Section C: Non-Financial Compliance Issues
Policy C4: Civil Rights

PURPOSE:

To establish a policy to affirm the university’s commitment to comply with all civil rights laws, to avoid discrimination, and to ensure compliance with affirmative action in all aspects of the University’s practices.

DEFINITIONS:

None

POLICY:

It is the policy of the University to comply with all laws, regulations, and executive orders on civil rights as they apply to employment and participation in, or admittance to, programs or projects at the University or to any other area of activity under the sponsorship or auspices of the University. A summarization of some of these laws and their applicability follows:

Race/Ethnicity/Religion
Title VII of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, religion, sex and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, whether directly or under a subgrant or contract arrangement, 45 CFR part 80.

Disabilities
The Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual in the United States shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This requirement also applies to subgrantees or contractors under grants, 45 CFR part 84.

Age
The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance. The act covers individuals 40 years of age and older and prohibits retaliation against anyone exercising their right under the act. This requirement is also applicable to subgrantees and contractors under grants, 45 CFR part 91.

Sex
Title IX of the Education Amendments of 1972 (in particular, section 901 of those amendments) provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance, whether directly or under a subgrant or contract under a grant, 45 CFR part 86.
Section 704 of Title VII and Section 855 of Title VIII of the Public Health Services (PHS) Act, as amended, forbids the extension of federal support for health manpower and nurse training programs authorized under those titles to any entity that discriminates on the basis of sex in the admission of individuals to its training programs, 45 CFR part 83.

**Sexual Harassment**
Title VII Civil Rights Act of 1964 Section 703 prohibits conduct of a sexual nature that creates a hostile or abusive working and learning environment. This requirement is also applicable to subgrantees and contractors under grants, 29 CFR part 1604.

**Alcohol and Other Drug Abuse**
Section 522 and 526 of the PHS Act, as amended, provides that alcohol and drug abusers and alcoholics who are suffering from medical conditions shall not be discriminated against in admission of treatment because of their drug abuse or drug dependence by any private or public general hospital that receives support in any form from any federally funded program. This prohibition is extended to all outpatient facilities receiving or benefiting from federal financial assistance by 45 CFR part 84. This prohibition also applies to subgrantees and contractors under grants.

**Confidentiality**
Section 543 of the PHS Act, as amended, requires that records of substance abuse patients be kept confidential except under certain specified purposes. The records covered include the identity, diagnosis, prognosis, or treatment of any patient maintained in connection with any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research that is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, 42 CFR part 2.

Under section 301(d) of the PHS Act, as amended, health research subjects’ identities may be protected from compulsory legal process such as subpoena (with certain exceptions, such as for audit of the research project). This protection may be granted, upon application by the PHS, in the form of a certificate of confidentiality for a specific research project, 42 CFR part 2A and an Interim Policy Statement issued by the Assistant Secretary for Health.

The University of Miami, Department of Human Resources, Office of Equality Administration, is responsible for ensuring compliance with Affirmative Action. Please contact this office for additional information on these and other laws, regulations, and executive orders in regards to Affirmative Action and civil rights.

**PROCEDURES:**
None