

THE UNIVERSITY OF TENNESSEE
TITLE IX IMPLEMENTATION PLAN

2013-2014

September 30, 2013

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Part 1 – Overview of the University of Tennessee’s Title IX Enforcement Program

I. Overview of The University of Tennessee

The University of Tennessee is comprised of campuses at Knoxville, Chattanooga, and Martin, the Health Sciences Center at Memphis, and the statewide Institute of Agriculture and Institute for Public Service. This plan continues to cover all University of Tennessee locations.

The University states that “[t]he University of Tennessee System has a presence in each of Tennessee’s 95 counties. Through the combined force of its education, research and outreach, the University serves students, business and industry, schools, governments, organizations and citizens throughout the state. Statewide, the University provides a range of accessible and affordable educational opportunities at the undergraduate and graduate levels, as well as highly regarded professional schools. Approximately 49,500 students are enrolled and more than 335,000 alumni live throughout the state, nation and world.” The University’s system mission statement provides that “[t]he University of Tennessee System, through its multiple campuses and institutes, serves the people of Tennessee and beyond through the discovery, communication and application of knowledge. The System is committed to providing undergraduate, graduate and professional education programs in a diverse learning environment that prepares students to be leaders in a global society. The UT System’s delivery of education, discovery, outreach and public service contributes to the economic, social and environmental well-being of all Tennesseans.

The University of Tennessee is a recipient of federal financial assistance for education activities, and in accordance with the provisions of the Education Amendments Act of 1972 (20 U.S.C. Section 1681, et seq.), all of its education programs and activities are subject to the prohibition of Title IX of that act against discrimination on the basis of gender. In 1998, the Tennessee General Assembly passed Public Chapter 758, which requires that each state government entity subject to Title IX develop a Title IX implementation plan annually, and submit it to the state Department of Audit. This Title IX Implementation Plan for the University of Tennessee attempts to follow the guidelines set out for Tennessee State Agencies by the state Comptroller’s office. This plan reflects the guidelines set forth in the document, “Without Regard to Gender,” produced by the Office of Education Accountability. It does not mirror the University’s Title VI Plan that is also required by the State of Tennessee of all of its state agencies.

Both the Title IX plan requirements and the Title VI plan requirements are state requirements. The University has not found any other state government that requires the creation and implementation of a Title IX plan of its state agencies.

For the most part, The University of Tennessee is a recipient of federal financial assistance through its students and is generally not an agency through which federal funds flow to sub-recipients. The University generally receives funds from a federal agency for distribution to other governmental entities or private entities. The University's primary duty under Title IX is to ensure that its own instructional, employment, research, and public service programs and activities are offered without discrimination on the basis of gender. A major national focus of Title IX compliance has been with regard to athletic opportunities provided on a nondiscriminatory basis by the recipients of federal funds. Title IX has also been the legislative vehicle through which individuals in the educational setting are provided coverage against gender discrimination and sexual harassment. A secondary duty of the University is to make reasonable efforts to assure Title IX compliance by those sub-recipients of federal funds distributed through the University. This obligation must be viewed within the University's limited resources and ability to delve into the policies and practices of other agencies that are governed by Title IX. The University's civil rights compliance obligation for subrecipients is carried out through surveys conducted under the requirements of Title VI.

A. Budget Information

The University of Tennessee is a recipient of federal and state funds. A chart has been provided as **Appendix A** showing the schedule of federal expenditures allocated to The University of Tennessee for fiscal year **2010-11**. There is also a schedule of federal agency dollars expended by the University and the amount distributed to sub-recipients in the same appendix.

II. Organization and Designation of Title IX Coordinators

The University of Tennessee has a designated Title IX Coordinator at each campus location, as well as a system coordinator¹. Following is a list of the Coordinators and their respective campuses:

Dr. Michael Alston	Memphis campus
Ms. Patricia Burks-Jelks	Tulahoma campus
Dr. Gail M. Stephens	Martin campus
Ms. Jennifer Richter	Knoxville campus
Dr. Brian Samuel	Chattanooga campus

¹ Jennifer Richter, located at the Knoxville OED office.

These Coordinators have overall responsibility for monitoring compliance with Title IX and other state and federal civil rights functions. Responsibilities for developing and implementing the University's Title IX Implementation Plan are housed in the University's Office of Equity and Diversity located at the Knoxville campus at 1840 Melrose Avenue, Knoxville, TN 37996.

III. Statement of Policies and Applicability

An example of a full University of Tennessee campus "Non-Discrimination EEO/AA Statement" reads as follows:

All qualified applicants will receive equal consideration for employment and admissions without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Eligibility and other terms and conditions of employment benefits at The University of Tennessee are governed by laws and regulations of the State of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, The University of Tennessee affirmatively states that it does not discriminate on the basis of race, sex, or disability in its education programs and activities, and this policy extends to employment by the University.

Inquiries and charges of violation of Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (V/TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity.

In addition to this nondiscrimination statement, the University has established a policy concerning fair employment practices to ensure equal employment opportunity to all University employees and applicants for employment. Personnel Policy 220 reads as follows:

It is the policy of The University of Tennessee not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, disability, age, or being a disabled veteran or veteran of the Vietnam Era. This policy extends to recruitment, employment, promotion, demotion, transfer, lay-off, termination, compensation, training, benefits, and all other terms and conditions of employment.

Employment opportunities will not be distinguished on the basis of sex unless sex is a bona fide occupational qualification. Employment opportunities will not be distinguished on the basis of age except where age is reasonably taken into account as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity administered by the University.

The University will take affirmative action to recruit, employ, and to advance in employment minorities, women, disabled veterans, and veterans of the Vietnam Era. Reasonable accommodations will be made for otherwise qualified disabled veterans and persons with disabilities in accordance with Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

The University prohibits any retaliatory action against an employee for opposing a practice which he/she believes to be discriminatory, including the filing of an internal complaint or grievance or a charge with a state or federal civil rights enforcement agency.

Each unit will promulgate an Affirmative Action Plan for the implementation of the above commitment. Also, each unit will provide a complaint procedure for equal employment opportunity and discrimination complaints. Affirmative Action Plans will be publicized and made available to employees.

The University of Tennessee is committed to the principle that decisions concerning employment, admission, and performance should be based on an individual's qualifications and performance and not on characteristics unrelated to job or academic requirements. Therefore, the university and its employees shall not discriminate against or harass any employee or student on the basis of sexual orientation such as heterosexuality, homosexuality, or bi-sexuality; marital status; parental status; or similar characteristics regardless or whether those characteristics enjoy a protected status under state or federal law. An employee who has a complaint about discrimination or harassment prohibited by this policy should follow the internal complaint procedure required in the previous paragraph of this policy.

[The previous paragraph] shall not be construed to: (1) confer eligibility for employment benefits for which an employee is not otherwise eligible under state law, policy, or practice; (2) infringe upon the free exchange of ideas essential to the academic environment; (3) limit the freedom of religious association; (4) establish a duty to engage in affirmative action measures for characteristics not

subject to affirmative action under state or federal law; (5) require the compliance of external entities or individuals or compliance of university programs governed by external government agencies in which non-discrimination does not include certain personal characteristics (e.g., ROTC); or (6) create any cause of action not currently provided by state or federal law.

A. Other Related Policies

The University has adopted several policies and procedures that support Title IX. As mentioned above, University Personnel Policy 220, Equal Employment Opportunity and Affirmative Action, supports fair employment practices and equal employment opportunity; Personnel Policy 143, Recruiting, provides for the creation of systematic and equitable search procedures at each campus location; Personnel Policy 280, Sexual Harassment, establishes and defines the University's overall policy prohibiting sexual harassment. Policy 280 also establishes the requirement that each campus location provide training for employees on what constitutes sexual harassment, and create a sexual harassment complaint procedure. Personnel Policy 640 establishes a grievance policy that may apply in certain complaint situations.

Hiring policies and practices are monitored and reviewed on each campus by the campus Equity and Diversity/Affirmative Action office. Searches for faculty and professional staff are closely reviewed in order to monitor the recruitment and selection of qualified women applicants (in addition to qualified minority applicants). The Knoxville campus faculty search procedures may be viewed at: <http://oed.utk.edu/searches/>. An example of the University's sexual harassment complaint procedures can be found at: <http://oed.utk.edu/complaints/>.

Additional related policies and procedures can be found in campus and institute affirmative actions plans and in campus student handbooks and faculty handbooks. Student handbooks provide information regarding the University's sexual harassment policies and complaint procedures as they relate to students. Faculty handbooks are another method of notifying faculty of the University's prohibition against sexual harassment. The Knoxville faculty handbook has also provided guidance on the use of non-sexist language in the classroom setting. The handbook has been revised in recent years and policies may be found at <http://provost.utk.edu/facultyhandbook/>. An example of a student handbook may be found at <http://dos.utk.edu/hilltopics/>. The 2013-2014 Knoxville campus handbook includes a section devoted to sexual harassment information for students as well as information specific to contacting the Title IX Coordinator (see: pages 38-44.)

Most policies and procedures are widely available to University faculty, staff, students, and campus visitors through the University's main website, and through each individual campus' websites. See: <http://www.tennessee.edu>. Additionally, the University of Tennessee, Knoxville Athletics Department references Title IX and links to the Equity and Diversity homepage. UT Martin prominently displays its commitment to

Title IX in its Athletics Department handbook (<http://www.utmsports.com/Information/Handbook.pdf>) through its sexual harassment policy (p. 12), its compliance statement (p. 4), and its gender equity statement (p. 4). The Health Sciences and Tullahoma campuses do not have organized athletics programs.

IV. Definitions

“Assurance” is a written statement or contractual agreement signed by an authorized University official in which the University agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

“Applicant” for student purposes is defined as: anyone who expresses an interest in attending the University, fills out the necessary application forms, and pays the required application fee.

For employment purposes, “applicant” is anyone who expresses an interest in employment with the University and fills out the necessary application form(s) or fulfills the application requirements as determined by applicable search committees.

“Beneficiaries” are those persons to whom the University provides instructional, research, or public service assistance, service, or benefits.

“Complaint” is the reporting of an act or activity by any University employee, student, applicant for admission or employment, or other participant in UT’s programs or activities where the reporter believes that he or she has been discriminated against on the basis of race, color, sex (including sexual harassment), religion, national origin, age, disability or veteran status. Complaints generally are to be put in writing and filed within 300 calendar days.

“Discrimination” is to make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, sex, color, religion, disability, age, national origin, or veteran status.

“Educational Program and Activity” includes all the operations of the University including admissions, instruction, research, public service, and employment activities.

“Federal assistance” is any funding, property, or aid provided by the federal government or a federal agency for the purpose of assisting a beneficiary.

“Gender Equity” is the effort to provide services and programs without regard to gender.

“Grievance” for the purpose of the University Grievance Policy (Policy 640), means a non-exempt employee’s complaint about matters listed in the policy that the employee has been unable to resolve with his or her supervisor. “Grievances” which allege discrimination issues must first be addressed through the campus/unit discrimination complaint procedure.

“Noncompliance” for the purposes of Title IX is defined as a failure or refusal to comply with Title IX of the 1972 Educational Amendments, other applicable civil rights laws, and implementing regulations.

“Post Award Compliance Review” will be the methods through which the University ensures that any subrecipients of federal funds will comply with Title IX and other applicable civil rights acts.

“Primary recipient” for purposes of Title IX, is one who receives or benefits from federal financial assistance either directly or through another recipient.

“Secondary recipient” for purposes of Title IX, is viewed in the same manner as a “sub-recipient” for Title VI purposes. A sub-recipient is any entity (or individual) with which the University contracts to perform services funded in whole or in part by federal funds.

“Sex discrimination” is to make a distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on gender.

“Sexual harassment” is defined in University policy as follows: “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or status in a course, program or activity; 2) submission to or rejection of such conduct by an individual is used as a basis for employment or academic (grades, academic progress, internships, etc.) decisions affecting the individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance, academic performance, or creating an intimidating, hostile, or offensive work environment.”

V. Staff and Budgetary Resources

Each Title IX Coordinator for each campus is responsible for coordinating compliance and training functions associated with Title IX and civil rights statutes in general, although such functions may be carried out by other units such as personnel or the General Counsel’s office, Human Resources offices, or by Student Affairs staff. For the past two years, the General Counsel’s office has teamed up with the Offices of Equity and Diversity to develop new and updated training for staff and faculty. Resources are allocated for training, publishing and printing materials, continuing education of personnel working with Title IX issues, and purchasing of current materials and publications through each responsible office’s operating budget. Title IX Coordinators make every effort to meet annually, in conjunction with other meetings, for training updates, guidance, discussion of relevant issues, and assistance in administering the University’s Title IX programs. Additionally, inquiries are made about Title IX in calls

involving the Title IX Coordinators for the system's different campuses, and through discussions with the various campus athletics departments.

In addition to staff efforts, the University has various committees whose responsibilities include a focus on Title IX issues. One of these committees includes the Commission for Women at the Knoxville campus. The Chattanooga Department of Intercollegiate Athletics Gender Equity Committee meets bi-annually to review and assess the athletic department's compliance with Title IX, and the Martin campus has recently created a standing Equity and Diversity Advisory Council.

VI. Civil Rights Training

A. Training efforts and Outreach programs

Title IX Coordinators and/or their staff participate in national conferences, regional training opportunities, and seminars that include Civil Rights and Title IX training and issues, as resources allow. Over the past several years, Knoxville OED staff attended programs titled: "Title IX and Intercollegiate Athletics," "Title IX," "Gender Equity and Issues Forum," "New Frontiers in Title IX Litigations," "Current OCR Issues and Enforcement," "Women in Athletics: Title IX Update, Non-traditional Sports, Employment and Other Issues," at three different national higher education conferences. Title IX Coordinators also subscribe to applicable monthly publications (again, as resources allow) that address Title IX issues. UT Martin staff attended a 4-day Title IX training program in Philadelphia. The UT Chattanooga staff also recently attended a Title IX-focused program in order to keep up-to-date with renewed OCR guidance. A sample of the publications subscribed to includes Women in Higher Education, Title IX Compliance Bulletin for College Athletics (a monthly newsletter), Educator's Guide to Controlling Sexual Harassment (a monthly bulletin), and Tennessee Employment Law Update (a monthly newsletter). In addition to these and other publications, the coordinators may also subscribe to various computer list-serves dedicated to legal issues in higher education.² The Title IX Coordinators and staff may also subscribe to The Chronicle of Higher Education, which regularly includes articles about Title IX and other equity issues.

Additionally, the University undertakes its training responsibilities in a variety of ways at the different campus locations. Below are some of the methods used to educate University students and personnel about Title IX issues (particularly sexual harassment and sexual violence):

1. The University of Tennessee, Chattanooga, Office of Equity and Diversity has worked with the University's Women's Center "Transformation Project" to provide information for all students on Title IX, sexual harassment and sexual violence in a prominent fashion through a website:

² An example of such listservs include Affirmnet (for affirmative action officers in higher education) and NACUANET (for college and university attorneys in higher education).

<http://www.utc.edu/womens-center/transformation-project/policiesandlegislation/titleix.php>

2. All University campuses have developed and included information for students on family and sexual violence, and provide information for police, health, mental health and local resources.
3. Many campuses and different units of the University have participated in sexual harassment training provided by the Title IX Coordinators, University Human Resources staff and/or employees of the University General Counsel's office. Human Resources also makes available an on-line training class on recognizing and correcting sexual harassment.
4. New websites have been developed on each campus to increase the ease with which students can find information regarding procedures and assistance and resources in the event of sexual assault, sexual misconduct, or sexual harassment.
5. The University's sexual harassment policy is provided to all new employees during employee orientation at the different campus locations. On the Knoxville campus, OED staff meet with each new group of employees for a brief overview of policies relating to EEO and the University's policies prohibiting sexual harassment.
6. Non-discrimination policies and procedures with regard to gender are addressed at all initial search committee meetings at the outset of the hiring process for administrative, faculty and positions at the Knoxville campus. Virtually all search committees include female committee members.
7. UT Chattanooga has created mandatory education programs based on the Save Act for its freshman class, including 5 learning objectives for freshmen students.
8. The Health Science Center regularly provides sexual harassment training for the Memphis campus students and workforce.
9. The Department of Preventive Medicine at Memphis received a grant to provide training on "Improving Safety on Campus: Prevention of Domestic Violence, Dating Violence, Sexual Assault and Stalking."
10. The Chattanooga campus maintains a UTC Access and Diversity Committee whose mission it is to develop policies, guidelines, and programs that support the University's commitment to diversity.

11. Non-discrimination and sexual harassment programs are provided for various First Year Studies classes (comprised of entering freshmen) and other undergraduate courses on a request basis at the Knoxville campus.
12. Training seminars are provided for all Graduate Teaching Assistants in many of the large units on the Knoxville campus (including Psychology GTA's, English GTA's, Math GTA's, History graduate students, new University GTA's and other units, as requested).
13. Training seminars have been provided for all Student Affairs staff, including staff from Residence Halls, Dean of Students, Counseling Center, Student Health, Career Services, Judicial Affairs, etc., on the Knoxville campus.
14. Title IX training was provided to Deputy Title IX Coordinators, advisory boards, a child care staff, and faculty and staff search committees on the Martin campus.
15. Training seminars are provided for individual classes, faculty groups and programs on a request basis. A sample of groups receiving Title IX training includes the UT Police Department, Student Affairs staff, Residence Halls staff and Athletics Department staff.
16. University of Tennessee, Martin, has created a Personal Safety Empowerment Partnership Program to help educate students on issues of safety, including sexual assault.
17. The OED staff has participated in programs for international students. As part of the education component of the program, OED staff introduce the international students to concepts of gender equity and sexual harassment civil rights protections.
18. Additionally, the Knoxville Title IX Coordinator participates in sexual harassment, sexual assault training for faculty members who will be taking students abroad.
19. Residence Hall Directors/Managers and facilities employees receive training in the area of sexual harassment on an annual basis at the Knoxville campus.
20. UT Martin has created a resource page with information "just for men" to assist male students in their understanding of sexual assault and violence.
21. All candidates who interview for faculty and exempt positions at the Martin campus are given sexual harassment brochures and are made aware of the University's policies regarding sexual harassment.

22. Sexual harassment training is traditionally provided to each college of the Memphis campus, including the College of Medicine, College of Pharmacy, College of Dentistry, College of Allied Health, College of Nursing, and the College of Graduate Health Sciences.
23. The Agriculture Extension Office provides sexual harassment training for its new extension agents.
24. The Knoxville campus SEE Center (Safety, Environment, & Education Center) website provides significant information for students who have been sexually assaulted or wish to learn more to lower risks or seek further information. The SEE Center also coordinates the Division of Student Life's Sexual Assault Response Team in the event of a student sexual assault.

Additionally, the University includes a reference to Title IX obligations at all supervisory or other training sessions that cover nondiscrimination issues. These obligations are also covered in any training sessions involving good interview practices.

VII. Discriminatory Practices Prohibited

Some examples of prohibited discriminatory practices specific to the University include:

1. Denial of admission on the basis of gender.
2. Denial of academic or student support services on the basis of gender.
3. Denial of scholarships or other financial aid on the basis of gender, except as allowed under the provisions of Title IX.
4. Employment opportunities will not be distinguished on the basis of sex unless sex is a bonafide occupational qualification. Any instances of this would be extremely rare.
5. Discrimination in the provision of working conditions/environment. Within the employment arena, the University makes no distinction between married or unmarried persons of either gender in employment or promotional opportunities, nor does the institution deny employment to women with young children, nor does the institution make any distinction based upon gender in determining age for termination from employment, where such determination is allowable by law.
6. Denial of any services, or other benefits for which individuals are otherwise qualified on the basis of gender. University policies and practices assure appropriate physical facilities to both sexes. The

University does not deny employment or promotional opportunity to a person of either gender because of a lack of appropriate physical facilities.

VIII. Federal Assistance/Guidance

The University's different campuses regularly receive requests from state and federal agencies requesting assurances of compliance. All such requests receive responses from the appropriate OED office, HR office, General Counsel office or research office. In the past few years, the UTK campus received its first request for Title IX information from NASA. The University was able to respond by sending NASA a copy of the most recent Title IX plan. NASA found the University to be in full compliance.

Universities around the country have been alerted that the federal Department of Education's Office of Civil Rights intends to increase its focus on Title IX compliance. This increased scrutiny has been discussed at several of the national meetings attended by OED staff, and may involve desk monitoring or on-campus compliance reviews. The University believes itself to be prepared in the event that it receives notice of such a review.

Part 2 – Approach to Major Civil Rights Functions

I. Statements of Assurance

All University contracts for educational programs or services support the University's policy of non-discrimination. The following assurance is contained in the University of Tennessee's "Standard Terms and Conditions":

No person on the grounds of disability, age, race, color, religion, **sex**, national origin, veteran status or any other classification protected by Federal and/or Tennessee State constitutional and/or statutory law shall be excluded from participation in, or be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract. The Contractor shall, upon request, show proof of such non-discrimination, and shall post in conspicuous places, available to all employees and applicants, notice of non-discrimination.

A copy of the "Standard Terms and Conditions" can be found at:
<http://treasurer.tennessee.edu/contracts/forms/standard-terms.pdf>.

In addition to the language contained in University contracts, the University requires a survey and statement of assurance from all sub-recipients of federal funds that acknowledges compliance with Federal regulations.

II. Public Notification

The University of Tennessee notifies the general public of the University's commitment to Title IX and other civil rights obligations through the inclusion of a statement of policy in regard to nondiscrimination practices, including Title IX, in all University brochures and publications made available to the public. The policy is also included in the University's student handbooks and employment policies. A sample of this statement can be seen at: <http://oed.utk.edu/statement>.

Staff, Faculty, and student employees are regularly notified of the University's policy through flyers mailed on at least an annual basis at the Memphis and Knoxville campuses. Staff and faculty are also notified (and receive the same flyer) on the Knoxville campus during orientation. Flyers are posted at various locations on the different campuses. Students at some campus locations receive information about the non-discrimination policies during freshmen orientation and first-year studies training sessions. Students are also notified through student handbooks that are made available to all students. The Knoxville campus has created a comprehensive website available for students who have questions related to sexual harassment, sexual misconduct or sexual assault. The website includes information on resources and procedures. The Chattanooga campus has a "Transformation Project" website that contains information about and links to campus resources for sexual assault. Additionally, the Chattanooga campus provides notice to its community through a "green dot" campaign geared toward creating a visual reminder that violence is not tolerated on campus. University campuses will also be developing such websites.

It is important to note that all information related to the University's obligations in the areas of nondiscrimination and civil rights, including Title IX, is widely disseminated and available to the University community and the public at large through notifications and publications on the University's websites. Each campus maintains well-developed websites that provide extensive information, data, and copies of reports that may be of interest to the public. For instance, UTC's student athlete handbook may be found at the campus athletic department website.

The University's anti-discrimination statement directs inquiries and charges of violation concerning Title IX (among other civil rights laws) to each campus location's responsible office, along with a mailing address and telephone number for each responsible office. The statement is required to be included in all position announcements, brochures, bulletins, catalogs, application forms, posters, newsletters, and other publications which are made available to alumni/ae, faculty, staff, students, applicants, and other participants in or beneficiaries of the University's programs. Several examples of publications containing the statement are included with this Plan as enclosures.

Retaliation against any person who files a charge of discrimination, participates in an investigation, or who opposes an unlawful employment practice, is strictly prohibited by University policy and federal law.

Training is made available to students, faculty and staff as noted in section VI, B.

III. Compliance Reviews

The University of Tennessee currently reviews recipients pre-award and post-award compliance with civil rights obligation through self-survey. The University currently has a plan under Title VI that includes a self-survey and an assurance statement for pre-award compliance review. The self-survey method allows the Title VI Coordinators to review each survey and make a determination as to whether additional action is needed in view of the responses on the survey. The assurance statement reminds the subcontractor, in writing, of its Title VI obligations, and of the University's intent to contract only with those subcontractors who agree to the terms in writing. At the same time, the Title VI Coordinators are able to review the responses for compliance with Title IX.

Additionally, under the University's Title VI Plan, self-surveys are retained and reviewed for compliance. If any survey responses indicate deficiencies, additional documentation of compliance could be requested from sub-recipients. Failure to answer a question could trigger action by the University. Any sub-recipient who indicates noncompliance with Title VI or Title IX would be given written notice that the University will suspend, terminate, or reject future contracts with that entity if that entity fails to correct the deficiency within a reasonable period of time. These procedures may also be reviewed, as necessary.

IV. Complaints of Discrimination

A. Adoption of Grievance Procedures

The University of Tennessee has had a discrimination complaint procedure in place since the late 1970's. The current procedures are available for complainants who believe that they have been discriminated against on the basis of their gender, and for complaints of sexual harassment.³ Each campus has tailored its procedure to fit the particular campus needs, yet meet its civil rights obligations. A sample of a campus procedure can be found at: <http://www.utm.edu/departments/equalopp/harassment.php>.

Generally, the complaint procedures provide coverage for employees, students, applicants for admission or employment or any other participant in the University's programs or activities. Complainants are encouraged to put complaints in writing;

³ The complaint procedures are available for complaints of discrimination based on all legally protected classes.

however, a written complaint may not be required, particularly in the case of sexual harassment. Complaints must usually be filed within 300 days of the alleged discrimination. Procedures provide for the resolution of complaints, rather than just providing a method to file a complaint. Appeals procedures are also outlined in the complaint procedures. In addition, complaints may be resolved informally, if appropriate.

University of Tennessee non-exempt personnel may also pursue a grievance under University Personnel Policy and Procedure 640 (Grievances) if they are not satisfied with the determination made under the nondiscrimination complaint procedures. This is available in accordance with Tennessee State law.

University of Tennessee students may use the campus non-discrimination complaint procedures as well as the campus student conduct procedures outlined in the student handbook, **Hilltopics**. Students, as well as faculty and staff, also have the option of pursuing complaints through available criminal justice processes.

V. Data Collection and Analysis

The athletic programs maintained at the Chattanooga, Knoxville, and Martin campuses have been remarkably successful, and the women's teams at the different campuses have maintained high levels of competitiveness. Following is a summary of some of the successes of the programs during the past few years.

UT Chattanooga

- In recent years, Finley Stadium received a turf and facilities upgrade that will allow the Lady Mocs to play home games on Finley field;
- Lady Mocs golfers won the 2013 SoCon Women's Golf Championship.
- Lady Mocs golfers earned a spot in the NCAA East Regional tournament and ended up tied for 19th at the tournament;
- Seven Lady Mocs teams had a cumulative G.P.A of greater than 3.0 for the 2011-2012 academic year.
- The UTC Athletics Gender Equity Committee works with the OED office in the monitoring and compliance of gender equity. The committee meets bi-annually;
- UTC undertook the replacement and upgrade of 2,016 retractable seats in the McKenzie Arena to accommodate Moc fans;
- Lady Mocs Basketball head coach Jim Foster was inducted into the Women's Basketball Hall of Fame;
- Attendance for women's basketball was expected to be high as the Lady Mocs opened up the last season against the Tennessee Lady Vols. The Lady Mocs upset the Lady Vols in front of 8,468 fans in McKenzie Arena.

UT Knoxville

- Lady Vol Basketball head coach Pat Summitt was awarded the Presidential Medal of Freedom at the White House by President Barack Obama in 2012;
- The Lady Vols basketball team member was selected for the USA U19 team;
- The Lady Vols Basketball team made it to the NCAA tournament's Elite Eight;
- Two Lady Vols Track and Field athletes were selected as All-American award winners;
- Lady Vol Swimming head coach Matt Kredich was named as head coach for both men's and women's swimming and diving in 2012;
- Swimming head coach Matt Kredich was named the 2013 recipient of the National Collegiate and Scholastic Swimming Trophy;
- The Lady Vols swimming team earned 33 All-America honors;
- Sherry Parker Lee Softball Stadium and the Regal Soccer Stadium were enjoyed again by fans of the Lady Vols Softball and Soccer programs;
- The Lady Vols soccer team made it to the NCAA tournament under the new leadership of Coach Brian Pensky;
- One Lady Vol soccer player was named an NSCAA All-American;
- Championship Series, ultimately falling to NCAA national champs Oklahoma;
- The Softball team had several All-America award winners.

UT Martin

- UT Martin's volleyball team qualified for play in the OVC tournament;
- Women's Equestrian remains on the NCAA list of emerging sports for women. UT Martin is one of a small number of Division I schools sponsoring equestrian;
- UT Martin's women's rodeo team finished first in the 44th Annual Spring Rodeo in 2012;
- The UT Martin women's basketball made it to the NCAA tournament for the third year in a row;
- Five UT Martin softball players were named NFCA All-America scholar-athletes;
- The UT Martin equestrian team made it to the top ten in a national poll;
- The Soccer team made it to the first round of the NCAA tournament.
- Ninety percent of the women's softball team made the University's honor roll.

1. Participation rates in intercollegiate athletics.

The University provides a wide-range of intercollegiate athletic opportunities to its students. Varsity sports are available at the Knoxville, Martin, and Chattanooga campus locations. These sports include (but may differ from campus to campus) basketball, track, football, golf, softball, tennis, indoor track, volleyball, wrestling, soccer, crew, cross-country, baseball, rodeo and rifle. The most recent participation rates

reflected in the most recent Department of Education's Equity in Athletics Disclosure Act report are included in **Appendices B, C, and D.**⁴

In addition to intercollegiate athletic opportunities, most campuses offer non-varsity sports and informal recreational opportunities to thousands of students of both sexes to participate in athletic activities serving their own interests. Intramural, informal and club sports on the main campus are evaluated each semester by the Recreation staff for participation rates and student interest. Teams and opportunities are created based on these evaluations and the level of interest indicated by the students. On the Knoxville campus, every intramural and club program is evaluated on at least an annual basis, and adjusted accordingly.

2. Enrollment in selected classes such as advanced math and science, and vocational education.

Enrollment in all University classes is open without regard to gender. Enrollment in such classes as math and science classes does not depend on the gender of the student; rather, it depends on the requirements of the student's selected major field of study. The major field of study is self-selected and open to all qualified students, regardless of gender. Currently, female students represent the majority gender at the Chattanooga and Martin campuses.

3. Employees in administrative positions

The University produces Affirmative Action Plans each year in order to analyze its workforce and evaluate the effectiveness of the University's affirmative action efforts. The Plans are another method of emphasizing the University's policies of equal employment opportunity and its commitment to make good faith efforts in the areas of recruitment, employment, promotion, demotion, transfer, lay-off, termination, compensation, training, benefits, and all other terms and conditions of employment. These annual Affirmative Action Plans provide detailed statistics and analysis of the University's workforce in terms of race and gender. Copies of these plans are available through the Title IX Coordinators listed in Part 1, Section II, of this plan.

Each University campus or reporting structure also compiles data on faculty and staff in terms of race and gender. Most campuses report this information in campus fact books. Samples of the information found in these fact books may be found at: <http://www.utm.edu/departments/irp/factbook2011.php> .

In addition, extensive data regarding employment statistics and gender/race composition of the University's workforce are compiled annually through the Integrated Postsecondary Education Data System (IPEDS) report which is used for reporting to the Department of Labor. A copy of the Knoxville report is available from the University's

⁴ Because of the timing of the NCAA's reporting requirements, the information provided reflects the preceding year.

Office of Institutional Research through the Office of Equity and Diversity (Knoxville office: 1840 Melrose Avenue, Knoxville, TN 37996).

VI. Compliance Reporting

The University will maintain all compliance records as required by its federal funding agencies. As the University continues to require assurances of compliance and self-surveys to include all federal civil rights obligations, it will maintain such records to demonstrate its compliance with federal regulations. The University already keeps copies of its training materials, and copies of any discrimination complaints filed through the campus discrimination complaint procedures process. Further information about complaints or complaints procedures may be found at each OED campus office.

VII. Coordination with Other Agencies

The University of Tennessee has not delegated its responsibilities for Title IX compliance to any other agency.

VIII. Effecting Compliance

As part of the University's Title IX enforcement plan, the University will take corrective action and develop, as needed, policies and procedures to be followed when it is determined that a Title IX violation may have occurred. A brief outline of the University's current review process of subrecipients compliance enforcement plan, and resolution of noncompliance appear in **Part 2, Section III**.

The University will review and revise its policies and procedures annually or as needed. It will continue its efforts to reinforce its commitment to nondiscrimination based on gender.