

	<h1 style="margin: 0;">Policy Manual</h1> <h2 style="margin: 0;">University of North Texas</h2>	<p>Classification Number: 1.3.7</p> <p>Date Issued: 11/81,5/94, 8/95,9/99, 5/01, 12/01, 7/03,8/04</p>
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**SUBJECT:** NONDISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, AND NON RETALIATION

**APPLICABILITY:** ALL FACULTY, STAFF, AND STUDENT EMPLOYEES

*Please refer to policy number 1.2.1 for the Policy on Age Limitations, 1.2.5 for the Policy on Employment of People with Disabilities / Workplace Accommodations , 1.3.19 for the Policy on Sexual Harassment, 1.3.24 for Information and Procedural Guidelines for Pursuing and Resolving a Complaint of Discrimination, Including Sexual Harassment, and to 10.15 for the p olicy s tatement on Diversity.*

### 1. Purpose:

The purpose of this policy is to provide a working environment of nondiscrimination, equal employment opportunity, affirmative action, and non-retaliation for members of protected classes protected by law, and to comply with Federal and State equal opportunity laws and regulations.

### 2. Non-discrimination Policy:

It is the policy of the University of North Texas not to discriminate on the basis of race, color, religion, sex, age, national origin, disability, disabled veteran status, or Veterans of the Vietnam Era status, in its educational programs, activities, admission, or employment policies.

In addition to complying with federal and state equal opportunity laws and regulations, the University through its Diversity Policy declares harassment that is based on individual differences (including sexual orientation) to be inconsistent with its mission and educational goals. The nondiscrimination and diversity policies are supported by the University's statement on diversity (detailed in 10.15) and specifically incorporate protections for qualified persons with disabilities (detailed in 1.2.5); a prohibition against sexual harassment (detailed in 1.3.19), and a prohibition against age limitations (detailed in 1.2.1).

**Employment Discrimination:** It is the policy of the University not to illegally discriminate in any aspect of employment, including, but not limited to:

- hiring and firing
- compensation
- assignment or classification of employees transfer
- promotion
- job advertisements, recruitment, testing
- use of University facilities
- training and apprenticeship programs
- fringe benefits pay
- retirement plans and disability leave
- other terms and conditions of employment

**Discriminatory practices also include: \***

- harassment on the basis of race, color, religion, sex (including sexual orientation), national origin, disability, or age
- retaliation against an individual for filing a charge of discrimination
- retaliation against an individual for participating in an investigation
- retaliation against an individual for opposing discriminatory practices
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group
- employment decisions based on stereotypes or assumptions about individuals with disabilities
- denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a permanent disability.

*\*NOTE: The discriminatory practices described herein may or may not constitute discrimination under the law. However, said practices do violate UNT policy.*

**3. Equal Employment Opportunity and Affirmative Action:**

It is the policy of the University to insure equal employment opportunity to all individuals.

**A.** The University will seek to insure by all means at its disposal that all prohibited discriminatory conditions in employment are eliminated;

**B.** The University will also insure that the practices of those responsible in matters of employment, including all supervisors, are nondiscriminatory;

**C.** The University will take affirmative action, as allowed by law, to recruit, employ and promote qualified members of specific categories in accordance with state and federal law and UNT policy. These actions include, but are not limited to, establishing guidelines for search committees to encourage qualified applicants from all races, sexes, national origins, religions, ethnic groups, ages, veteran's service status and physical abilities; and recruiting in under-recruited areas. (Note: Guidelines for search committees are available upon request from the Division of Equity and Diversity.)

#### 4. **Responsibility:**

**A. Monitoring:** It is the responsibility of the Division of Equity and Diversity and the Office of Equal Opportunity in concert with the University's Compliance Officer to monitor compliance with the provisions of this policy, and with all Federal and State laws, executive orders and regulations regarding nondiscrimination, equal opportunity, affirmative action, and non-retaliation equal opportunity and affirmative action. The supervision of all academic equal employment efforts is the responsibility of the Vice President for Academic Affairs. The supervision of all nonacademic equal employment efforts is the responsibility of the Senior Vice President for Administration. Ultimate responsibility for the University's equal employment opportunity and affirmative action efforts lies with the President of the University of North Texas.

**B. Actions:** All divisions of the University will:

1) Follow policies of recruitment, employment, upgrading, promotion, transfer, training, lay-off or termination for all categories of employment, without regard to race, color, disability (where reasonable accommodations can be made), sex, age, national origin, religion, Vietnam Era veteran or disabled veteran status.

2) Determine all matters of employment and of subsequent promotion to a higher position only upon the individual's qualification for a position for which he/she is to be considered.

3) Administer equitably all programs involving salary, fringe benefits, and participation in the affairs of the University, for all individuals without regard to any of the characteristics named above.

#### 5. **Required Employee Training:** Employees shall receive employment discrimination training that complies with State law and regulations.

1. The training program must provide the employee with information regarding the University policies and procedures relating to employment discrimination, including employment discrimination involving sexual harassment;

2. 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 by the System and shall attend supplemental training every two years.

3. The Civil Rights Division of the Texas Workforce Commission shall develop materials for use by state agencies in providing employment discrimination training as required by this section.

4. 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.

#### 6. **External Recruiting:**

In its relationship with external recruiting sources, the University will require complete conformity to the principles stated above, insuring full opportunity for equal consideration for all prospective employees.

## **7. Non-Retaliation Policy :**

Retaliation against an individual for in good faith filing a claim of discrimination, instituting or causing to be instituted any proceeding under or related to state or federal anti-discrimination laws, testifying in a discrimination investigation or proceeding, or for otherwise opposing discriminatory actions or practice will not be tolerated.

## **8. Notification:**

Faculty and staff should report suspected violations of this policy and/or the sexual harassment policy (1.3.19) to their immediate supervisor, the administrative director or chair of their department, the Human Resources Department or the Office of Equal Opportunity. Students should report violations to the administrative director or chair of the department in which the alleged incident occurred, to the Dean of Students, the Office of Disability Accommodation or the Office of Equal Opportunity. Nothing in this policy should be interpreted as requiring the victim of discrimination or harassment to report such conduct to the alleged perpetrator.

## **9. Complaint Procedure:**

Prompt reporting of a complaint is strongly encouraged, as it allows for rapid response to and resolution of objectionable behavior. Procedures for filing a complaint are explained in 1.3.24 *Information and Procedural Guidelines for Pursuing and Resolving a Complaint of Discrimination, Including Sexual Harassment* and 1.7.5, *Voluntary Alternative Dispute Resolution* .

## **10. Confidentiality:**

All individuals who are involved in the complaint reporting, mediation and/or investigation process are obligated to maintain confidentiality of the proceedings in accordance with law (see 1.3.24).

## **11. Legal Implications and Sanctions:**

**A. University Imposed :** University sanctions for violations of this policy (including sexual harassment) may include any disciplinary action, up to and including termination of employment for faculty, staff, and student employees or the dismissal of students. Behavior that violates this policy may not be a violation of state or federal law, but such activities may be viewed as constituting moral turpitude or gross neglect of academic responsibilities under Appendix B-1 of the *Faculty Handbook* and a major work rule violation under the *Performance Counseling and Discipline Policy, 1.7.1* .

**B. Civil:** Discrimination is illegal under federal and state law. Official governmental investigations

by the Equal Employment Opportunity Commission, the Civil Rights Division of the Texas Workforce Commission Texas Commission on Human Rights , and/or the Office of for Civil Rights of the U.S. Department of Education may result in civil liability against the University and any person found to have engaged in illegal discrimination.

## **REFERENCE:**

- Title IV of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, protects constitutional rights in public facilities and public education, and prohibits discrimination in federally assisted programs.
- Title VI of the Civil Rights Act of 1964 protects persons from discrimination based on their race, color, or national origin in programs and activities that receive Federal financial assistance.
- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin.
- The Civil Rights Act of 1991 provides monetary damages in cases of intentional employment discrimination.
- The Equal Pay Act of 1963 (EPA) protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.
- The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older.
- Title I of the Americans with Disabilities Act of 1990 ( ADA ) prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.
- Pregnancy Discrimination Act of 1978 requires employers to treat women affected by pregnancy, childbirth, and related medical conditions in the same manner as other employees for all employment related purposes.
- Section 504 of the Rehabilitation Act of 1973 prohibits disability discrimination.
- Vocational Rehabilitation Act of 1973 makes it unlawful for a federal contractor to discriminate on the basis of physical or mental disability.
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (1982), prohibits sex discrimination in educational programs and activities receiving federal financial assistance
- 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(a), Texas Labor Code, as amended by HB 3048, Seventy-Fifth Legislature. clarifies the prohibition against impermissible consideration for race, color, sex, national origin, religion, age, or disability in employment practice.

- Section 21.010, Texas Labor Code, establishes employee training requirements for State of Texas agencies and institutions regarding employment discrimination, including employment discrimination involving sexual harassment.
- *Messer v. Meno* , 130 F.3d 130 (5 th Cir. 1997).
- *Hopwood v. Texas* , 78 F.3d 932 (5 th Cir. 1996, writ denied, 2001).

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