

**Tennessee Technological University
Policy No. 141**



Effective Date: January 9, 2018

Policy No.: 141

Policy Name: Prohibited Discrimination and Harassment

Revised: August 14, 2020

I. Purpose

This policy describes Tennessee Tech's policy on unlawful discrimination, harassment, and the resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, disability, age, veteran status, genetic information, and any other category protected by federal or state civil rights laws.

II. Review

This policy will be reviewed every two years or whenever circumstances require review, whichever is earlier, by the Associate Vice President for Human Resources in consultation with the Vice President for Planning and Finance and the Compliance Officer, with recommendations for revision presented to the Administrative Council and University Assembly.

III. Scope

This policy applies to cognizable complaints related to discrimination or harassment as recognized by federal or state civil rights laws. Complaints related to sexual harassment may also fall within the scope of TTU Policy 144 (Title IX Policy and Grievance Procedures). TTU Policy 142 (Process for Filing Title VI Complaints) governs the procedures for complaints related to Title VI.

IV. Definitions

- A.** Complainant: an individual who is alleged to be the victim of conduct that may constitute Discrimination and/or Harassment
- B.** Discrimination: treating a person differently than others based on that individual's legally protected status where such treatment is recognized by statute or regulation as potentially unlawful.
- C.** Harassment: unwelcome conduct based on a protected category where, considering the totality of the circumstances, the conduct complained of is (1) objectively offensive and (2) sufficiently severe or pervasive to alter the conditions of an employee-Complainant's employment or to interfere with or deny a student-Complainant's participation in Tennessee Tech's educational programs, services, and activities.
- D.** Reporting Authority: Office of Human Resources or Office of Compliance
- E.** Respondent: an individual who has been reported to be the perpetrator of conduct that may constitute Discrimination and/or Harassment.

F. Responsible Employee: any Tennessee Tech employee who is required by law or Tennessee Tech policy to report relevant details about an incident of alleged Discrimination and Harassment that have been disclosed to the Responsible Employee including supervisors (staff and faculty) and other positions as designated by the Vice President or Director of the unit.

G. Retaliation: a materially adverse action taken for the purpose of interfering with any right or privilege protected by nondiscrimination laws.

V. Policy

A. Tennessee Tech is committed to maintaining an inclusive community that recognizes and values the inherent worth of every person, fosters tolerance, sensitivity, understanding, and mutual respect, and encourages each individual to strive to reach his/her own potential.

B. Tennessee Tech does not condone and will not tolerate Discrimination or Harassment against any individual on the basis of race, religion, color, creed, sex, age (as applicable), ethnic or national origin, genetic information, disability, veteran status, and any other bases protected by federal and state civil rights law.

C. Tennessee Tech is committed to ensuring that all individuals have equal access to its employment opportunities and educational programs, services, and activities.

VI. Reporting and Tennessee Tech's Response

A. Any faculty, staff, or student who believes that he/she has been a victim of Discrimination, Harassment, or Retaliation within the scope of this policy or any faculty or staff member who has witnessed Discrimination, Harassment, or Retaliation should report the incident, as soon as possible, to any Responsible Employee or directly to a Reporting Authority.

B. Complaints may also be reported through the anonymous [General Complaint Form](#). Please note that anonymous complaints will be investigated to the full extent possible; however, anonymous complaints may not always provide sufficient information for resolution or action.

C. Any Responsible Employee who becomes aware of a potential incident of Discrimination, Harassment, or Retaliation must report the incident to the appropriate Reporting Authority as defined in IV. D within one (1) business day.

D. Complaints must be made within 365 days of the last incident of Discrimination, Harassment, or Retaliation, absent extraordinary circumstances.

- E.** Upon receipt of a complaint, the Reporting Authority will determine whether the complaint meets the definition of Discrimination, Harassment, or Retaliation as defined in Section IV. If the complaint does not rise to the level of Discrimination, Harassment or Retaliation as defined in Section IV, the Reporting Authority will forward the complaint to the appropriate administrator for action, if any.
- F.** Tennessee Tech will conduct a prompt, thorough, and impartial investigation of the complaint and provide notification of the outcome to the Complainant and Respondent. The timeframe for the investigation will depend on the complexity of the investigation and the severity and the extent of the allegations.
- G.** Tennessee Tech will maintain the confidentiality of the complaint and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by the law.
- H.** In situations that require immediate action because of safety or other concerns, Tennessee Tech may take reasonable, appropriate administrative action.
- I.** Upon completion of the investigation, the investigator will provide a summary of his/her findings and conclusions to the Vice President for Planning and Finance.
- J.** The Vice President will decide whether or not a violation of this policy has occurred based on the investigator's findings and conclusions, or, if necessary, request additional information and/or further investigation of the matter.

VII. Reconsideration of Decision

- A.** Either party may request the Vice President to reconsider his/her decision. The party shall notify the investigator in writing of the request for reconsideration within five (5) business days of receipt of the Vice President's decision.
- B.** The following are the only bases for reconsideration:
 - 1. A procedural irregularity affected the outcome of the matter;
 - 2. New evidence that could affect the outcome of the matter that was not reasonably available at the time the determination or dismissal was made; a
 - 3. A conflict of interest or bias by institutional participants that affected the outcome.

- C. The Vice President will issue a written response to the request for reconsideration as promptly as possible. The Vice President's decision related to the request for reconsideration is final.
- D. If a written request for reconsideration is not received within five (5) business days, the original decision of the Vice President is final.

VIII. Violations of Policy

- A. An individual who violates this policy will be subject to disciplinary action up to and including termination and/or expulsion.

IX. Retaliation

- A. Tennessee Tech, its officers, employees, agents, and students may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation conducted under this policy.
- B. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve Discrimination or Harassment but arise out of the same facts or circumstances as a report or complaint of Discrimination or Harassment, constitutes Retaliation.
- C. The exercise of rights protected under the First Amendment does not constitute retaliation.
- D. Charging an individual with a code of conduct violation for making materially false statements in bad faith in the course of an investigation does not constitute retaliation. However, a determination regarding responsibility, alone, is insufficient to conclude that any party made a materially false statement in bad faith.
- E. Retaliation will result in disciplinary measures up to and including termination and/or expulsion.

X. Interpretation

The Associate Vice President for Human Resources or his/her designee in consultation with the Compliance Officer or his/her designee has the final authority to interpret the terms of this policy.

XI. Citation of authority for policy

TTU Policy 006 (Nondiscrimination); Title VII of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, Rehabilitation Act of 1973, Equal Pay Act of 1963, Age Discrimination in Employment Act of 1967, Pregnancy Discrimination Act of 1978, Genetic Information Nondiscrimination Act of 2008, T.C.A. § 4-21-101 et seq. (Tennessee Human Rights Act)

Approved by:

President on January 9, 2018, pursuant to Policy 101, Section VII.A.

President on August 14, 2020, pursuant to Policy 101, Section VII.A.

Received by:

Administrative Council: February 21, 2018; September 2, 2020

University Assembly: April 18, 2018