

OIED NOTES:

Title VII Sexual Harassment

WHAT EVERYONE SHOULD KNOW

WHAT IS SEXUAL HARASSMENT?

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other behavior of a sexual nature when:

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

Sexually discriminatory conduct as described above will not be tolerated by the University of Tennessee Health Science Center (UTHSC). Any student, faculty, or staff member found in violation of University policy addressing sexual harassment/sexual misconduct shall be subject to appropriate discipline. The university shall investigate each situation alleging sexual harassment individually before reaching a conclusion on the merits of the claim.

RECOGNIZING SEXUAL HARASSMENT

Sexual harassment is not about intentions; it deals with impact.

To avoid being misinterpreted, it is important to become conscious of conduct and behavior that may constitute a violation of the policies enforced by UTHSC under the authority of the law, Title IX, and Title VII. These policies are designed to protect students, faculty, and staff members from harassment and discrimination.

Behavior that may constitute sexual harassment includes intentional and undesired physical contact, sexually explicit language or writings, and lewd pictures or notes. The conduct may be initiated by individuals in positions of power or by fellow co-workers/students.

EXAMPLES OF SEXUAL HARASSMENT INCLUDE, BUT ARE NOT LIMITED TO:

Verbal harassment

- Sexually explicit jokes or stories
- Sexually explicit, interactive software programs/computer games used at work
- Sexual/obscene innuendos, comments, remarks or sounds
- Repeatedly asking for a date after a person has expressed disinterest
- Inquiring about a person's sexual fantasies or sexual activities
- Sexual propositions/pressure for sex

Non-verbal harassment

- Reviewing a person's body by staring them up and down
- Making facial expressions such as winking or licking the lips or other sexual gestures with hands or through body movements
- Following a person/hanging around before, during or after work hours
- Offering unwanted gifts or letters
- Displaying sexually explicit pictures or signs

Physical harassment

- Patting, pinching or brushing up against someone in a sexual manner or other unwelcome forms of touching a person's body, hair or clothing
- Attempted or actual kissing or fondling
- Attempted or actual coerced sexual acts

What if I am not sure?

The Office of Inclusion, Equity, and Diversity (OIED) provides guidance and resources to the university community. If you are experiencing a problem, but are not sure if it is sexual harassment, we encourage you to make an appointment to discuss your concerns.

Call 901.448.2112.

APPLICABLE UT POLICIES

- HR Policy 0580-Code of Conduct

policy.tennessee.edu/hr_policy/hr0580/

- HR Policy 0280-Sexual Harassment

policy.tennessee.edu/hr_policy/hr0280/

- HR Policy 0220-Equal Employment Opportunity, Affirmative Action and Diversity

policy.tennessee.edu/hr_policy/hr0220/

SUPPORT AND RESOURCES

On Campus:

Office of Inclusion, Equity, and Diversity
901.448.2112

Title IX Coordinator
901.448.2112

Licensed Counselors
901.448.5056
uthsc.edu/sassi/resources/counseling

Student Conduct and Community Standards
901.448.7125

University Health Services
901.448.5630

Human Resources/Employee Relations
901.448.5600

UTHSC Police Department
901.448.4444

Off Campus:

Student Assistance Program (SAP)
800.327.2255

Employee Assistance Program (EAP)
855.437.3486

HOW TO FILE A TITLE VII COMPLAINT

Faculty, staff, students, post docs, medical residents, applicants for admission or employment, patients, or other participants in UTHSC programs or activities may report complaints of harassment or discrimination due to a protected status or retaliation for engaging in a protected activity to the Office of Inclusion, Equity, and Diversity (OIED). Complaints (other than those involving sexual assault) received directly by OIED will be reported to the Associate Vice Chancellor (or designee) who will be reported to the appropriate administrator(s) who will attempt to resolve the matter working in conjunction with OIED. Confidentiality will be maintained to the extent possible.

An OIED staff member will determine if the complaint falls within the scope of responsibility of the Office of Inclusion, Equity, and Diversity and explain the **UTHSC Complaint Procedure**. In the event the complaint is outside the purview of OIED, the complaining party will be referred to the appropriate office.

Complaints must be put in writing and filed within 300 calendar days of the alleged discriminatory action. In certain circumstances, at the discretion of OIED, complaints filed outside of this time limit or that are not put in writing may be investigated.

The complaining party may choose to pursue an **Informal or Formal complaint**. These are two official University complaints of discrimination and/or harassment, that are not mutually exclusive and have key distinctions.

The objective of the Informal Complaint process is to reach a mutually acceptable resolution, facilitated by the Office of Inclusion, Equity, and Diversity. There is no official determination as to whether the respondent has violated University policy. If the parties are unable to reach a mutually acceptable resolution during the Informal process, the complainant may then file a Formal complaint.

The objective of the Formal Complaint process is to reach an official determination as to whether the respondent has violated University policies. The Formal Complaint Process involves an investigation into the complainant's allegations and report of findings.

Periodically, you will receive information from the Office of Inclusion, Equity, and Diversity (OIED) regarding various policies, procedures and resources applicable to UTHSC students and employees. The heading of the email will be "OIED NOTES."

The University of Tennessee is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA/V institution in the provision of its education and employment programs and services.



For more information, please contact:

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t 901.448.2112 | f 901.448.1120

Telecommunications Device for the Deaf
t 901.448.7382

uthsc.edu/oied



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INCLUSION, EQUITY,
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