RESOLUTION TO EXPAND THE UNIVERSITY NON-DISCRIMINATION POLICY

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

WHEREAS, the Non-Discrimination Policy 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\(^1\),” AND

WHEREAS, the Rackham Student Government, on behalf of the graduate student body, voted to amend the section 201.35 of the University of Michigan Standard Practice Guide to include the term “relationship status” in the Non-Discrimination Policy\(^2\) as an alternative to, and inclusive of, “marital status”; AND

WHEREAS, “gender identity” is generally interpreted to refer to the subject’s self-identity\(^3\); “gender expression” is interpreted to the actions of that individual to actualize their gender identity\(^4\); 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\(^5\);” 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

\(^1\) University of Michigan Standard Practice Guide (sect. 201.35)


\(^3\) Jackie Simpson, Head of the Spectrum Center, adapted from personal communication on Feb 13\(^{rd}\), 2012.

\(^4\) Dr. Charlie Glickman, Adult Sex Educator in San Francisco, adapted from personal communication March 31\(^{st}\), 2012.

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 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 the workplace is in violation Sexual Harassment Policy⁶ 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 consent⁷ between all participating parties” and behavior that proceeds without obtaining affirmative consent is in violation of the Student Sexual Misconduct Policy⁸ and/or other sexual misconduct policies promoting a safe and healthy campus environment; AND

WHEREAS, individuals face harassment and discrimination for realizing traditional forms sexual expression;⁹ AND

WHEREAS, individuals also face harassment and discrimination for realizing non-traditional forms sexual expression;¹⁰ AND

WHEREAS, stigmatization, harassment, and discrimination can have a significant and detrimental impact on the quality life of the individual;¹¹ AND

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⁶ University of Michigan Standard Practices Guide (sect. 201-89-0)

⁷ http://sapac.umich.edu/article/49

⁸ http://studentsexualmisconductpolicy.umich.edu/content/university-michigan-policy-sexual-misconduct


¹¹ National Coalition for Sexual Freedom, Incident Response Report records
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

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.

Now on behalf of the student body of the Horace H. Rackham Graduate School, be it

Resolved, that the section 201.35 of the Standard Practice Guide of the University of Michigan be amended as follows (without emphasis):

“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 the President of the graduate student body is empowered and directed to work with the Administration of the University of Michigan to put into place policies that reflect the will and intent of this resolution.


13 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.

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

15 Included by decree of Board Resolution W-12-01
Christopher Tuck Mung Baker Tom
Representative (Division 1), Rackham Student Government
Chair, Academic Affairs Committee

ATTEST

By Signing below, I certify the this resolution was dispatched by the RSG Board under the rules as prescribed in section IX of the bylaws and that the vote count appearing at the top of this resolution is accurate.

____________________________________
Michael Benson, Parliamentarian, Rackham Student Government

PRESIDENTIAL ACTION

I, Phillip Saccone, President of the Rackham Student Body, do hereby approve / veto this resolution on this the _______ day of _____, 2014.

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Phillip Saccone
President, Rackham Graduate Student Body