

<p><b>The University of North Texas at Dallas Policy Manual</b></p>	<p>Chapter 5.000</p>
<p><b>5.001 Prohibiting Discrimination and Harassment</b></p>	<p><b>Human Resources</b></p>

**Policy Statement.** The University of North Texas at Dallas strives to maintain academic and work environments that are free of discrimination, harassment, and retaliation. Discrimination and harassment of students, employees, candidates for positions at the University, and visitors based on race, color, religion, sex, age, national origin, disability, veteran status or sexual orientation, and retaliation based on a complaint or investigation under this policy will not be tolerated.

**Application of Policy.** This policy applies to all students, employees and visitors, including any applicant for employment, participant in University-sponsored activities, and persons conducting business with the University.

**Definitions**

1. **Discrimination.** “Discrimination” means treating an individual adversely based on race, color, religion, sex, age, national origin, disability, veteran status, or other protected status without a legitimate, nondiscriminatory reason for the treatment.
  
2. **Harassment.** “Harassment” means an unwelcome action directed at a person or group of persons because of race, color, religion, sex, age, national origin, disability, veteran status, or sexual orientation that adversely affects a term, condition, or privilege of the work or educational environment.
  
3. **Sexual Harassment.** “Sexual Harassment” means unwelcome conduct or comments of a sexual nature where:
  - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education;
  - b) Submission to or rejection of such conduct by an individual is used, or threatened or suggested to be used, as the basis for academic or employment decisions affecting the individual; or,
  - c) Such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating, hostile, or demeaning employment or educational environment.

Determination as to whether conduct constitutes sexual harassment should take into consideration the totality of the circumstances, including the context in which the alleged conduct occurred.

4. Retaliation. "Retaliation" means adverse action against an individual because he or she attempted to stop discrimination or harassment, made a discrimination or harassment complaint, or participated in the investigation of a complaint.

## **Procedures and Responsibilities.**

### **1. Responsibilities.**

- i. The President shall designate an employee responsible for overseeing this policy and for serving as the equal opportunity and disability coordinator.

Responsible Party: President

- ii. All managerial and supervisory employees are required to notify the Equal Employment Coordinator when they learn of an occurrence that may constitute a violation of this policy.

Responsible Party: All Managerial and Supervisory Employees

- iii. All faculty and staff members who do not hold a supervisory position and all students are encouraged to immediately contact his or her supervisor, if applicable, or the UNTD Equal Opportunity Coordinator when they learn of an occurrence that may constitute a violation of this policy.

Responsible Party: All Employees and Students

- iv. All employees are responsible for complying participating in equal opportunity training within 30 days of hire and every two (2) years thereafter.

Responsible Party: All Employees

2. **Complaint Procedures.**

- i. Reports of suspected discrimination, harassment and related retaliation will be resolved through the informal or formal process developed by the Equal Opportunity Coordinator. The individual who made the complaint will be informed of its resolution.

Responsible Party: All Employees

- ii. Complaints should be made as soon as possible after the alleged behavior occurred to allow for immediate resolution. In order to initiate an investigation, a complaint should be submitted in writing, setting out the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the alleged occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and providing any documents or information that may assist in resolving the complaint.

Responsible Party: All Employees, Students, and Visitors

- iii. Any employee who believes he or she has been subjected to discriminatory, harassing or related retaliatory action may report the incident (s) to his or her supervisor, unless the employee believes the supervisor engaged in the action, or the UNTD Equal Opportunity Coordinator.

Responsible Party: All Employees

- iv. Any student who believes he or she has been subjected to discriminatory, harassing, or related retaliatory action should promptly report the incident to the chair of the division, unless the student believes the chair engaged in the action, or the Dean of Students. Complaints should be made as soon as possible after the alleged behavior occurred to allow for immediate resolution.

Responsible Party: All Students

- v. Any visitor who believes he or she has been subjected to discriminatory, harassing, or related retaliatory action should report the incident to the Equal Opportunity Coordinator. Complaints should be made as soon as possible after the alleged behavior occurred to allow for immediate resolution.

Responsible Party: All Visitors

- vi. The filing of a complaint under this policy will not stop, delay, or affect pending personnel or education-related actions.

Responsible Party: All

3. **Confidentiality.** The University will take reasonable measures to protect against the disclosure of information obtained during the resolution of complaints made under this policy.

Responsible Party: All

4. **Sanctions.** Violation of this policy, including making false or bad faith charges, may be considered moral turpitude or gross neglect of academic responsibilities, violation of employee work rules, and violation of the student code of conduct. Violation may result in disciplinary action, to include revocation of tenure, termination, and expulsion by the University, as well as criminal or civil sanctions.

Responsible Party: Administration/Investigating Party

### **References and Cross-references.**

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

The Equal Pay Act of 1963

The Age Discrimination in Employment Act of 1967

Title I of the Americans with Disabilities Act of 1990

Pregnancy Discrimination Act of 1978, Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (1982)

Vietnam Era Veterans Readjustment Act of 1974

Texas Labor Code, §21.125, as amended by HB 3048, 75th Legislature

Approved: 9/1/2010

Effective: 9/1/2010

Revised: