

Newsletter

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Anti-Discrimination at SUU

SUU recently launched its first Equal Opportunity and Clery Compliance Office. Anti-discrimination compliance previously went through Student Affairs, Human Resources, and the Title IX Office. This new Office now will serve as a "one-stop-shop" to process all discrimination issues and implement SUU Policies 5.27 and 5.60.

To know the scope of the Office for "Equal Opportunity," you first have to know--what is "discrimination"? Under anti-discrimination laws, there are generally three types of discrimination:

- Treating someone differently based on a protected category.
- A class of persons with the same protected characteristic experiencing a differential impact based on a neutral policy or practice.
- Harassment based on a protected category.

A "protected category" means a designated characteristic that receives heightened legal protection. Some examples include race, ethnicity, sex, disability, veteran status, and religion, among others. In essence, people may not be treated differently or harassed

based on a characteristic within a protected category.

Anti-discrimination laws protect *all* persons based on those categories. There is sometimes a misperception, for example, that Title IX only protects females. But that is inaccurate. Title IX and SUU's Policies 5.27 and 5.60 protect everyone, regardless of their particular sex, from sex discrimination.

Additionally, anti-discrimination laws are NOT civility or safety laws. They do not make all unfair treatment unlawful. Other processes and policies may apply to address other types of unfair treatment, but anti-discrimination laws and policies focus on prohibiting discrimination. Therefore, the new Office will focus on discrimination concerns, while supervisors and other offices will continue to handle other conduct, personnel, and safety issues. The Office also is separate from Legal Affairs and from Human Resources.

Jake Johnson recently joined SUU from the University of Nebraska. He serves as the Office's Director and Title IX Coordinator. We encourage the campus community to participate in education offered by the new Office.

EDUCATIONAL RESOURCES AVAILABLE FROM THE OFFICE OF LEGAL AFFAIRS

This **Newsletter!** This is our first installment of an educational newsletter intended to educate the campus community. Our Office will publish these periodically and will post them on our website.

Resources on Policy Drafting: How-To's, Practical Guides, and Templates

10 Minutes with Your Attorney: a brief meeting for department leaders with an attorney from our office, who describes services our Office provides to client representatives, substantive legal areas we advise about, and when to contact us.

FAQs: Answers to Frequently Asked Questions on various legal topics are readily available on our website.

Interactive Seminars on Substantive Legal Topics: Reach out to us for custom programs to address particular needs and topics.



Drafting or Editing a Policy?

When drafting policy, using precise language is critical. The Office of Legal Affairs has developed resources and tips to help you focus your language and achieve this precision. Some of these tips include using an active voice to clearly define and direct who is responsible for each task, using generic titles rather than the names of specific items or people to keep policy relevant in the future, and defining and using terms consistently within a policy and among all other SUU policies. For more policy drafting tips and resources, please go to the Office of Legal Affairs [Policy Resources Page](#).



We are SUU's Attorneys, and We are Here to Help

The SUU Office of Legal Affairs represents and supports the University by providing legal advice. We are legal counselors and thought partners that help client representatives accomplish their goals in legally sound, sustainable ways. Our one client is the University, so our client representatives are those employees who are making decisions on behalf of SUU.

Our primary focus is on effective preventative law and advice. We do this in two ways. We seek to proactively empower our client representatives with knowledge of potential legal impacts. We do this through advance education and resources. We also provide responsive advice on emerging and developing issues that have potential legal impacts.

We advise on a myriad of topics. These include legal risk management and compliance, policy review, employment matters, discrimination laws, student conduct, privacy, intellectual property, and contracts and waivers, among others.

We welcome the opportunity to listen and assist University decision makers. We do not charge for our services, and encourage these client representatives to loop us in early on in situations. Call, email, or stop by our Office.

About this Newsletter: *This newsletter is designed to serve as an informational tool, bringing you topics of interest and practical tips. It should not be relied on as a substitute for legal advice. Laws, regulations and policies change frequently, and legal advice requires careful consideration and application of all relevant facts. If you have legal questions or need legal advice concerning any University matter, please contact the Office of Legal Affairs.*

CASE LAW UPDATE

A recent case from the Seventh Circuit, Court of Appeals, *EEOC v. Walmart Stores East, L.P.*, applied the rule that Title VII (an anti-discrimination law) requires employers to accommodate religious practices, but *not* at the expense of other workers. The employee plaintiff (hired as a manager) informed his employer that, due to his religious practices, he could not work certain weekend times. Normally, managers for the employer have to work designated weekends. Accommodating the employee-plaintiff, as he requested, would require other managers at the same level to work additional weekend shifts. The employer rescinded the employment offer. Since the employee's requested accommodations would "thrust" the burden on other employees, the Court ruled in favor of the employer; Title VII does not require significantly burdening other employees to accommodate another employee's religious practice.

Contact Us

legal@suu.edu with legal questions, to provide feedback, or submit a topic idea for a future newsletter