

University Policy Statement

To the extent provided by applicable law, no person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored or conducted by the University of Texas system or any of its component institutions, on the basis of race, color, national origin, religion, sex, age, veteran status or disability.

In addition to compliance to federal and state laws and regulations regarding discrimination, the University of Texas at San Antonio's policy prohibits discrimination on the basis of sexual orientation regarding admissions, employment or access to programs, facilities or services at UTSA.

UTSA Handbook of Operating Procedures Section 9.1 – General Provisions on Nondiscrimination and Sexual Harassment and Sexual Misconduct:

<http://www.utsa.edu/hop/chapter9/9-1.cfm>

Office of Equal Opportunity Services (EOS) and Non-discrimination

The EOS office is responsible for receiving, investigating and seeking conciliation of complaints filed on the basis of discrimination and harassment.

The Law

Statutory provisions, not limited to but including the following, apply in the review of complaints in the prohibition of discrimination on the basis race, color, national origin, religion, and sex (including pregnancy and sexual harassment), age, disability and veteran status.

Equal Pay Act of 1963 prohibits discrimination by employers to pay equal wages for equal work, regardless of sex.

Title VII of the Civil Rights Act of 1964 prohibits discrimination in all areas of the employer-employee relationship on the basis of race, color, national origin, religion, and sex (including pregnancy and sexual harassment), age, disability and veteran status, the latter (3) protected groups under their own statutory provisions, as well. It applies to all employers of 15 or more employees, regardless of whether or not federal assistance is received.

Executive Order 11246 prohibits discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment by federal contractors/subcontractors.

Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination against employees' age 40 or older. This law was amended in 1975 and in 1986. The 1986 amendment abolished mandatory retirement of employees at any age and expanded coverage of the law to include entire institutions, government entities and private employers that receive federal funds.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex (including sexual harassment and pregnancy) and the failure to provide equal opportunity in athletics in educational programs and activities that receive federal financial assistance.

Rehabilitation Act of 1973 - Section 503 prohibits employers who have federal contracts worth more than \$25,000 or receive financial assistance from discriminating against disabled individuals and requires affirmative action to employee in advance and employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of the job. **Section 504** prohibits discrimination on the basis of disability in any program or activities that receives federal financial assistance.

Vietnam Era Veterans Readjustment Assistance Act of 1974 and Amendments prohibits job discrimination and requires affirmative action to employee and expensive employment qualified, Vietnam era veterans, qualified special disabled veterans, recently separated veterans, and other protected veterans.

Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against qualified individuals with disabilities in all aspects of employment and requires employers to provide reasonable accommodations to qualified applicants and employees with disability, unless such accommodations would impose an undue hardship on the employer.

Retaliation under federal law and UTSA policy is prohibited against a person who files a charge of discrimination, participates in an investigation or proceeding, or otherwise opposes discrimination.

UTSA Policy prohibits discrimination on the basis of sexual orientation regarding admissions, employment or access to programs, facilities or services.

Office of Equal Opportunity Services (EOS) and Recruitment

The Office of Equal Opportunity Services and UTSA's Office of the Vice Provost for Academic and Faculty Support (VPAFS) partner in the process for recruitment and hiring of faculty.

EOS functions as the EEO Office responsible for monitoring and coordinating the faculty recruitment process for the purpose of compliance with search procedures, university policies,

and legal regulatory requirements. EOS also ensures that the university's goals for achieving diversity in the recruitment of faculty is taken into consideration by monitoring the diversity of each searches' applicant pool. EOS provides guidance in supporting the University's goal of identifying, recruiting and retaining highly qualified, talented, and diverse faculty, including women, members of underrepresented groups, veterans, and individuals with disabilities.

Overview of the Complaint Process

- I. EOS encourages students, faculty, staff and visitors of UTSA to report incidents of discrimination and EO issues to EOS as soon as possible, but no later than thirty (30) work days from the date the alleged incident, unless extenuating circumstances exist.
 - a. Complaint process and form: <http://www.utsa.edu/eos/complaintProcess.htm>
- II. There are two types of complaint resolution processes available to those who believe they have been subject to illegal discrimination: informal resolution and formal resolution.
 - a. Based on initial review of complaint, EOS will determine the resolution process (informal or formal), inform the complainant and proceed with the investigation. If the complaint presented falls outside EOS's jurisdiction, EOS will identify and refer you to the appropriate university office for further information and advice.
- III. Investigations by the Office of Equal Opportunity Services will be conducted expeditiously and completed no later than sixty (60) work days from the date of the written complaint unless unusual circumstances require more time.
- IV. Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by federal laws and by university policy.
- V. Any person who believes he or she has been discriminated against or has knowledge of discriminatory or harassment activity should immediately contact the Office of Equal Opportunity Services.

For additional information on the Non-Discrimination Policy and Process, please refer to:

UTSA Handbook of Operating Procedures Section 9.1 – General Provisions on Nondiscrimination and Sexual Harassment and Sexual Misconduct:

<http://www.utsa.edu/hop/chapter9/9-1.cfm>

Request for Information

Students, faculty staff or visitors to UTSA who may have experienced discrimination or seek advice on related complaints, contact the Office of Equal Opportunity Services (EOS) at telephone number (210) 458-4120 or visit the EOS website at: <http://www.utsa.edu/eos>.