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## Nondiscrimination and Equal Opportunity Policy

Brigham Young University prohibits unlawful discrimination in employment, education, and all university-sponsored programs and activities. This prohibition applies to acts of unlawful discrimination by or against university employees, students, and campus visitors—including applicants for employment or admission—and it includes unlawful discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), age (40 and over), disability, genetic information, or veteran status (collectively the “Legally Protected Categories”).<sup>1</sup> The university will not tolerate unlawful discrimination and will take immediate and appropriate steps to stop unlawful discrimination, prevent its recurrence, and address its effects.

### Equal Opportunity

Brigham Young University will provide equal opportunity to all qualified employees and applicants for employment. This policy prohibits unlawful discrimination on the basis of any of the Legally Protected Categories in all employment practices, including

- recruiting, hiring, training, upgrading, promoting, and transferring;
- compensation and benefits;
- conditions and privileges of employment; and
- discipline, layoff, and termination.

Generally, available positions should be listed with the appropriate employment office.

### Discriminatory Conduct

The university strives to provide employees and students with a working and educational environment free from all forms of unlawful discrimination, including unlawful harassment. Federal law prohibits harassment when it is based on the victim’s membership in the Legally Protected Categories identified above and the harassment becomes so severe or pervasive that it creates a hostile environment for work or for participation in other programs and activities of the university. Unlawful harassment that creates a hostile environment is prohibited at the university.

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<sup>1</sup> As an educational institution sponsored by and affiliated with The Church of Jesus Christ of Latter-day Saints (“Church”), the university gives a lawful preference in employment and admissions decisions to qualified, faithful members of the Church in good standing. In addition, employees and students must observe the [Church Educational System Honor Code](#) and all university policies. For example, employees must observe the [Personnel Conduct Policy](#) and continuing students must have a current Continuing Student Ecclesiastical Endorsement.



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In addition to this prohibition against unlawful harassment, the [Church Educational System Honor Code](#) requires students, employees, and others subject to its provisions to “maintain the highest standards of . . . consideration of others in personal behavior” and to “[r]espect others.”

### **Retaliation**

The university also prohibits retaliation against any employee or student who engages in either of the following “Legally Protected Actions”: (a) opposing unlawful discrimination by communicating to the university through word or action a belief that unlawful discrimination is taking place or has taken place or (b) participating in any way in an investigation, proceeding, hearing, or litigation under state and federal discrimination laws. Any adverse action taken against an individual because he or she has engaged in any Legally Protected Actions constitutes unlawful retaliation if the adverse action is reasonably likely to deter the person or others from pursuing their rights. Retaliation will be considered a separate act of discrimination under this policy.

Adverse actions do not include petty slights and trivial annoyances, such as stray negative comments in an otherwise positive evaluation, “snubbing” by a colleague or fellow student, or negative comments or evaluations that are justified by an employee’s or a student’s poor performance.

This policy also prohibits university employees or students from encouraging others to retaliate and protects both the person who has engaged in any Legally Protected Actions and individuals closely associated with that person, such as a spouse or close relative. Retaliation is prohibited under this policy even if the original discrimination complaint is without merit; however, an individual opposing discrimination by communicating an allegation of unlawful discrimination to the university must act in reasonable good faith in order to be protected against retaliation.

**APPROVED:** 2 Oct 2017 [Revised 13 Nov 2020]

**PRIOR VERSION:** 7 Apr 2014

**APPLICABILITY:** This policy applies to all university students, faculty, administrative and staff employees, volunteers, representatives, and campus visitors.

**POLICY OWNER:** Academic Vice President, Administration Vice President and CFO, Student Life Vice President

**RESPONSIBLE OFFICE:** Dean of Students Office, Faculty Relations, Human Resources Services

**IMPLEMENTING PROCEDURES:** [Discrimination Complaint Procedures](#)



**RELATED POLICIES:**

- [Accommodation of Persons with Disabilities at BYU Policy](#)
- [Accommodation of Persons with Disabilities at BYU Procedures](#)
- [Administrative and Staff Employment Policy](#)
- [Campus Crime Awareness, Prevention, and Reporting Policy](#)
- [Discrimination Complaint Procedures](#)
- [Faculty Discipline and Termination Policy](#)
- [Personnel Conduct Policy](#)
- [Sexual Harassment Grievance Procedures](#)
- [Sexual Harassment Policy](#)
- [Web Accessibility Policy](#)