

<b>Policies of the University of North Texas</b>	Chapter 16
<b>16.005 Sexual Harassment</b>	<b>Equity &amp; Diversity</b>

**Policy Statement.** The University of North Texas is committed to maintaining work and educational environments free from sexual harassment. The University will not tolerate conduct that is inconsistent with this commitment at any of its locations, programs, or other activities.

**Application of Policy.** All University

**Definitions.**

1. **Confidential Employee.** “Confidential Employee” means a university employee who is not obligated to disclose reports of sexual harassment as required under this policy based on the requirement of the employee’s professional licensure and the nature of their official responsibilities with the University. Confidential employee, as defined in this policy, includes but is not limited to, licensed professional mental health counselors and health care professionals working in those capacities for the University and the employees they supervise, sexual assault advocates as defined in section 420.071 of the Texas Government Code, and attorneys and employees in the UNT Student Legal Services office and UNT System Office of General Counsel. Faculty, staff, and other employees who are licensed mental health workers, licensed medical workers, or licensed attorneys but who are not employed in that capacity by the University, such as faculty members in psychology, social work, nursing, etc. are not confidential employees under this policy.
  
2. **Consensual Relationships that Result in Sexual Harassment.** University policy 05.021 prohibits consensual relationships. The type of relationship addressed in this section is one of an amorous or sexual nature. When disparities in authority are present between two individuals involved in a consensual relationship, questions about professional responsibility and sexual harassment may well arise. What might appear to be consensual, even to one of the parties involved, may in fact not be so, particularly when one of the individuals involved in the relationship is in a subordinate position to the other. Authority or power may be exercised by faculty or employees in management/supervisory positions through the giving of praise or criticism, providing performance evaluations, assigning grades, making recommendations for further studies or future employment, or conferring other benefits, thus diminishing their student’s or subordinate’s actual freedom of choice.

Examples of consensual relationships that might be construed as sexual harassment include, but are not limited to situations where:

- A. The subordinate party or student in the consensual relationship feels unwanted pressure to become involved and/or to continue the relationship;
  
- B. The subordinate party or student in the consensual relationship feels compelled to change behavior and/or job duties because of the consensual relationship; or

- C. The consensual relationship has the purpose or effect of creating a work or academic environment in which others are negatively affected by the existence of that relationship.
- 3. 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 sexual harassment, filing a complaint of sexual harassment, or participating in an investigation regarding sexual harassment.
- 4. Sexual Harassment. “Sexual Harassment” means unwelcome sex-based verbal or physical conduct that:
  - A. in the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile or offensive work environment; or
  - B. in the education contest, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from educational programs or activities. For purposes of this policy, conduct is sufficiently severe, persistent or pervasive if its frequent, or threatening, or humiliating nature unreasonably interferes with or limits the student’s ability to participate in or benefit from the University’s educational program or activity, including when the conduct reasonably can be considered to create an intimidating, hostile, abusive or offensive educational environment.

Conduct constituting sexual harassment, as defined herein, toward another person of the same or opposite sex is prohibited by this policy.

Examples of conduct which might be considered sexual harassment under this policy include but are not limited to:

- a. repeated and unwanted requests for dates, sexual flirtations, or propositions of a sexual nature,
- b. subtle pressure for a sexual relationship,
- c. sexist remarks about a person's clothing, body or sexual activities,
- d. unnecessary touching, patting, hugging, or brushing against a person's body,
- e. direct or implied threats that submission to sexual advances will affect or be a condition of employment, work status, grades, or letter of recommendation,
- f. conduct of a sexual nature that causes humiliation or discomfort, such as use of inappropriate terms of address, and
- g. sexually explicit or sexist comments, questions or jokes.

## **Procedures and Responsibilities.**

### I. Duty to Report:

- A. Employees and individuals authorized to act on behalf of the University who become aware of suspected sexual harassment are required to report the suspected violation immediately to their direct supervisor and to the Office of Equal Opportunity. If a direct supervisor is the person alleged to have engaged in the prohibited conduct, the report must be made to that individual's supervisor and to the Office of Equal Opportunity. In no instance is an individual required to report the alleged violation to the person suspected of the prohibited conduct.

Responsible Party: Employees and Individuals Acting on Behalf of the University.

- B. Students and other individuals, including guests of the University are encouraged to report suspected sexual harassment to the Office of Equal Opportunity or to the Dean of Students.

Responsible Party: Students and other individuals

- C. Exception to Duty to Report: Confidential employees, as defined in this policy, are not obligated to report prohibited conduct under this policy.

- II. Remedial and Interim Measures. The University will take prompt action to remediate sexual 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. For students, these measures may include but are not limited to changes in housing and class schedules, issuance of a no-contact directive to one or more students or student organizations, and issuance of a no trespass directive as appropriate. For employees, these measures may include but are not limited to issuance of a no-contact directive, temporary reassignment, and administrative leave.

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

- 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. Individuals may initiate complaints by visiting the Office of Equal Opportunity in Hurley 175, or sending an email to oeo@unt.edu.
- IV. Confidentiality. Information related to an investigation of 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 sexual harassment or who participate in a related investigation should not discuss the complaint or investigation during the resolution process.
- V. 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.

VI. 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.
- C. Criminal Sanctions: Conduct prohibited by this policy may constitute a criminal offense under the Texas Penal Code.

VII. False report. False report may result in disciplinary action against the complainant by the University. A report is not false simply because an investigation did not find sufficient evidence to substantiate the alleged violation.

VIII. Conflicts. To the extent this policy conflicts with the provisions of the Faculty Handbook or any other University policy or publication, this sexual harassment policy shall take precedence.

Responsible Party: Vice President Institutional Equity and Diversity

**References and Cross-references.**

OEO Investigative Procedure

Title VII of the Civil Rights Act of 1964, as amended Title IX of the Education Amendments

Texas Labor Code, Chapter 21

UNT Policy 16.004, Prohibition of Discrimination, Harassment, and Retaliation

UNT Policy 05.021 Consensual Relationships

UNT Policy 05.044, Voluntary Alternative Dispute Resolution System

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