

## Resolution Procedures for Allegations of Discrimination, Harassment, Sexual Misconduct, or Retaliation filed with Equal Opportunity & Title IX

### I. Reporting Possible Violations of UNT Equal Opportunity & Title IX Policies.

**A. How to File an Incident Report:** Equal Opportunity & Title IX (“EOTIX”) handles reports of discrimination, harassment, sexual misconduct, and retaliation involving members of the UNT community. All incident reports begin as inquiries. If, after consulting with potential complainants, EOTIX determines that there is not a viable allegation of an EOTIX policy violation, it will close the matter as an inquiry. If EOTIX determines the inquiry could be an EOTIX policy violation, it may become a formal complaint meriting an investigation.

1. Incident reports about discrimination, harassment, sexual misconduct, or retaliation should be submitted online [here](#).
2. Confidential employees should submit their incident reports online [here](#).
3. Anyone who has trouble accessing these webforms, has questions, or otherwise needs assistance can email [oeotix@unt.edu](mailto:oeotix@unt.edu), call 940-565-2759, or visit Suite 175 in the Hurley Administration Building.

**B. Time Period for Filing Incident Reports:** Incident reports of alleged discrimination, harassment, or retaliation should be submitted within 180 calendar days of the alleged action that forms the basis of the inquiry. (Incident reports of sexual misconduct do not have the same timely reporting requirement.) Prompt reporting is strongly encouraged, as it allows for rapid cessation and resolution of objectionable behavior. If an inquiry is not filed in a timely manner, the report will be reviewed to determine whether a waiver of the timeline is warranted. EOTIX may grant a waiver of the 180-day filing requirement for reasons such as:

1. The Complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the inquiry was filed within 60 calendar days after the Complainant could reasonably have become aware of the alleged discrimination (note that lack of previous awareness of EOTIX or its policies is not a basis for a waiver).
2. The Complainant was unable to file an inquiry because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the inquiry was filed within 60 calendar days after the period of incapacitation ended.
3. Unique circumstances generated by the University’s action have adversely affected the Complainant.

**C. Confidentiality:** Information related to an investigation of discrimination, harassment, sexual misconduct, or retaliation can be sensitive and the University will take appropriate steps to maintain the greatest degree of confidentiality possible. In all situations, confidentiality is maintained on a need- to-know basis; however, confidentiality can only be preserved insofar as it does not interfere with the University’s obligation to investigate allegations of misconduct that require the University to take corrective action. Participants in an investigation will be advised that maintaining privacy is essential to protect the integrity of the investigation and will be advised to refrain from discussing the complaint or investigation during the resolution process.

If at any point the Complainant requests that their name or other identifiable information be held confidential with respect to the Respondent or decides not to pursue action by the University, the University will make reasonable attempts to respond to the incident report consistent with the Complainant’s request. But the University’s ability to investigate the incident report and respond to the alleged conduct may be limited. Recognizing the University’s obligation to review incident

reports, the University will weigh the Complainant's request against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the University's commitment to provide a reasonably safe and nondiscriminatory environment, the rights of the Respondent to receive notice and relevant information before disciplinary action is taken, and other obligations as provided for under federal and state law. If the University determines that it is necessary to proceed with a formal investigation or implement other appropriate remedies, the Complainant will be notified of the University's chosen course of action.

- D. **Anonymous Reports:** Unsigned or anonymous reports will be processed as practicable; however, the University's ability to address reports of this nature will likely be limited because of the inability to adequately investigate them. The UNT System Anonymous Trustline reporting form is available [here](#).

## II. Participating in EOTIX's Process.

- A. **Duty to Cooperate:** Faculty and staff must cooperate with University investigations concerning allegations of discrimination, harassment, sexual misconduct, and retaliation. Refusal to cooperate may result in disciplinary action. Students are encouraged to participate in investigations. Members of the University community who have concerns regarding the duty to cooperate should contact EOTIX.
- B. **Employment Action During An Investigation:** Any contemplated adverse employment actions toward the Complainant, Respondent, or Witnesses involved in an investigation must be brought to the attention of EOTIX before implementation. EOTIX will consult with supervisors, the Office of the Provost, Human Resources ("HR"), and the Office of General Counsel ("OGC") as necessary to protect parties from retaliation.
- C. **Timeline for Investigations:** Reasonable efforts will be made to complete investigations in a timely manner, taking into account the date the written incident report was received, giving consideration to the nature of the allegations and the circumstances surrounding the formal complaint process.
- D. **Advisors:** If a Complainant or Respondent desires, they may be accompanied to an investigatory meeting by an advisor of their choice. Complainants and Respondents are required to notify EOTIX of the name and position of the advisor who will accompany them no later than two business days in advance of any scheduled meetings. Witnesses in the investigation cannot serve as advisors. The Complainant and Respondent are expected to ask and respond to questions on their own behalf. Advisors must not engage in the use of verbal or nonverbal cues or speak on behalf of the parties.
- E. **Non-retaliation:** UNT prohibits retaliation against any person who, in good faith, reports a possible violation, makes a formal complaint, or provides information in connection with the investigation of a complaint made under this procedure. Retaliation by faculty or staff is a violation of University Policies 16.004 and 16.005, and suspected retaliation can be reported to EOTIX. All participants in an investigation will be advised of the University's prohibition against retaliation.
- F. **False Complaints and Statements:** Any individual who knowingly makes a false complaint or who

knowingly provides false information during an investigation conducted under these procedures is subject to disciplinary action, including expulsion, termination of employment, or termination of business relationships with the University. EOTIX will refer allegations of false complaints to University Integrity & Compliance when the individual is an employee, and to DOS when the individual is a student.

### **III. Incident Report Intake and Processing.**

- A. Policies Prevail Over Procedures:** Anyone who believes they have been subjected to discrimination, harassment, or retaliation in violation of University Policy 16.004 (Prohibition of Discrimination, Harassment, and Retaliation) or sexual misconduct in violation of University Policy 16.005 (Prohibition Against Sexual Misconduct and Retaliation) may file an incident report with EOTIX. Incident reports will be processed in accordance with the procedures detailed in University Policies 16.004 and 16.005 and these Resolution Procedures. University Policies 16.004 and 16.005 prevail over these Resolution Procedures in case of any conflict.
- B. EOTIX Responds:** EOTIX will respond to complaints of discrimination, harassment, and retaliation when the respondent is a student or employee of UNT. EOTIX will also respond to all complaints of sexual misconduct regardless of the Respondent's status as student, employee, or unaffiliated with the University. EOTIX considers the Complainant's preferences regarding how to proceed with an incident report, but EOTIX has the final determination on whether an incident report merits no action, an informal resolution, or a formal investigation.
- C. Referrals:** EOTIX will evaluate each complaint to determine if the office has a duty to investigate. If EOTIX is not the proper office to handle the complaint, the Complainant may be referred to the appropriate office for assistance.
- D. Supportive Measures:** At any time during an investigation, if it is determined that supportive measures are required to mitigate potential discrimination, harassment, sexual misconduct, or retaliation during the pendency of the investigation, EOTIX will recommend supportive measures after consultation with appropriate University officials. These measures may include separating the parties, placing limitations on contact between the parties, placing the Respondent on leave pending investigation or reassignment, or making alternative workplace or student housing arrangements. Supportive measures are not disciplinary in nature and must be consistent with other University policies.

### **IV. Informal Complaints.**

- A.** The University recognizes that conflict in a university setting occasionally occurs and, when it does, community members should be supported to work together to resolve disputes and conflicts. EOTIX provides informal resolution options for complaints alleging discrimination, harassment, sexual misconduct, or retaliation, and will facilitate a resolution of the complaint without the need for a formal investigation. The informal complaint process is not a prerequisite for filing a formal EOTIX complaint, and participation in the informal process is voluntary. Deciding not to participate will not be held against either the Complainant or the Respondent.
- B.** Following the receipt of an incident report, EOTIX will contact the Complainant and schedule an initial investigatory interview. EOTIX will assess the complaint to determine whether informal

processing is appropriate, and whether resolution of the complaint can be achieved through informal measures, such as conflict resolution, a No Contact Order, or educational opportunities. If EOTIX determines that informal resolution is appropriate, and the parties agree, EOTIX will initiate informal resolution procedures. Informal processing is appropriate when the parties desire to resolve the situation cooperatively or the concerns brought by Complainant do not rise to the level of a formal complaint. Informal complaints may also be appropriate for responding to anonymous reports or third-party reports.

- C. At any time during the informal complaint process, the Complainant, Respondent, or representative from EOTIX can stop the process and advance the complaint to a formal complaint. If the complaint does not allege a policy violation, the complaint will not proceed to a formal complaint.
- D. EOTIX encourages informal resolution of a complaint; however, the formal complaint process will be used when the informal process is inappropriate (*e.g.*, allegations of serious misconduct, reports of a pattern of inappropriate behavior, alleged criminal acts such as sexual assault or physical assault).

**V. Formal Complaints.**

- A. The purpose of the formal complaint procedure is to determine whether a violation of policy alleged by a Complainant has occurred.
- B. **Notice to Respondent:** When EOTIX receives a complaint, the Complainant will be contacted and the issue evaluated to determine if there is a duty to investigate. If so, EOTIX will issue a notice of complaint to the Respondent by UNT email. If the Respondent is unresponsive to the notice or cannot be contacted by UNT email, EOTIX will make reasonable attempts at notification by other methods. If it is determined that the Respondent cannot be located or the Respondent does not respond to attempts at notification, this fact will be documented and the investigation will proceed to the extent practicable.
- C. **Notice to Others:** EOTIX will notify:
  - 1. The Respondent's supervisor of the allegations under investigation. In cases where the supervisor is named as another Respondent or witness, EOTIX will instead provide notice of the allegations to the next appropriate supervisor in the chain of command.
  - 2. If the Respondent is a staff member, EOTIX will notify HR of the allegations under investigation.
  - 3. If the Respondent is a faculty member, EOTIX will notify the Provost of the allegations under investigation.
  - 4. If the Respondent is a student, EOTIX will notify DOS of the allegations under investigation.
- D. **Investigation:** The investigation generally will include, as appropriate, interviews with the Complainant and Respondent, interviews with Witnesses, and a review of relevant documents. Parties may be interviewed more than once or contacted to clarify an earlier statement.
- E. **Written Responses and Documents:** Respondents who wish to provide a written response to the allegations against them will be provided an opportunity to do so. Parties who wish to provide documents relevant to the investigation will be provided an opportunity to do so.

- F. Witnesses:** The Complainant and Respondent may provide EOTIX with names of individuals whom they wish for EOTIX to interview. These individuals should be persons with information based on conduct they have seen, heard, or experienced that is related to the allegations being investigated. EOTIX will disclose facts to witnesses as reasonably necessary to conduct a fair and thorough investigation. EOTIX retains discretion to determine which witnesses will be interviewed.
- G. Preliminary Investigative Report:** An investigation will result in a Preliminary Investigative Report that summarizes the allegations, party statements, witness statements, and relevant documents gathered during the investigation. Parties will have a chance to review and comment upon the Preliminary Investigative Report, as well as provide any final additional evidence they would like the decisionmaker to consider.
- H. Final Investigative Report Without Analysis:** After the parties review the Preliminary Investigative Report and submit any final information, the investigator will draft a Final Investigative Report Without Analysis. The investigation will then be transferred from the investigator to the decisionmaker (which is either an adjudicator or hearing officer). Thus, the investigator is not the ultimate decisionmaker.
- I. Final Investigative Report With Analysis/Decision Form:** An EOTIX adjudicator or hearing officer will review the investigator's Final Investigative Report Without Analysis and all documents and evidence collected during the investigation. An adjudicator will draft a Final Investigative Report With Analysis after reviewing relevant documents. A hearing officer will schedule a hearing and, together with a hearing panel, draft a Decision Form after the hearing is held. Both Final Investigative Reports With Analysis and Decision Forms will contain a determination as to whether University Policy has been violated and an analysis for that determination. Adjudicators and hearing panels use the preponderance of evidence standard, which is also known as the greater weight of the evidence. For allegations of discrimination, harassment, sexual misconduct or retaliation, there are two possible determinations decisionmakers can reach:
1. Substantiated: There is sufficient evidence that it is more likely than not that the relevant policy has been violated, based on the evidence reviewed.
  2. Unsubstantiated: There is insufficient evidence to prove or disprove that the relevant policy has been violated, based on the evidence reviewed.
- J. Procedures Post-Investigation:** The Complainant and Respondent will receive written notification of the determination by the decisionmaker as to whether the University Policy at issue was violated. Respondent's supervisor, HR, Provost, and DOS will be notified of the determination as appropriate for the Respondent's status as a staff member, faculty member, or student.
- K. Appeals:** A Complainant or Respondent may appeal the decisionmaker's determination to the Appellate Officer. An appeal must be submitted to the appellate officer [here](#) within ten business days from the date of the Final Investigative Report With Analysis or Decision Form. The appeal process is not a re-investigation of the original complaint, nor designed for mere disagreement with the outcome. It is an opportunity for the appealing party to request a review based on one or more of the following grounds:
1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (*e.g.*, substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
  2. To consider new evidence, unknown or unavailable during the investigation, that could

substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the appeal.

A complete appeal will include the basis for the appeal and how this affected EOTIX's determination in the case. Incomplete requests will not be considered. The decision of the appellate officer regarding the determination is final.

- L. Corrective Measures and Recommendations:** For employees, the Respondent's supervisor is responsible for implementing sanctions or corrective measures in response to EOTIX's determinations. Supervisors should consult with the head of the administrative unit, the Provost, HR, or OGC as appropriate before issuing sanctions. For students, DOS is responsible for implementing sanctions or corrective measures.

**M. References and Cross References:**

[16.001 Disability Accommodation for Students and Academic Units](#)

[16.004 Prohibition of Discrimination, Harassment, and Retaliation](#)

[16.005 Prohibition Against Sexual Misconduct and Retaliation](#)

[07.012 Code of Student Conduct](#)

[04.027 Ethics](#)