

Policies of the University of North Texas Health Science Center	Chapter 05 Human Resources
05.201 Nondiscrimination/Equal Opportunity Employment and Affirmative Action	

Policy Statement

- 1. Nondiscrimination:** It is the policy of the University of North Texas Health Science Center not to discriminate on the basis of race, color, religion, sex, national origin, age, disability, or veteran status, or Veterans of the Vietnam Era status, in its educational programs, activities, admission, or employment policies and practices.

In addition to complying with federal and state equal opportunity laws and regulations, the health science center declares harassment that is based on individual differences (including sexual orientation) to be inconsistent with its mission and educational goals. The nondiscrimination policy is supported by the health science center’s policy (detailed in Policy 05.207) statement on cultural awareness and diversity. The health science center specifically incorporates protections for qualified persons with disabilities (detailed in Policy 05.203); a prohibition against sexual harassment (detailed in 05.205), and a prohibition against age limitations (detailed in Policy 05.202).

Employment: It is the policy of the health science center 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 health science center 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 disability.

*NOTE: The discriminatory practices described herein may or may not constitute discrimination under the law. Said practices do violate health science center policy.

- 2. Equal Employment Opportunity and Affirmative Action:** It is the policy of the health science center to insure equal employment opportunity to all individuals.
- The health science center will seek to insure by all means at its disposal that all prohibited discriminatory conditions in employment are eliminated;
 - The health science center will also insure that the practices of those responsible in matters of employment, including all supervisors, are nondiscriminatory;
 - The health science center will take affirmative action to recruit, employ and promote qualified members of specific categories in accordance with state and federal law and the health science center. (Note: Guidelines for search committees are available upon request from the Human Resource Services Department.)

- 3. Non-Retaliation:** 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.

Application of Policy

Faculty, Staff, and Student Employees

Definitions

Specific anti-discrimination laws: Brief descriptions of specific anti-discrimination laws appear below. For additional information contact the Equal Employment Opportunity Office.

- Title VI of the Civil Rights Act of 1964 is a national law that 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 upon these criteria: Race, Color, Religion, Sex, or National Origin.
- National Origin Discrimination: It is illegal to discriminate against an individual because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group. A rule requiring that employees speak only English on the job

may violate Title VII of the Civil Rights Act of 1964 unless an employer (the health science center) shows that the requirement is necessary for conducting the business. If the employer (the health science center) believes such a rule is necessary, employees must be informed when English is required and the consequences for violating the rule.

- Religious Accommodation: Employers must reasonably accommodate the religious belief of an employee or prospective employee unless doing so would impose an undue hardship.
- Pregnancy Based Discrimination: Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions.
- Age Discrimination in Employment Act (ADEA): The ADEA's broad ban against age discrimination also specifically prohibits:
 - 1) Statements or specifications in job notices or advertisements of age preference and limitations; an age limit may only be specified in the rare circumstance where age has been proven to be a bona fide occupational qualification (detailed in Policy 2.02);
 - 2) Discrimination on the basis of age by apprenticeship programs, including joint labor-management apprenticeship programs or denial of benefits to older employees,
- Equal Pay Act (EPA): The EPA prohibits discrimination on the basis of sex in the payment of wages or benefits, where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions
- Disability Discrimination: Section 504 of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act (ADA) prohibit discrimination on the basis of disability in all employment practices. The health science center complies with ADA (detailed in Policy 05.203) and supports reasonable accommodation for qualified individuals.
- Veterans Discrimination: The Vietnam Era Veterans Readjustment Act of 1974 prohibits any federal government contractor from discriminating against qualified disabled veterans and veterans of the Vietnam era. The Act also requires employers to take affirmative action in hiring and promoting these veterans (detailed in Policy 05.204).
- 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

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

- | | |
|---|-------------------------------------|
| 1. It is the responsibility of the EEO Office, in concert with the health science center's Compliance Office, to monitor compliance with the provisions of this policy, and with all Federal and State laws, executive orders and regulations regarding equal opportunity and affirmative action. The supervision of all academic equal employment efforts is the responsibility of the Provost and Senior Vice President for Health Affairs. The supervision of all nonacademic equal employment efforts is the responsibility of the Senior Vice President for Finance and Administration. Ultimate responsibility for the health science center's equal employment opportunity and affirmative action efforts lie with the President of the University of North Texas Health Science Center. | EEO/Compliance |
| 2. 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. | All health science center divisions |
| 3. 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. | All health science center divisions |
| 4. Administer equitably all programs involving salary, fringe benefits, and participation in the affairs of the health science center for all individuals without regard to any of the characteristics named above. | All health science center divisions |
| 5. External Recruiting: In its relationship with external recruiting sources, the health science center will require complete conformity to the principles stated above, insuring full opportunity for equal consideration for all prospective employees. | All health science center divisions |
| 6. Equal Employment Opportunity Training:
Required Employee Training: Employees shall receive employment discrimination training that complies with State law and regulations.
a.) The training program must provide the employee with information regarding the University policies and | EEO Office |

procedures relating to employment discrimination, including employment discrimination involving sexual harassment;

- b.) Each employee of UNT Health Science Center shall attend the training program required by this section not later than the 30th day after the date the employee is hired by the UNT Health Science Center and shall attend supplemental training every two years.
- c.) 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.
- d.) 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 Resource Services Department.

- 7. Notification: Faculty and staff should report suspected violations of this policy and/or the sexual harassment policy (05.205) to their immediate supervisor, the administrative director or chair of their department, or the Equal Employment Opportunity Office. Students should report violations to the administrative director or chair of the department in which the alleged incident occurred, to the [appropriate] Dean of Students, or the Equal Employment Opportunity Office. All health science center divisions
- 8. 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 Policy 05.210 Information and Procedural Guidelines for Pursuing and Resolving a Complaint of Discrimination, Including Sexual Harassment (Policy 05.205) and Voluntary Alternative Dispute Resolution (Policy 05.902). All health science center divisions
- 9. 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. All health science center divisions
- 10. Legal Implications and Sanctions:
 - a.) Health Science Center **Imposed:** Health science center sanctions for violations of the Health science center policy on discrimination (including sexual harassment) may All health science center divisions

include any disciplinary action, up to and including termination of employment for faculty, staff, and student employees or the dismissal of students. These activities 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.

- 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 health science center and any person found to have engaged in illegal discrimination.

References and Cross-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.
- 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 21.020. Texas Labor Code mandates all new faculty and staff to attend training on equal employment opportunity law as part of the new employee orientation. This law also mandates staff and faculty to receive supplemental information every two years.

Forms and Tools. None

Approved: 9/1/2006

Effective: 9/1/2006

Revised: