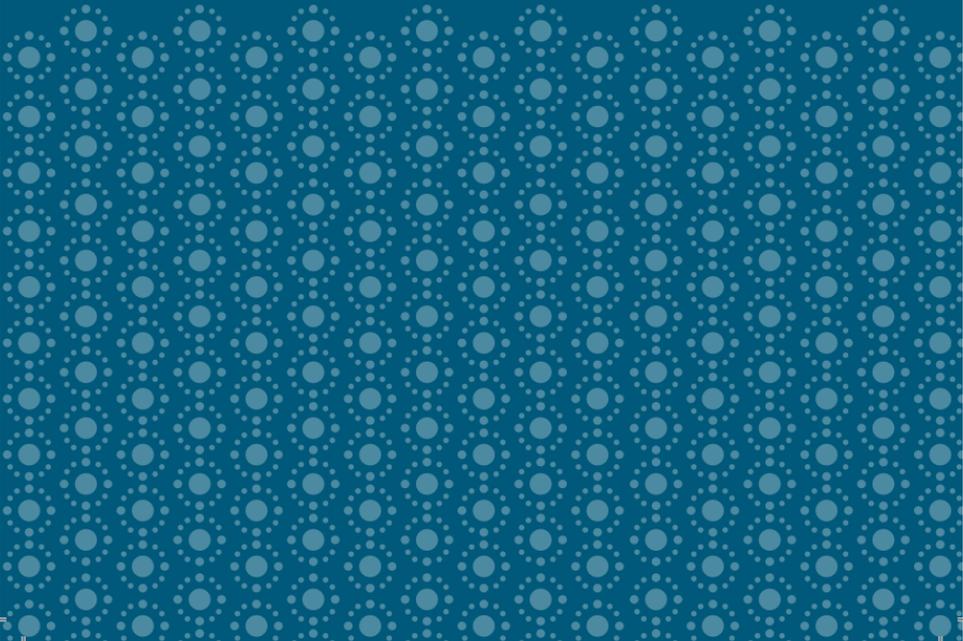




EQUITY &
DIVERSITY

THE UNIVERSITY OF TENNESSEE, KNOXVILLE

UNDERSTANDING UNIVERSITY POLICIES AND PROCEDURES PROHIBITING HARASSMENT





The university is committed to an environment that recognizes the worth and dignity of every person while striving to foster tolerance, sensitivity, and mutual respect. The university therefore prohibits employees from engaging in acts of harassment on the basis of sex, which includes harassment based on gender, pregnancy, sexual orientation, and gender identity, as required by state or federal law. The university further prohibits discriminatory harassment based on race, color, religion, national origin, age, disability, genetic information, veteran status, and any other category protected by federal or state law. Employees are **prohibited from engaging in sexual and other discriminatory harassment**, regardless of whether such conduct is directed at another employee, a student, a vendor, or a visitor to campus.

Sexual Harassment

Definition: With respect to conduct directed at another **employee**, sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which includes conduct based on gender, pregnancy, sexual orientation, and gender identity, regardless of whether those characteristics receive protected treatment under state or federal law, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive working environment.

With respect to conduct directed toward a **student**, sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's participation in an educational program;
- Submission to or rejection of such conduct by an individual is used as the basis for evaluation or advancement in an education program; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or creates an intimidating, hostile, or offensive educational environment.

Examples of Conduct That May Constitute Sexual Harassment*

- Comments (either oral or written, including electronic correspondence, social media, etc.) of a sexual nature
- Statements, questions, jokes, or stories of a sexual nature
- Touching, hugging, or patting a person's body
- Disparaging remarks or gestures about sexual activity, experience, gender, or sexual orientation
- Sexual propositions, invitations, solicitations, or flirtations
- Requests (either explicit or implicit) of a sexual nature as a term or condition of employment or academic status
- Repeated requests for dates after refusal
- Rape, attempted rape, or other sexual assault



Other Discriminatory Harassment

Definition: With respect to conduct directed at an **employee** or a **student**, other discriminatory harassment means unwelcome conduct based on **race, color, religion, national origin, age, disability, genetic information, veteran status, and any other category protected by federal or state law** that has the purpose or effect of unreasonably interfering with an individual's work performance or educational performance, or of creating an intimidating, hostile, abusive, or offensive work or educational environment.

Examples of Conduct That May Constitute Other Discriminatory Harassment*

- Comments (either oral or written, including electronic correspondence, social media, etc.) based on race, color, religion, national origin, age, disability, or veteran status
- Racial or ethnic slurs, statements, questions, jokes, or stories
- Disparaging remarks, gestures based on race, ethnicity, or religion
- Offensive graffiti, cartoons, or pictures based on race, ethnicity, or religion
- Offensive remarks about a person's age

Where Can You File a Complaint of Sexual or Other Discriminatory Harassment within the University?

Prompt complaints are encouraged and can be formal (in writing or using OED's complaint form)

or informal (verbally and not in writing). Depending on the circumstances of informal reports, options for addressing the complaint may be different.

Employees and **students** of the University of Tennessee, Knoxville, Area Units (including UT Knoxville, the UT Institute of Agriculture, the Institute of Public Service and the UT System) should file complaints of discriminatory harassment with:

- **Office of Equity and Diversity**
- Dean, director, department head, or supervisor (will consult with OED as appropriate)
- Human Resources (will refer to OED as appropriate)
- Student Life/dean of students (will refer to OED as appropriate)
- Title IX Office (incidents of sexual harassment only)

If the complaint involves sexual harassment, OED will also notify the Office of Title IX. Students will be referred to that office for assistance also. Responsibilities for the investigation of a sexual harassment complaint will depend on the status of the respondent as a student or a faculty or staff member.

Where Can You File a Complaint External to the University?

- Equal Employment Opportunity Commission (EEOC)—federal agency
- Tennessee Human Rights Commission (THRC)—state agency
- US Department of Education Office of Civil Rights (OCR)—federal agency



- US Department of Justice Civil Rights Division— federal agency
- Other applicable state or federal agencies

Time limits: Complainants who wish to file a complaint with an external agency must be aware that each agency will have a time limit for reporting such a complaint. For example, THRC requires that discrimination complaints be filed within 180 days of the complained-of event. These limits usually run from the last date of unlawful harassment, not the date that the complaint is filed with the agency or resolved with the university.

What Happens When You Notify OED of a Complaint of Discriminatory Harassment?

You are encouraged, but not required, to attempt to resolve issues through the administrative structure of the employment unit or academic department. OED is available to provide assistance to you and your employment or academic unit in resolving issues. If you do not wish to seek resolution directly with the unit, you may decide to seek either an **informal** or **formal** resolution with OED. Complaints and investigations are handled on a case-by case basis. The general procedures follow:

Informal Complaints and Resolution: The goal of the informal process is to attempt to reach a resolution that is acceptable to both the person filing the complaint (the complainant) and the person responding to the complaint (the respondent). The university does not make a formal determination as to whether a respondent has violated university policy. If you attempt to resolve the issue through the informal process, you may still decide to proceed with a formal complaint at any time during the informal process or



after completion of the informal process if a mutually acceptable resolution is not reached.

Formal Complaints and Resolution: The goal of the university's formal complaint process is to reach a determination as to whether the respondent has violated one or more university policies prohibiting discrimination and unlawful harassment. The following is a summary of the formal complaint investigation process:

- Complaints must be submitted in writing within 300 days of the alleged discriminatory act. The complaint should include details of the alleged harassment. In certain circumstances, at the discretion of OED, complaints filed outside that time limit, or not submitted in writing, may be investigated.
- A complaint form is available on the OED website.
- OED will inform the appropriate UT Knoxville administrator(s) that a complaint has been filed.
- OED will determine the nature and scope of the investigation on a case-by-case basis.
- OED will notify the respondent of the complaint and allegations and will seek a response to the allegations.
- OED will meet with witnesses and gather information as needed.
- OED will make findings of fact and will determine whether, by a preponderance of the evidence, a violation of university nondiscrimination policies has occurred.
- Those findings, along with a statement outlining the basis for them, will be provided by OED to the appropriate administrator. A copy will also be available to the complainant and the respondent.



- Administrators and parties will be informed of investigative findings and action taken as appropriate.

Possible Disciplinary Actions for Employee Violations

Violations of university policy may subject an employee to disciplinary action, up to and including:

- Termination
- Demotion
- Suspension without pay
- Oral or written corrective action
- Corrective action

A faculty member's violation of university policy may constitute adequate cause under the Faculty Handbook.

If a person found to have violated this policy is not an employee, corrective action will vary based on the university's ability to implement corrective action.

Refer to Human Resources Policies HR0580 Code of Conduct and HR0525 Disciplinary Action and to the Faculty Handbook for more information regarding disciplinary matters.

Retaliation Is Prohibited

Retaliation is an act or attempted act taken because of a person's participating in a protected activity (e.g., making or supporting a complaint of sexual or other discriminatory harassment) that would discourage a reasonable person from engaging in protected activity. Protected activity includes a person's good faith (1) opposition to sexual or other discriminatory harassment; (2) report of sexual or

other discriminatory harassment to the university or a state or federal agency; or (3) participation (or reasonable expectation of participation) in any manner in an investigation or related proceeding.

Retaliation is a violation of university policy regardless of whether the underlying violation of this policy is ultimately found to have merit. Retaliation should be reported in the same manner as sexual and other discriminatory harassment as noted above.

Are Complaints Confidential?

The university will handle complaints and reports of sexual and other discriminatory harassment as confidentially as possible, but due to the need to conduct a thorough and effective investigation and to comply with federal and state civil rights laws, complete confidentiality cannot be guaranteed. In addition, the university may need to release certain documents in response to a public records request.

Employee and Supervisor Obligations to Report

An employee who learns of sexual harassment or other sexual misconduct of an employee or a student has a **mandatory obligation** to report the conduct (see Section 3 of the university's Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation). **Supervisors** who learn of sexual or other discriminatory harassment or retaliation are required to report such complaints to OED. Other employees who learn of other discriminatory harassment are encouraged to report the conduct to OED.



University Policies

The information in this pamphlet briefly summarizes multiple university policies. For more detailed information, employees are encouraged to review these full policies:

- HR 0220 Equal Opportunity
- HR 0280 Sexual Harassment and Other Discriminatory Harassment
- Appendix D, University of Tennessee Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation
- HR0580 Code of Conduct
- HR0525 Disciplinary Action
- Faculty Handbook

In an Emergency

If you are in immediate danger, call 911 or the UT Police at 865-974-3111.

Resources and Helpful Contacts

- Title IX coordinator during university business hours: 865-974-9600
This is a nonconfidential resource of the university.
- Employee Assistance Program: 865-946-8847
This is a confidential resource provided by the university.
- Community Assistance—Sexual Assault Center of East Tennessee 24-hour hotline: 865-522-7273
This is a strictly confidential resource provided by the community. It is not affiliated with the university and does not report to the university.

*Not every action or utterance that may be perceived as offensive violates university policy. Nevertheless, some inappropriate conduct and actions based on sex or other protected characteristics and/or retaliatory acts may violate university policy even if not severe or pervasive enough to violate state or federal law. Whether the alleged conduct violates university policy may depend on the context and other relevant circumstances.

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All qualified applicants will receive equal consideration for employment and admission without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, genetic information, veteran status, and parental status. 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 IX (sex) should be directed to the Title IX Coordinator, 1817 Melrose Ave., Knoxville, TN 37996; telephone 865-974-9600. Inquiries and charges of violation of Title VI (race, color, and national origin), Title IX (sex), Section 504 (disability), the ADA (disability), the Age Discrimination in Employment Act (age), sexual orientation, veteran status, or other covered status should be directed to the Office of Equity and Diversity, 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone 865-974-2498. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity, oed.utk.edu.

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