

## **II. DISCRIMINATION**

### **A. POLICY BACKGROUND**

The Arizona Board of Regents Policy states: 6-702 Equality of Opportunity and Affirmative Action No officer or employee of the Arizona Board of Regents shall discriminate against any person because of race, color, religion, national origin, age, non-disqualifying handicapping condition, veteran status or sex, in any of its programs, activities, contracts, personnel administration practices or any other actions it undertakes. (A.B.O.R. Rev. 9/99)

### **B. DEFINITIONS**

1. Prohibited discrimination is negative action against an individual or group based on their actual or perceived race, sex, age, color, national origin, religion, disability, veteran status, and/or sexual orientation.

2. Disparate treatment and disparate impact are both prohibited forms of discrimination. Disparate

treatment occurs when one or more persons treat an individual less favorably on the basis of their actual or perceived race, sex, age, color, national origin, religion, disability, veteran status, and/or sexual orientation. Disparate impact occurs when an apparently neutral institutional policy, practice, or requirement has a negative effect on educational or employment opportunities or benefits, for groups of individuals, due to their actual or perceived race, sex, age, color, national origin, religion, disability, veteran status, and/or sexual orientation, and it can be shown that the policy, practice, or requirement is not necessary for the institution to perform its stated function.

### **C. EXAMPLES OF PROHIBITED BEHAVIOR**

1. Prohibited discrimination can take many forms. Employment actions (for example, hiring, assignment, evaluation, transfer, promotion, discipline and dismissal) based upon on employee's actual or perceived race, sex, age, color, national origin, religion, disability, veteran's status or sexual orientation, and not upon the employee's true qualifications and/or performance, are prohibited by this policy and by law. Academic decisions involving students (for example, academic advisement, assignments, grading) based upon these same characteristics of a student and not upon the student's skills and academic achievement are also prohibited.

2. Harassment of an individual on the basis of that individual's actual or perceived race, sex, age, color, national origin, religion, disability, veteran status or sexual orientation is also prohibited under this policy. Prohibited harassment includes, but is not limited to, stereotyping, negative comments or jokes, explicit threats, segregation, and verbal or physical assault when any of these are based upon a person's race, sex, color, national origin, religion, age, disability, veteran status, or sexual orientation. When these harassing behaviors become severe, pervasive or persistent, they may also violate Federal and State law. The examples of prohibited discrimination and harassment identified above are not exhaustive.