

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

SECTION: //

DATE:

March 20, 2007

RECOMMENDATION

BOARD POLICIES RECOMMENDED FOR APPROVAL

ACTION REQUESTED

It is recommended that the Board of Regents approve revisions to the Preamble to the Bylaws of EMU's Board of Regents, the EMU Civil Rights policy and the EMU Equal Employment Opportunity/Affirmative Action policy. See attached information.

STAFF SUMMARY

Inclusion of gender identity or expression in the University's nondiscrimination clauses reinforces Eastern's commitment to diversity and inclusion and will send a clear message to students, prospective students, faculty and staff that all people are entitled to full protection, regardless of their gender identity or expression.

FISCAL IMPLICATIONS

None

ADMINISTRATIVE RECOMMENDATION

The proposed Board action has been reviewed and is recommended for Board approval.


University Executive ~~Officer~~

Date

EASTERN MICHIGAN UNIVERSITY

REVISED BOARD POLICIES

Policy Number	Policy Name	Rationale for Revising Policies	SOC Member Responsible
1.5	Bylaws	Inclusion of gender identity or expression in the Preamble of the Bylaws of the EMU Board of Regents reinforces Eastern's commitment to diversity and inclusion and will send a clear message to students, prospective students, faculty and staff that all people are entitled to full protection, regardless of their gender identity or expression. Changes to the Preamble further stipulate that sexual orientation, gender identity or expression provisions in the policy shall not prohibit the University from maintaining relationships with agencies of the federal government and that, except where approved by separate action of the Board the sexual orientation, gender identity or expression provisions of this policy shall not apply to employment benefits, family housing, financial aid packages and student residency status.	President Fallon
3.1.2	Equal Employment Opportunity/Affirmative Action Policy	Inclusion of gender identity or expression in EMU's Equal Employment Opportunity/ Affirmative Action Policy reinforces Eastern's commitment to diversity and inclusion and will send a clear message to students, prospective students, faculty and staff that all people are entitled to full protection, regardless of their gender identity or expression. Changes to the Equal Employment Opportunity/Affirmative Action policy further stipulate that sexual orientation, gender identity or expression provisions in the policy shall not prohibit the University from maintaining relationships with agencies of the federal government and that, except where approved by separate action of the Board the sexual orientation, gender identity or expression provisions of this policy shall not apply to employment benefits, family housing, financial aid packages and student residency status.	President Fallon
3.1.3	Civil Rights Policy	Inclusion of gender identity or expression in EMU's Civil Rights Policy reinforces Eastern's commitment to diversity and inclusion and will send a clear message to students, prospective students, faculty and staff that all people are entitled to full protection, regardless of their gender identity or expression. Changes to the Civil Rights policy further stipulate that sexual orientation, gender identity or expression provisions in the policy shall not prohibit the University from maintaining relationships with agencies of the federal government and that, except where approved by separate action of the Board the sexual orientation, gender identity or expression provisions of this policy shall not apply to employment benefits, family housing, financial aid packages and student residency status.	President Fallon

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BYLAWS

BOARD OF REGENTS EASTERN MICHIGAN UNIVERSITY

PREAMBLE

Eastern Michigan University is a multipurpose institution founded by the State of Michigan in 1849. Originally named Michigan State Normal School, it was the first teacher training college west of the Allegheny Mountains. Teacher preparation was the primary purpose of the institution for 100 years, but this purpose was broadly interpreted and included instruction in liberal arts, science and other areas vital to the background of a well-qualified teacher. The name was changed to Michigan State Normal College in 1899 and, in recognition of the development of regional teachers' colleges in the state, to Eastern Michigan University in 1956. With the establishment of the Colleges of Arts and Sciences and Education, as well as a graduate school, Eastern attained university status June 1, 1959. The College of Business was created in 1964, the College of Health and Human Services in 1975 and the College of Technology in 1980.

The University offers baccalaureate degrees in Arts, Art Education, Business Administration, Business Education, Fine Arts, Music Education, Music Performance, Music Therapy, Nursing Education and Science; master's degrees in Arts, Individualized Studies, Business Administration, Business Education, Fine Arts, Liberal Studies, Public Administration and Science; a Specialist in Arts degree in Educational Leadership, Guidance and Counseling, School Psychology and Special Education; -and a doctorate in Educational Leadership. More than 180 undergraduate programs and more than 50 graduate programs are offered through its five colleges and Graduate School.

ARTICLE VIII, Section 6, of the Michigan Constitution, adopted by the people of the State of Michigan in 1963 to become effective January 1, 1964, granted constitutional autonomy to Eastern Michigan University.

The Board of Regents of Eastern Michigan University reaffirms its obligation to the people of the state of Michigan to provide high quality education to people from all walks of life. It pledges itself to the wisest use and distribution of resources at its disposal to meet this major objective. In keeping with this commitment, Eastern Michigan University will not discriminate against any person because of race, color, sex, marital status, age, religion, national origin or ancestry, Vietnam-era veteran status and non-relevant mental or physical handicap. Further, Eastern Michigan University does not discriminate against any person because of sexual orientation, GENDER IDENTITY OR EXPRESSION.

The sexual orientation, -GENDER IDENTITY OR EXPRESSION provisions of this policy shall not prohibit the University from maintaining relationships with agencies of the federal government.

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Further, except where approved by separate action of the Board of Regents the sexual orientation, gender identity or expression provisions of this policy shall not apply to ~~because the University wishes to study how particular~~ employment benefits, family housing, financial aid packages and student residency status. ~~would be affected by the addition of the sexual orientation provision, the provision shall not apply to those subjects at this time. The provision will apply to those subjects only after the appropriate Board of Regents committees and the Board of Regents determine, after the study, how and to what degree the provision should apply to those areas.~~

With respect to students, the Board declares its intention to provide the opportunity for each to realize his or her highest potential, to formulate and enforce reasonable rules governing student conduct, and to give due consideration to the opinions of students on matters related directly to their interest when they are expressed in a responsible manner.

With respect to the alumni, the Board invokes their loyal support of the University and invites their advice and counsel, reminding them that the esteem of the University is measured constantly by their performance as educated men and women.


With respect to the people of Michigan, the Board openly acknowledges that this University is, in the final analysis, their University. As a public institution, Eastern Michigan University is obligated to serve the best interests of the people who support it, as it can best determine those interests.

Finally, the Board of Regents holds as its special trust the historic mission of a University to create an intellectual climate that will challenge and encourage the vigorous development and courageous expression of the human mind and spirit. Specifically, the Board of Regents recognizes that it has a primary responsibility to assure the University of the financial and other resources necessary to the successful performance of its mission. The Board believes that the best method of assuring that support is to interpret the University faithfully and continually to its fellow citizens, to the legislature and elected state officials, and to the federal government, and thus persuade them of the essential importance of the University's mission. To those tasks of interpretation and persuasion, the Board is committed by its appointment to office, and to those tasks it pledges itself without reservation.

In order to exercise the principles here declared, to achieve the objectives of Eastern Michigan University and to ensure that the conduct of its own officers will be in accord with the highest standards of educational administration, the Board of Regents adopts its bylaws:

Authority for Creation or Revision

Minutes of the Board of Regents, September 17, 1975: para. .1570M; May 22, 1985: para. .3103M; May 19, 1992; para. .4557M; September 22, 1992; para. .4604M; January 26, 1993; para. .4656M; January 23, 1996; para. .5072M; June 20, 2000; para. .5689M; March 18, 2003; para. .6099M; March 16, 2004; para. .6251M; March 15, 2005; para. .6422M; June 21, 2005; para. .6465M; August 2, 2005, para. .6472M; March 21, 2006, para. .6601M;

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The sexual orientation, gender identity or expression provisions of this policy shall not prohibit the University from maintaining relationships with agencies of the federal government. Further,

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		EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION	

UNIVERSITY POLICY STATEMENT

It is the policy of Eastern Michigan University, in recognition of the essential rights of all employees and applicants as individuals, to recruit and hire in all job classifications without regard to race, color, religion, creed, sex, age, national origin, ancestry, marital status, veterans status or physical or mental disability as provided for and to the extent required by state and federal statutes. Further, it is the policy of the University to take affirmative action to ensure that all personnel actions such as rate of compensation, promotion, retirement, transfers, fringe benefits, layoffs, return from layoff, University training programs, social and recreational programs are administered without regard to race, color, religion, creed, sex, age, national origin, ancestry, marital status, veterans status or physical or mental disability as provided for and to the extent required state and federal statutes. Finally, it is the policy of the University to recruit, hire and take other personnel actions in all job classifications without regard to sexual orientation, GENDER IDENTITY OR EXPRESSION.

The sexual orientation, GENDER IDENTITY OR EXPRESSION provisions of this policy shall not prohibit the University from maintaining relationships with agencies of the federal government. Further, except where approved by separate action of the Board of Regents the sexual orientation, GENDER IDENTITY AND EXPRESSION provisions of this policy shall not apply to employment benefits, family housing, financial aid packages and student residency status.

UNIVERSITY PRACTICE

Eastern Michigan University reaffirms its equal employment opportunity and affirmative action policies and is committed to their full implementation. Good faith efforts shall be directed toward equality of employment opportunity that transcends racial and sexual identities for present and potential employees. To this end, traditional recruitment and employment patterns have been amended to increase the number and proportion of women and minority individuals in instructional and noninstructional positions in every department, unit and division of the University, where these individuals are underutilized. Diversity of personnel--men, women, minority and majority--all properly represented at every level of responsibility will bring new richness to our environment, intellectually and socially.

The affirmative action plan represents the reaffirmation of Eastern Michigan University to eliminate discrimination in recruiting, employment and inequities based on race or sex within its own structure and to provide leadership in this area for society at large.

The University has also implemented an affirmative action plan for veterans and persons with disabilities consistent with the regulations of the Vietnam Era Veterans Readjustment Act of 1974 and Sections 503 and 504 of the Rehabilitation Act of 1973.

The President and all persons with hiring authority will continue to establish and follow result-oriented procedures to implement these policies of equal employment opportunities and affirmative action. The Director of Diversity and Affirmative Action will monitor the progress of the program as it is defined herein and redefined as progress is being made in reaching and maintaining the goal of equal employment opportunity.

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EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION		

The University shall communicate to prospective employees the existence of the University's affirmative action program and make available such elements of the programs as will enable such prospective employees to know of and avail themselves of its benefits.

If employees are pictured in consumer or help-wanted advertising, both minority and majority men and women should be shown.

The University shall send written notification of policies to all subcontractors, vendors and suppliers requesting appropriate action on their part.

The University's affirmative action and equal employment opportunity policies and procedures shall be available to the public through the Office of Diversity and Affirmative Action, Human Resources Office and the Office of Assistant Vice President for Academic Affairs.

RESPONSIBILITY FOR IMPLEMENTATION

The President of Eastern Michigan University is responsible for the overall implementation of this program. However, each vice president, dean, director, department head, and other supervisory personnel has specific responsibility for developing and implementing the program in relation to recruitment, employment, promotion and salary progression within his or her functional areas of responsibility. These individuals shall be evaluated on the basis of their performance in the implementation of the University's equal employment opportunity and affirmative action policies by their immediate supervisors.

The Director shall have the responsibility of coordinating all aspects of the equal employment opportunity and affirmative action program. The Director shall, through the General Counsel/University Attorney and Vice President for Business and Finance advise the President concerning statements of policy and the identification of problem areas; assist in arriving at methods for solutions to problems; provide the necessary procedural guidance; and coordinate the efforts in complying with these programs among the various departments.

The Director shall work with the vice presidents, deans, directors, department heads and other supervisory personnel to establish guidelines for implementation, along with goals and timetables where required by law. The goals and timetables shall be reviewed and updated periodically. The goals and timetables shall specify those areas requiring particular attention and what is specifically expected to be done to carry out the responsibilities of the program, along with the necessary time schedules for the achievement of results.


Eastern Michigan University will implement an affirmative action program for handicapped persons consistent with the regulations of Sections 503 and 504 of the Rehabilitation Act of 1973.

SCOPE OF POLICY COVERAGE

The above policy covers all University employees and individuals seeking employment with the University.

Authority for Creation or Revision

Minutes of the Board of Regents: May 16, 1973, para. .1236M. January 23, 1996, para. .5068M. June 17, 2003, para. .6132M.

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UNIVERSITY POLICY STATEMENT

Eastern Michigan University shall not discriminate against any person because of race, color, religion, creed, sex, age, national origin, ancestry, marital status, veterans status or physical or mental disability as provided for and to the extent required by state and federal statutes. Further, the University shall not discriminate against any person because of sexual orientation, GENDER IDENTITY OR EXPRESSION. The University shall work for the elimination of improper discrimination in the areas listed above (1) in organizations recognized by the University, and (2) from non-university sources where students and employees of the University are involved.

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RESPONSIBILITY FOR IMPLEMENTATION

The President of Eastern Michigan University is responsible for the overall implementation of this policy. The Director of Diversity and Affirmative Action is primarily responsible for the day to day implementation and enforcement of the policy.

SCOPE OF POLICY COVERAGE

The policy covers all operations and activities of the University.

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Minutes of the Board of Regents: October 3, 1966, para. .436M. January 23, 1996, para. .5067M. June 17, 2003, para. 6132M.

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