

## **Presidential Orders**

### **Executive Order 31**

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## **Non-discrimination and Affirmative Action**

### **1. Non-discrimination and Non-Retaliation**

The University of Washington, as an institution established and maintained by the people of the state, is committed to providing equality of opportunity and an environment that fosters respect for all members of the University community. This policy has the goal of promoting an environment that is free of discrimination, harassment, and retaliation. To facilitate that goal, the University retains the authority to discipline or take appropriate corrective action for any conduct that is deemed unacceptable or inappropriate, regardless of whether the conduct rises to the level of unlawful discrimination, harassment, or retaliation.

University policy:

- Prohibits discrimination or harassment against a member of the University community because of race, color, creed, religion, national origin, citizenship, sex, age, marital status, sexual orientation, gender identity or expression disability, or military status.
- Prohibits any member of the University community, including, but not limited to, the faculty, staff, or students, from discriminating against or unlawfully harassing a member of the public on any of the above grounds while engaged in activities directly related to the nature of their University affiliation.
- Prohibits retaliation against any individual who reports concerns regarding discrimination or harassment, or who cooperates with or participates in any investigation of allegations of discrimination, harassment, or retaliation.

### **2. Affirmative Action and Diversity**

The University is committed to having a diverse faculty, staff, and student body. As permitted by applicable law, the University will take affirmative action to ensure equality of opportunity in all aspects of employment without regard to race, color, religion, national origin, sex, or age and to employ and advance qualified persons with disabilities and protected veterans in all levels of employment.

### **3. Definitions**

Unless otherwise defined below, terms used in this policy are intended to have the meaning given to them by applicable federal or state laws and regulations.

- A. Harassment** is conduct directed at a person because of the person's race, color, creed, religion, national origin, citizenship, sex, age, marital status, sexual orientation, gender identity or expression, disability, or military status that is unwelcome and sufficiently severe, persistent, or pervasive that:

- 1)** It could reasonably be expected to create an intimidating, hostile, or

offensive work or learning environment, or

- 2) It has the purpose or effect of unreasonably interfering with an individual's work or academic performance. Harassment is a form of discrimination.

**B. Sexual harassment** is a form of harassment based on the recipient's sex that is characterized by:

- 1) Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by a person who has authority over the recipient when:
  - a) Submission to such conduct is made either an implicit or explicit condition of the individual's employment, academic status, or ability to use University facilities and services, or
  - b) Submission to or rejection of the conduct is used as the basis for a decision that affects tangible aspects of the individual's employment, academic status, or use of University facilities; or
- 2) Unwelcome and unsolicited language or conduct that is of a sexual nature or that is sufficiently severe, persistent, or pervasive that it could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment, or has the purpose or effect of unreasonably interfering with an individual's academic or work performance.

**C. Military status** includes protected veterans as defined by current federal and state laws. It also includes individuals affiliated with the United States armed forces as defined by any federal or state law establishing protection for military service, including the Uniformed Services Employment and Reemployment Rights Act (USERRA) and [Chapter 49.60 RCW](#).

**D. Retaliation** means to take adverse action against an individual because he or she has exercised his or her rights protected under this policy.

#### 4. Application

- A.** The University will interpret this policy on non-discrimination and non-retaliation in the context of academic freedom in the University environment.
- B.** The University's admission policy provides for a selective admission process with the objective of attracting students who demonstrate the strongest prospects for high quality academic work. This selective admission process shall assure that the University's educational opportunities shall be open to all qualified applicants without regard to race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, gender identity or expression, disability, or military status. The process of admission shall be mindful of the need for diversity in the

student body and for highly-trained individuals from all segments of the population.

- C.** The University will recruit, hire, train, and promote individuals without regard to race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, gender identity or expression, disability, or military status and based upon their qualifications and ability to do the job. Except as required by law, all personnel-related decisions or provisions such as compensation, benefits, layoffs, return from layoff, University-sponsored training, education, tuition assistance, and social and recreational programs will be administered without regard to race, color, creed, religion, national origin, citizenship, sex, age, marital status, sexual orientation, gender identity or expression, disability, or military status.
- D.** The University seeks affirmatively to recruit qualified minority group members, women, persons age 40 and over, protected veterans, and individuals with disabilities in all levels of employment as part of its commitment to achieve its goals and interests with respect to faculty and staff employment as reflected in its affirmative action plan.
- E.** Except as otherwise required by law and as provided in [Section 5](#) below:
  - 1)** The University will operate its programs, services, and facilities without regard to race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, gender identity or expression, disability, or military status, and
  - 2)** The University will make its programs, services, and facilities available only to organizations or government agencies that assure the University that they do not discriminate against any person because of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, gender identity or expression, disability, or military status.
- F.** Except as required by law, assignments to University residence halls and other housing facilities provided for students are made without regard to race, color, creed, religion, national origin, age, disability, sexual orientation, gender identity or expression, or military status.
- G.** The University will make reasonable efforts to lease, contract, subcontract, purchase and enter into cooperative agreements only with those firms and organizations that comply with all applicable federal and state non-discrimination laws, including, but not limited to: Title VII of the Civil Rights Act, 42 U.S.C. Sec. 2000e *et seq.*; the Americans with Disabilities Act (ADA), 42 U.S.C. Sec. 12101 *et seq.*; and Washington State's Law Against Discrimination, [Chapter 49.60 RCW](#).

## **5. Exceptions**

- A.** This policy does not apply to organizations and government agencies that are not subject to otherwise applicable state or federal laws or regulations concerning non-discrimination and non-retaliation.
- B.** In accordance with [RCW 49.60.222](#), the University may consider sex, marital status, or families with children status in assignments to residence halls and other student housing.
- C.** It is not a violation of this policy to discriminate because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by federal, state, or local government contract, or which the State Attorney General determines to be essential for an employer to do business with an agency or department of the federal, state, or local government.
- D.** The University will comply with applicable federal or state laws, and University policy, in dealing with issues of disability accommodation.

## **6. Complaint Procedures**

The University provides internal procedures for the investigation and resolution of complaints alleging discrimination or violation of this policy. The process for bringing a complaint against a University employee is described in Administrative Policy Statement (APS) [46.3](#), Resolution of Complaints Against University Employees. The process for bringing a complaint against a University student is described in [Chapter 478-120 WAC](#), Student Conduct Code for the University of Washington.

## **7. Responsibility to Report and Cooperate**

All faculty and staff members are required to report to their supervisors or the administrative heads of their organizations any complaints of discrimination and/or harassment or sexual harassment they receive. In addition, faculty and staff members are encouraged to inform their supervisors or the administrative heads of their units, and staff members also may inform their Human Resources Consultant, of inappropriate or discriminatory workplace behavior they observe.

All faculty and staff members are also required to participate, provide information as requested, including personnel or student files and records and other materials recorded in any form, and otherwise fully cooperate with the processes described in [APS 46.3](#).

## **8. Consequences of Violation of Policy**

Any member of the University community who violates any aspect of this policy is subject to corrective or disciplinary action, including, but not limited to, termination of employment or termination from educational programs.