

Institution:	University of North Texas at Dallas (UNT Dallas)
Policy Number & Chapter Title:	16.005 Equity & Diversity
Policy Title:	Prohibition of Discrimination, Harassment, Sexual Misconduct and Related Retaliation

I. Policy Statement. The University of North Texas at Dallas (UNT Dallas) is committed to maintaining a safe and respectful work and educational environment that is free from discrimination, harassment, sexual misconduct and related retaliation and allows all individuals to fully participate in the benefits and privileges that UNT Dallas has to offer. Therefore, UNT Dallas prohibits discrimination, harassment, sexual misconduct and related retaliation because of race, color, national origin, age, religion, disability, genetic information, sex, sexual orientation, gender identity, gender expression, and veteran status or any other characteristic protected under applicable federal or state law in all of its programs and activities; policies, procedures, and processes; and UNT Dallas facilities.

UNT Dallas will take active measures under this policy to prevent such conduct and promptly investigate, discipline, and take remedial action, when appropriate, against individuals or organizations within its control. Further, UNT Dallas will not tolerate sexual misconduct, including sexual discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal-both dating and domestic-violence , and stalking.

This policy details information about UNT Dallas prevention programs and educational resources addressing prohibited conduct. It also explains the process of how, after being made aware of alleged prohibited conduct, the University will proceed in accordance with its values, as well as in accordance with the legal obligations of Title IX of the Higher Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII) and other applicable laws and regulations.

II. Application of Policy. This policy applies to all UNT Dallas students and employees, visitors, contractors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business with the University.

In addition to incidents that occur on the UNT Dallas campus, the University may investigate and take disciplinary action in response to incidents that occur at an official function of the University, or an incident that has a substantial connection to the interests of UNT Dallas regardless of the location in which the incident occurred.

III. Policy Definitions. The following definitions apply for the purposes of this policy:

- A. Complainant.** A “complainant” means a student, employee, or third party who presents as the victim of any prohibited conduct under this policy, regardless of whether they make the report or seek action under this policy.
- B. Confidential Employee.** A “confidential employee” refers to any counselors in Counseling and Psychological Services, a health care provider in Health Services, or clergy persons. Additionally, an employee who receives information regarding an incident of sexual misconduct under circumstances that render the employee communication confidential or privileged under other law (such as an attorney) are also considered “Confidential Employees.”

Note: Under state law, a confidential employee who receives information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking committed by or against a student or an employee of UNT Dallas, is required to report the type of incident to the campus Title IX Coordinator (or Deputy Coordinators). A confidential employee may not include any information that would violate the complainant’s expectation of privacy. Additionally, the duty of a confidential

employee to report an incident under any other law applies.

- C. Confidentiality.** “Confidentiality” means communications that cannot legally be disclosed to another person without the consent of the individual who originally provided the information.
- D. Consent.** “Consent” means a words or actions that show an active, knowing, and voluntary agreement to engage in sexual activity. Consent cannot be gained by force, coercion, manipulation, threats, or by taking advantage of the incapacitation of another when the individual knows or reasonably should know of such incapacity by use of alcohol or drugs. Consent is absent when the activity in question exceeds the scope of previously given consent, or the person is unconscious, asleep, mentally or physically incapacitated or otherwise unaware that the prohibited conduct is occurring. In cases involving a juvenile or a minor, this definition would defer to applicable state and federal laws.
- E. Dating Violence.** “Dating violence” means abuse or violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the complainant. It includes but is not limited to; sexual or physical abuse or the threat of such abuse. This definition does not include acts covered under domestic violence. Neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.
- F. Discrimination.** “Discrimination” means treating an individual or group of individuals unfavorably in their employment because of race, color, national origin, age, religion, disability, genetic information, sex, sexual orientation, gender identity, gender expression, and veteran status.
- G. 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 State of Texas.
- H. Interpersonal Violence.** “Interpersonal violence” means an offense that meets the definition of domestic violence or dating violence.
- I. Employee.** “Employee” means an individual who is employed part-time, full-time, or in a temporary capacity, or who is required to be a student as a condition of employment.
- J. Gender Expression.** “Gender expression” means the manner in which an individual expresses gender through appearance, behavior, or mannerisms; whether the person’s expression is the same as the individual’s gender identity or the sex the individual was assigned at birth.
- K. Gender Identity.** “Gender identity” means the gender with which an individual identifies psychologically, regardless of the sex the individual was assigned at birth.
- L. Good Faith Report.** “Good faith report” means a report submitted based on conduct or behavior that one reasonably believes is prohibited under Regents Rule, System Regulation, UNT Dallas policy or law.
- M. Harassment.** “Harassment” means any harassment, including sexual harassment, that is sufficiently severe, persistent, or pervasive to deny or limit the individual’s ability to participate in or benefit from UNT Dallas programs or activities or an employee’s terms and conditions of employment. A hostile environment can be created by anyone involved in a program or activity (e.g., administrators, faculty members, employees, students, and visitors). In determining whether sex-based harassment has created a hostile environment, UNT Dallas 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, UNT Dallas must also find that a reasonable person in 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, consideration is given to 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.

N. Hostile Environment. "Hostile environment" exists when any type of discrimination or harassment is sufficiently severe or pervasive to deny or limit an individual's ability to participate in or benefit from UNT Dallas programs or activities or an employee's terms and conditions of employment. A hostile environment can be created by anyone involved in a UNT Dallas program or activity (e.g., administrators, faculty members, employees, students, and UNT Dallas visitors).

In determining whether discrimination or harassment has created a hostile environment, UNT Dallas considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, UNT Dallas must also find that a reasonable person in 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, UNT Dallas considers a variety of factors related to the severity, persistence, or pervasiveness of the discrimination or harassment, including:

- a. the type, frequency, and duration of the conduct;
- b. the identity and relationships of the persons involved;
- c. the number of individuals involved;
- d. the location of the conduct and the context in which it occurred; and
- e. the degree to which the conduct affected an individual's education or employment.

The more severe the discrimination or 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 discrimination or harassment is not particularly severe.

O. Incapacitation. "Incapacitation" means to a state when a person lacks the ability to voluntarily agree to sexual activity because the person is asleep, unconscious, or under the influence of an anesthetizing or intoxicating substance such that the person does not have control over his or her body, or is otherwise unaware that sexual activity is occurring. Incapacitation is not the same as intoxication. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by the use of the drug.

- P. Investigative Authority.** “Investigative authority” means one or more trained individuals appointed to conduct a formal inquiry to discover and examine the facts of an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information to make a determination.
- Q. Preponderance of the Evidence.** Preponderance of the evidence” means the amount of information necessary to establish whether an allegation is more likely than not to have occurred.
- R. Quid Pro Quo Sexual Harassment.** “Quid pro quo sexual harassment” means “this for that” such as unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature where the submission to or rejection of may result in an adverse educational or employment action.
- S. Reporting Party.** “Reporting party” means an individual who observed or was made aware of an alleged violation and who provides an initial oral or written account of an alleged violation of this policy.
- T. Respondent.** “Respondent” means an individual designated to respond to a complaint. Generally, the respondent is the individual alleged to be responsible for the prohibited conduct alleged in a complaint.
- U. Retaliation.** “Retaliation” means any action, treatment or condition likely to dissuade a reasonable person from reporting or causing to report, or from participating in an investigation of suspected misconduct or a related proceeding, including an action that affects an individual’s enrollment or business relationship, or an employee’s compensation, promotion, transfer, work assignment, or performance evaluation.
- V. Sexual assault.** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in Texas statutes or the Federal Bureau of Investigation’s Uniform Crime Reporting program.
- 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.
- W. Sex Discrimination.** “Sex discrimination” means a type of discrimination where the conduct is directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment adversely affecting the individual’s or group’s employment or education on the basis of sex (including gender).
- X. Sexual Exploitation.** “Sexual exploitation” means the taking of a non-consensual or abusive sexual advantage of another for another’s own advantage or benefit, or to benefit or advantage 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.
- Y. 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 this policy, 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 System Administration's educational program or activity, including when the conduct reasonably can be considered to create an intimidating, hostile, abusive or offensive educational environment.

Examples of conduct which might be considered sexual harassment under this policy include but are not limited to:

- a. repeated and unwanted requests for dates, sexual flirtations, or propositions of a sexual nature,
- b. subtle pressure for a sexual relationship,
- c. sexist remarks about a person's clothing, body or sexual activities,
- d. unnecessary touching, patting, hugging, or brushing against a person's body,
- e. direct or implied threats that submission to sexual advances will affect or be a condition of employment, work status, grades, or letter of recommendation,
- f. conduct of a sexual nature that causes humiliation or discomfort, such as use of inappropriate terms of address, and
- g. sexually explicit or sexist comments, questions or jokes.

Z. Sexual Misconduct. "Sexual misconduct" is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. The term also includes other inappropriate sexual conduct as referenced in this policy. Sexual misconduct can be committed by any person, including strangers or acquaintances.

AA. Sexual Orientation. "Sexual orientation" means the inclination of one's intimate, emotional or sexual interests towards a member of the same, opposite or both sexes.

BB. Stalking. "Stalking" means engaging in a course of conduct directed at a person that would cause a reasonable person to fear for the person's safety, the safety of others, or to suffer substantial emotional distress.

For the purposes of this definition:

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.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- CC. Student.** A “student” means an individual who has applied for admission or readmission to the UNT Dallas, who is registered or enrolled in one or more courses for credit at the University, or who currently is not enrolled but has a continuing academic relationship with the University.
- DD. Title IX Coordinator.** “Title IX Coordinator” means a UNT Dallas or System Administration employee designated by the President to implement, monitor, and enforce the University Title IX program. In this policy, reference to the Title IX Coordinator also refers to their designee.

IV. Responsibilities.

A. Filing a Complaint and Reporting Violations of Prohibited Conduct.

1. Reporting.

All employees, including full and part-time faculty, staff and student employees, must report allegations of violations of this policy, including but not limited to discrimination, harassment, sexual misconduct, sexual assault, interpersonal violence, stalking or related retaliation. Students and other non-employees are encouraged to report. Employees are required to promptly report the suspected violation. All employees informed of possible conduct in violation of this policy should advise the complainant that they cannot keep the information confidential and are required to report it (for the purposes of this policy and the reporting requirements, employees who are complainants/victims of sexual misconduct are not required to report that misconduct).

2. Employees in the course and scope of employment, that witness or receive information regarding an incident that the employee reasonably believes was in violation of this policy and is alleged to have been committed by or against a person who is a student at or an employee or visitor of the institution at the time of the alleged incident must promptly report the incident to the UNT Dallas Title IX Coordinator or Deputy Title IX Coordinator.

3. Employees, students and others should report suspected violations through the compliance hotline available on the UNT Dallas website, or to the Title IX Coordinator or Deputy Title IX Coordinator.

4. Confidential employees as defined in this policy, who are acting in their capacity as a confidential employee in their employment with UNT Dallas, are only required to report the type of incident to the Title IX Coordinator or Deputy Title IX Coordinator and may keep other identifying information of the complainant confidential. Employees should inform the complainant where confidential guidance can be obtained, such as the student counseling center or employee assistance program.

B. Rights and Responsibilities.

a. Reporting an Incident of Prohibited Conduct.

To promote timely and effective review, UNT Dallas strongly encourages an individual who believes they have experienced or witnessed an incident involving prohibited conduct to come forward promptly with their inquiries, reports, or complaints, and seek assistance from the University.

b. An employee who is required to report and fails to make a report; or with the intent to harm or deceive, knowingly makes a report that is false, then the offense is a Class B misdemeanor, with the exception that if it is shown at trial that the individual intended to conceal the incident, then the offense is a Class A misdemeanor. UNT Dallas will be required to terminate an employee who knowingly fails to make a report; or with the intent to harm or deceive,

knowingly makes a report that is false as determined by UNT Dallas in accordance with applicable policies and procedures.

UNT Dallas will provide each complainant alleging they have experienced an incident of prohibited conduct with information about:

- applicable University policies and procedures, including the UNT Dallas investigation and resolution process;
- rights and University responsibilities with respect to orders of protection, restraining orders, and/or no contact orders and how to obtain such orders;
- options about the involvement of law enforcement authorities; and
- available campus and community resources.

c. Anonymity.

UNT Dallas has great respect for the privacy of the parties in a complaint involving prohibited conduct. However, employees other than confidential employees are required to share that information with the UNT Dallas Title IX Coordinator or the UNT Dallas Deputy Title IX Coordinator. Subsequently, the University may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the request of the complainant for confidentiality.

In addressing a request for confidentiality, to not investigate, and/or to not disclose identifying information to the respondent, the UNT Dallas Title IX Coordinator or Deputy Title IX Coordinator must deliberately weigh the rights, interests, and safety of the complainant, the respondent, and the campus community. Factors the University must consider when determining whether to investigate an alleged incident of prohibited conduct include but are not limited to:

- the seriousness of the alleged incident;
- whether the University has received other reports of alleged sexual misconduct by the alleged respondent;
- whether the alleged incident poses a risk or harm to others; and
- any other factors the University determines relevant.

If the complainant requests the University not to investigate, the UNT Dallas Title IX Coordinator or the Deputy Title IX Coordinator must inform the complainant of the decision whether or not to investigate.

In the course of the investigation, the University may share information only as necessary with individuals who need to know in compliance with the law, which may include but is not limited to: investigators; witnesses; and the respondent. The University will take reasonable steps to help ensure there is no retaliation against the parties or any other participants in the investigation.

C. Prohibition on Retaliation.

Retaliation against any individual who reports or encourages another individual to report an incident of prohibited conduct or retaliation, who participates in an investigation conducted under this policy, or who seeks assistance or guidance from any UNT Dallas department or external official or organization authorized to remediate conduct prohibited under this policy is strictly

prohibited.

D. Support Services.

1. Any UNT Dallas employee who requires assistance with work arrangements and/or University-provided support services and referrals as a result of an alleged violation of this policy is encouraged to contact Human Resources for additional information. Human Resources staff can assist a UNT Dallas employee with the various reporting options and support services that may be available to them.
2. Any UNT Dallas student who requires assistance with classes, living arrangements, and/or University-provided support services and referrals as a result of an alleged violation of this policy is encouraged to visit the Office of the Dean of Students for additional information. The Office of the Dean of Students staff can assist a student with the various reporting options and support services that may be available to them.
3. If a UNT Dallas employee or student believes they have experienced conduct prohibited under this policy, they may also contact the UNT Dallas Title IX Coordinator or Deputy Title IX Coordinator for additional assistance and information. A student or an employee who wishes to report an alleged incident of prohibited conduct to the UNT Dallas Police Department (UNT Dallas PD) and would like the Campus Title IX Coordinator or campus Deputy Title IX Coordinator to accompany them to provide support during the reporting process, should contact the Title IX Compliance Officer or the Deputy Title IX Coordinator via the following contact information:

- Wanda S. Boyd, Title IX Compliance Officer/Coordinator
wanda.boyd@untsystem.edu
(214) 571-2424
- Adalyn Burger, Deputy Title IX Coordinator
adalyn.burger@untDallas.edu

4. Individuals who experience any form of sexual assault, domestic, or dating violence, are encouraged to seek immediate medical care. Preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within four (4) days of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department or the nearest hospital that provides SAFE services.

For more information about the SAFE, see <https://www.texasattorneygeneral.gov/crime-victims/sexual-assault-exams>. The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of SAFE.

5. UNT Dallas encourages anyone who believes they experienced or witnessed a sexual assault (or any other crime) to make a report to the UNT Dallas Police Department, if the assault occurred on campus, or to local law enforcement, for assaults occurring off campus.

- **University of North Texas at Dallas Police Department (UNT Dallas PD)**
Phone: (972) 780-3000
Emergencies: 911
Address: 131 Founders Hall, Dallas, TX 78705

6. An individual may also contact the following external, federal and state agencies:

- **U.S. Department of Education (Office for Civil Rights)**
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Phone: (214) 661-9600
Fax: (214) 661-9587
Email: OCR.Dallas@ed.gov
- **U.S. Equal Employment Opportunity Commission**
Legacy Oaks, Building A
Suite 200
San Antonio, TX 78229
Phone: (800) 669-4000
Fax: (210) 281-7690
Email: www.eeoc.gov
- **Texas Workforce Commission**
Civil Rights Division
101 E. 15th Street
Room 144-T
Austin, TX 78778-0001
Phone: (512) 463-2642
Email: www.twc.state.tx.us

E. Confidentiality and Anonymity.

1. An individual, other than an employee with a duty to report under this policy, who wishes to remain anonymous can file a complaint (by telephone or in writing or through the hotline available on the UNT Dallas website) with the UNT Dallas Title IX Coordinator or Deputy Title IX Coordinator. However, electing to remain anonymous may greatly limit the ability of the University to investigate an alleged incident, collect evidence and/or take effective action against an individual or an organization accused of violating this policy.
2. The University has a responsibility to maintain an environment free of discrimination, harassment, sexual misconduct and related retaliation. Accordingly, many UNT Dallas employees have mandatory reporting and response obligations and may not be able to honor the request for confidentiality by a complainant. In the event confidentiality cannot be maintained, the University will share information only as necessary and only with those individuals who have a need to know in fulfilling the purposes of this policy and abiding by the applicable law. These individuals may include investigators, witnesses, administrators, and the respondent. UNT Dallas will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Section 51.971 and other confidentiality laws as they apply to Title IX investigations.
3. A complainant who expresses the desire to discuss a complaint in strict confidence may use the confidential support resources described in this policy.

F. Informal Resolution and Investigations of Reports of Alleged Conduct in Violation of this Policy.

1. UNT Dallas strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit the ability of the University to stop the alleged prohibited conduct, collect evidence, and/or take effective action against an individual or an organization accused of violating this policy. A report of an alleged violation of this policy may be made by:

- an individual who believes they experienced prohibited conduct (a complainant); and/or an individual who has information that prohibited conduct may have been committed (a reporter).
2. UNT Dallas recognizes that in some limited circumstances (but never in cases involving sexual assault or sexual violence) voluntary informal resolution options may be an appropriate means of addressing some behaviors reported under this policy. If the informal resolution process is deemed appropriate by the UNT Dallas Title IX Coordinator or the Deputy Title IX Coordinator, then the complainant will be provided assistance in informally resolving the issue.
 3. Allegations of conduct prohibited by this policy will be reviewed by the UNT Dallas Title IX Coordinator or Deputy Title IX Coordinator to determine:
 - If there is sufficient information to proceed with an investigation;
 - If additional information is needed;
 - If the complaint shall be dismissed as baseless;
 - If the complaint should be referred to another office which has responsibility; or to be addressed as an employee grievance, or other applicable UNT Dallas policy or procedure.
 4. Once the initial evaluation has been made, the decision will be communicated in writing to the complainant. If an investigation is warranted, the UNT Dallas Title IX Coordinator or the Deputy Title IX Coordinator will oversee or will conduct the investigation. Investigators will be trained to investigate and resolve reports under this policy.
 5. In an investigation, the following will occur:

Written notification will be provided to the complainant and the respondent(s) and will include:

 - the incident details and alleged policy violation;
 - the UNT Dallas investigative authority, if an investigation will be conducted;
 - interim measures put into place, if any; and
 - statements regarding cooperation and prohibition of retaliation.
 - Requested confidentiality will be taken into consideration with notification details provided.
 6. All employees are required to fully cooperate with those performing an investigation. Employees failing to cooperate with those performing an investigation may be subjected to disciplinary action, up to and including termination. (For the purposes of this requirement, employees who are complainants/victims of sexual misconduct covered by this policy are not required to participate in this investigation.) Students are required to participate in an investigation as required by the Student Code of Conduct. Any individual conducting business for or on the behalf of UNT Dallas, visitors, and participants at any location, program or other activity associated with UNT Dallas should cooperate with those performing an investigation.
 7. UNT Dallas may implement Interim measures as warranted while an investigation is being conducted. Interim measures may include, but are not limited to, reassignment, suspension, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort services, restrictions on contact between the parties, change in work or housing locations, leaves of absences, increased security and monitoring of certain areas of campus or other similar accommodations tailored to the individualized needs of the parties.
 8. The ability of UNT Dallas to implement interim measures may be affected if the complainant

requests not disclose their identity to relevant UNT Dallas personnel involved in implementing interim measures.

9. If a complainant chooses not to participate in the investigation of a report, the University may, at its discretion, pursue the report without the participation of the complainant.
10. For sex-based complaints only, the complaint and the investigative report, with instructions and reminders regarding privacy, will be provided to the parties, as requested and as allowed by law.
11. The investigative authority will review each complaint, interview complainant(s), respondent(s) and witness(es) (if applicable), review relevant documentation, (for sex-based complaints, the complaint and respondent will have the opportunity to review the draft report) and provide a final draft report of the investigation for legal sufficiency review to the Office of General Counsel. The report will be finalized upon completion of the legal sufficiency review.
12. The purpose of an investigation, which includes interviewing the parties and witnesses, is to gather and assess evidence. The standard of evidence that is used to investigate and adjudicate complaints made under this policy is the “**preponderance of the evidence**” standard. This standard is met if the allegation is deemed more likely to have occurred than not. Every investigator will have appropriate and on-going training regarding issues related to domestic violence, dating violence, sexual assault, sexual misconduct and stalking, as well as, on how to conduct an investigation that protects the safety of a complainant and promotes accountability.
13. Upon completion of the investigation and report, findings of substantiated, unsubstantiated, or insufficient evidence will be communicated in writing to the complainant(s) and respondent(s).
14. Interference with an Investigation.

Any individual who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from UNT Dallas. Interference with an investigation may include, but is not limited to:

- attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
 - removing, destroying, or altering documentation relevant to the investigation; or
 - providing false or misleading information to the investigator or encouraging others to do so.
15. Possible outcomes of an investigation are:
 - a. a finding that the allegations are not warranted or could not be substantiated;
 - b. a finding that the allegations are substantiated and constitute a violation of the policy and, if so;
 - c. referral to the appropriate administrative authority for disciplinary action.

G. Disciplinary Actions and Final Sanctions.

1. If a respondent is found responsible for violating this policy, UNT Dallas may take disciplinary action and impose a sanction on the respondent and initiate additional remedial actions as appropriate.
2. Disciplinary action against UNT Dallas employees will be handled under the applicable UNT

Dallas disciplinary policies and procedures for faculty and staff. Disciplinary actions may include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension, and/or dismissal.

3. Disciplinary action against a UNT Dallas student will be imposed by the Office of the Dean of Students in accordance with applicable University student disciplinary procedures. Student disciplinary actions may include, but are not limited to, probation, suspension, or expulsion.
4. In addition to disciplinary action and sanctions imposed by UNT Dallas, the following may apply:
 - Federal or State Sanctions. Federal or state agencies may impose fines and other sanctions for violations of federal or state anti-discrimination laws.
 - Civil Action. Individuals may take court action against individuals and System Administration that could result in financial liability.
 - Criminal Sanctions. Conduct prohibited by this policy may constitute a criminal offense under the Texas Penal Code. If an employee is required to report and fails to make a report then the applicable offense is a Class B misdemeanor, with the exception that if it is shown at trial that the actor intended to conceal the incident, then the offense is a Class A.

H. Bystander Intervention.

A bystander can play a critical role in the prevention of sexual assaults, domestic violence, dating violence, and stalking. For example, a bystander may have the power to stop assaults, get help for people who have been victimized, and/or alert the appropriate authorities. UNT Dallas is committed to promoting a culture of shared accountability where a bystander is actively engaged in the prevention of prohibited conduct. As such, every member of the UNT Dallas community is encouraged to intervene or interrupt prohibited conduct they witness. Examples of bystander intervention include:

- confronting an individual who secludes, make sexual advances, or attempts to sexually assault an individual who is incapacitated;
- speaking up when an individual discusses plans to take sexual advantage of another individual;
- calling law enforcement when an individual is being physically abusive towards another;
- refusing to leave the area if an individual is directing or coercing you to leave so they can take advantage of another;
- ensuring that a member of the community who is incapacitated is not left alone or in a vulnerable situation; and
- referring an individual to appropriate University and community resources.

I. Ongoing Training.

UNT Dallas is committed to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy. This includes offering ongoing education to, both, employees and students. To that end, this policy will be published on the UNT Dallas website. Information regarding this policy and related policies will be included in orientation materials for new students,

faculty, and staff. Appropriate compliance training sessions will be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as, safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another individual. In addition, the UNT Dallas Title IX Coordinator, the UNT Dallas Deputy Title IX Coordinator, the Chief Compliance Officer, and all investigators and hearing officers receive training each academic year about offenses, investigatory procedures, due process requirements, conducting a hearing, and University policies related to or described in this policy. The University is committed to protecting the safety of each complainant and the due process rights of each respondent, as well as promoting accountability.

J. Academic, Living, Travel, or Work Accommodation(s).

There may be an instance when an individual reports an alleged violation of this policy that UNT Dallas will decide to take emergency action to protect the emotional health or physical safety of the reporting individual and/or of the larger University community. Such an arrangement will be facilitated through the appropriate University officials and all decisions will be based upon the evidence then available.

K. Options and Resources.

1. The UNT Dallas Office of Student Affairs hosts a website that provides resources and lists educational and preventive programs and support services on and off campus. These resources provide information relating to prohibited conduct. Additional resources can be located on the UNT System Administration Equity, Diversity, and Inclusion website
2. An individual who has experienced a sexual assault is strongly encouraged to seek medical and psychological care regardless of whether the individual intends to request a SAFE or report the assault to the law enforcement.
3. Resources and services that can help lessen the trauma of assault and assist with healing can be found at: Rape, Abuse, and Incest National Network. Other resources on the local level include the following:
 - UNT Dallas Office of Wellness Services (972) 338-1779
 - Rape Crisis Center (972) 641-7273
 - Genesis Women's Center 214-940-2998
 - Parkland Hospital (214) 590-8000
 - Baylor Hospital of Dallas (214) 820-0111
 - Charlton Methodist Hospital 214-947-7777
4. An individual who experiences any form of prohibited conduct may pursue civil or criminal remedies provided by state law. An individual does not need to file a criminal police report to either use on or off-campus resources or to file a complaint with the University.

V. Forms and Tools.

- [UNT Dallas Anonymous Report Form for Sexual Assault and Misconduct](#)
- UNT Dallas Title IX Coordinator Report

VI. References & Cross-References.

- Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 (with implementing regulations, 34 CFR Part 106)
- Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e–2000e-17 (with implementing regulations 29 CF. § 1604 11)
- Title IV of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991
- The Equal Pay Act of 1963
- The Age Discrimination in Employment Act of 1967
- Title I of the Americans with Disabilities Act of 1990
- Pregnancy Discrimination Act of 1978, Rehabilitation Act of 1973
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (1982) Vietnam Era Veterans Readjustment Act of 1974
- Texas Labor Code, §21.125, as amended by HB 3048, 75th Legislature
- Clery Act, 20 U.S.C § 1092(f) (with implementing regulations 34 CFR Part 668)
- Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g; 34 CFR Part 99
- Texas Education Code, Subchapter E-2: Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §§ 51.251-51.259
- Texas Education Code, Subchapter E-3: Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §§ 51.281-51.291
- Texas Penal Code, § 22.011: Sexual Assault
- UNT Board of Regents Rule 05.1000; Complaint & Grievance Process
- UNT Dallas Policy 04.012; Reporting Suspected Wrongdoing
- UNT Dallas Policy 04.013; Employee Responsibilities & Rights Under the Institutional Compliance & Ethics Program
- UNT Dallas Policy 05.005 Employee Grievances
- UNT Dallas Policy 05.021 Staff Employee Discipline
- UNT Dallas Policy 05.045 Violence in the Workplace
- UNT Dallas Policy 06.011 Faculty Discipline & Termination
- UNT Dallas Policy 07.001 Code of Student’s Rights, Responsibilities, & Conduct
- UNT Dallas Policy 16.001 Diversity & Equal Opportunity Statement
- UNT Dallas Policy 16.002 Prohibiting Discrimination & Harassment

VII. Revision History

Policy Contact:	Chief Compliance Officer
Initial Approval Date:	04/08/2016

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