

Non-Discrimination Policy

Contents

- I. [Title](#)
 - II. [Policy](#)
 - III. [Definitions](#)
 - IV. [Relevant Federal and State Statutes](#)
 - V. [Relevant UT System Policies, Procedures and Forms](#)
 - VI. [Who Should Know](#)
 - VII. [UTA Office\(s\) Responsible for Policy](#)
 - VIII. [Dates Approved or Amended](#)
 - IX. [Contact Information](#)
-

I. Title

Non-Discrimination Policy

II. Policy

It is the policy of The University of Texas at Arlington (UTA or The University) to provide an educational and working environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination, including harassment, on the basis of race, color, national origin, religion, age, sex, sexual orientation, pregnancy, disability, genetic information, and/or veteran status. The University also prohibits discrimination on the basis of gender identity, and gender expression. Retaliation against persons who oppose a discriminatory practice, file a charge of discrimination, or testify for, assist in, or participate in an investigative proceeding relating to discrimination is prohibited. Constitutionally-protected expression will not be considered discrimination or harassment under this policy. It is the responsibility of all departments, employees, and students to ensure the University's compliance with this policy.

The University's Equal Opportunity Services (EOS) and Title IX Office investigates allegations of discrimination affecting the UTA community. Complaints regarding unlawful discrimination should be brought to the Equal Opportunity Services and Title IX Office.

Copies of this policy are also available in Equal Opportunity Services and accessible at the EOS website. Periodic notices sent to students, employees, and supervisors about this Policy will include information about the complaint procedure.

In accordance with Texas Labor Code Section 21.010, all UTA employees, including faculty, are required to complete training regarding the University's procedures relating to employment discrimination, including its procedures regarding sexual harassment, no later than the 30th day after the date the employee is hired, and to complete supplemental training every two years. The University will generate an electronic acknowledgement after each individual completes his/her training, and will retain the acknowledgement in the individual training records of the University.

III. Definitions

Discrimination - Means the materially adverse treatment of an individual or group of individuals because they possess a protected characteristic listed in Section 1 of this policy. This includes: unequal treatment in regards to the terms and conditions of employment (e.g., hiring, firing, compensation, benefits, assignment, transfer, recall, layoff, recruitment, testing, access to facilities and programs, training, etc.); and unequal treatment in terms of academic programs (e.g., grading, class assignments, testing, internships, fellowships, work study, scholarships, access to facilities, admission to programs, etc.) based on a protected characteristic.

Prohibited discriminatory practices include, but are not limited to any employment or academic decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals with protected characteristics. Discriminatory practices by third parties (e.g., visitors, applicants, vendors, consultants, contractors, alumni, etc.) are also prohibited. The third party violates this policy if it engages in conduct which affects the work or learning environment of University employees or students in a discriminatory, harassing or retaliatory manner prohibited by this policy, while they are on the premises of the University or otherwise working or interacting with University students or employees.

Harassment - Harassment on the basis of any protected characteristics described in this policy is strictly prohibited and is a form of discrimination prohibited by various statutes including Title VI of the Civil Rights Act of 1964, Title IV of the Higher Education Act of 1965, as amended, Title VII of the Civil Rights Act of 1964, and Chapter 21 of the Texas Labor Code. For purposes of this policy, Harassment is defined as physical, verbal, visual or other conduct relating to any protected characteristics described in this Policy and Procedure other than sex or gender when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status (quid pro quo harassment);

- Submission to, or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual (quid pro quo harassment); or

- Such conduct is sufficiently severe, pervasive, and objectively offensive that it effectively denies equal access to UTA's program by interfering unreasonably with an individual's work or academic performance, or creating an intimidating, hostile, or offensive work or academic environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment Harassment).

This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile or offensive working or learning environment on the basis of any protected characteristics described in this policy other than sex or gender.¹ Therefore, it makes no difference in determining whether conduct violates this policy, that the person accused of violating this policy ("Respondent") was "just joking", "teasing" or being "playful" or had an improper motive. The fact that a person does not object to the alleged harassing conduct or does not request that the harassing conduct stop does not mean that he/she welcomes the conduct. Harassing conduct prohibited by this Policy includes, but is not limited to, such things as the following, provided they meet the standard for harassment set forth above:

- Making or threatening reprisals after a negative response to a request to engage in discriminatory conduct;
- Engaging in visual conduct such as leering or making obscene, taunting or threatening gestures;
- Displaying suggestive, obscene or degrading material, objects, pictures, cartoons, posters;
- Using visual or audio electronic devices or media (such as radio, television, telephone, social media, computers, email, etc.) to broadcast, distribute or transmit offensive statements, images or other material;
- Making derogatory comments about an individual's protected characteristics; or jokes concerning protected characteristics or traits;
- Using degrading words relating to an individual's or group of individuals' protected characteristics to describe the individual(s);
- Engaging in verbal or written slurs, degrading or negative stereotyping; and
- Engaging in physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

Retaliation - Occurs when an adverse action is taken against an individual because the individual has engaged in an activity protected by law or this policy.

¹ Complaints of gender or sexual based discrimination are investigated under UTA's Sexual Misconduct Policy.

A retaliation claim is established if a person who engages in activity protected by law or this policy, suffers an adverse action in their work or learning environment that would not have occurred “but for” the protected activity. An adverse action is one that materially affects a term or condition of an individual’s employment, education, living environment or participation in a University activity or program. It includes any conduct which would deter a reasonable person from engaging in protected activity.

IV. Relevant Federal and State Statutes

Federal

Age Discrimination in Employment Act of 1967, [29 U.S.C. § 621 et seq.](#)

Americans with Disabilities Act of 1990, [42 U.S.C. § 12101 et seq.](#)

Civil Rights Act of 1964, Title VI, [42 U.S.C. § 2000d et seq.](#)

Civil Rights Act of 1964, Title VII, [42 U.S.C. § 2000e et seq.](#)

Education Amendments of 1972, Title IX, [20 U.S.C. § 1681 et seq.](#)

Equal Pay Act of 1963, [29 U.S.C. § 206\(d\)](#)

Executive Order 11246, 11246, 3 C.F.R. Pg 339 (1964-1965)

<https://www.dol.gov/agencies/ofccp/executive-order-11246/as-amended>

Genetic Information Nondiscrimination Act of 2008, Title II, [42 U.S.C. § 2000ff, et seq.](#)

Higher Education Act of 1965, Title IV, 20 U.S.C. § 1070, et seq.

<https://www.law.cornell.edu/uscode/text/20/chapter-28/subchapter-IV/part-A>

Rehabilitation Act of 1973, Section 503, as Amended, [29 U.S.C. § 793](#)

Rehabilitation Act of 1973, Section 504, as Amended, [29 U.S.C. § 794](#)

Uniformed Services Employment and Reemployment Rights Act of 1994, [38 U.S.C. § 4301](#)

Vietnam Era Veterans' Readjustment Act of 1974, [38 U.S.C. § 4212](#)

State

Texas Labor Code Section, Title 2 Protection of Laborers, Subtitle A Employment Discrimination, Chapter 21 Employment Discrimination, Subchapter A General Provisions [Section 21.010](#)

V. Relevant UT System Policies, Procedures and Forms

UTA Procedure [EI-PO-03](#) *Unlawful Discrimination Investigative Procedure*

UTA Policy [EI-PO-08](#) *Sexual Misconduct*

UTA Form [EI-F1](#) *Harassment, Discrimination and Retaliation On-Line Complaint Form*

UT System Rules and Regulations of the Board of Regents Rule [10701](#) *Policy Against Discrimination*

VI. Who Should Know

All University officers, administrators, supervisors, staff, faculty members, students, visitors and applicants, as well as vendors, consultants and contractors with whom the University does business are prohibited from engaging in Discrimination, Harassment or Retaliation in violation of this Policy.

VII. UTA Office(s) Responsible for Policy

Responsible Officer: Chief Legal Officer

Sponsoring Department: Equal Opportunity Services

VIII. Dates Approved or Amended

January 27, 2021

October 4, 2021

IX. Contact Information

All questions concerning this policy should be directed to the Director of Equal Opportunity Services: eoaa@uta.edu 817-272-4585

Send notifications of errors or changes to: policysite@uta.edu