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## THE LEGAL BASIS FOR NON-DISCRIMINATION

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## (Appendix A)

The University of Wisconsin-Madison has long recognized its moral and ethical responsibility to insure equal opportunity in the workplace. University policy strictly prohibits discrimination against any individual for reasons of race, color, creed, religion, sexual orientation, national origin, sex, age, handicap/disability, or Vietnam veteran status. Equal access to employment opportunities, admissions, educational programs, and all other University activities is to be extended to all. The University is pledged to promote equal opportunity in employment through a positive and continuing affirmative action program.

Numerous federal and state laws and executive orders give legal force to the prohibition against discrimination of various types in the workplace. Among the more important pieces of legislation which provide a legal basis for the goals of equal employment opportunity and affirmative action are the following: (1)

**Immigration Reform and Control Act of 1986.** This revision of the U.S. Immigration law requires employes to verify the identity and employment authorization of EVERY employee, including U.S. citizens, hired after November 6, 1986.

**Title I of the Americans With Disabilities Act (ADA) of 1990.**(2) This act prohibits employment discrimination against qualified applicants and employees with disabilities and requires employers to provide reasonable accommodations unless undue hardship would result.

**Title II of the Americans With Disabilities Act (ADA) of 1990.**(2) This act prohibits discrimination against qualified individuals with disabilities and requires that facilities, programs and activities be accessible.

**Title VII of the Civil Rights Act of 1964,** as amended. This act prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, treatment of pregnancy, and other conditions of employment) on the basis of race, color, religion, national origin, or sex.

**Title IX of the Education Amendments of 1972,** as amended. This act prohibits discrimination on the basis of sex in all educational programs and activities receiving federal funds.

**Executive Order 11246,** as amended. This presidential executive order prohibits federal contractors and subcontractors (like the University of Wisconsin-Madison) from discrimination in employment (including hiring, upgrading salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin, or sex.

**Equal Pay Act of 1963,** as amended. This act prohibits discrimination in salaries (including almost

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1) *Information adapted from "Federal Administrative Requirements for Colleges and Universities," National Association of College and University Business Officers.*

2) *For information about university disability accommodation policies, contact the Equity and Diversity Resource Center.*

all fringe benefits) on the basis of sex.

**Age Discrimination in Employment Act of 1967.** This act prohibits discrimination against applicants and employees who are 40 or more years of age.

**Vietnam-Era Veterans Readjustment Assistance Act of 1974.** This act prohibits discrimination in employment practices (including hiring, upgrading, demotion or transfer, recruitment, layoff or termination, rate of pay, or other forms of compensation and selection for training) on the basis of being either a veteran with a disability or a veteran of the Vietnam era.

**Section 503 of the Rehabilitation Act of 1973,** as amended. This act sets affirmative action obligations of federal contractors and subcontractors with respect to employees and for the advancement in employment of individuals with disabilities.

**Section 504 of the Rehabilitation Act of 1973,** as amended. This act prohibits discrimination against any qualified applicants, students, or employees on the basis of disability in all programs and activities receiving federal funds.

**The Retirement Equity Act of 1984.** This act is designed to provide greater pension equity for women and for all workers, their spouses, and dependents by taking into account changes in work patterns and in the status of marriage (child care leave) as an economic partnership.

**The Wisconsin Fair Employment Act (Chapter 111, Wisconsin Statutes)**. This act protects the rights of all individuals to obtain employment and to enjoy privileges free from employment discrimination because of age, race, creed, color, handicap, marital status, sex, national origin, ancestry, sexual orientation, and arrest or conviction record.

None of these statutes, executive orders, and regulations automatically insures equity and equality in employment. That can only be achieved by the full and enthusiastic support of the ideals and goals of affirmative action by all members of the University community. Ultimately, we all have ownership of affirmative action. For more information, contact the Equity and Diversity Resource Center (263-2378).

The UW-Madison Office of Administrative Legal Services can be of assistance in questions regarding legal issues in the search process.