

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

Policy Statement. UNT 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, ancestry, genetic information, citizenship, or veteran status in its application and admission process, educational programs and activities, university facilities, or employment policies. 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, harassment, or sexual violence; participate in an investigation, or oppose any form of discrimination, harassment, or sexual violence.

This policy and the University’s procedural guidelines outline the steps regarding reporting, filing, investigating, resolving, and appealing a finding of discrimination, retaliation, harassment and sexual violence.

Every member of the University of North Texas community which includes employees, students and visitors must comply with federal and state laws and regulations and institutional policies including equal opportunity and affirmative action.

Application of Policy. All University

Definitions.

1. **Affirmative Action.** “Affirmative Action” means an active effort to ensure equal educational and employment opportunities of members of minority groups and women by taking positive steps to eliminate discrimination and creating systems and procedures to prevent future discrimination.
2. **Complainant.** “Complainant” means an individual who files a complaint with the Office of Equal Opportunity/Title IX Coordinator.
3. **Discrimination.** “Discrimination” means treating an individual or group of individuals adversely in their employment or education because of race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, marital status, ancestry, genetic information, citizenship, or veteran status.
4. **Equal Opportunity.** “Equal Opportunity” means the principal of non-discrimination in education and employment that emphasizes opportunities in education and employment for all individuals.
5. **Harassment.** “Harassment” means unwanted, unwelcomed and uninvited verbal or physical conduct because of race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, marital status, ancestry,

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 and has the effect of interfering with academic or work performance or creates a hostile academic or work environment. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs, lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory pictures or cartoons.

6. Respondent. "Respondent" means an individual against whom a complaint is filed with the Office of Equal Employment Opportunity/ Title IX Coordinator.
7. 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 individual from opposing discriminatory practices, filing a charge of discrimination, or participating in an investigation regarding discrimination.
8. Sexual Violence. "Sexual Violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may be unable to give consent due to an intellectual disability or other disability such as being under the influence of drugs or alcohol.
9. Title IX Coordinator. "Title IX Coordinator" means a University official responsible for monitoring the University's implementation of federal disability laws, and Title IX of the Education Amendments Act of 1972, including coordinating the investigation of complaints of sex discrimination, sexual harassment, and sexual violence.

Procedures and Responsibilities.

- I. Reporting By Victim. An individual, student or employee, who believes that he or she has been subject to discrimination, harassment, sexual violence, or retaliation should immediately report to or file a formal complaint of such incident with the Director of Equal Opportunity/Title IX Coordinator, or the Dean of Students, or Center for Student Rights and Responsibilities ("CSRR"). An individual may report to or file a complaint with any of the offices listed above and it will be directed to the appropriate office for further review.

An individual, who believes that he or she has been subject to sexual violence, or believes that he or she is in **immediate physical danger** as a result of discrimination, harassment, or retaliation, should contact campus or local police. Campus Police may be contacted through the following information: UNT Police Department, Sullivant Public Safety Center, 1700 Wilshire Street, Denton, Texas 76201, 940-565-3000.

Responsible Party: Office of Equal Opportunity

- II. Reporting by University Employees and Third Parties. Employees, volunteers, guests, and independent contractors, and of the University of North Texas who know or have knowledge of incidents of discrimination, harassment, sexual violence, or retaliation, must immediately report such incidents to the Director of Equal Opportunity/Title IX Coordinator.

Incidents of sexual violence should be reported to campus or local police at UNT Police Department, Sullivant Public Safety Center, 1700 Wilshire Street, Denton, Texas 76201, 940-565-3000.

Responsible Party: Office of Equal Opportunity

- III. Complaint Procedure. An individual may file a complaint under this policy pursuant to the *University's Procedural Guidelines for Pursuing and Resolving a Complaint of Discrimination, Including Sexual Harassment.*

Responsible Party: Office of Equal Opportunity

- IV. Non-Retaliation. Retaliation against an individual for reporting or filing a formal complaint, participating in an investigation, or for opposing discrimination, harassment, or sexual violence, will not be tolerated.

Responsible Party: Office of Equal Opportunity

- V. Confidentiality. The university's ability to investigate compliance with this policy is enhanced by maintaining confidentiality of individuals who report and who participate in investigations of policy violations. Nevertheless, the university recognizes that individuals may not want their names disclosed as having reported or provided information concerning a violation, even if this desire for confidentiality limits the institution's ability to investigate or otherwise respond to a report of discrimination, harassment, retaliation or sexual violence.

To the extent the university is able to fulfill its obligations to effectively respond to and prevent future violations of this policy, the university will keep confidential information that directly or indirectly reveals the identity of an individual who reported a suspected violation of this policy, who sought guidance concerning this policy, or who participated in an investigation conducted pursuant to this policy, including any report, witness statements, and any other information provided by the complainant, respondent, or witnesses related to a reported violation. Except, the university will disclose this information only as necessary to allow: (a) give fair notice of the allegations and to conduct an investigation; (b) law enforcement and prosecutorial officials to perform their responsibilities consistent with state and federal law; (c) University officials to coordinate interim measures to protect the complainant or the health, welfare, and safety of the community; (d) University officials to take prompt, remedial action, including imposing sanctions; (e) allow individuals to respond to potential or imposed sanctions; and (f) University officials to respond to requests from internal and external agencies who review compliance with federal and state law.

In determining the extent to which the confidentiality of alleged victims of sexual violence and witnesses who participate in investigations of reports of sexual violence can be maintained, the Director of Equal Opportunity/Title IX Coordinator will the potential impact to the University community, including but not limited to the seriousness of the alleged act; the alleged victim's age; the length of time the alleged victim requests his or her identity remain confidential; the existence of similar complaints against the alleged perpetrator; and any rights the alleged perpetrator has to receive information as a matter of due process and federal and state law, including the Family Education Rights and Privacy Act. To the extent

practicable, the University will inform a complainant, in writing, prior to disclosing identifying information if it determines that such information must be disclosed.

Responsible Party: Office of Equal Opportunity

- VI. Monitoring and Reporting. The Office of Equal Opportunity in concert with the UNT Office of Institutional Compliance is responsible for monitoring compliance with the provisions of this policy, all federal and state laws, executive orders, and regulations regarding discrimination, harassment, sexual violence, and retaliation.

The Office of Equal Opportunity is responsible for submitting reports to the appropriate state and federal agencies regarding compliance with equal opportunity and affirmative action laws and regulations.

Responsible Party: Office of Equal Opportunity

- VII. False Complaints. An individual who knowingly makes a false complaint or who provides false information during the course of an investigation conducted under this policy is subject to disciplinary action, including dismissal from the University, termination of employment, withdrawal of privileges or denial of opportunities to engage in programs or business with the University, and criminal charges.

Responsible Party: Office of Equal Opportunity

- VIII. Sanctions. Employees who violate this policy, including failing to report suspected discrimination, harassment and retaliation, are subject to disciplinary action and possible civil and criminal sanctions. Students who violate this policy are subject to disciplinary action as outlined in the Student Code of Conduct and may be suspended or dismissed from the university. All others, including vendors and independent contractors, who violate this policy are subject to suspension or withdrawal of privileges; denial of access to University programs, activities and facilities; and suspension or denial of opportunities to transact official business with the university.

Responsible Party: Office of Equal Opportunity

- 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; policies and practices relating to the sexual violence.
 - 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.
 - C. Employees who attend a training program required by this section are required to sign a statement verifying their attendance at the training program and the statement shall be kept on file in the Human Resources Department.

Responsible Party: Office of Equal Opportunity

References and Cross-references.

UNT Policy 05.003, Policy on Age Limitations
UNT Policy 05.011, Employment of People with Disabilities/Workplace Accommodations
UNT Policy 16.005, Sexual Harassment
UNT Policy 04.018, Policy Statement on Diversity
UNT Policy 07.018, FERPA Policy
UNT Policy 05.044, Voluntary Alternative Dispute Resolution System
UNT Policy 05.045, Workplace Violence
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 Equal Pay Act of 1963 (EPA).
The Age Discrimination in Employment Act of 1967 (ADEA).
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 prohibits federal government contractors from discriminating against qualified disabled veterans and veterans of the Vietnam era. These veterans are included in affirmative action and promotion policies.
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
U.S. Department of Education, Office of Civil Rights, Dear Colleague Letter, April 4, 2011
Information and Procedural Guidelines for Pursuing and Resolving a Complaint of Discrimination, Including Sexual Harassment.
Code of Federal Regulations, Title 29, Section 1604.11 (Sexual Harassment).

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