Equal Employment Opportunity

Developed By
The University at Texas at Dallas
Office of Institutional Equity and Compliance
The Office of Institutional Equity & Compliance (OIEC) supports and enhances the University’s commitment to equal opportunity and diversity for all employees and students.

The OIEC provides leadership and service to support compliance in the areas of affirmative action, equal opportunity, ethical standards, institutional risk management, and the prevention of unlawful discrimination, harassment, and retaliation.

OIEC Website [http://www.utdallas.edu/oiec/](http://www.utdallas.edu/oiec/)
EEO & AA

Equal Employment Opportunity:
• Prohibits discrimination and requires fair treatment in employment.
• Ensures employees are provided with the opportunity to:
  – Compete fairly for positions for which they are qualified
  – Receive objective ratings based on their performance
  – Not be subjected to personnel decisions or unfair treatment based on non-merit factors

Affirmative Action:
• Extends beyond non-discrimination and requires positive action in terms of outreach and access.
  – Expand outreach and recruitment of women, minorities, individuals with disabilities, and protected veterans.
• Affirmative Action Plan: Assists the university in annually evaluating the impact of its employment decisions and compensation systems on those protected classes.
It is the policy of The University of Texas at Dallas to provide equal access and opportunity to qualified disabled persons in compliance with Section 504 of the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act (1990) as amended (ADAAA 2008). The University prohibits discrimination on the basis of disability in all aspects of the application process and the employment relationship.

Policy for Reasonable Accommodations for Person with Disabilities https://policy.utdallas.edu/utdbp3100
Disability is defined as – with respect to an individual
A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
B) a record of such an impairment, or
C) being regarded as having such an impairment.

The impairment may be permanent, chronic or progressive. A condition that is temporary, episodic or in remission may also be considered a disability under the ADAAA if the condition is substantially limiting when active.

Undue Hardship – an accommodation that is “excessively costly, extensive, substantial or disruptive or that would fundamentally alter the nature or operation of the business.” Factors to be considered include the nature and cost of the accommodation, financial resources and impact of the accommodation on the organization.
Employees:
Office of Human Resources/
Employee Relations at (972) 883-2221;
EmployeeRelations@utdallas.edu;
Marco Mendoza:
marco.mendoza@utdallas.edu;
Ellen Ammons:
ellen.ammons@utdallas.edu
Nona Johnson:
nona.Johnson@utdallas.edu

Students:
Office of Student AccessAbility at
(972) 883-2098;
http://www.utdallas.edu/studentaccess/

Job Applicants & Visitors:
UT Dallas ADA Coordinator at
(972) 883-5331;
ADA Coordinator@utdallas.edu or
www.utdallas.edu/ada/
The University of Texas at Dallas is committed to providing an educational, living and working environment that is welcoming, respectful and inclusive of all members of the university community.

An environment that is free of discrimination and harassment allows members of the university community to excel in their academic and professional careers.

Nondiscrimination Policy [https://policy.utdallas.edu/utdbp3090](https://policy.utdallas.edu/utdbp3090);
Prohibited Discrimination and Sexual Harassment Misconduct Policy [https://policy.utdallas.edu/utdbp3102](https://policy.utdallas.edu/utdbp3102)
### What is protected?

<table>
<thead>
<tr>
<th>Discrimination is prohibited based upon…</th>
<th>Source</th>
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<tbody>
<tr>
<td>Race</td>
<td>Title VII, Title VI, E.O. 11246, LAB §21.051</td>
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<td>Title VII, Title VI, E.O. 11246, LAB §21.051</td>
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<td>Religion</td>
<td>Title VII, E.O. 11246, LAB §21.051</td>
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<td>Sex (including pregnancy)</td>
<td>EPA, Title VII, E.O. 11246, Title IX, LAB §21.051</td>
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<td>National Origin</td>
<td>Title VII, Title VI, E.O. 11246, LAB §21.051</td>
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<td>Age</td>
<td>ADEA, ADA, LAB §21.051</td>
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<tr>
<td>Disability</td>
<td>§503 RA, §504 RA, ADA/ADA-AA, LAB §21.051</td>
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<td>Genetic Information</td>
<td>GINA</td>
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<td>Veteran Status</td>
<td>VEVRAA, USERRA</td>
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<td>Sexual Orientation</td>
<td>UTS105, E.O. 11246</td>
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<td>Gender Identity</td>
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<td>Gender Expression</td>
<td>UT Dallas</td>
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Types of Discrimination

- Disparate Treatment (or different treatment)
- Adverse Impact (disproportionate affect)
- Harassment
- Accommodation (disability or religion)
- Equal Pay (wage disparity based on sex)
- Retaliation
Harassment

• *Unwelcome verbal or physical conduct* directed at specific individual or group of identifiable individuals

• Because of *protected class*
  – race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or gender expression

• When such conduct is sufficiently severe, *pervasive, or persistent* so as to have the purpose or effect of
  – interfering with work performance (alters conditions of employment); or
  – creating a hostile work environment.
Examples

- Using racially derogatory words, phrases, epithets.
- Demonstrations of a racial or ethnic nature such as the use of gestures, pictures or drawing which would offend a particular racial or ethnic group.
- Comments about an individual’s skin color or other racial/ethnic characteristics.
- Negative comments about an employee’s religious beliefs.
- Negative stereotypes regarding an employee’s birthplace or ancestry.
- Negative comments on employee’s age when referring to employees 40 and over.
- Derogatory or intimidating references to an employee’s mental or physical impairment.
Is Your Behavior Unwelcome?

• Consider:
  – Is there equal initiation and participation between me and the person I’m interacting with?
  – Would I want my actions to appear in the university newsletter or on the evening news?
  – Would I want someone else to act this way towards a family member or a person that I’m in a relationship with?
  – Is there equal power between me and the person I’m interacting with?
• Defining Harassment
  – The conduct must be severe or pervasive enough to create an environment that a reasonable person would find hostile or abusive, and the harassed person must perceive the environment to be hostile or abusive.
  – Factors such as the context, nature, scope, frequency, duration, and location of incidents, as well as the identity, number, and relationships of the persons involved are considered.

• What is not harassment?
  – Simple teasing
  – Offhand comments
  – Minor isolated incidents
  – Comments or behavior mutually agreeable to all parties involved
  – Open invitations to join a group of employees for a social event
Prevention and Responsibility

• Know and comply with university policy and procedure
• Complete Training
  – Compliance Training: within 30 days of hire; annual refresher; change in job duties; change in regulations.
• Report incidents that you experience directly or witness and incidents reported to you.
  – Discrimination/Harassment: It is the responsibility of every supervisor, administrator and University official to promptly report potential incidents to the OIEC.
  – Sexual Misconduct: Responsible employees (all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants) have a duty to report incidents of sexual misconduct to the Title IX Coordinator.
• Cooperate with investigations
• Support complainants
University Responsibility

• Take prompt & effective action
• Stop the harassment
• Prevent recurrence of the behavior
• Remedy the effects of the behavior

• Liability:
  – By supervisor: employer *automatically liable* if harassment resulted in *tangible employment action*
    • If the supervisor's harassment results in a hostile work environment, the employer can avoid liability only if it can prove that: 1) it reasonably tried to prevent and promptly correct the harassing behavior; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.
  – By non-supervisory employees or others: employer liable if *knew or should have known* about harassment & *failed* to take immediate and appropriate *corrective action*
Any administrator, faculty member, student or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint under these policies, participated in an investigation or disciplinary process of such a complaint, or opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University.

Nondiscrimination Policy https://policy.utdallas.edu/utdbp3090;
Prohibited Discrimination and Sexual Harassment Misconduct Policy https://policy.utdallas.edu/utdbp3102
Concerns, Questions, Comments?

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