Policy *100* Version *1* *04/11/2016*

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | NDSU Policy 100 – Equal Opportunity and Non-Discrimination |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
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| * Is this a federal or state mandate? [ ]  Yes XXX [ ]  No
* Describe change: Some of the changes are based on federal or state mandates while others are included in an effort to clarify the policy. Explanation of most pertinent changes/additions found below.
* (1) “and regulations” – per SBHE Policy 603.1
* (2) “in furtherance of” – for clarification
* (3) “NDSU prohibits discrimination and harassment…” – per SBHE Policy 603.1, in alignment with revised Policy 156, and to clarify that Policy 100, entitled “Equal Opportunity and Non-Discrimination,” both promotes equal opportunity and prohibits discrimination (including harassment)
* (4) removal of “disability” – for clarification (redundant as “physical or mental disability” later addressed in policy)
* (5) “physical **or** mental disability” – per SBHE 603.2
* (6) “of the employee or applicant” – for clarification and in alignment with SBHE Policy 603.2, SBHE Policy 603.3., and NDCC 44-04-09
* (7) “that are made available to NDSU participants, students, applicants, or employees” – per Title IX and Section 504 regulations
* (8) “in its programs and activities” – per Title IX regulations
* (9) removal of “disability” – see (4)
* (10) “participation in lawful off-campus activity” – for clarification and to encompass entirety of protected classes found in Policy 100
* (11) “physical **or** mental disability” – see (5)
* (12) “spousal relationship to current employee” – for clarification and to encompass entirety of protected classes found in Policy 100
* (13) “as applicable” – for clarification as all protected classes do not apply to all individuals at NDSU (for example, “spousal relationship to current employee” only applies to individuals who are employees or applicants for employment at NDSU)
* Additionally, revisions address recent changes in Title IX responsibility at NDSU.
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| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Canan Bilen-Green, Vice Provost for Faculty and Equity, Old Main, Suite 201
* canan.bilen.green@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** | 4/18/16 |
| **Faculty Senate:** | 4/20/16 |
| **Staff Senate:** | 4/20/16 |
| **Student Government:** | 4/20/16 |
| **President’s Cabinet:** | 4/20/16 |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual**

**SECTION 100
EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY**

SOURCE: NDSU President

 SBHE Policy 603.1
 SBHE Policy 603.2

North Dakota State University (NDSU) is fully committed to equal opportunity in its employment decisions and educational programs and activities, in compliance with all applicable federal and state laws and regulations and in furtherance of appropriate affirmative action efforts. NDSU prohibits discrimination and harassment against any individual on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

Additionally, discrimination against an employee or applicant for employment, with respect to working conditions, work place assignment, or other privileges of employment, merely because the employee’s or applicant’s spouse is also an employee, is prohibited. Employment in a department or institution headed or supervised by the employee’s or applicant’s spouse is permitted only if the spouse does not have the power to hire or fire or make evaluations of performance of the employee or applicant.

The following statement must be included in all bulletins, announcements, manuals, publications, guidebooks, brochures, pamphlets, catalogs, application forms, or recruitment materials that are made available to NDSU participants, students, applicants, or employees:

NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to: Vice Provost, Title IX/ADA Coordinator, Old Main 201, 701-231-7708, ndsu.eoaa@ndsu.edu.

HISTORY:

New May 1972
Amended April 2, 1991
Amended April 1992
Amended August 1993
Amended August 1999
Amended February 2005
Amended December 2007
Amended June 12 2009
Amended July 8, 2009
Housekeeping September 2009
Amended June 1, 2011
Housekeeping June 22, 2011
Housekeeping July 23, 2014
Amended October 19, 2015
Housekeeping October 22, 2015