inquiry undertaken in an atmosphere of civility and mutual respect. On some occasions, certain types of speech may be seen as offensive or even discriminatory. In such cases, the University will weigh carefully whether the speech has crossed a line from speech protected by the First Amendment and academic freedom to speech that constitutes illegal threats or discriminatory harassment, while keeping in mind legal precedents that prohibit or limit the ability of public universities and public agencies from punishing pure speech, even when it is viewed as inappropriate and unwelcome.

**Exceptions**

None

**Policy Review and Revisions**

(Versions earlier than the first policy number may be paper only)

<b>Policy #</b>	<b>Effective Date</b>	<b>Reason for Change</b>	<b>Changes to Policy</b>
RIOPC P-17 (Sexual Harassment and Sexual Violence Policy) and RIOPC P-18 (Complaint Procedures for Discrimination, Sexual Harassment, and Sexual Violence)	n/a	,	n/a
01.002.01	June 2, 2021	New policy specific to URI	Fully separate policy form previous OPC policies (P17, P-18). Focuses solely on nondiscrimination.
01.002.02	June 2, 2021	Board of Trustees approval on September 24, 2021	No changes except notation regarding Board of Trustees approval on September 23, 2021