

Policies of the University of North Texas	Chapter 16
16.004 Nondiscrimination/Equal Opportunity, and Non-Retaliation	Equity & Diversity

Policy Statement. The University of North Texas does not unlawfully discriminate on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, marital status, genetic information, citizenship, or veteran status in its application and admission processes, educational programs and activities, university facilities, or employment policies, procedures, and processes. The University takes active measures to prevent such conduct and immediately investigates and takes remedial action when appropriate. The University also prohibits and takes actions to prevent retaliation against individuals who report or file a charge of discrimination or harassment; participate in an investigation, or oppose any form of discrimination or harassment.

Application of Policy. All students, employees, applicants for employment or admission, individuals and organizations conducting business on behalf of or for the University, visitors and participants at any location, program or other activity associated with the University.

Definitions.

1. **Complainant.** “Complainant” means an individual or group of individuals who may have been the subject of conduct prohibited under this policy regardless of whether the individual reports the conduct.
2. **Discrimination.** “Discrimination” means treating an individual or group of individuals unfavorably in their employment or education because of race or a personal characteristic associated with race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, marital status, genetic information, citizenship, or veteran status.
3. **Equal Opportunity.** “Equal Opportunity” means the principle of non-discrimination in education and employment that emphasizes opportunities in education and employment for all individuals irrespective of race or personal characteristics associated with race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, marital status, genetic information, citizenship, or veteran status.
4. **Harassment.** “Harassment” means unwelcome verbal or physical conduct because of race or a personal characteristic associated with race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, marital status, genetic information, citizenship, or veteran status, that demeans, threatens or offends an individual or group of individuals when such conduct is sufficiently severe, pervasive or persistent that it interferes with a student’s ability to participate in or benefit from educational programs or activities; or when the conduct is sufficiently severe, pervasive

or persistent that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

5. Respondent. "Respondent" means an individual or group of individuals identified as possibly having engaged in conduct prohibited under this policy regardless of whether a formal complaint is made.
6. Retaliation. "Retaliation" means any adverse action, treatment or condition; including an act intended to intimidate, threaten, or coerce, that is likely to dissuade a reasonable person from opposing discriminatory practices, filing a charge of discrimination, or participating in an investigation regarding discrimination.

Procedures and Responsibilities.

- I. Reporting By Complainant. An individual who believes that they have been subjected to discrimination, harassment, or retaliation should immediately report the incident to the Office of Equal Opportunity. Students may also report such conduct to the Dean of Students.
Responsible Party: Individuals, students, and employees
- II. Reporting by University Employees and Third Parties. Employees and other individuals authorized to act on behalf of UNT who have knowledge of incidents of discrimination, harassment or retaliation, must immediately report such incidents to the Office of Equal Opportunity.
Responsible Party: University employees, volunteers and contractors
- III. Complaint Procedure. An individual may file a complaint under this policy pursuant to the *OEO Investigative Procedure* available on the website of the Office of Equal Opportunity.
Responsible Party: Office of Equal Opportunity
- IV. Non-Retaliation. Retaliation by faculty, staff or administrators is a violation of this policy and will not be tolerated. Employees should report suspected retaliation to the Office of Equal Opportunity and their immediate supervisor. Students should report suspected retaliation to the Dean of Students or the Office of Equal Opportunity. A claim of retaliation may result in a subsequent investigation.
Responsible Party: Office of Equal Opportunity and Dean of Students
- V. Confidentiality. Information related to an investigation of discrimination or harassment can be sensitive and the university will take appropriate steps to maintain confidentiality of this information to the extent allowed by law. Individuals who report suspected discrimination or harassment, or who participate in a related investigation should not discuss the complaint or investigation during the resolution process.
Responsible Party: Office of Equal Opportunity
- VI. Remedial and Interim Measures. The University will take prompt action to remediate discrimination or harassment, including taking appropriate interim measures to ensure the efficient completion of an investigation and resolution of the allegation(s). Interim measures are not disciplinary in nature and must be consistent with other university policies.

Responsible Party: Office of Equal Opportunity, Dean of Students, and Human Resources

- VII. False Complaints. An individual who knowingly makes a false complaint or who provides false information during an investigation conducted under this policy is subject to disciplinary action, including expulsion, termination of employment, or termination of business relationships with the University.

Responsible Party: Office of Equal Opportunity

VIII. Legal Implications and Sanctions.

- A. University Imposed Sanctions: Any individual who violates this policy is subject to disciplinary action, including expulsion, or termination of employment or business relationships as applicable.
- B. Federal or State Sanctions: Federal or State agencies may impose fines and other sanctions against the University for violations of federal or state anti-harassment laws.
- C. Civil Action: Individuals may take court action against individuals and the University that could result in financial liability.
- D. Criminal Sanctions: Conduct prohibited by this policy may constitute a criminal offense under the Texas Penal Code.

- IX. Required Employee Training. Employees, including student employees, shall receive employment discrimination training that complies with State law and regulations.

- A. The training program must provide the employee with information regarding University policies and practices relating to employment including discrimination, harassment, and retaliation.
- B. Each employee of the University shall attend the training program required by this section not later than the 30th day after the date the employee is hired, and shall attend supplemental training every two years thereafter.

Responsible Party: Office of Equal Opportunity

References and Cross-references.

OEO Investigative Procedure

UNT Policy 04.018, University Policy Statement on Diversity

UNT Policy 05.003, Age Limitations

UNT Policy 05.011, Employment of People with Disabilities/Workplace Accommodations

UNT Policy 05.044, Voluntary Alternative Dispute Resolution System

UNT Policy 05.045, Workplace Violence

UNT Policy 07.018, FERPA Policy

UNT Policy 16.005, Sexual Harassment

Title IV of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.

Title VI of the Civil Rights Act of 1964
Title VII of the Civil Rights Act of 1964
The Age Discrimination in Employment Act of 1967 (ADEA)
The Equal Pay Act of 1963 (EPA)
The Genetic Information Nondiscrimination Act of 2008 (GINA)
Title I and II of the Americans with Disabilities Act of 1990 Amended (ADAA)
Pregnancy Discrimination Act of 1978
Section 504 of the Rehabilitation Act of 1973
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq
Vietnam Era Veterans Readjustment Act of 1974
Section 21.125, Texas Labor Code, as amended
Section 21.010, Texas Labor Code
U.S. Department of Education, Office of Civil Rights, "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties," January 2001
Code of Federal Regulations, Title 29, Section 1604.11 (Sexual Harassment).

Approved: 11/81

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