

**03.901 Nondiscrimination, Equal Employment Opportunity, Affirmative Action, and Non-Retaliation.**

1. Purpose. To provide a working environment of nondiscrimination, equal opportunity, affirmative action and non retaliation for University of North Texas System (the "UNT System" or "System") personnel and to comply with federal and state equal opportunity laws and regulations.
2. Non-discrimination Policy. It is the policy of the UNT System 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 UNT System 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 UNT System's statement on diversity and specifically incorporate protections for qualified persons with disabilities; a prohibition against sexual harassment, and a prohibition against age limitations.
3. Employment. It is the policy of the UNT System not to illegally discriminate in any aspect of employment, including, but not limited to:
  - a. hiring and firing
  - b. compensation
  - c. assignment or classification of employees transfer
  - d. promotion
  - e. job advertisements, recruitment, testing
  - f. use of UNT System facilities
  - g. training and apprenticeship programs
  - h. fringe benefits pay
  - i. retirement plans and disability leave
  - j. other terms and conditions of employment

Discriminatory practices also may include:\*

- k. harassment on the basis of race, color, religion, sex (including sexual orientation), national origin, disability, or age
- l. retaliation against an individual for filing a charge of discrimination

- m. retaliation against an individual for participating in an investigation
- n. retaliation against an individual for opposing discriminatory practices
- o. 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
- p. employment decisions based on stereotypes or assumptions about individuals with disabilities
- q. denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or qualified individual with a permanent disability.

*\*Note: The discriminatory practices described herein may not constitute discrimination under the law. However, said practices violate UNT System Administration policy.*

- 4. Equal Employment Opportunity and Affirmative Action Policy. It is the policy of the UNT System to ensure equal employment opportunity to all individuals.
  - a. The UNT System will seek to insure by all means at its disposal that all prohibited discriminatory conditions in employment are eliminated;
  - b. The UNT System will also insure that the practices of those responsible in matters of employment, including all supervisors, are nondiscriminatory;
  - c. The UNT System 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 System policy. (Note: Guidelines for search committees are available upon request from the Associate Vice Chancellor for Equity and Diversity.)

5. Responsibility.

- a. Monitoring. It is the responsibility of the Associate Vice Chancellor for Equity and Diversity in concert with the UNT 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. Responsibility and supervision for the UNT System's equal employment opportunity and affirmative action efforts lies with the Chancellor of the UNT System.
- b. Actions. The UNT System 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 UNT System, for all individuals without regard to any of the characteristics named above.
6. External Recruiting. In its relationship with external recruiting sources, the UNT System 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 is a violation of this policy and will not be tolerated.
8. Notification. UNT System personnel should report suspected violations of this policy and/or the sexual harassment policy to their immediate supervisor, the administrative director, or the Associate

Vice Chancellor for Equity and Diversity. 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.
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.
11. Legal Implications and Sanctions.
  - a. UNT System Imposed. Sanctions for violations this policy (including sexual harassment policy) may include any disciplinary action, up to and including termination of employment for UNT System personnel 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 *UNT Faculty Handbook* and a major work rule violation under the *Performance Counseling and Discipline Policy*.
  - b. Civil. Discrimination is illegal under federal and state law. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education may result in civil liability against the UNT System and any person found to have engaged in illegal discrimination.

#### REFERENCES:

- 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.
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- 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.
- *Messer v. Meno*, 130 F.3d 130 (5<sup>th</sup> Cir. 1997).
- *Hopwood v. Texas*, 78 F.3d 932 (5<sup>th</sup> Cir. 1996, writ denied, 2001).