A RESOLUTION TO EXPAND THE UNIVERSITY NON-DISCRIMINATION POLICY

WHEREAS, the Non-Discrimination Policy (NDP)\(^1\) within the University of Michigan Standard Practice Guide\(^2\) exists to protect the diverse range of individuals employed by and attending the University from discrimination, harassment, and violence; AND

WHEREAS, the NDP states that the University “will not discriminate against any individual because of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status;” AND

WHEREAS, the NDP is intended to be reviewed,\(^3\) updated, and expanded periodically as the University adapts to understandings of our civil rights and protected traits and modes of expression; AND

WHEREAS, Rackham Student Government voted to expand the NDP to include the phrases “relationship status”\(^4\) and “sexual expression”;\(^5\) AND

Section 1: Inclusion of “Relationship Status”

WHEREAS, “marital status,” is defined as “never married, married, widowed and not remarried, divorced and not remarried, married but legally separated, de facto union”;\(^6\) AND

WHEREAS, a broader range of relationship statuses, preferences, and modes of expression exists between consenting adults than is included in marital status;\(^7\) AND

WHEREAS, “marital status” does not protect this diverse range of emotional, romantic, intellectual, and/or sexual relationships that can occur outside of, and coexistent with, the institution of marriage; AND

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\(^1\) According to Section 2 of the Statement of Student Rights and Responsibilities: “Students have the right to be treated fairly and with dignity regardless of … and as revised in the University of Michigan Nondiscrimination Policy.”

\(^2\) University of Michigan Standard Practice Guide (sect. 201.35)

\(^3\) Formal review of the NDP occurs every four years, with the last one occurring on Sept. 6th, 2013.

\(^4\) Rackham Student Government Board Resolution W-12-01.

\(^5\) Rackham Student Government Board Resolution W-14-02.


\(^7\) Examples of these would include casual dating, consensual non-monogamy (polyamory), same-sex partnerships, etc.
WHEREAS, “relationship status” is thus a broadly inclusive term intended to protect the range of marital and non-marital relationships occurring between consenting adults; AND

WHEREAS, it is known that individuals can and have been discriminated against for their preference and expression of non-marital relationships; AND

**Section 2: Inclusion of “Sexual Expression”**

WHEREAS, “gender identity” is generally interpreted to refer to the subjects self-identity; “gender expression” is interpreted to the actions of that individual to actualize their gender identity; AND

WHEREAS, the American Psychological Association defines sexual orientation to be “an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes;” AND

WHEREAS, sexual orientation refers to the subject’s attraction to a person or persons that is the object of an individual’s emotional, romantic, and/or sexual attractions; AND

WHEREAS, University explicitly protects the subject and the object of emotional, romantic, and/or sexual attractions through its Non-Discrimination Policy; AND

WHEREAS, the Non-Discrimination Policy does not implicitly or explicitly protect the actions between the subject and object of emotional, romantic, and/or sexual attractions that are the primary means to sexual and physical fulfillment; AND

WHEREAS, “sexual expression” would thus refer to the physical actions an individual does (or does not) take in order to manifest the emotional, romantic, and/or sexual attractions that are themselves manifestations of their sexual orientation; AND

WHEREAS, “sexual expression” is also intended to refer to “sexual expression that occurs outside of the workplace” and sexual expression that occurs inside

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8 Jackie Simpson, Head of the Spectrum Center, adapted from personal communication on Feb 13th, 2012.
9 Dr. Charlie Glickman, Adult Sex Educator in San Francisco, adapted from personal communication March 31st, 2012.
11 Anthony Walesby, Associate Vice Provost for Academic and Faculty Affairs; and Senior Director, Office of Institutional Equity, adapted from personal communication Nov. 5th, 2013.
the work place is in violation Sexual Harassment Policy and/or other existing policies promoting a safe and healthy work environment; **AND**

**WHEREAS,** “sexual expression” is further intended to refer to “sexual expression that adheres to standards of consent between all participating parties” and behavior that proceeds without obtaining affirmative consent is in violation of the Student Sexual Misconduct Policy and/or other sexual misconduct policies promoting a safe and healthy campus environment; **AND**

**WHEREAS,** individuals face harassment and discrimination for realizing traditional and non-traditional forms sexual expression; **AND**

**WHEREAS,** stigmatization, harassment, and discrimination can have a significant and detrimental impact on the quality of life of the individual; **AND**

**WHEREAS,** an individual’s choice to express their sexuality and the manner in which they choose to express it has no significant impact on the quality of work or the professional character of that individual; **AND**

**WHEREAS,** no explicit language currently exist in the Non-Discrimination Policies of the University of Michigan or any peer institution to protect of sexual expression from harassment and discrimination; **AND**

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12 University of Michigan Standard Practices Guide (sect. 201-89-0)
13 [http://sapac.umich.edu/article/49](http://sapac.umich.edu/article/49)
14 [http://studentsexualmisconductpolicy.umich.edu/content/university-michigan-policy-sexual-misconduct](http://studentsexualmisconductpolicy.umich.edu/content/university-michigan-policy-sexual-misconduct)
16 National Coalition for Sexual Freedom, Incident Response Report records
19 As surveyed in the US News and World Report (top 20 institutions), members of the Association of American Universities, and University of Michigan commonly held peer institutions. Seventy institutions of higher learning personally surveyed by author.
WHEREAS, without explicit protection from discrimination, there may be the threat of implicitly sanctioned discrimination; violence and related hate crimes can accompany the lack of explicit protection.  

THEREFORE BE IT RESOLVED, that the Assembly recommends the section 201.35 of the Standard Practice Guide of the University of Michigan be amended as follows:

“The University, in its employment and human resource policy and practices, will not discriminate against any individual because of race, color, national origin, age, marital status, relationship status, sex, sexual orientation, sexual expression, gender identity, gender expression, disability, religion, height, weight, or veteran status, except as allowed by the need for bona fide occupational qualification. Reasonable accommodation will also be provided to persons with disabilities, to disabled veterans, and to accommodate religious practices;” AND BE IT FINALLY RESOLVED, that this Assembly nominates one of its members to work with the President of the Central Student Government to work with the Administration of the University of Michigan to put into place policies that reflect the will and intent of this resolution.

Authors

Will Canning, Stephen M. Ross School of Business Representative, Central Student Government

Bobby Dishell, Gerald R. Ford School of Public Policy President, Central Student Government

Christopher Tuck Mung Baker Tom Representative, Rackham Student Government

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20 Rebecca Stotzer, PhD. Comparison of hate crime rates across protected and unprotected groups. Williams Institute, UCLA School of Law. June 2007.

21 Included by decree of Rackham Student Government Board Resolution W-12-01

22 Included by decree of Rackham Student Government Board Resolution W-14-02
Sponsors

________________________________________
Andrew Loeb, College of Literature, Science and the Arts
Representative, Central Student Government

Attest

________________________________________  __________________________________
Christian Bashi                               Laurel Ruza
Speaker of the Assembly                        Vice Speaker of the Assembly

President’s Approval

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Bobby Dishell

Presented to the Assembly for First Reads on ______________
Presented to the Assembly for Second Reads on ______________

Yes:      No:      Abs:      Date: ______________________

Signature Necessary: ______      Signature Received By ______________: ______