

Texas Woman's University University Regulation and Procedure

**Regulation and Procedure Name: Non-Discrimination, Equal Opportunity,
and Diversity**

**Regulation and Procedure
Number: URP: 05.100**

Policy Owner: Finance and Administration

POLICY STATEMENT

Texas Woman's University ("TWU") strives to create and actively promote a welcoming and supportive environment to recruit, hire, retain, and support a culturally diverse faculty and staff. TWU prohibits discrimination and harassment because of any characteristic protected under state or federal law in its policies, procedures, activities and facilities as described in this University Regulation and Procedure ("URP").

APPLICABILITY

This policy applies to TWU Employees, Students, University Affiliates, and Guests.

DEFINITIONS

1. "Discrimination" means treating an individual or group of individuals unfavorably in their employment because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status or any other characteristic protected under applicable federal or state law.
2. "Employee" means any individual at TWU who is hired in a full-time, part-time, or temporary capacity in a faculty or staff position, or in a position where the individual is required to be a student as a condition of employment.
3. "Harassment" means unwelcome verbal or physical conduct because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status or any other characteristic protected under applicable federal or state law when such conduct creates an intimidating, hostile, or offensive environment and is:
 - a. Sufficiently severe, pervasive, or persistent that it interferes with a student's ability to participate in or benefit from educational programs or activities; or

- b. Sufficiently severe, pervasive, or persistent that it unreasonably interferes with an Employee's work performance or creates an intimidating, hostile, or offensive work environment.
 - c. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment for the purpose of this policy. To constitute a policy violation, the conduct must create a work or educational environment that would be intimidating, hostile, or offensive to reasonable people. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or educational performance.
4. "Retaliation" means any adverse action, treatment, or condition taken against an individual who participates in a protected activity, including making a good faith report or complaint of discrimination or harassment, 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.
5. "Student" means an individual who has applied for admission or readmission to the University, 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.
6. "University Affiliate" means any individual associated with TWU in a capacity other than as a Student or Employee who has access to TWU resources through a contractual arrangement or other association. This includes the following individuals:
- a. Contractors and Vendors: an individual, business, or governmental entity that has a fully executed contract to provide goods or services to TWU. This includes employees of contractors or vendors and independent contractors.
 - b. Employee of a Governmental Agency: an individual employed by a federal or Texas state agency.
 - c. Employee of a TWU-Affiliated Institution: an individual who works for organizations that are tightly aligned with the University.
 - d. Pre-Employment Individual: an individual who will be hired by the University and the hiring department has sponsored their access to TWU resources.

- e. Other University Affiliate: any individual who does not fit into any other category and needs access to TWU resources.

REGULATION AND PROCEDURE

I. TWU Equal Opportunity Employer and Educator

- A. TWU is committed to being an equal opportunity employer and educator. To carry out this commitment, TWU has established a procedure for individuals who feel they have experienced discrimination, including harassment, based on any characteristic protected by law.
- B. TWU prohibits discrimination and harassment against any individual because of because of race, color, national origin, ethnicity, religion, sex, sexual orientation, gender identity, gender expression, pregnancy, age, veteran status, disability, genetic information, or any other characteristic protected under state or federal law in its application and admission processes; educational programs and activities; employment policies, procedures, and processes; and TWU facilities.
- C. Retaliation is also prohibited under this URP and shall not be tolerated. Retaliation shall be regarded as a separate and distinct cause for complaint and if substantiated, will result in disciplinary action up to and including termination of employment.

II. Complaints and Grievances for Employment Discrimination

A. Reporting Complaints:

- 1. Employers who believe that they have been subjected to discrimination, harassment, or retaliation should immediately report to the TWU Equal Employment Opportunity (“EEO”) Officer, Title IX Coordinator or designee.

EEO Officer: (EEO@twu.edu)

Title IX Coordinator: (TitleIX@twu.edu) Complaints of criminal acts should also be referred to the TWU Department of Public Services (“DPS”) for investigation.

DPS: (940-898-2911)

B. Duty to Report:

Employees who become aware of specific and credible incidents of discrimination, harassment, or retaliation are required to report the allegations to the TWU EEO Office or Title IX Coordinator. Employees who fail to report such incidents may be subject to disciplinary action.

C. Investigation of Complaints:

The EEO Officer, Title IX Coordinator, or designee will investigate the complaint, make recommendations for the resolution of any complaints, and monitor the circumstances surrounding complaints to ensure that the situation has been remedied.

D. Interim Measures:

If, during the investigation of a complaint, it is determined that interim measures are necessary to prevent the possibility of further discrimination, harassment, or retaliation, the EEO Officer, Title IX Coordinator, or designee responsible for investigating the complaint will recommend appropriate interim measures. Interim measures are not disciplinary in nature and must be consistent with other TWU policies and procedures.

E. False Complaints and Statements

An Employee who knowingly makes a false complaint or who knowingly provides false information during an investigation conducted under this URP is subject to disciplinary action.

III. Affirmative Action

In addition to a commitment to equal opportunity, TWU also has a commitment to annually develop an Affirmative Action Plan. TWU 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 TWU policy. These actions include, but are not limited to, establishing guidelines for search committees to encourage qualified applicants from all races, sexes, national origins, religions, ethnicities, sexual orientation, sexual expression, ages, veteran's service status, and physical abilities; and recruiting in under-recruited areas.

IV. Required Employee Training

A. Employees shall receive training on preventing discrimination, retaliation, and harassment as follows:

1. New Employees shall receive within 30 days of hire.
2. All Employees shall participate in a refresher training course every two years. Such training shall be documented in either an electronic or hard copy of the Employee Statement of Training.

B. Training shall include information regarding TWU policies, procedures, and practices related to discrimination, harassment, and retaliation.

V. Compliance

- A. Employees that violate this policy are subject to corrective and disciplinary action, including and up to dismissal, in accordance with TWU's URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes and URP 05.600: Staff Standards of Conduct and Disciplinary Process. TWU may also take corrective action against interns, volunteers, contract employees, contractors, and/or consultants that violate this policy, including and up to termination of TWU's relations or access with that individual or entity. Students that violate this policy are subject to corrective and disciplinary action, including and up to suspension or expulsion, in accordance with TWU's URP 06:200: Student Code of Conduct.
- B. Discrimination is illegal under federal and state law. Official governmental investigations by federal, state, and local authorities, including the Equal Employment Opportunity Commission, the Texas Workforce Commission Civil Rights and Discrimination Division, Texas Commission on Human Rights, or the U.S. Department of Education Office for Civil Rights may result in civil liability against TWU and any person found to have engaged in illegal discrimination.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621

Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 12101

Civil Rights Act of 1991, 42 U.S.C. § 1981 et seq.

Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff

Employee Retirement Income Security Act of 1974, 29 U.S.C. Ch. 18

Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e et seq, 5 U.S.C. § 5108

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

Pregnancy Discrimination Act of 1978, 42 U.S.C. § 2000e(k)

Sections 503 and 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 791

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e et seq.

Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681 et seq.

Vietnam Era Veteran's Readjustment Assistance Act of 1974, 38 U.S.C. § 4212

Worker Adjustment and Retraining Notification Act of 1988, 29 U.S.C. Ch. 23

Tex. Labor Code Ch. 21

[URP 01.225: Prohibition of Sexual Misconduct](#)

[URP 01.235: Resolution Procedures for Complaints of Prohibited Conduct](#)

[URP 02.330: Faculty Responsibilities, Standards of Conduct, and Disciplinary Processes](#)

[URP 05.600: Staff Standards of Conduct and Disciplinary Process](#)

[URP 06.200: Student Code of Conduct](#)

FORMS AND TOOLS

None

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