



Office of Equity and Diversity
1840 Melrose Avenue
Knoxville, TN 37996
865-974-2498

OED Complaint Process **Additional Information for Respondents**

We are neutral. OED is committed to providing a fair and unbiased review. Our investigations are focused on making fact determinations based on evidence. Facts are then reviewed for policy violations. We do not represent any party.

Support Person. Respondents may bring a support person with them to any meetings with OED. The support person is not meant to serve as a representative for the Respondent. Support persons who are also witnesses may be asked to remain outside of the meeting room.

Understanding the complaint. The first step OED takes in an investigation is to gather information about the complaint from the Complainant and then from the Respondent. This usually involves interviewing the Respondent and gathering all evidence the Respondent has, including documentation and names of witnesses, if any. Respondents are strongly encouraged to share all information they have regarding the matter.

Anonymity. OED cannot guarantee anonymity, however, OED will handle information as carefully and with as much privacy as possible. Respondents are provided enough information about the allegations to allow them a fair opportunity to respond, and the level of detail necessary to do that varies depending on the circumstances surrounding the incident.

Public Records. Please note, while OED strives to ensure the privacy of all participants in an investigation, citizens of the state of Tennessee may request certain records through the Tennessee Public Records Act. When such requests are received by OED through the university's Public Records Office, OED will make every effort provide only what is required and to attempt notify all parties who may be affected by a release of records.

Interviewing the Respondent. After OED understands the nature and scope of the complaint, the Respondent is notified of the allegations and given a full and fair opportunity to respond. This may include supplying the Respondent with a copy of the complaint. The Respondent is also asked to provide any documentation and to identify any witnesses relevant to the complaint. The Complainant is not present during the Respondent's interview and vice versa.

Gathering other evidence. OED will interview witnesses and review documentation that it considers relevant to the situation. OED may also contact the Complainant and Respondent with additional questions or to request additional information throughout the investigation. Investigations often require more than one meeting with each party.

Review. If OED determines it will produce a written investigation report, the Complainant and Respondent will have access to a copy of the report. The report will likely include names. Depending on circumstances, and to ensure the accuracy of an investigation, the Complainant and Respondent may be given the opportunity to provide clarifying comments of the summary prior to the completion of the report. OED reviews the comments submitted by the parties, if any, and determines whether the report should be modified. All information obtained during an investigation may be considered in reaching a determination of the matter.

Decision and follow up. If an investigation report is produced, it will be submitted to the relevant administrator for consideration. The Complainant and Respondent will also be offered a copy of the report. If OED determines that discrimination has occurred, the relevant administrators will, working with Human Resources and/or the Office of General Counsel, identify and take corrective action aimed at addressing the offending behavior. Because personnel matters are confidential, the Complainant may not be told the specific steps that are taken, but should contact OED immediately if the behavior reoccurs.

Corrective Action. The University takes all allegations of discrimination and sexual harassment very seriously. After OED conducts a fair and equitable timely investigation, the appropriate administrator, working with Human Resources and/or the Office of General Counsel, will identify appropriate disciplinary action. Such action can include, but is not limited to, oral or written warning, demotion, counseling, denial of raise, suspension without pay, or termination.

Appeal Rights. The appropriate administrator(s) will review the OED findings, make a determination, and notify the Respondent in writing. Within 15 workdays after receipt of that decision, Respondents who are in staff nonexempt positions may pursue a grievance under UT Human Resources Policy and HR0640, http://policy.tennessee.edu/hr_policy/hr0640/. If the Respondent is not satisfied with the determination and is not eligible to or has not elected to file a grievance, the Respondent may appeal in writing within 15 workdays after receipt of the decision to the next higher administrative level. The decision on the appeal will be provided in writing to the Respondent. Decisions by the chancellor/vice chancellor/vice president may be appealed to the president.

Retaliation. 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 discrimination and/or 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 discrimination and/or sexual or other discriminatory harassment; (2) report of discrimination or 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 found to have merit. Retaliation should be reported in the same manner as discrimination and/or sexual and other discriminatory harassment as noted above.

More information. If you have any other questions about the investigation or investigation process, please do not hesitate to contact the staff member investigating your case at 865-974-2498. Additional information can be found on our website: <https://oed.utk.edu/complaints>