



# **Handbook of Operating Procedures**

**Section:** 2.2.1  
Originally Approved: 10/05/1990  
Last Amended: 01/19/2010  
Last Reviewed: 01/19/2010  
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## **NON-DISCRIMINATION POLICY**

### **A. Purpose**

The purpose of this policy is to set out The University of Texas-Pan American policies concerning non-discrimination, equal opportunity and affirmative action.

### **B. Persons Affected**

This policy applies to students, staff, faculty, job applicants, applicants for admission and visitors of The University of Texas-Pan American (UTPA).

### **C. Policy**

The policy of the University is 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, religion, national origin, gender, including sexual harassment, age, disability, citizenship, and veteran status. Procedures for filing discrimination complaints on the basis of gender, including sexual harassment, are addressed by [Handbook of Operating Procedures Section 2.2.4](#). Pursuant to University policy, this policy also prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression.

### **D. Definitions**

1. *Discrimination.* Conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, color, religion, national origin, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression.
2. *Harassment.* A form of discrimination that is verbal or physical conduct directed at an individual or group because of race, color, religion, national origin, age, disability, citizenship, 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 an individual's or group's academic or work performance; or of creating a hostile academic or work environment.

### **E. Responsibilities**



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Responsibility for implementing the Equal Opportunity Policy and Affirmative Action Plan rests with every member of the University community: administrative officers, deans, department chairs, supervisory personnel and members of search committees.

Every supervisor, administrator and University official is responsible for promptly reporting incidents of discrimination and harassment in violation of this policy that come to their attention to either Human Resources, the Office of the Dean of Students or the EEO/AA Compliance Officer.

### **F. Procedures**

#### 1. Complaints and Inquiries

- a. Disability Concerns. Complaints or inquiries related to disability issues may be addressed pursuant to [Section 2.2.3, Policy Concerning Accommodations for Individuals with Disabilities](#), in the *Handbook of Operating Procedures*.
- b. Sexual Harassment or Sexual Misconduct. Complaints or inquiries related to sexual harassment or sexual misconduct may be addressed pursuant to *Handbook of Operating Procedures* [Section 2.2.4, Sexual Harassment and Sexual Misconduct Policy](#).
- c. Complaints or inquiries not related to disability, sexual harassment, or sexual misconduct issues may be pursued through procedures as set forth below.
  - i. Employees may pursue complaints or inquiries through the employee's supervisor, the Assistant Vice President/Director of Human Resources, or the EEO/AA Compliance Officer.
  - ii. Visitors may pursue complaints or inquiries by reporting the incident to the appropriate administrator, the department chair, or program/activity sponsor.
  - iii. Students may pursue complaints or inquiries through the Office of the Dean of Students.

#### 2. Training

Pursuant to [Texas Labor Code, Section 21.010](#), new employees who work more than 10 hours per week for more than a month shall receive training regarding employment discrimination and sexual harassment within 30 days of hire. All employees shall participate in a refresher training every two years. A record of the completed training shall be documented in each employee's personnel file or stored electronically.



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## **NON-DISCRIMINATION POLICY**

### **G. Review**

The Divisional Head for this policy is the President and this policy shall be reviewed every five years or sooner if necessary by the following stakeholders:

1. EO/AA Compliance Officer – Senior Reviewer
2. Dean of Students
3. Assistant Vice President/Director Human Resources
4. Faculty Senate Chair
5. Staff Senate Chair
6. SGA President
7. Council of Deans