



# Policies Applying to Campus Activities, Organizations and Students (PACAOS)

## 150.00 STUDENT-RELATED POLICY APPLYING TO NONDISCRIMINATION ON THE BASIS OF SEX

<b>Responsible Officer:</b>	Vice President and Vice Provost
<b>Responsible Office:</b>	Graduate, Undergraduate and Equity Affairs
<b>Issuance Date:</b>	2/20/2024
<b>Effective Date:</b>	2/20/2024
<b>Scope:</b>	For all pertinent activities involving University students, employees, and properties, the <i>Policies Applying to Campus Activities, Organizations and Students</i> apply to the Division of Agriculture and Natural Resources and to the Department of Energy Laboratories operated by the University of California, subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department of Energy.

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### I. POLICY SUMMARY

The *Policies Applying to Campus Activities, Organizations and Students* are a compendium of University-wide policies relating to student life. Section 150.00 describes the University’s student-related policy applying to nondiscrimination on the basis of sex.

## II. DEFINITIONS

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Definitions for the *Policies Applying to Campus Activities, Organizations and Students*, and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

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## III. POLICY TEXT

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### 150.00 STUDENT-RELATED POLICY APPLYING TO NONDISCRIMINATION ON THE BASIS OF SEX

#### 150.10 INTRODUCTION

In compliance with Federal regulations implementing Title IX of the Education Amendments of 1972 and applicable Federal and State laws pertaining to sex discrimination, University of California policy prohibits unlawful discrimination on the basis of sex. See also the [University of California Anti-Discrimination Policy](#).

Except where noted otherwise, for purposes of determining compliance with Federal and State laws, each campus is considered a separate unit, and in those sections of this *Policy* requiring proportionate facilities or services for each sex, such proportionate equality is required of each separate campus.

#### 150.11

The term "discrimination" is used throughout this *Policy* to refer to unlawful discrimination. There are some discriminatory actions which are lawful and may benefit members of a particular sex. For example, Federal regulations permit actions which are undertaken for affirmative action purposes.

#### 150.12

The term "Federal and State laws" is used throughout this *Policy* to refer to all applicable Federal and State laws pertaining to nondiscrimination on the basis of sex and includes implementing regulations when they exist.

### 150.20 GENERAL PROVISIONS

#### 150.21

Except as provided in Federal or State laws, no person may be excluded on the basis of sex from participation in, denied the benefits of, or discriminated against in any academic, extracurricular, research, or other program offered by the University. This includes: (a) sex discrimination in requirements or qualifications for any University- offered aid, benefit, or service; (b) providing different aid, benefits, or services or such aid, benefits, or services in a different manner; (c) application of separate rules of appearance; (d) application of

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separate rules as to domicile for admission or out-of- State fee purposes; or (e) providing any assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit, or service to students or employees (for example, single-sex clubs not exempted in Section 150.40).

#### **150.22**

No campus unit, in the totality of its services, can offer programs or services exclusively for women or for men.

#### **150.23**

The University may continue to administer scholarships established by foreign or domestic legal instruments or by acts of foreign governments designed to provide opportunities for graduating students of one sex to study abroad. (See also Section 153.223.)

#### **150.24**

Programs in which the University requires or facilitates participation by its students, but which are not wholly operated by the University (for example, study abroad, clinical programs, student-teaching programs, internships) must be actively monitored to ensure that they do not contain violations of this *Policy*. If such violations occur and cannot be rectified, the program relationship must be terminated.

### **150.30 MARITAL AND PARENTAL STATUS**

#### **150.31**

No campus may apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

#### **150.32**

Pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom must be treated in the same manner and under the same policies as any other temporary disability. This includes the campus policy on exclusion from any class or extracurricular activity; the right to medical services; the requirement of a doctor's certification for continuance in a normal academic program; and the right to a leave of absence if requested by the student.

### **150.40 EXEMPTIONS**

#### **150.41**

Federal and State laws concerning sex discrimination do not apply to the membership practices of social fraternities and sororities which are exempt from taxation under applicable sections of the Internal Revenue Code. The exempt organizations include the following:

- a. Fraternal beneficiary societies, orders, or associations—

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1. operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and
  2. providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents.
- b. Domestic fraternal societies, orders, or associations, operating under the lodge system—
1. the net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purpose, and
  2. which do not provide for the payment of life, sick, accident, or other benefits.

#### **150.42**

Federal and State laws concerning sex discrimination do not apply to membership practices of the Young Men's Christian Association, Young Women's Christian Association, girl scouts, boy scouts, camp fire girls, or voluntary youth service organizations which are exempt from taxation under applicable sections of the Internal Revenue Code.

#### **150.43**

Father-son or mother-daughter activities and similar activities are exempt from the requirements of this *Policy* provided that, if such activities are offered for students of one sex, opportunities for reasonably comparable activities are offered for students of the other sex.

### **151.00 ADMISSIONS**

#### **151.10**

Except as provided in this *Policy*, no preference on the basis of sex can be given in the admission of students. This includes: (a) ranking of applicants separately by sex; (b) the use of quotas for one sex; or (c) the use of tests or other criteria which have disproportionately adverse effects on one sex. The prohibition against tests or criteria which have disproportionately adverse effects on one sex is not applicable when they are shown to validly predict success in the educational program in question and alternative tests or criteria are shown to be unavailable.

#### **151.20**

Affirmative action in terms of recruitment and expansion of the availability pool is allowed in order to overcome the limited participation of one sex in a program or activity.

#### **151.30**

No inquiries as to marital status may be made in admission forms or questionnaires, nor can marital or parental status be used as a criterion for admission to any school, college, or program.

### **151.40**

Pregnancy, childbirth, termination of pregnancy, or recovery therefrom must be treated as any other temporary disability, and such disabilities may not exclude any person from admission.

### **151.50**

No preference in admissions to the University may be given to applicants from institutions which admit solely or predominantly members of one sex.

## **152.00 RECRUITMENT**

### **152.10**

Additional or intensified recruitment of one sex is permissible only:

- a. as a remedial action required because of past discriminations;
- b. or as affirmative action to counter previously limited participation in a program by members of one sex.

### **152.20**

The University may not recruit primarily or solely at institutions which are predominantly or entirely of one sex, if such recruitment has the effect of discriminating on the basis of sex in University admissions.

## **153.00 EDUCATIONAL PROGRAMS AND ACTIVITIES**

### **153.10 Access to Course Offerings**

#### **153.11**

Except as provided in this *Policy*, all educational programs or activities offered by the University, including physical education, ROTC, and music classes must be offered without discrimination on the basis of sex.

#### **153.12**

With regard to physical education classes, there may be a separation of students by sex within the class activities involving physical contact as their major activity or purpose (for example, wrestling, football, and rugby). In addition, students may be grouped within classes according to ability, as measured by objective standards applied without regard to sex (for example, weight training). In cases where a single standard of grading in physical education classes has a disproportionately adverse effect upon one sex, the instructor must use alternative standards which do not have such an effect.

#### **153.13**

With regard to music classes, requirements of vocal range or quality may be used in

selection of choruses, which may result in choruses of one or predominantly one sex.

## **153.20 FINANCIAL AID**

### **153.21 General Provisions**

It is the intent of this *Policy* that student aid funds administered by the University are awarded to men and women in a nondiscriminatory manner. A campus may not at its own discretion set aside any University-administered student aid funds in a manner that would result in discrimination on the basis of sex in the amount or type of aid received by University students on that campus. However, as provided in Federal and State laws, certain funds may be administered on a sex-restricted basis (see Section 153.22).

#### **153.211**

As a general rule, men and women in similar circumstances shall be given comparable financial aid packages and awards. The percent of aggregate need which is filled by all awards must be equitable between women and men. The proportion of repayable to nonrepayable aid in individual awards must be equitable for men and women in the same categories and the same need evaluation must be used for both sexes.

#### **153.212**

Students who are married or who are parents may not be treated differently by virtue of sex. Thus, the same policies and rules shall apply to any parent, whether married or not, without regard to sex; for instance, a woman with two dependent children shall be treated no differently from a man with two dependent children if the circumstances are otherwise the same.

#### **153.213**

As provided in Section 150.10, the campuses of the University are considered to be separate institutions. Therefore, in determining that student aid funds are awarded to men and women in a nondiscriminatory manner, each campus is responsible for assuring that financial aid funds administered by the campus adhere to this *Policy*.

## **153.22 Administration of Sex-Restricted Funds**

### **153.221 Types of Awards and Conditions Governing Their Administration**

The University may administer and assist outside organizations in the administration of selected sex-restricted scholarships, fellowships, prizes, or other forms of financial aid, so long as the overall effect of the sex-restricted awards on each campus does not result in discrimination on the basis of sex in the overall campus student aid program.

### **153.222 Acceptance of New Funds**

The University may continue to accept, for direct University administration, irrevocable gifts which impose mandatory sex restrictions on the award of student financial aid which meet the following two conditions.

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- a. The funds must have been established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government. A letter conveying an irrevocable gift of sex-restricted student aid funds to the University, regardless of the source of the funds, would qualify the funds for University administration under the exception permitted in Federal and State laws.
- b. The instrument from which the funds derive must require that awards be made to members of a particular sex.

As new funds are accepted, periodic review of the overall student financial aid program should be undertaken by each campus to assure that the overall impact of the financial aid program remains nondiscriminatory within the meaning of this *Policy*.

#### **153.223 Acceptance of Funds for Opportunities to Study Abroad**

The University may administer and assist in the administration of scholarships and other aid established by foreign or domestic wills, trusts, or similar legal instruments or by acts of foreign governments to provide members of one sex with opportunities to study abroad, provided that reasonable opportunities for similar studies for members of the other sex are made available. These opportunities may be provided from either domestic or foreign sources.

#### **153.224 Athletic Grants-in-Aid**

It is the intent of this *Policy* that men and women student athletes should have reasonable opportunities for athletic grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics. This does not mean that such grants must be awarded in proportion to the number of students participating in each individual sport. There may be differences in the number of grants for each team, but the general policy governing awards must be the same for men and women. Any short term deviation from substantial proportionality must be based on nondiscriminatory factors.

This section does not apply to campuses which do not award athletic grants.

### **153.30 ATHLETICS**

#### **153.31 Federal Requirements--General**

It is intent of this *Policy* that equal athletic opportunities be available for members of both sexes. As provided in Federal regulations and Office for Civil Rights guidelines, in determining whether equal opportunities are available, the following factors will be considered:

- a. Whether the nature and extent of the sports programs (including the levels of competition, such as varsity, club, etc.) effectively accommodate the interests and abilities of members of both sexes;
- b. The provision of equipment and supplies;
- c. The scheduling of games and practice time;
- d. The provision of travel and per diem allowances;

- e. The nature and extent of the opportunity to receive coaching and academic tutoring;
- f. The assignment and compensation of coaches and tutors, including the provision of administrative and clerical support;
- g. The provision of locker rooms, practice, and competitive facilities;
- h. The provision of sports medical and training facilities and services;
- i. The provision of housing and dining facilities and services;
- j. The nature and extent of publicity;
- k. Opportunities and funding for recruitment of prospective student athletes.

While each factor does not, in and of itself, have to be distributed equally to men and women athletes, the overall program should represent a reasonably equal apportionment of services to athletes. All prime time practice hours in the main gymnasium should not, for example, be allotted to men's intercollegiate teams, nor should women receive inferior equipment, lower travel allowances, or lesser publicity.

Each campus is encouraged to conduct a self-study to determine its compliance with these factors and prepare a plan to eliminate deficiencies if they exist.

### **153.32 Federal Requirements--Teams**

#### **153.321 Level One Activities: Intercollegiate Teams and Competitive Sports Clubs (including all teams for which members are chosen competitively)**

Teams in this category may be offered separately for men and women or a single team may be offered. When a single team is offered, and members of one sex are completely or substantially excluded, the campus must offer separate teams if the athletic interests of the excluded sex are not otherwise accommodated. For example, Campus X decides to offer a single boxing team, but when tryouts are completed, it finds that all but one of the twenty females who tried out were eliminated. If boxing is a high priority on the list of sports in which women students wanted to participate, then the campus must offer separate teams. If boxing is low on the list and the sponsorship of teams in other sports would more effectively accommodate the interests of the excluded sex, then the campus may continue with the single boxing team.

#### **153.322 Level Two Activities: Intramurals and Recreational/Noncompetitive Sports Clubs**

At this level, contact sports activities may be offered on a separate basis, a single- activity basis, or both. However, if a campus chooses to sponsor only a single activity and members of one sex are completely or substantially excluded, the campus must offer separate activities if the interests of the excluded sex are not otherwise accommodated. (See Level One Activities, above.)

Campuses may offer either coeducational teams or separate teams for noncontact sports at this level. Noncontact sports activities at this level, which do not involve selection based on skills, must be offered on a coeducational basis. When selection for teams is based upon competitive skill, separate teams for noncontact sports may be offered for members of each sex. However, if a campus offers a noncontact sport at this level for members of one



sex, but such a sport is not available to members of the other sex, and athletic opportunities for members of that sex previously have been limited, members of the excluded sex must be allowed to try out for the sport.

### **153.33 Athletic Grants-in-Aid**

See Section 153.224.

### **153.34 Program Administration**

Federal and State laws do not impose structural requirements on program administration. Single athletic departments are no more or less acceptable than separate men's and women's departments. However, when a campus contemplates a change in administrative structure, it must take care to assess the effects on employees of both sexes of current and proposed administrative models. The campuses may not adopt any structural model which has a disproportionately adverse effect upon employment opportunities of employees of one sex.

## **153.40 HOUSING**

### **153.41 On-Campus Housing**

The campuses may provide separate housing on the basis of sex if the housing offered to renters of each sex annually is, as a whole, comparable in quality and cost and proportionate in number to the number of housing applicants from each sex. To assess quality, each campus must review the variety of on-campus housing opportunities available.

### **153.42 Off-Campus Housing**

#### **153.421**

The California Fair Housing and Employment Act and the Federal Fair Housing Act prohibit discrimination in housing based on sex. In addition, these Acts prohibit any person from publishing a notice regarding rentals which discriminates on the basis of sex. Accordingly, rental listings which specify a preference based on sex should not be accepted for listing at the University. Federal law exempts owners of single-family homes and dwelling units of no more than four units from these prohibitions, provided in the latter case that the owner lives in one of the units. Federal law also exempts religious or nonprofit organizations or private clubs which offer lodging to members.

#### **153.422**

Federal and State laws do not specifically prohibit or exempt individuals seeking roommates from specifying sex preference. Nonetheless, a campus may accept single-sex roommate listings provided the campus assures itself that, when considered in its entirety, housing listed separately for men and women is comparable in quality and cost to the student and proportionate in number.

#### **153.423**

Given the difficulty of investigating each listing to determine if off-campus housing is

comparable in quality and cost and proportionate in number, each campus may choose to list only off-campus housing not restricted by sex or to follow up on grievances related to the above and look for patterns of discrimination in housing. If the campus determines on the basis of a grievance investigation that housing for one sex is not comparable to that available to the other sex, then the campus should take corrective action to generate new sources of comparable housing or eliminate all separate listings.

## **153.50 COUNSELING**

### **153.51**

Each campus must evaluate its practices and policies with regard to academic and career counseling and assure itself that such counseling is not done on the basis of sex. Further, if a campus finds, by means of an annual review of enrollment data by sex, that any one class or program has a disproportionate participation by one sex, that campus must assure itself that such participation is not the result of sex discrimination in counseling.

### **153.52**

In addition, each campus must assure itself, by a review thereof, that the tests and other materials which it uses in its counseling programs are the same for both sexes. Only when counseling is being used to eliminate previous sex bias, may different materials be used (for example, academic or career counseling for women in fields with disproportionate representation). If upon evaluation it is determined that the tests or materials being used to counsel students have the effect of channeling a substantially disproportionate number of persons of one sex into a particular program or course of study, alternative materials must be used.

## **153.60 STUDENT EMPLOYMENT**

### **153.61**

The placement office of each campus must require all prospective employers to attest to the fact that they do not discriminate unlawfully on the basis of sex in either their hiring or employment practices. If an employer refuses, or it is determined that the employer does, in fact, discriminate unlawfully on the basis of sex, the campus may not continue to assist the employer in any way.

### **153.62**

With regard to student part-time employment, when job listings are often phoned in for jobs available immediately, it is often difficult for an employer to sign a statement. In this case, staff at the student placement office should read the compliance statement over the phone to the prospective employer and a record of that agreement should be noted by the placement office.

### **153.63**

Each campus must require off-campus organizations that offer work-study jobs which are

administered through the financial aid offices to verify that they do not discriminate on the basis of sex in either their hiring or employment practices.

## **153.70 HEALTH INSURANCE AND BENEFITS AND SERVICES**

### **153.71 Health Insurance**

If a campus makes available medical or health insurance policies to students and those policies include coverage of temporary disabilities, pregnancy and related conditions must be included in the coverage.

### **153.72 Benefits and Services**

Benefits and services may be provided which may be used by a larger proportion of students of one sex than of the other, including family planning and contraceptive services. Any campus which provides full coverage health services must provide gynecological care.

## **154.00 FACILITIES**

The campuses may provide separate toilet, locker room, and shower facilities on the basis of sex. However, all such facilities offered to members of one sex must be comparable to those offered to the other sex (for example, men's or women's lounges).

## **155.00 DESIGNATION OF RESPONSIBLE EMPLOYEE**

Each campus and the University as a whole must designate at least one employee to coordinate compliance with Federal and State laws pertaining to nondiscrimination on the basis of sex, including investigation of grievances and handling inquiries. In addition, these employees must supervise the various reviews and evaluations of programs and policies required by law. As provided in Section 157.00 below, all students must be notified of the name and/or title, office address, and telephone number of this person or persons.

## **156.00 GRIEVANCE PROCEDURES**

Each campus has established student grievance procedures to handle complaints and allegations of noncompliance with Federal and State laws and this *Policy*.

As provided in State law, persons who have filed a complaint pursuant to this *Policy* must be advised by the campuses that civil law remedies may also be available, including injunctions, restraining or other orders, and monetary damages. Campuses must make this information available to students and employees by publication in appropriate informational materials.

## **157.00 NOTIFICATION**

Federal and State laws require the University to inform students of the University's policy of nondiscrimination on the basis of sex. Notification statements should include the *Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters* found in Appendix C, which includes nondiscrimination on the

basis of sex.

The individual(s) named in the notification statement should be the appropriate campus official(s) designated in Section 155.00 to respond to inquiries concerning nondiscrimination on the basis of sex.

## **158.00 PUBLICATION REQUIREMENTS**

### **158.10 Frequency of Publication**

The notification statement must be included on a continuing basis in materials given to applicants for admission, sources of referral for applicants for admission, and in other materials used in connection with recruitment of students. The notice also must be included in publications containing general information that are made available to all students.

### **158.20 Methods of Publication**

Methods used for notification may include the posting of notices, publication in campus newspapers and magazines, placement of notices in official University publications, and distribution of memoranda or other written communications.

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## **IV. COMPLIANCE / RESPONSIBILITIES**

Chancellors shall adopt campus implementing regulations consistent with these *Policies*. The University shall publish these *Policies* and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line publication of these *Policies* and their respective campus implementing regulations. (See also Section 13.20 of these *Policies*.)

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## **V. PROCEDURES**

The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these *Policies*. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these *Policies*. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these *Policies*.)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these *Policies* that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these *Policies*.)

Prior to their adoption, all proposed campus implementing regulations, including all

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substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these *Policies* and the law. (See also Section 13.40 of these *Policies*.)

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## VI. RELATED INFORMATION

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See also Policies Applying to Campus Activities, Organizations and Students sections:

- 10.00 Preamble and General Provisions
- 11.00 Authority
- 12.00 Applicability
- 13.00 Development and Review of Universitywide Policies and Campus Implementing Regulations
- 14.00 Definitions

See also the University of California [Policy on Sexual Violence and Sexual Harassment](#)

See also the [University of California Anti-Discrimination Policy](#)

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## VII. FREQUENTLY ASKED QUESTIONS

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Not applicable

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## VIII. REVISION HISTORY

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**February 20, 2024:** Updated to reflect the issuance of the University of California Anti-Discrimination Policy.

This Policy is also reformatted to meet Web Content Accessibility Guidelines (WCAG) 2.0.

**June 1, 2012:** Reformatted into the standard University of California policy template.

**August 15, 1994:** Revised

**October 31, 1983:** Revised

**July 21, 1978:** Revised - Effective January 3, 1979

**October 29, 1973:** Revised

**September 1, 1970:** Original issuance