

Resolution Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Failure to Report, or Retaliation filed with Equal Opportunity

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.

Additionally, it is the policy of the University to maintain a safe and respectful work and educational environment that is free from sex discrimination, sexual harassment, sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking and allows all individuals to fully participate in the benefits and privileges the University has to offer. Therefore, in accordance with federal and state law, the University prohibits discrimination on the basis of sex and prohibits sexual misconduct (including sexual harassment, sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking) at any of its locations, programs or other associated activities.

Definitions.

1. **Complaint:** “Complaint” means an allegation of discrimination, harassment, or retaliation submitted directly to Equal Opportunity (EO) or referred to EO.
2. **Complainant:** “Complainant” means an individual or group of individuals who may have been subjected to prohibited discrimination, harassment, sexual misconduct, or retaliation, regardless of whether the individual reports the conduct.
3. **Consent:** “Consent” means words or actions that show an active, knowing, and voluntary agreement to engage in sexual activity. Consent cannot be obtained by force, coercion, manipulation, threats, or when an individual administers any substance to another person, without the person’s knowledge, that intentionally impairs the ability of the person to voluntarily consent. Consent is absent when the sexual activity in question exceeds the scope of previously given consent. Consent may be revoked at any time.
4. **Dating Violence:** “Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
5. **Days:** “Days” means University work days unless otherwise stated in this document.
6. **Domestic Violence:** “Domestic Violence” means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has

cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

7. 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.
8. 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 that demeans, threatens, or offends an individual or group of individuals when such conduct 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) 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.
9. Hostile Environment: "Hostile Environment" exists when sexual harassment (which is a form of sex-based harassment) is sufficiently severe, persistent, or pervasive to deny or limit the individual's ability to participate in or benefit from the University's programs or activities or an employee's terms and conditions of employment. A hostile environment can be created by anyone involved in a University's program or activity (*e.g.*, administrators, faculty members, employees, students, and University visitors). In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not sufficient, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the University must also find that a reasonable person to the individual's position would have perceived the conduct as undesirable or offensive. To ultimately determine whether a hostile environment exists for an individual or individuals, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.
10. Preponderance of the Evidence: "Preponderance of the Evidence" means the amount of information necessary to establish whether an alleged policy violation occurred (*i.e.*, more likely

true than not true). Preponderance of the evidence is also referred to as the greater weight of the evidence.

11. Respondent: “Respondent” means an individual or group of individuals identified as allegedly having engaged in prohibited discrimination, harassment, or retaliation, regardless of whether a formal complaint is made.
12. Retaliation: “Retaliation” means any adverse employment or educational action, treatment, or condition taken against a person because of the person’s participation in a report, complaint, or investigation of discrimination or harassment. Retaliation includes any such 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.
13. Sexual Assault: “Sexual Assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape.
 - a. Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.
14. Sexual Coercion: “Sexual Coercion” means the use of manipulation or threat to force someone to engage in a sexual act.
15. Sexual Exploitation: “Sexual Exploitation” means taking non-consensual or abusive sexual advantage of an individual for the benefit or advantage of anyone other than the person being exploited, including but not limited to, non-consensual video or audio-taping of sexual activity or undetected viewing of another’s sexual activity.
16. 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 context, 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 UNT Policy 16.005, 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.

17. **Stalking:** “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. “Reasonable person” means a reasonable person under similar circumstance and with similar identities to the victim.
18. **Witness:** “Witness” means an individual with information based on conduct they have seen, heard, or experienced that is related to the allegations of discrimination, harassment, or retaliation.

Guidance on Reporting Alleged Violations of UNT Anti-Discrimination Policies.

I. How to File a Complaint: An individual may initiate a complaint by visiting EO in Hurley 175, or sending an email to oeo@unt.edu. Complaints can be submitted initially in the form of a verbal statement or written complaint. A UNT Equal Opportunity Inquiry Form is available for written complaints at <https://edo.unt.edu/file-complaint>. Reports can also be made directly to the Dean of Students (DOS) at <https://deanofstudents.unt.edu/report>.

II. Duty to Report: Employees and individuals authorized to act on behalf of the University who have knowledge of specific and credible allegations of discrimination, harassment, sexual misconduct, or retaliation, are required to report the suspected violations to EO immediately. Employees who fail to report incidents of discrimination, harassment, or retaliation to EO may be subjected to disciplinary action, up to and including termination. Students and other individuals, including guests of the University, are encouraged to report suspected discrimination, harassment, sexual misconduct, or retaliation to EO or to DOS.

Exception to Duty to Report: Confidential employees, as defined by Policy 16.005, are obligated to report suspected sexual harassment, sexual assault, dating violence, and stalking within the following parameters. Pursuant to the Texas Education Code, an employee who is designated as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking are no longer exempt from reporting the alleged conduct when they receive information regarding an incident under circumstances that render the employee’s communications confidential or privileged under other laws. State legislation requires Confidential Employees to report sexual harassment, sexual assault, dating violence, and stalking to the UNT Title IX Coordinator or Deputy Title IX Coordinators. The report should include “only the type of incident reported,” and cannot “include any information that would violate a student's expectation of privacy.” Failure to satisfy this reporting requirement can lead to administrative penalties, termination, and potential criminal sanctions. To fulfill your obligation, please complete the information below in its entirety. Confidential employees may fulfill their reporting obligation at:

https://cm.maxient.com/reportingform.php?UnivofNorthTexas&layout_id=30/.

III. Time Period for Filing Complaints: 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 a designee will review the complaint to determine whether a waiver of the timeline is warranted. EO may grant a waiver of the 180 day filing requirement for reasons such as: (a) The Complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the complaint allegation was filed within 60 days after the Complainant could reasonably have become aware of the alleged discrimination (note that lack of previous awareness of EO or policies enforced by EO is not a basis for a waiver). (b) The Complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the complaint allegation was filed within 60 days after the period of incapacitation ended. (c) Unique circumstances generated by the University's action have adversely affected the Complainant.

IV. Confidentiality: Information related to an investigation of discrimination, harassment, sexual misconduct, or retaliation can be sensitive and the University will take appropriate steps to maintain the greatest degree of confidentiality possible. 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 misconduct that require the University to take corrective action. Participants in an investigation shall be advised that maintaining privacy 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.

If at any point the Complainant requests that their name or other identifiable information be held confidential with respect to the Respondent or decides not to pursue action by the University, the University will make all reasonable attempts to respond to the complaint consistent with the Complainant's request. However, the University's ability to investigate the complaint and respond to the conduct may be limited. Recognizing that the University has a legal obligation to review all reports, the University will weigh the Complainant's request against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the University's commitment to provide a reasonably safe and non-discriminatory environment, the rights of the Respondent to receive notice and relevant information before disciplinary action is taken, and other obligations as provided for under federal and state law. If the University determines that it is necessary to proceed with the complaint procedure or implement other appropriate remedies, the Complainant will be notified of the University's chosen course of action.

Anonymous Complaints: Unsigned written or anonymous complaints will be addressed and investigated as warranted; however, the University's ability to address complaints of this nature may be limited because of the inability to adequately investigate them.

V. Duty to Cooperate: Faculty and staff must cooperate with University investigations concerning allegations of discrimination, harassment, sexual misconduct, and retaliation. Refusal to cooperate may result in disciplinary action. Students are encouraged to participate in investigations. Members of the University community who have concerns regarding the duty to cooperate should contact EO or DOS.

VI. Employment Action During Pending Investigation: Any contemplated adverse employment actions towards the Complainant, Respondent, or Witnesses involved in an investigation must be

brought to the attention of EO prior to implementation. EO will consult with supervisors, the Office of the Provost, Human Resources (HR), and the Office of General Counsel (OGC) as necessary on measures to protect parties from retaliation.

VII. Timeline for Investigations: Reasonable efforts will be made to complete investigations promptly, giving consideration to the nature of the allegations and the circumstances surrounding the complaint process.

VIII. Individuals Permitted to Participate in Investigative Interviews: If a Complainant or Respondent desires, they may be accompanied to an investigatory meeting by an advisor of their choice. Complainants and Respondents are required to notify EO of the name and position of the advisor who will accompany them no later than two (2) full days in advance of any scheduled meetings. Witnesses in the investigation cannot serve as advisors. The Complainant and Respondent are expected to ask and respond to questions on their own behalf, without representation by their advisor. EO may consider a refusal to answer a question in reaching a determination on an alleged policy violation. The advisor shall not engage in the use of verbal or non-verbal cues or speak on behalf of the parties.

IX. Non-Retaliation: UNT prohibits retaliation against any person who, in good faith, reports a violation, makes a complaint, or provides information in connection with the investigation of a complaint made under this procedure. Retaliation by faculty or staff is a violation of University Policies 16.004 and 16.005 and will not be tolerated. Employees should report suspected retaliation to EO. Students should report suspected retaliation to EO or DOS. A claim of retaliation may result in a subsequent investigation. All participants in an investigation will be advised of the University's prohibition against retaliation.

X. False Complaints and Statements: Any individual who knowingly makes a false complaint or who provides false information during an investigation conducted under these procedures is subject to disciplinary action, including expulsion, termination of employment, or termination of business relationships with the University. EO will refer allegations of false complaints to the Office of Institutional Compliance when the individual is an employee, and to DOS when the individual is a student.

Complaint Intake and Processing.

Anyone who believes they have been subjected to discrimination, harassment, sexual misconduct, or retaliation in violation of University Policies 16.004 (Prohibition of Discrimination, Harassment, and Retaliation), 16.005 (Prohibition of Sexual Misconduct, Failure to Report, and Retaliation), or have knowledge of a violation of 05.021 (Consensual Relationships), may file a complaint with EO. DOS will respond to complaints of discrimination, harassment, and sexual misconduct when the Respondent is a student. When a Respondent is both a student and an employee, EO and DOS will conduct the investigation jointly.

Referrals: EO will evaluate each complaint to determine if the office has a duty to investigate. If EO is not the proper office to handle the complaint, the Complainant may be referred to the appropriate office for assistance.

Remedial and Interim Measures: At any time during the investigation, if it is determined that interim measures are required to mitigate potential discrimination, harassment, sexual misconduct, or retaliation during the pendency of the investigation, EO will recommend interim protective measures after consultation with appropriate University officials. These measures may include separating the parties, placing limitations on contact between the parties, placing the Respondent on leave pending investigation or reassignment, or making alternative workplace or student housing arrangements. Interim measures are not disciplinary in nature and must be consistent with other University policies.

Informal Complaint Process.

The purpose of the informal complaint procedure is to encourage the reporting of complaints concerning discrimination, harassment, or retaliation, and to facilitate collegial educational and employment relationships between members of the University community. The University recognizes that conflict in a university setting occasionally occurs and when it does, community members should be supported to work together to resolve disputes and conflicts. EO provides informal resolution options for complaints alleging discrimination, harassment, or retaliation, and will facilitate a resolution of the complaint without the need for a formal investigation. The informal complaint process is not a prerequisite for filing a formal EO complaint, and participation in the informal process is entirely voluntary. Deciding not to participate will not be held against either the Complainant or the Respondent. The informal process is as follows:

1. Following the receipt of a verbal or written complaint, EO will contact the Complainant and Respondent and schedule initial investigatory interviews. EO will assess the complaint to determine whether informal processing is appropriate, and whether resolution of the complaint can be achieved through informal measures, such as conflict resolution or educational opportunities. If EO determines that informal resolution is appropriate, and the Complainant and Respondent both agree to participate, EO will initiate informal resolution procedures. Informal processing is appropriate when the parties desire to resolve the situation cooperatively. Informal complaints may also be appropriate for responding to anonymous reports or third-party reports. EO encourages informal resolution of a complaint; however, the formal complaint process will be used when the informal process is inappropriate (*e.g.*, allegations of serious misconduct, reports of a pattern of inappropriate conduct, alleged criminal acts such as stalking, sexual assault, or physical assault).
2. EO will facilitate a meeting or provide guidance to discuss the allegations in an attempt to arrive at an action plan to address the issue. Resolution of informal complaints may include discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to ensure that the resolution has been implemented effectively. Informal complaint resolution could encompass a full range of possible appropriate outcomes including, but not limited to, mediating an agreement between the parties; separating the parties if practicable; interviewing the parties and any relevant witnesses; referring the parties to targeted educational and training programs; or working with appropriate administrators to provide remedies acceptable to the Complainant.
3. At the successful conclusion of the informal complaint process, EO will send a written notification of the outcome and the understanding between the parties. If the dispute is not settled during the informal stage, then the matter will advance to the formal complaint process.

4. At any time during the informal complaint process, the Complainant, Respondent, or representative from EO can stop the process and advance the complaint to a formal complaint. If the complaint does not allege a policy violation, the complaint will not proceed to a formal complaint.
5. All written records associated with the resolution of a complaint utilizing the informal complaint process will be maintained in EO in accordance with UNT Policy 04.008 (Records Management and Retention).

Formal Complaints.

The purpose of the formal complaint procedure is to determine whether a violation of policy has occurred, and to facilitate and assist with resolution of complaints.

A. Notification:

1. When EO receives a complaint, EO will contact the Complainant and evaluate the issue to determine if the office has a duty to investigate.
2. EO will issue a notice of complaint to the Respondent via UNT electronic mail. If the Respondent is unresponsive to the notice, or cannot be contacted via UNT electronic mail, EO will make reasonable attempts at notification via other methods. If it is determined that the Respondent cannot be located or the Respondent does not respond to attempts at notification, this fact will be documented, and the investigation will proceed to the extent practicable.
3. EO will notify the Respondent's supervisor of the allegations under investigation. In cases where the supervisor is named as a Respondent, EO will instead provide notice of the allegations to the next appropriate supervisor.
4. If the Respondent is a staff-member, EO will notify HR of the existence and general nature of the complaint. If the Respondent is a faculty member, EO will notify the Office of the Provost of the existence and general nature of the complaint.

B. Investigation: The investigation generally shall include, as appropriate, interviews with the Complainant and Respondent, interviews with Witnesses, and a review of relevant documents. Parties may be interviewed more than once, or may be contacted to clarify an earlier statement.

C. Written Responses: Respondents who wish to provide a written response to the allegations against them will be provided an opportunity to do so. Complainants may also provide written statements to be included in the Investigatory Report.

D. Witnesses: The Complainant and Respondent may provide EO with names of individuals whom they wish for EO to interview. These individuals should be persons with information based on conduct they have seen, heard, or experienced that is related to the allegations being investigated. EO will disclose facts to witnesses as reasonably necessary to conduct a fair and thorough investigation. EO retains discretion to determine which witnesses will be interviewed.

E. Investigatory Report: An investigation will result in a written report that, at a minimum, includes a statement of the allegations and issues, an analysis of the information considered, and a determination by the investigator as to whether University Policy has been violated. For allegations of discrimination, harassment, or retaliation, there are two possible findings based on a preponderance of the evidence standard:

- **Substantiated:** There is sufficient evidence that it is more likely than not that the relevant policy has been violated, based on the evidence reviewed.
- **Unsubstantiated:** There is insufficient evidence to prove or disprove that the relevant policy has been violated, based on the evidence reviewed.

Procedures Post-Investigation.

1. Upon completion of the investigation, the Complainant and Respondent will receive written notification of the Investigative Report which includes the determination by the investigator as to whether the University Policy at issue was violated.
2. If the Respondent is an employee, written notification which includes the determination by the investigator as to whether the University Policy at issue was violated will be provided to the Respondent's supervisor, and to the Office of the Provost or HR, as appropriate.
3. A Respondent may request a review of the findings and determination by the Vice President for Equity and Diversity or designee. A request for review must be submitted to the reviewing official within five (5) business days from the date of the Investigative Report. The appeal process is not a re-investigation of the original complaint, but is an opportunity for the appealing party to request a review based on one or more of the following grounds of appeal: 1.) a procedural error on the part of EO that unfairly and materially affected the outcome of the case, or 2.) material evidence has been discovered that was not reasonably available at the time of the investigation. A complete request for review will include the basis for the request and how this affected EO's determination in the case. Incomplete requests will not be considered. The decision of the reviewing official regarding the finding and determination is final.
4. If the Respondent is a staff member, faculty member, or student and leaves the University with a pending complaint, the Respondent will not be permitted to re-enroll as a student or return to UNT as an employee until the complaint is resolved through this complaint procedure.

Corrective Measures and Recommendations.

1. The Respondent's departmental supervisor or the supervisor of the unit which employs the Respondent is responsible for implementing sanctions or measures in response to EO's findings. EO advises supervisors to consult with the head of the administrative unit, the Provost, HR, or OGC as appropriate before issuing sanctions.
2. EO may make recommendations for resolution of the complaint allegations to mitigate the risk of future policy violations. These recommendations are directed to individuals who have

authority to make decisions to ensure enforcement of the recommendations. These recommendations may include, but not be limited to, educational programs, coaching, official disciplinary action, or other measures as appropriate.

3. EO will be copied on documents authorizing corrective action taken against a Respondent as a result of the investigation's findings.

Record Retention.

EO shall retain documents related to complaints under this procedure as required by law. The Vice President for Institutional Equity and Diversity shall be primarily responsible for records related to all complaints in accordance with UNT Policy 04.008 (Records Management and Retention).

References and Cross References.

[04.026 Animals on Campus Grounds](#)

[04.008 Records Management and Retention](#)

[05.011 Employment of Individuals with Disabilities / Workplace Accommodations](#)

[05.021 Consensual Relationships](#)

[16.001 Disability Accommodations for Students and Academic Units](#)

[16.004 Prohibition of Discrimination, Harassment, and Retaliation](#)

[16.005 Prohibition of Sexual Misconduct, Failure to Report and Retaliation](#)