



THE UNIVERSITY OF TEXAS AT EL PASO

Employment Discrimination
and Sexual Misconduct
Prevention Training

What is covered?

- EO protected classes
- Equal Opportunity / Non-Discrimination / Non-Retaliation Policy
- EO best practices when hiring
- Resolution and EO complaint procedures
- Consensual Relationships Policy
- ***Sexual Misconduct Policy and related policies (Revised)**
- Sexual Harassment / Examples of Sexual Misconduct
- Intent vs. Impact
- Title IX
- ***Reporting requirements per Texas law and UTEP policy (Important)**
- You can take action
- Retaliation
- High standard at UTEP
- Accommodations for Individuals with Disabilities Policy
- Religious Accommodation Policy
- ***Teachable Takeaways (NEW)**
- Additional training and resources

It is everyone's responsibility

- The University of Texas at El Paso (UTEP) is committed to an academic and employment environment free from discrimination and sexual harassment/misconduct.
 - Employees should report behaviors that appear to violate federal and state laws, and UTEP's institutional policies.
 - Employees **must promptly** report sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator.
 - Employees should report when they know of or suspect possible discrimination.
 - Don't engage in any conduct that may be interpreted as discriminatory or harassing, and immediately stop any offensive behavior when asked.
 - Be respectful of each other's differences and everyone's right to feel secure at work and school.
 - By completing this module, you will have met the state employment discrimination training requirement pursuant to **Chapter 21, Section 21.010 of the Texas Labor Code.**

Equal Opportunity (EO) Office

- The role of the EO Office is to:
 - Consult, advise, and be a resource regarding equal opportunity related issues such as discrimination and harassment based on the protected classes listed below.
 - Facilitate informal resolutions and conduct impartial formal complaint investigations.
 - Provide EO-related guidance and training to UTEP.

Protected classes

- A **protected class** is a characteristic of a person who is protected under various equal employment laws and regulations. The following are considered protected classes:
 - Race
 - Color
 - National origin
 - Sex
 - Religion
 - Age
 - Genetic information
 - Disability
 - Veteran status
 - Sexual orientation
 - Gender identity

Key terminology

- **Equal Opportunity**
 - The policy of ensuring the same rights, access, and treatment for all individuals and prohibiting discrimination based on race, gender, disability, national origin, religion, or other protected class.
- **Discrimination**
 - To engage in unfavorable and unequal treatment of individuals based on a protected class.
- **Harassment**
 - The result of being persistently or severely tormented, troubled, or badgered by repeated annoyances, threats, demands, or other behavior or conduct.
 - Harassment based on any of the protected classes is considered to be a form of discrimination.
 - Hostile Environment is conduct based on any of the protected classes that is:
 - Ongoing, pervasive, or severe
 - Interferes with work performance
 - Creates an intimidating, hostile, or offensive environment
- **Retaliation**
 - Taking or threatening to take adverse action against someone because the individual has filed, supported, complied with, or provided information in connection with an EO complaint.
 - Retaliation includes, but is not limited to, intimidation, threats, or harassment against any complainant, witness, or third party.

Power of language

- At UTEP, the language we use to describe ourselves and those around us has a significant impact on how we are treated and how we treat others. It is important to respect differences in beliefs, values, and backgrounds.
- Abusive or bullying language such as insults, profanity, mocking, and body-shaming will not be tolerated.
- The use of stereotypes and hazing are examples of behaviors that are also unacceptable at UTEP.

Equal Opportunity / Non-Discrimination / Non-Retaliation Policy

- UTEP is an **E**qual **O**pportunity/Affirmative Action employer. The University is in compliance with Equal Pay Act of 1963, Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, as amended, Title IX of the Civil Rights Act of 1972, Education Amendments, Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, Section 402 of the Vietnam Veterans Act of 1974, Immigration Reform and Control Act of 1986, Title II of the Americans with Disabilities Act (ADA) of 1990, and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Title II of the Genetic Information Act of 2008, Pregnant Workers Fairness Act (PWFA) of 2023, Pregnancy Discrimination Act of 1978, Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, Department of Labor Order No. 4, Executive Order 11246, as amended, and Chapter 21 of the Texas Labor Code. The University is committed to providing equal opportunity to all employees and individuals seeking employment or access to its programs, facilities, or services, and will not discriminate against these persons because of **race, color, national origin, sex, religion, age, veteran status, disability, genetic information, sexual orientation or gender identity**.
 - In addition to this commitment, UTEP will take affirmative steps to ensure that applicants and employees are treated in a non-discriminatory manner regarding all aspects of employment.

Types of discrimination

- **Disparate treatment**
 - Occurs when individuals are treated differently and unfavorably based on a protected class.
 - Example: A manager automatically rejects Mexican-American applicants on the basis that they might be undocumented.
- **Disparate impact**
 - Occurs when a rule, policy or practice, even if neutral in its intent, has a disproportionate negative impact on members of a protected class.
 - Example: Requiring an education level that is not essential for certain jobs may negatively impact minority groups that have been limited in their access to educational opportunities.

Scenario 1: National Origin

- **National Origin** refers to an individual's country of origin or that of his/her ancestors such as: Mexican, Russian, Indian, Canadian, Chinese, and American.

Example: Alexi, a Serbian-American, applies to work as a front desk representative. Although Alexi speaks fluent English, the manager who conducts the interview comments about his name and noticeable accent. If the manager makes a hiring decision based on Alexi's accent or his national origin, they have violated the law.

- Hiring decisions should be based on objective, job-related criteria and not on any of the protected classes.

Scenario 2: Sex

- **Sex** refers to gender (male or female).

Example: When assessing female candidates for a new position, promotion, or other work-related opportunities, only considering women for administrative positions instead of traditionally male dominated opportunities can be discriminatory.

- The employer should not make assumptions based on gender.
- All applicants must be treated equally and given the same opportunity in the hiring process.
- The employer should equally evaluate all applications and demonstrate consistency in the hiring process.

Scenario 3: Age

- **Age** as a protected class refers to individuals who are age 40 and over.

Example: Luke, the department supervisor, allows the younger employees to attend trainings for professional development, however, does not allow his older workers to have the same opportunity because he says, “they no longer need training, they are already over the hill and close to the end of their term”.

- In this scenario, the supervisor’s comments are inappropriate.
- The supervisor is improperly basing opportunities on age and referring to the employees’ age in a derogatory manner.
- Employers must be cautious and refrain from any type of age bias toward employees.

Scenario 4: Disability

- The term **disability**, with respect to an individual, refers to having a physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment.

Example: Jose has a medical condition that has impacted his ability to do his job. He engages in the ADA interactive accommodation process to work with his supervisor and healthcare provider to identify an accommodation that enables him to continue performing his essential job functions. His job requires him to sit in front of his computer for his entire shift. Jose is permitted to have frequent breaks so he can walk around to alleviate his medical condition and allow him to work his entire 8-hour shift.

- Employees have the right to seek an ADA accommodation to assist them in performing their essential job functions.
- As a qualified individual with a disability, the employer may be required to provide Jose a reasonable accommodation, which is a modification or an adjustment to a job or the work environment that will enable the individual with a disability to perform the essential functions of the job and afford equal employment opportunities.

Scenario 5: Race

- **Race** discrimination refers to treating individuals differently and unfavorably based on race, including the following categories: Hispanic/Latino, Asian, Native Hawaiian or Pacific Islander, African American, American Indian or Alaska Native, and White.

Example: Miyuki, of Japanese descent, gets a job as a clerk. After her first day on the job, a small group of coworkers start making fun of her intentionally, mispronouncing her name, slanting their eyes when they see her, or performing Karate chops in the air. Miyuki asks her coworkers to stop, however, the behavior continues and occurs many times during her first month on the job.

- It is prohibited to harass and discriminate based on race, including derogatory statements, slurs, or jokes.
- This is an example of inappropriate and unacceptable behavior in the workplace. Because the co-workers' behavior appears to continue despite employee's requests to stop, if the employer fails to take prompt action to stop the behavior, the employee may be able to establish a hostile work environment claim.

Scenario 6: Sexual orientation / gender identity

- **Sexual orientation** refers to a person's physical, romantic, and/or emotional attraction to people of the same and/or opposite gender
 - Examples of sexual orientation include straight (or heterosexual), lesbian or gay (or homosexual), and bisexual.
- **Gender identity** refers to a person's internal sense of one's own gender, which may or may not correspond to the sex assigned to a person at birth, and which may or may not be made apparent to others.

Example: An employer rejects a job application from a transgender man because he does not fit the hiring manager's sense of what a man should be like.

- This is often argued as a form of illegal sex stereotyping.
- All applicants must be treated equally and given the same opportunity in the hiring process.
- The employer should utilize an appropriate method of determining whether applicants meet job-related qualifications and apply it uniformly, regardless of sexual orientation or gender identity.

Scenario 7: Genetic Information

- **Genetic Information** discrimination refers to the use of genetic information in employment decisions and restricts employers from requesting, requiring, or purchasing genetic information; it also strictly limits the disclosure of genetic information. Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

Example: An employee is fired after they disclosed their mother has diabetes; the supervisor assumed that the employee would also be diagnosed with diabetes and would need to be on leave frequently.

- An employer may never use genetic information in making employment decisions, since the possibility that someone may develop a disease or disorder in the future has nothing to do with the employee's current ability to perform a job.
- The employer would be violating the Genetic Information Nondiscrimination Act (GINA).

Scenario 8: Religion

- **Religious** discrimination refers to treating applicants or employees differently based on their religious beliefs or practices – or lack thereof – in any aspect of employment, including recruitment, hiring, assignments, discipline, promotion, and benefits.

Example: Eve is a secretary who displays a Bible on her desk at work. Xavier, a secretary in the same workplace, begins displaying a Quran on his desk at work. Their supervisor allows Eve to retain the Bible but directs Xavier to put the Quran out of view because he states, "co-workers will think you are making a political statement, and with everything going on in the world right now we don't need that around here."

- This differential treatment of similarly situated employees with respect to the display of a religious item at work constitutes religious discrimination.

EO best practices when hiring

- As a UTEP employee, you may be involved in the hiring of other employees. You have the responsibility to ensure a fair and equitable selection process by:
 - Preparing interview questions in advance and asking the same questions to all candidates.
 - Asking questions that are job/skill-related.
 - Not asking questions about race, sex, religious beliefs, height, weight, marital/family status, birthplace, nationality, sexuality, disability, childcare arrangements, or any other potentially discriminatory topic.
 - Treating all candidates in the same manner.
 - Evaluating and selecting candidates based on objective, job-related, and measurable criteria.
 - Properly documenting interview and selection outcomes.

Bias

- Bias is a tendency, trend, inclination, feeling, or opinion, especially one that is preconceived or unreasoned.
Example: A hiring manager assumes that a pregnant woman will not return to work after the baby has been born.
- Everyone has unconscious biases that affect our decision-making process in a number of ways: our perception, attitude, behaviors, attention, listening, and micro-affirmations.
- Sometimes biases can have an impact when we are not aware of them and apply them inappropriately to rash decisions or discriminatory practices.

Example: Turning away talented applicants for illogical or superficial reasons unrelated to qualifications.

Resolution and EO Complaint Procedures

- The Equal Opportunity Office has the informal and formal resolution processes available to any member of the University community who believes he or she has been subject to discrimination or harassment.
- **Informal Resolution Process:** Consists of informal assistance such as strategies for the individual to inform the offending party that his/her behavior is inappropriate and should stop; coaching the responding party to make them aware of an issue and remind them of expected behaviors and adherence to UTEP policy; mediating the dispute with the parties; aiding in the modification of a situation in which the offensive conduct occurred; assisting a department or division with the resolution; or arranging a meeting with the alleged offender that involves a discussion of the requirements of the equal opportunity policy. However, if necessary, the University may take more formal action to ensure an environment is free from equal opportunity violations and discrimination.
- **Formal Complaint Process:** A formal investigation will be initiated if a complaint is complete, timely, within the scope of the Equal Opportunity/Non-Discrimination/Non-Retaliation policy and articulates sufficient specific facts, which, if determined to be true would support a finding that this policy was violated. The complainant will provide a written statement that describes the alleged conduct that is the subject of the complaint. The responding party would then have an opportunity to respond. Based on the information received through this process, an investigation will be performed, and the findings would be part of a written report that may include recommendations. The complainant and responding party may respond to the findings and recommendations. The written report and responses would then be provided to the respective vice president for review and final determination.

Mid-module questions

Question #1 (Refer to Slide #4)

The EO Office addresses complaints of hostile environment when the conduct is based on any of the protected classes.

True or False

Question #2 (Refer to Slide #11)

The EO Office has processes available to any member of the University community who believes he or she has been subject to discrimination or harassment based on a protected class.

True or False

Consensual Relationships Policy

- The University recognizes that consenting adults should be free to engage in a personal relationship where the relationship does not interfere with the goals and policies of the University. Some romantic, dating, or sexual relationships, while consensual, create conflicts of interest. The policy addresses those consensual relationships.
- The Consensual Relationships Policy applies to all University administrators, faculty, staff, and students.
- Violations of the Consensual Relationships Policy should be reported to the EO Office.
- The following consensual relationships, even if a single event, are prohibited:
 - A **supervisor** and **supervisee**, regardless of whether the supervisory relationship is direct or indirect, unless the supervisor discloses the relationship to the Office of Human Resources in advance, and a management plan is in effect.
 - A **coach or athletic staff** and **any student-athlete or student** assigned to or associated with the athletics department, such as interns and student employees.
 - A **faculty member** and a **student** who is enrolled in the faculty member's course or is otherwise under the supervision of the faculty member.
- **NOTE:** While other consensual relationships are not prohibited by this policy, all UTEP employees should carefully consider the impact that romantic and sexual relationships may have on the work or academic environment before engaging in them.

Scenario 9: Consensual Relationships

- Taylor is enrolled in Professor Smith's class during the Fall semester. Taylor and Professor Smith's Teaching Assistant, Jamie, were attracted to each other and decided to engage in a romantic/sexual relationship just before the holiday break. They tried to be discreet during class so no one would find out they were dating. Shortly after classes resumed, they broke up. Taylor stopped going to class and her classmates were concerned and discussed it with Jamie. He tells them not to worry about it.
 - Jamie in his capacity as a Teaching Assistant has an impact over Taylor's academic standing; therefore, this relationship would be a violation of policy.
 - Jamie and Taylor's relationship is a conflict of interest.
 - This relationship can also be perceived as favoritism.
 - There is a potential of retaliation against Taylor as well.

*Sexual Misconduct Policy and related policies (Revised)

- UTEP is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with:
 - Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities
 - Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment
 - Campus Sexual Violence Elimination Act (SaVE Act)
- Sexual misconduct is a form of sex discrimination and will not be tolerated. **Sexual misconduct under UTEP's policy includes sex discrimination, sexual harassment, sexual assault, stalking, domestic violence, dating violence, and other inappropriate sexual conduct.** Individuals who engage in sexual misconduct will be subject to disciplinary action.
- **Sexual misconduct will not be tolerated.**
- This policy applies to all University administrators, faculty, staff, students, and third parties within the University's control, including visitors, job applicants, and applicants for admission.

Intent vs. Impact

- Behavior may constitute harassment even if there was no INTENT to harass.
- What matters is the IMPACT of the behavior on the recipient and the employment or academic environment.
- “I didn’t mean anything by it” is not a valid defense for harassing behavior.
- To avoid potential problems, consider how your behavior will be received before you engage in it.

Consent

- Consent is a voluntary and mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent is negotiable at each stage of intimacy. Past consent does not imply future consent. Consent can be withdrawn at any time.
- Consent is not effective if it results from: (a) use of physical force, (b) threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual activity.

Sexual Harassment

- Sexual harassment under Title IX is defined as **conduct on the basis of sex that satisfies one or more of the following:**
 - Quid pro quo;
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
 - **Sexual assault, dating violence, domestic violence, or stalking** as defined under federal and state law.
- Even if an incident does not meet the definition of sexual harassment under Title IX, it may still be investigated under other policies and law, such as Title VII.
- Behavior or conduct must be unwelcome (unwanted) to be considered sexual harassment, but unwelcome does not mean involuntary.
 - A person may CONSENT or agree to conduct and actively participate in it, even though it is offensive or objectionable to him/her.
 - Past submission to such behavior does not negate a person's right to file a complaint.

Examples of Sexual Misconduct (might include)

- **Verbal**
 - Sexual innuendos, comments, or remarks about body, clothing, or sexual activities
 - Repeated sexually-oriented kidding, teasing, joking, or flirting
 - Suggestive or insulting sounds (whistling)
 - Offensive or crude language
 - Sexual propositions, invitations, repeated requests for dates
- **Non-verbal**
 - Offensive or obscene looks or gestures, including winking, blowing kisses, or licking lips
 - Staring, leering, or looking a person up and down
 - Displaying, distributing, or sending a person sexually explicit or suggestive images
- **Physical**
 - Patting, pinching, hugging, massaging, brushing up against a person's body, or other unwelcome touching
 - Attempted or actual kissing or fondling
- **As you read the following scenarios, consider the definition of sexual harassment to determine whether each example is in compliance with the Sexual Misconduct Policy.**

Scenario 10: Quid pro quo

- **Quid pro quo** (“this for that”) occurs when, “an employee of the institution condition[s] the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.”
 - A subordinate who at first submits to an advance, but later changes his/her mind may file a complaint.

Example: Gloria applied for an employment opportunity within her department that will offer her a promotion. She mentioned it to her supervisor as a professional courtesy. The supervisor tells her that he is part of the search committee for the position and if she were to agree to participate in a romantic relationship with him, he would make sure she is hired for the position.

- The supervisor’s proposal of a romantic relationship with Gloria as part of her promotion is prohibited and is an example of quid pro quo sexual harassment.
- Terms or conditions of employment include but are not limited to: promotion opportunities, job duties, job expectations, performance evaluations, work schedule, leave approval, pay raises, and other related matters.

Scenario 11 : Sexual favoritism

- **Sexual favoritism** occurs when opportunities or benefits are granted to an individual based on his/her submission to sexual advances or requests for sexual favors, while others are denied such benefits. Sexual favoritism in employment or in the classroom can negatively affect the opportunities of third parties.

Example: Alfred is engaged in a romantic, sexual relationship with an employee whom he supervises, Iris. Iris frequently comes in late, takes long lunches, and doesn’t have as many job duties as her co-workers. Her co-workers on the other hand, work long hours, take short lunches, and perform some of her job duties.

- Iris is being treated differently and is improperly receiving benefits for being in a relationship with her supervisor, Alfred.
- Conversely, Iris’ co-workers are being impacted adversely by Alfred’s relationship with Iris.

Title IX

- Title IX of the Education Amendments Act of 1972 is a federal law that applies to institutions which receive federal financial assistance from the U.S. Department of Education (ED). Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."
- Under Title IX, educational programs and activities that receive federal funds must operate in a nondiscriminatory manner. Sexual harassment and sexual violence are considered forms of sex discrimination covered by Title IX.
- Acts of sexual violence may include: rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and aggravated sexual assault.
 - Definitions for sexual violence are available on UTEP's Title IX website.
- Complaints should be reported to the Title IX Coordinator and/or a Deputy Title IX Coordinator listed below.
- For more information about Title IX, including supportive measures, on campus and off campus resources, and available trainings, please visit UTEP's Title IX website at: <https://www.utep.edu/titleix>.

Title IX Coordinators

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*Reporting requirements per Texas law and UTEP policy (Important)

- Under Texas law, an employee who witnesses or receives information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking alleged to have been committed by or against a person who was a student or employee of UTEP at the time of the incident, **must promptly report all relevant information** of the incident to **UTEP's Title IX Coordinator or a Deputy Title IX Coordinator**.
- **Please note: an employee will not fulfill this requirement if they report the incident to a supervisor or other employee or believe that another employee who also received similar information has or will report the incident, including the alleged victim.**
- An employee **commits an offense** if the person knowingly fails to make a report per the above, or with an intent to harm or deceive, an employee knowingly makes a report that is false. The offense is considered a Class B misdemeanor, except for cases in which an intent to conceal the incident has been determined, whereby the offense would constitute a Class A misdemeanor.
- An employee is **subject to termination** in accordance with the institution's disciplinary procedure if the person **knowingly** fails to promptly report an incident as described above, or, with an intent to harm or deceive, an employee knowingly makes a report that is false.
- Further, Responsible Employees (**all** administrators, faculty, staff, resident life directors and advisors, and graduate teaching assistants) who witness or receive a report of sexual misconduct are required to report the incident **promptly** to the Title IX Coordinator or a Deputy Title IX Coordinator.
- Incidents of sexual misconduct (including sexual harassment and sexual violence) can be reported by:
 1. Directly contacting the Title IX Coordinator, or a Deputy Title IX Coordinator
 2. Submitting an online reporting form found on the Title IX webpage and Sexual Misconduct Policy
 3. Emailing **titleix@utep.edu**
- In addition, if you experience sexual misconduct (to include acts of sexual violence), the University encourages you to make a report to the UTEP Police Department.

*See Texas Senate Bill 212

Scenario 12: Reporting

- Alice writes an email to Professor Villa letting him know that she has been having trouble focusing on his class due to an “incident” over the weekend. Alice further explains to Professor Villa that an acquaintance named Tony sexually assaulted her after they had gone out on a date. She further shares the date of the incident but asks Professor Villa to keep this email between them “private” as she is not certain whether she wants to report it to other university officials or the police.
- Upon receiving the email, Professor Villa contemplates the idea of reporting the incident out of respect for Alice, but eventually does report it to his Dean **ten days** later, only sharing that an unnamed student in his class told him she was sexually assaulted and struggling with course work. The Dean tells Professor Villa that he should inform the Title IX Coordinator or Deputy Title IX Coordinators about the incident. Professor Villa, **fifteen days** after the incident, reports it to the Title IX Coordinator by email, only stating that an unnamed student reported to him that she was sexually assaulted.
 - Professor Villa was serving in his capacity as a University employee.
 - An incident of sexual assault was reported to him by a student.
 - The incident allegedly occurred while Alice was a student of the University.
 - Professor Villa had a duty to report.
 - Though Professor Villa reported the incident to the Dean, the incident was not reported promptly to the Title IX Coordinator.
 - Even if the incident had been reported promptly to the Title IX Coordinator, Professor Villa did not provide “all relevant information,” such as the names of the involved parties (including the student), date of the incident, and Alice’s desire for confidentiality.
 - Though the Dean has directed Professor Villa to the Title IX Coordinator, the Dean must also report his/her/their knowledge of the incident to the Title IX Coordinator or a Deputy Title IX Coordinator.

You can take action

- UTEP encourages ANY person who believes he/she/they has been subjected to discrimination or sexual misconduct to immediately report it to the Title IX Coordinator or a Deputy Title IX Coordinator. Do not accept discrimination or harassment as “the way things are.” Also, ignoring discrimination or harassment will not make it go away.
- **Speak up at the time**
 - Say “NO” clearly and firmly.
 - Tell the person that his/her advances are unwelcome/inappropriate, and you want it stopped.
 - If a person’s behavior makes you uncomfortable, say so – set boundaries early.
 - If you don’t feel comfortable confronting the harasser yourself, get help.
- **Seek Advice** – the earlier, the better.
- **Keep Records** – Note the times, date, places, witnesses and the nature of the discriminatory or harassing behavior such as what was said, the tone, and how you responded.
- We can ALL work to make our campus safer by intervening when we witness potential misconduct.
 - Active bystanders can help to prevent sexual harassment/misconduct and/or sexual violence by:
 - Speaking up when threatening situations arise
 - Confronting inappropriate behavior (if safe to do so)
 - Reporting misconduct through appropriate channels
 - Helping to create a campus culture where employees and students look out for one another
- **NOTE:** For additional information regarding the Title IX process, please visit the Title IX website.

Retaliation

- According to the law and UTEP policies, any administrator, faculty member, student, or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint, 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.
 - DON'T let fear of retaliation stop you from coming forward with your concerns. UTEP wants everyone to feel secure when reporting possible misconduct.
 - This protection applies regardless of the outcome of the complaint.
 - Individuals are protected from retaliation by federal and state laws and UTEP policy.
 - Examples of retaliation include but are not limited to: denying a promotion, assigning disagreeable duties, taking away responsibilities, imposing disciplinary action, or proposing termination out of retaliatory intent rather than for legitimate business reasons.

Everyone has rights

- Whatever your role is on campus, it is important to know that everyone on campus has rights regarding discrimination and harassment based on any of the protected classes.
- Everyone has the right to work and learn in an environment that is free from discrimination and harassment.
- Everyone has the right to address or report conduct they believe is improper or in violation of policy.

High standard at UTEP

- It takes the entire Miner Community working together to prevent sexual misconduct and sexual violence at UTEP. Everyone plays an important role in prevention by creating a culture of safety, equality, and respect on campus.
- As UTEP employees, we need to hold ourselves to a high standard and promote a culture where everyone is respected and supported in order to reach their fullest potential.
- Harassment is illegal when individuals are treated differently based on any of the protected classes.
- By following our policies for reporting harassment and discrimination, you help us foster and maintain a campus environment where all may thrive.
- Federal and state laws and UTEP policy protect employees' rights to have a workplace that is free from discrimination and sexual harassment/misconduct.
- You do not have to accept or be subjected to conduct that is offensive or inappropriate.
- Report conduct that you believe is inappropriate or in violation of policy, whether it is happening to you or to someone else.

Mid-module questions

Question #1 (Refer to Slide #14)

Sexual misconduct includes sex discrimination, sexual harassment, sexual assault, stalking, domestic violence, dating violence, and other inappropriate sexual conduct.

True or False

Question #2 (Refer to Slide #19)

As defined under UTEP policy, “Responsible Employees”, who witness or receive a report of sexual misconduct and are required to report the incident **promptly** to the Title IX Coordinator or a Deputy Title IX Coordinator include:

- a. All administrators, faculty, staff
- b. Resident life directors and advisors
- c. Graduate teaching assistants
- d. All of the above

Question #3 (Refer to Slide #22)

Retaliation is not prohibited by federal and state laws and UTEP policy.

True or False

Accommodations for Individuals with Disabilities Policy

- The University is committed to providing reasonable accommodations and auxiliary services to students, staff, faculty, job applicants, prospective and entering students, and other beneficiaries of University services with documented disabilities in order to provide them with equal opportunities to participate in compliance with sections 503 and 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) of 1990, the ADA Amendments Act of 2008 (ADAAA), Pregnant Workers Fairness Act (PWFA), Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, and the Pregnancy Discrimination Act of 1978. Reasonable accommodations will be provided unless it is determined that doing so would cause undue hardship to the University.



ADA accommodation requests at UTEP

- Individuals with permanent or long-term medical conditions who need assistance to perform the essential functions of the job or perform academically may seek an accommodation under the ADA. Reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical condition will also be reviewed under the interactive accommodation process.
- **Employee** requests should be directed to the **ADA Coordinator**, Beatriz Tapia, in the EO Office, at **ADAAccommodations@utep.edu**.
- **Supervisors** should refer employees to the EO Office to discuss the Interactive Process for ADA accommodation requests.
 - Confidentiality is key when managing an employee's ADA accommodation request. Therefore, information should only be shared with employees who have a need to know in order to implement the ADA accommodation.
 1. Supervisors should not inquire about the details of the employee's medical condition.
 2. Employees are not required to disclose their medical condition to management.
- **Students** who are in need of an academic-related ADA accommodation or reasonable accommodation(s) due to pregnancy, or pregnancy-related condition should contact the Center for Accommodations and Support Services (CASS).
- **For software purchases**, please contact UTEP Technology Support for an ADA accessibility assessment.
- Approved ADA accommodations are typically issued on a fiscal year basis.
- Any records or information obtained as part of the ADA reasonable accommodation process will remain separate from the employee's personnel file and will be kept confidential in the EO Office.

NOTE: To learn more about UTEP's ADA Interactive Accommodation Process, please visit the EO website.

Religious Accommodation Policy

- The University is committed to providing an academic and work environment that is respectful of religious beliefs in accordance with Title IV and Title VII of the Civil Rights Act of 1974, and the Texas Education Code, Section 51.911, Religious Holy Days. This commitment includes embracing religious diversity and cultivating a community of inclusion and respect and providing religious accommodations as appropriate.
- A **religious accommodation** is a reasonable change in the work or academic environment that enables an individual to practice or observe a sincerely held religious belief or practice, but which does not fundamentally alter the academic or work environment or cause undue hardship to the mission or operations of the University.
- This policy applies to students, faculty, staff, prospective and entering students, and applicants for employment at the University. To learn more about UTEP's **Religious Accommodation Policy**, please visit the EO website or the HOP, Section VI, Chapter 5.
- The University will strive to protect the requesting individual's privacy to the extent allowable by law. The appropriate individuals will discuss and review the request for purposes of evaluation and potential implementation of the requested accommodation.

*Teachable Takeaways (NEW)

- Equal opportunities in the workplace are important for creating a fair and equitable work environment and improving productivity and employee engagement. UTEP is committed to maintaining a learning and working environment that is free from discrimination and harassment.
- Treat all employees with respect, listening to their ideas, valuing their contributions, and providing equal opportunities for participation, growth, and advancement.
- The Title IX Program addresses matters pertaining to sex discrimination, including sexual misconduct, sexual harassment and acts of sexual violence. Be informed of important reporting requirements as a Responsible Employee. You can obtain more information in the Title IX website: <https://www.utep.edu/titleix>.
- ADA, pregnancy related, and religious accommodations are available to UTEP students, faculty and staff. Visit <https://www.utep.edu/eoaa> for more information.
- **You can take action:**
 - Contact the Equal Opportunity Office with concerns pertaining to race, national origin, color, sex, religion, age, genetic information, veteran status, disability, sexual orientation and gender identity.
 - Promptly report sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator.
 - Report retaliation, which is prohibited, immediately to the Title IX Program or the Equal Opportunity Office.

Additional training

- In addition to this compliance training, training relating to EO and Title IX is available.
- **Title IX training**
To sign up for or request Title IX training, please visit the Title IX webpage at <https://www.utep.edu/titleix/> and click on the “Training” title or link.

Also, please visit Campus Edge to sign up for general session sexual misconduct trainings when they become available.

- **EO-related training**
Contact the Equal Opportunity Office
Phone: (915) 747-5662
Location: Kelly Hall, Room 302
Email: eoaa@utep.edu

Additional resources

- **Title IX Website (which includes on/off campus resources)**
<https://www.utep.edu/titleix>
- **Equal Opportunity Office**
<https://www.utep.edu/eoaa>
- **Handbook of Operating Procedures
Section VI: Equal Opportunity**
<https://www.utep.edu/hoop/index.html>
 - Ch. 1 Equal Opportunity / Non-Discrimination / Non-Retaliation Policy
 - Ch. 2 Accommodations for Individuals with Disabilities Policy
 - Ch. 3 Sexual Misconduct Policy
 - Ch. 4 Consensual Relationships Policy
 - Ch. 5 Religious Accommodation Policy
- Concerns related to discrimination and harassment may also be reported to outside entities:
 - U.S. Department of Education;
 - Office for Civil Rights;
 - U.S. Equal Employment Opportunity Commission.

End-module questions

Question #1 (Refer to Slide #26)

Supervisors should refer employees to the EO Office to discuss the Interactive Process for ADA accommodation requests.

True or False

Question #2 (Refer to Slide #26)

ADA accommodation requests are permanent accommodations.

True or False

Question #3 (Refer to Slide #27)

Religious accommodation requests do not fundamentally alter the academic or work environment or cause undue hardship to the mission or operations of the University.

True or False