

**UNIVERSITY OF TENNESSEE HEALTH SCIENCE CENTER
DISCRIMINATION COMPLAINT PROCEDURE**

(Updated June 28, 2018)

Any UTHSC employee, student, applicant for admission or employment, or other participant in UTHSC programs or activities, who believes that he or she has been discriminated against on the basis of race, color, sex (including sexual harassment, sexual assault, and sexual violence), 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 his or her complaint. University policy prohibits retaliation against any person who in good faith opposes a practice which he or she believes to be discriminatory or who participates in an investigation of a complaint. Complaints of discrimination should be directed to the Office of Equity and Diversity (OED), 910 Madison Avenue, Suite 826, Memphis, Tennessee 38163 (telephone: **901-448-2112** [voice], **901-448-7382** [TTY]). Complaints alleging discrimination must be put in writing and signed ([Discrimination Complaint Form](#)) and filed within 300 days.

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), the Office for Civil rights (OCR), and the courts.

- ✓ Please note that the deadlines for filing with external agencies or courts may be shorter than the deadline established for filing a complaint under this Procedure.
- ✓ Examples of shorter deadlines include, but are not limited to 180 days to file a complaint under Title VI & Title IX, as well as 300 days to file a complaint under Title VII.
- ✓ The Tennessee Human Rights Commission (THRC) may investigate allegations of noncompliance with Title VI. If THRC refers a complaint to the University for investigation and resolution, OED will coordinate with the Office of the General Counsel to notify THRC of the commencement of an investigation within ten (10) days of the date of referral. Before OED notifies the complainant about the resolution of a complaint, OED will coordinate with the Office of the General Counsel to submit a summary of the investigation to THRC.

A complaining party may select whether to pursue an [Informal or Formal](#) complaint. A complainant may choose to first file an Informal complaint (i.e., excluding sexual assault). If, however, the parties are unable to reach a mutually acceptable resolution of the Informal complaint, a complainant may then file a Formal complaint. Additionally, a complainant may during the Informal complaint process choose to file a Formal complaint instead.

In certain circumstances, at the discretion of OED, complaints filed outside of referenced time limits or that are not put in writing and signed may be investigated.

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. OED will provide assistance to the complainant, employment unit, and/or academic department in order to resolve the complaint.
2. Complaints (other than those involving sexual assault) received directly by OED will be reported by the Assistant Vice Chancellor (or the Assistant Vice Chancellor's designee) to the appropriate administrator(s), who will attempt to resolve the matter working in conjunction with OED. Confidentiality will be maintained to the extent possible.
3. If the complaint is not resolved through the methods described above, OED may use the following:
 - a. Complaints should be submitted in writing to OED. The complaint must include (1) the name of the complainant; (2) an explanation of the action or conduct complained of; and (3) the person or department responsible for the complained of action. The complaint should include the resolution sought by the complainant. The complaint may identify witnesses and other evidence

the complainant wants OED to consider in its investigation. The party against whom the complaint has been lodged (respondent) and the appropriate administrator with supervisory responsibility will be notified of the complaint.

- b. OED will conduct an investigation, the nature and scope of which will be determined by OED on a case-by-case basis. The investigation may include any or all of the following, as well as such other action as OED deems appropriate: interviewing the complainant; interviewing the respondent; interviewing witnesses; submitting questions to or taking statements from parties or witnesses; and reviewing documents.
- c. OED will make findings and recommendations. Those findings and recommendations, together with a statement outlining the basis for them, will be transmitted by OED to the appropriate administrator within forty (45) calendar days of receipt of a complaint. A copy will also be sent to the complainant and respondent.
- d. The appropriate administrator(s) will review OED's findings and recommendations, make a determination, and notify the complainant and respondent of the determination in writing within fifteen (15) calendar days of the receipt of OED's findings and recommendations.
- e. When the complainant is a student, OED will make a good faith effort to conclude the investigation and resolution of a complaint (i.e., steps 3(b) through 3(d)) within sixty (60) calendar days of the date the receipt of the complaint by OED. If the investigation and resolution of a complaint cannot be completed within that time period, then OED will contact the complainant and respondent and provide an estimated time frame in which the investigation and resolution of a complaint will be completed.
- f. Appeals
 - (i) Employees: A complainant or respondent who is an employee who is not satisfied with the determination described in Section 3(d) may appeal in accordance with applicable University policies and procedures, including Human Resources Policy 0525, Human Resources Policy 0640, and the UTHSC Faculty Handbook.
 - (ii) Students: Within seven (7) calendar days after receipt of the determination described in Section 3(d), a complainant or respondent who is a student and who is not satisfied with the determination may appeal in writing to the next higher administrative level. The University will inform the complainant and respondent in writing of the person to whom an appeal may be made. Any administrator who receives an appeal shall make a decision on the appeal within ten (10) calendar days of the administrator's receipt of the appeal. Decisions on appeals shall be provided in writing to the complainant and respondent.

The time limits above are subject to modification on a case-by-case basis due to operational requirements, travel away from campus, in-depth investigations, or other issues that complicate the process or require additional time to reach a thorough and fair resolution of the matter.

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

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.