

Title IX at UNT

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Pronouns: she/her/hers

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Sexual Misconduct

Sexual Misconduct is unwelcome or wrongful conduct of a sexual nature, or based on gender, which negatively impacts a person's ability to access UNT's employment or education benefits. It includes:

- Prohibited Consensual Relationships
- Sexual Harassment
- Dating and Domestic Violence
- Stalking
- Sexual Exploitation
- Sexual Coercion
- Sexual Assault



Sexual Harassment



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Sexual Harassment:

- ***Quid pro quo***: An employee of the institution conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct
- 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

UNT Policy 05.021 - Consensual Relationships

Relationships between faculty or staff in positions of authority and their subordinates or their students are **not permitted**.

- Prohibited even with consent from both parties

Potential for **sexual harassment** and **conflicts of interest** in personal relationships with subordinates or students



Sexual Misconduct Reporting Obligation

- Employees who become aware of *suspected* sexual assault, sexual harassment, dating violence, stalking, or retaliation, are **required to report** the suspected violation immediately to their supervisor **and to the Office of Equal Opportunity.**
- Faculty and staff at UNT are mandated reporters.
- Failure to report may lead to disciplinary action.
- You may report via phone call, email, or online at **report.unt.edu**



Senate Bill 212 – Mandatory Reporting

State Law: Employee reporting obligation is triggered when an “**employee** of a postsecondary educational institution” “**witnesses or receives information**” regarding an incident that “the employee **reasonably believes** constitutes sexual harassment, sexual assault, dating violence, or stalking” which was allegedly committed **by or against** “a student enrolled at or an employee of the institution at the time of the incident.”



Senate Bill 212 - What do I report?

The mandated report to the Title IX coordinator or deputy Title IX coordinator must include “**all information** concerning the incident known to the reporting person that is relevant to the investigation.”

Senate Bill 212 – Employment Consequences

Mandatory Termination - If a school determines that an employee failed to satisfy their mandatory reporting requirement, the school would be required to terminate that employee “in accordance with the institution’s disciplinary procedure.”

There does not appear to be an exception for tenured faculty members.



Senate Bill 212 – Criminal Penalties

In addition, SB 212 makes it a **Class B misdemeanor** (punishable by a maximum of 180 days in jail and/or a maximum fine of \$2,000) for a person who “is required to make a report under Section 51.252 and **knowingly fails** to make the report” or “with the intent to harm or deceive, knowingly makes a report . . . that is **false.**” The offense is escalated to a **Class A misdemeanor** (punishable by up to one year in jail and/or a maximum fine of \$4,000) “if it is shown on the trial of the offense that the actor intended to conceal the incident.”

Senate Bill 212 – To Whom do I Report?



Report.unt.edu is the easiest way, when both parties are students.



You may also contact me, the Title IX Coordinator, at OEO@unt.edu or TitleIX@unt.edu



You may report to any of the Deputy Title IX Coordinators, including Dr. Moe McGuinness, Dean of Students

How to respond when a student asks you if they can tell you something in confidence

It depends on what you would like to discuss. As a UNT employee, I am required to report sexual misconduct, relationship violence, stalking, and crimes. I cannot keep those things confidential, but there are confidential resources available on campus, and in the local community which I can refer you to—if you would like.



What happens to the person who is accused of discrimination or harassment?

- An employee accused of discrimination or harassment is called a “respondent,” and will be treated with professionalism and respect, as would any employee.
- Just because an employee has been accused, does not mean the employee is guilty.
- During an investigation, the respondent has a chance to defend themselves and present information and witnesses.



Retaliation

There can be no retaliation against an individual for:

- Filing a good faith claim of discrimination
- Instituting any proceeding under or related to state or federal anti-discrimination laws
- Participating in a discrimination investigation or proceeding



So what's changed?

16.005 – Prohibition of Sexual Misconduct

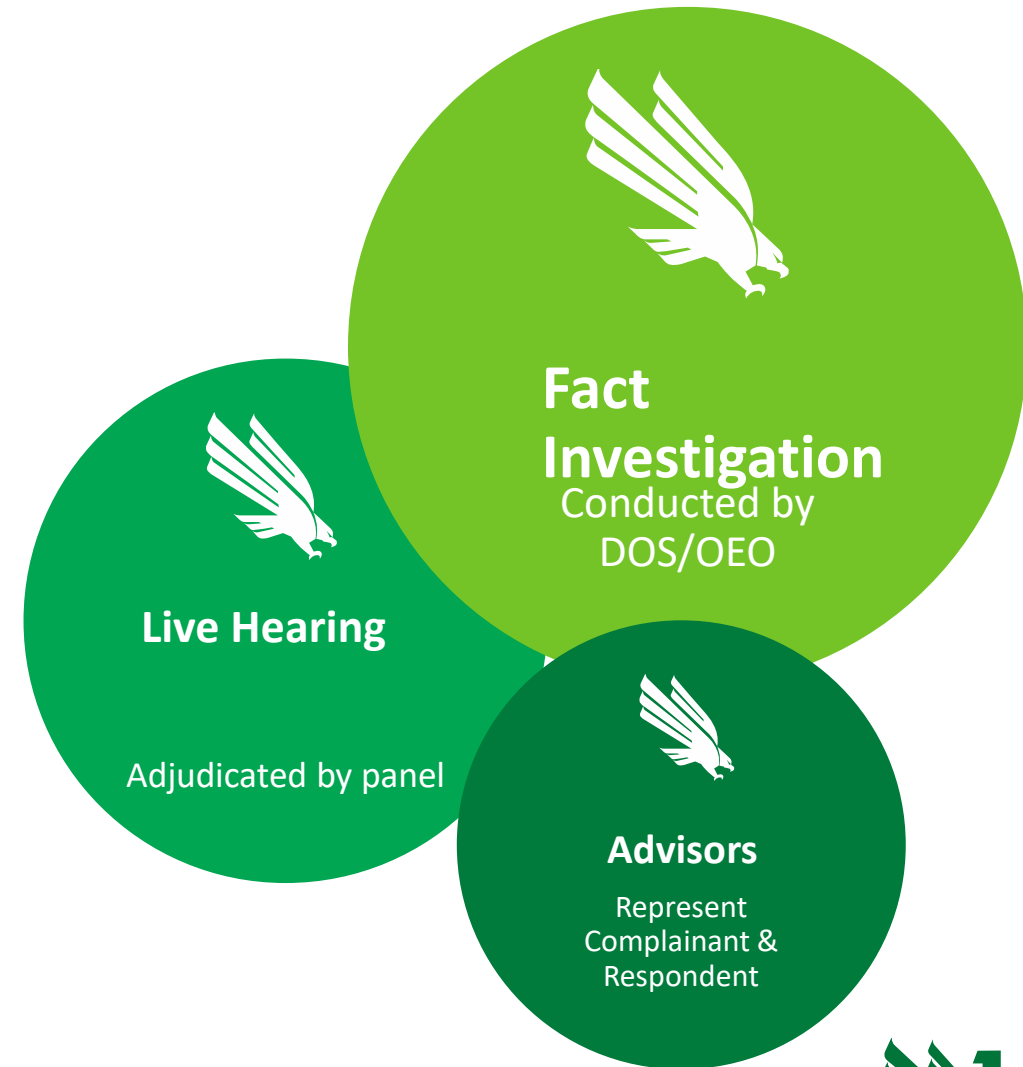


Sexual Harassment:

(1) Unwelcome (2) sex-based verbal or physical conduct that:

- In the employment context, (3) unreasonably interferes with a person's work performance or (4) creates an intimidating, hostile, or offensive work environment, OR
- In the education context, is (3) sufficiently severe, persistent or pervasive that the conduct (4) interferes with a student's ability to participate in or benefit from educational programs or activities.

New Title IX Process





Advisors

We must provide representation to Complainant and Respondent for the hearing, free of charge.



If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross examination on behalf of that party.

- Review investigation report
- Meet with assigned party to get a fuller understanding of facts
- Work with assigned party to craft questions for the hearing
- Ask questions at the hearing

Who's Who?

DOS/OEO

Dean of Students and Equal Opportunity investigators can be seen as the police in this process. They receive a report of misconduct, they question the accused and the accuser, they meet with witnesses, and they compile all factual information for the adjudicators.

Hearing Officer

The Hearing Officer is similar to a judge and jury foreperson, making determinations of relevance and other matters, providing policy guidance to the panel, and drafting the opinion.

Hearing Panelist

The Hearing Panelists are similar to a jury, listening to all the evidence and working with other panelists to reach a determination.

Advisor

The advisors can be seen as “attorneys” representing the Complainant (accuser) and Respondent (accused).





Contact Information

OEO@unt.edu

940-565-2759

Inquiry Forms are available at:

ied.unt.edu/file-complaint