

CIVIL RIGHTS COMPLIANCE FOR PROGRAMS AND ACTIVITIES

"Open to All" Nondiscrimination Requirement

As required by state and federal antidiscrimination laws, and underscored by MSU's Anti-Discrimination Policy, MSU may not restrict or grant preferential treatment to any individual or group based on certain legally protected identities: race, sex (including sexual orientation and gender), color, ethnicity, religion, and national origin.

What does this mean for MSU programs and activities?

All programs and activities – including groups, fellowships, awards, events, ceremonies, and scholarships – that are hosted by MSU, or receive funding, promotion, or other assistance from MSU, must make sure that:

- ☐ Membership, leadership, participation, application, and selection are not restricted based on a protected identity
- ☐ Preference is not given based on a protected identity
- ☐ There are clearly articulated and documented reasons for any other restrictions or preferences, and none are a proxy for achieving outcomes related to protected identities
- ☐ All communications and materials make clear that the opportunity is open to all regardless of protected identity
- ☐ Individuals are not treated differently or separated based on a protected identity*

It should always be clear that the program or activity is open and welcoming without regard to protected identity. This may require extra language and care in operation for programs with names, goals, or missions linked to a protected identity.

*Limited legal exceptions apply for certain sex separate activities and student organizations with a religious purpose. Reasonable religious accommodations are also required.

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FOR PROGRAMS AND ACTIVITIES (p. 2 of 2)

What Does this Mean for Admissions and Employment?

While not specifically highlighted here, core University functions like admissions and employment are subject to the same nondiscrimination obligations, including the requirement not to grant preferential treatment based on protected identity.

Consideration of protected identity status in admissions, hiring, promotion, retention, or compensation is prohibited. All admissions evaluations must be based solely on academic merit, achievements, and other identity-neutral criteria. All employment decisions must be based solely on job-related qualifications, performance, experience, and other identity-neutral criteria.

Additional Information

“Open to all”

A program is not open to all if certain applicants are given preferences; only certain applicants are invited, recruited, or selected; certain participants are provided additional benefits; or participants are separated based on protected identity.

Values or Mission Statements and Goals

Values or mission statements and associated goals and efforts must align with the University’s nondiscrimination obligations. They cannot grant preference or impose restrictions based on protected identity. Goals like “increasing diversity,” or preferences for people from “underrepresented” or “historically marginalized” groups may be interpreted as referencing protected identities.

Legal Foundation

For more information, see the Diversity Initiatives/Prop 2 topic on the Office of the General Counsel website: <https://ogc.msu.edu/legal-topics-faqs>

Questions? Please reach out to your unit’s compliance partner or the Office of the General Counsel at ogc@msu.edu.