

<b>Policies of the University of North Texas</b>	Chapter 16
<b>16.004 Prohibition of Discrimination, Harassment, and Retaliation</b>	<b>Equity &amp; Diversity</b>

**Policy Statement.** The University of North Texas (University) prohibits discrimination and harassment because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status, or any other characteristic protected under applicable federal or state law in its application and admission processes; educational programs and activities; employment policies, procedures, and processes; and university facilities. The University takes active measures to prevent such conduct and investigates and takes remedial action when appropriate.

**Application of Policy.** All students; employees; applicants for employment or admission; individuals and organizations conducting business on behalf of or for the University; and 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, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status or any other characteristic protected under applicable federal or state law.
3. **Employee.** “Employee” means an individual who is employed part-time, full-time, or in a temporary capacity as faculty or staff.
4. **Harassment.** “Harassment” means unwelcome verbal or physical conduct because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status or any other characteristic protected under applicable federal or state law when such conduct creates an intimidating, hostile, or offensive environment and is:
  - a. sufficiently severe, pervasive, or persistent that it interferes with a student’s ability to participate in or benefit from educational programs or activities, or
  - b. sufficiently severe, pervasive, or persistent that it unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive work environment.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment for the purpose of this policy. To constitute a policy violation, the

conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or educational performance.

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 taken because of an individual’s participation in a protected activity (*i.e.*, reporting or opposing discrimination or harassment, or participating in an investigation regarding discrimination or harassment), including an act intended to intimidate, threaten, or coerce, that is likely to dissuade a reasonable person from opposing discriminatory or harassing practices, filing a charge of discrimination or harassment, or participating in an investigation regarding discrimination or harassment.
7. Student. “Student” means an individual who has applied for admission or readmission to the University, who is registered or enrolled in one or more courses for credit at the University, or who currently is not enrolled but has a continuing academic relationship with the University.

### **Procedures and Responsibilities.**

- I. Prohibitions.
  - A. Discrimination and Harassment. Discrimination and harassment are violations of this policy and will not be tolerated. The University of North Texas prohibits discrimination and harassment against any student, employee, or applicant because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status, or any other characteristic protected under applicable federal or state law in its application and admission processes; educational programs and activities; employment policies, procedures, and processes; and university facilities.
  - B. Retaliation. Retaliation is a violation of this policy and will not be tolerated. The University 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. An allegation of retaliation may result in a subsequent investigation.
- II. 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 Office of the Dean of Students.
- III. Duty to Report. Employees and individuals authorized to act on behalf of the University who become aware of specific and credible allegations of discrimination, harassment, or retaliation are required to report the suspected violations to OEO immediately. Employees

who fail to report incidents of discrimination, harassment, or retaliation to OEO may be subjected to disciplinary action. Students and other individuals, including guests of the University, are encouraged to report suspected discrimination, harassment, or retaliation to OEO or to the Dean of Students Office.

- IV. Complaint Resolution Options. Individuals who believe that they have been subjected to discrimination, harassment, or retaliation in violation of this policy and wish to report that conduct may use either the Informal Complaint Procedure or the Formal Complaint Procedure, or both. The informal and formal processes described in *Resolution Procedures for Complaints of Discrimination, Harassment, or Retaliation Filed with the Office of Equal Opportunity* are not mutually exclusive and neither is required as a prerequisite for choosing the other; however, they cannot be used simultaneously.
- V. Remedial and Interim Measures. At any time during the investigation, if it is determined that interim measures are required to mitigate potential discrimination, harassment, or retaliation during the pendency of the investigation, OEO may recommend interim protective measures after consultation with appropriate University officials. Interim measures are not disciplinary in nature and must be consistent with other University policies.
- VI. Confidentiality. Information related to an investigation of discrimination, harassment or retaliation can be sensitive, and the University will take appropriate steps to maintain the greatest degree of confidentiality possible and as allowed by law. In all situations, confidentiality is maintained on a strict need-to-know basis; however, confidentiality can only be preserved insofar as it does not interfere with the University's obligation to investigate allegations of discrimination, harassment, and retaliation that require the University to take corrective action. While OEO does not impose mandates barring individuals from disclosing matters related to its investigations, participants in an investigation will be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be asked to refrain from discussing the complaint or investigation during the resolution process.
- VII. False Complaints and Statements. An individual who knowingly makes a false complaint or who knowingly 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. OEO will refer allegations of false complaints to the Office of University Compliance and Ethics.
- VIII. Timely Reporting. Complaints should be filed within 180 calendar days of the alleged action that forms the basis of the complaint. Prompt reporting of a complaint is strongly encouraged as it allows for rapid cessation and resolution of objectionable behavior. If a complaint is not filed in a timely manner, the Vice President for Institutional Equity and Diversity or designee will review the complaint to determine whether a waiver of the timeline is warranted. OEO may grant a waiver of the 180-day filing requirement for reasons described in *Resolution Procedures for Complaints of Discrimination, Harassment, or Retaliation Filed with the Office of Equal Opportunity*. A complaint that is filed after 180 calendar days may also be investigated when doing so is consistent with the purpose of this policy.

- IX. **Required Employee Training.** Employees shall receive training on preventing discrimination, harassment, and retaliation that complies with federal and state laws and regulations.
- A. The training program must provide information regarding University policies, procedures, and practices relating to discrimination, harassment, and retaliation in the employment or educational context.
  - B. Each employee of the University is required to participate in the training program provided by this section not later than the 30th day after the date the employee is hired, and is required to attend supplemental training every two years thereafter.

**References and Cross-references.**

UNT Policy 04.006, Responsibilities and Rights of Employees Under the UNT Compliance Program

UNT Policy 05.003, Age Limitations

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

UNT Policy 07.018, FERPA

UNT Policy 16.005, Sexual Harassment

Chapter 21, Texas Labor Code

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

**Forms and Tools.**

[OEO Resolution Procedures](#)

[OEO Inquiry Form](#)

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