

UNIVERSITY OF TENNESSEE HEALTH SCIENCE CENTER
DISCRIMINATION COMPLAINT PROCEDURE
(Updated November 2024)

Any UT Health Science Center employee, student, applicant for admission or employment, or other participant in UT Health Science Center programs or activities who believes that he or she has been discriminated against on the basis of race, color, sex, sexual orientation, gender identity, pregnancy, marital status, parental status, religion, national origin, age, disability, or veteran status is encouraged to use the procedures outlined below for the resolution of their complaint. University policy prohibits retaliation against any person who, in good faith, opposes a practice which they believe to be discriminatory or who participates in an investigation of a complaint. Complaints of discrimination should be directed to the Office of Access and Compliance (OAC), 920 Madison Avenue, Suite 825, Memphis, Tennessee 38163 (telephone: 901-448-2112 [voice], 901-448-7382 [TTY]).

OAC investigates complaint of violations of HR0220 (Equal Employment Opportunity) and HR0280 (Sexual Harassment & Other Discriminatory Harassment). OAC also investigates complaints of violations of other University policies, including the Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking Policy; HR0580 (Code of Conduct); and HR0585 (Mandatory Reporting) and may investigate complaints of other policies.

Complaints alleging discrimination, harassment, or other violations within OAC's investigatory scope may be made by telephone, by mail, via email or by using the appropriate forms for a [Non-Title IX Formal](#) complaint or [Title IX Formal](#) complaint found on the OAC website <https://uthsc.edu/access-compliance/file-complaint.php>.

A person must file a complaint within 300 days of the most recent act alleged to have violated University policy. In certain circumstances, at the discretion of the OAC, complaints filed outside of referenced time limits may be investigated. OAC may extend the 300-day filing deadline, including situations in which the most recent alleged act may have continuing impact or effect on the University's education programs, activities, and/or employment settings.

At its discretion, OAC may determine that it will not proceed with an investigation of a complaint when:

- A complainant fails to describe in sufficient detail the conduct that is the basis of the complaint, even after contacting and following up with an investigator.
- The conduct alleged in the complaint, even if proven, is not covered by a University policy or would not constitute a violation of the policy within OAC's scope.
- The complaint is not timely by not having been filed within 300 days.
- The complainant or the respondent is unknown or unresponsive.

If it is determined that an investigation of a complaint will not be commenced, OAC will notify the complainant (if not anonymous) in writing, explaining why the complaint is not being investigated. The notification letter will include a statement that the complainant may appeal the determination not to proceed with an investigation of the complaint to the Executive Vice Chancellor for Finance and Administration/Chief Operating Officer within 10 business days of the notice. The request for an appeal must be a signed, written document articulating why the decision to close the complaint without an investigation administratively was in error.

OAC may also initiate an investigation, even without a complaint or a participating complainant, when OAC becomes aware of information indicating that an investigation is required by law or University policy or is necessary based on the University's commitment to fostering a safe and non-discriminatory living, learning, and working environment.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) because he or she (a) made a report of discrimination in good faith, (b) assisted someone with a report of discrimination, or (c) participated in any manner in an investigation or resolution of a report of discrimination, may make a complaint of retaliation under these procedures.

The following procedures apply to complaints of policy violations within OAC's investigatory scope:

1. Employees and students are encouraged, but not required, to attempt to resolve a complaint through the administrative structure of the employment unit or academic department.
2. Complaints (other than those involving sexual assault, dating and domestic violence, and stalking) received directly by OAC will be reported by the Associate Vice Chancellor (or the Associate Vice Chancellor's designee) to the appropriate administrator(s), who will attempt to resolve the matter working in conjunction with the OAC. Confidentiality will be maintained to the extent practicable.
3. If the complaint is not resolved through the informal method described above, OAC may initiate an investigation, the nature and scope of which will be determined by OAC on a case-by-case basis. OAC will initiate the investigation by providing written notice to the complainant, respondent, and the appropriate administrator with supervisor responsibility over the respondent will be notified. The notice will include, but is not limited to, the following: 1. A short description of the allegation(s) OAC will be investigating; 2. A statement advising the parties that retaliation is prohibited and that engaging in retaliation will result in appropriate disciplinary action; 3. Information regarding resources available to the parties; 4. An invitation to submit to OAC the name(s) and contact information for possible witnesses (along with a summary of the information each witness can provide regarding the allegations) and copies of any supporting documentation (e.g., emails, text messages); and 5. Contact information for the OAC investigator assigned as the lead investigator.
4. OAC may implement interim measures at any time after OAC's receipt of a complaint. Interim measures are non-disciplinary actions designed to: (i) restore or preserve access to a non-discriminatory living, learning, and working environment; (ii) promote safety; and/or (iii) deter violations of University policy. Examples of interim measures include, but are not limited to, issuing no contact directives, coordinating changes to an employee's work assignment or schedule, and/or assisting a student in requesting changes to an academic schedule or campus employment assignment.
5. The investigation may include any or all of the following, as well as such other action as OAC deems appropriate:
 - Interviewing the complainant and the respondent;
 - Interviewing witnesses;
 - Submitting questions to or taking statements from parties or witnesses;
 - Requesting documents and other relevant evidence from the complainant, the respondent, a University unit, or other persons with evidence in their care, custody or control;
 - Reviewing documents and other relevant evidence, including video or audio recordings; and
 - Conducting follow-up interviews.

6. Following completion of the investigation, OAC will make findings and a determination. The findings and determination, together with an analysis outlining the basis for them, will be provided to the complainant, respondent and the appropriate administrator in the form of an Investigation Report within sixty-five (65) business days after receipt of a complaint. In addition to including OAC's findings, the Investigation Report will also include guidance regarding appeal rights.

The 65-day time period is subject to modification on a case-by-case basis due to operational requirements, the schedule and availability of witnesses, travel away from campus, holidays or semester breaks, including summer breaks, the complexity of the complaint, in-depth investigations, or other issues that complicate the process or require additional time to reach a thorough and fair resolution of the matter. Suppose the investigation and resolution of a complaint cannot be completed within the 65-day time period. In that case, OAC will contact the complainant and respondent and provide an estimated time frame in which the investigation and resolution of a complaint will be completed.

7. Appeals. A complainant or respondent who is not satisfied with the determination described in Section 6 may appeal within five (5) business days after receipt of the determination to the Executive Vice Chancellor for Finance and Administration/Chief Operating Officer, unless a different appeal process is required by applicable University policies and procedures, including but not limited to Human Resources Policy 0525, Human Resources Policy 0640, GME Policy on Academic Appeal, and the UT Health Science Center Faculty Handbook.

The University will take measures to prevent the recurrence of prohibited discrimination and correct any discriminatory effects on the complainant and others, if appropriate.

In addition to the right to file a complaint with OAC, a complainant may also have the ability to file complaints with external agencies, such as the Equal Employment Opportunity Commission (EEOC), the Tennessee Human Rights Commission (THRC), or the Office for Civil Rights (OCR), or in state or federal courts.