

DIVERSITY COMMITTEE

May 16, 2005

Resolution Amending the University's Equal Opportunity Policy Statements

WHEREAS, on February 3, 2005, the administration upon direction of the President announced its intent to interpret the University's Equal Opportunity Policy Statements ("Policies") to prohibit discrimination on the basis of gender identity or expression, effective March 1, 2005; and

WHEREAS, following such announcement, the Committee on Diversity took under advisement formal amendment of the Policies by the Board of Trustees; and

WHEREAS, these meetings involved active Committee and University community discussion, education and debate on the value and importance of relocating 'gender identity or expression' from the current annotation into the text of the Policies;

NOW, THEREFORE, BE IT RESOLVED, that the Committee recommends Board approval of amendment of the Policies to prohibit discrimination on the basis of gender identity or expression in employment and educational programs and activities, as follows and as set forth in Attachments A and B to this Resolution:

1. That the Board of Trustees adopts and affirms the inclusion of 'gender identity or expression' into the text of the University of Vermont (i) Equal Employment Opportunity/Affirmative Action Policy Statement and (ii) Equal Opportunity in Educational Programs and Activities Policy Statement.
2. That the University of Vermont Equal Employment Opportunity/Affirmative Action Policy Statement, be hereby amended to read as follows:

The University of Vermont and State Agricultural College is committed to a policy of equal employment opportunity and to a program of affirmative action in order to fulfill that policy. The University will accordingly recruit and hire into all positions the most qualified persons in light of job related requirements, and applicants and employees shall be treated in employment matters without regard to unlawful criteria including race, color, religion, ancestry, national origin, sex, sexual orientation, disability, age, positive HIV-related blood test results, status as a disabled or Vietnam Era Veteran, or gender identity or expression, as these terms are defined under applicable law, or any other factor or characteristic protected by law.

In addition, the University of Vermont recognizes that discriminatory harassment and sexual harassment are forms of unlawful discrimination, and it is, therefore, the policy of the University that discriminatory harassment and sexual harassment will not be tolerated.

3. That the University of Vermont Equal Opportunity in Educational Programs and Activities Policy Statement be hereby amended to read as follows:

The University of Vermont and State Agricultural College is committed to a policy of equal educational opportunity. The University therefore prohibits discrimination on the basis of unlawful criteria such as race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, or gender identity or expression, as those terms are defined under applicable law, in admitting students to its programs and facilities and in administering its admissions policies, educational policies, scholarship and loan programs, athletic programs, and other institutionally administered programs or activities made available to students at the University.

The University also prohibits harassment, as defined in the Vermont Statutes at Title 16, section 11(a)(26). Unlawful harassment is a form of discrimination and is therefore prohibited.

University Policy

Equal Employment Opportunity/Affirmative Action Policy Statement

The University of Vermont and State Agricultural College is committed to a policy of equal employment opportunity and to a program of affirmative action in order to fulfill that policy. The University will accordingly recruit and hire into all positions the most qualified persons in light of job related requirements, and applicants and employees shall be treated in employment matters without regard to unlawful criteria including race, color, religion, ancestry, national origin, sex(1), sexual orientation, disability, age, positive HIV-related blood test results, or status as a disabled or Vietnam Era Veteran, as these terms are defined under applicable law, or any other factor or characteristic protected by law.

In addition, the University of Vermont recognizes that discriminatory harassment and sexual harassment are forms of unlawful discrimination, and it is therefore the policy of the University that discriminatory harassment and sexual harassment will not be tolerated.

Further, employees and applicants will not be subjected to harassment or retaliation because they have engaged in or may engage in the following: filing a complaint; assisting or participating in an investigation, compliance evaluation, or any other activity related to the administration of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 ("VEVRAA"), Section 503 of the Rehabilitation Act of 1973 ("Rehabilitation Act"), or the Affirmative Action provisions of federal, state or local law; opposing any act or practice made unlawful by VEVRAA, requiring equal employment opportunities for individuals with disabilities, disabled veterans, or veterans of the Vietnam Era; or exercising any rights under VEVRAA or the Rehabilitation Act.

Questions regarding this policy statement or compliance with its provisions may be directed to Kathryn Friedman, Executive Director, Office of Affirmative Action and Equal Opportunity, University of Vermont, 428 Waterman Building, Burlington, VT 05405 (802-656-2909). Questions may also be directed to government agencies having oversight and enforcement authority with respect to the referenced laws. A complete listing of such agencies may be obtained from the Office of Affirmative Action and Equal Opportunity.

Sources: Titles VI and VII of the Civil Rights Act of 1964; Immigration and Reform and Control Act of 1986; Title IX of the Education Amendments of 1972; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967; the Age Discrimination Act of 1975; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974; the Uniformed Services Employment and Reemployment Rights Act of 1994; Executive Order 11246 as amended; the Vermont Fair Employment Practices Act; and such other federal, state and local non-discrimination laws as may apply.

Note: This Statement of Policy is the official University of Vermont Equal Employment Opportunity/Affirmative Action Policy Statement and supersedes all prior policy statements regarding its subject matter. It may be modified only by written statement issued by the President as Chief Executive Officer of the University or by formal action by the University of Vermont and State Agricultural College Board of Trustees. This Policy Statement is designed to express the University's intent and commitment to comply with the requirements of federal, state and local non-discrimination laws. It shall be applied co-extensively with such laws, and shall not be interpreted as creating any rights, contractual or otherwise, that are greater than exist under such non-discrimination laws. Persons seeking to participate in employment opportunities offered by the University must consult position and program descriptions to determine criteria for eligibility. All such criteria shall be established in a manner consistent with the legal requirements herein referenced.

(1) The prohibition on sex discrimination shall be interpreted to include discrimination on the basis of gender identity or expression, in a manner consistent with governing law.

Equal Opportunity in Educational Programs and Activities Policy Statement

The University of Vermont and State Agricultural College is committed to a policy of equal educational opportunity. The University therefore prohibits discrimination on the basis of unlawful criteria such as race, color, religion, national or ethnic origin, age, sex(1), sexual orientation, marital status, or disability, as those terms are defined under applicable law, in admitting students to its programs and facilities and in administering its admissions policies, educational policies, scholarship and loan programs, athletic programs, and other institutionally administered programs or activities made available to students at the University.

The University also prohibits harassment, as defined in the Vermont Statutes at Title 16, section 11(a)(26). Unlawful harassment is a form of discrimination and is therefore prohibited.

Questions regarding this policy statement or compliance with its provisions may be directed to David Nestor, Dean of Students, University of Vermont, 41-43 South Prospect Street, Burlington, VT 05405 (802-656-3380), or Kathryn Friedman, Executive Director, Office of Affirmative Action and Equal Opportunity, University of Vermont, 428 Waterman Building, Burlington, VT 05405 (802-656-2909). Questions may also be directed to government agencies having oversight and enforcement authority with respect to the referenced laws. A complete listing of those agencies may be obtained from the Office of Affirmative Action and Equal Opportunity.

Sources: Title VI of the Civil Rights Act of 1964; Title IX of the Higher Education Act Amendments of 1972; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Vermont Public Accommodations Act; and such other federal, state and local non-discrimination laws as may apply.

Note: This Statement of Policy is the official University of Vermont Equal Educational Opportunity Policy Statement and supersedes all prior policy statements regarding its subject matter. It may be modified only by written statement issued by the President as Chief Executive Officer of the University or by formal action by the University of Vermont and State Agricultural College Board of Trustees. This Policy Statement is designed to express the University's intent and commitment to comply with the requirements of federal, state and local non-discrimination laws. It shall be applied co-extensively with such laws, and shall not be interpreted as creating any rights, contractual

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