

SEXUAL HARASSMENT

Information for Complainants

Sexual harassment is not tolerated at the University of Memphis. Reports of sexual assault, dating/ domestic violence or stalking are taken seriously. The following rights are afforded to any University of Memphis student, staff or faculty member who experiences such an incident.

MEDICAL EXAMINATIONS AND TREATMENT

The Student Health Center provides medical care for all survivors of sexual assault or relationship violence, regardless of gender. The center can treat students for injuries, test for sexually transmitted diseases and provide emergency contraception. You may prefer to be taken to the Shelby County Rape Crime Victims and Rape Crisis Center, which can provide all of the above services and can also collect evidence and perform forensic medical exams. There is no requirement that you report the assault to the police in order to be given the exam — you may remain anonymous and the evidence will be held for a time with no identification.

LAW ENFORCEMENT AND PRESERVATION OF EVIDENCE

It is your choice whether to pursue criminal prosecution. If you are considering criminal prosecution, it is extremely important to preserve all evidence of the sexual assault or other incident. You should not bathe, shower, change clothes, comb your hair, clean up the area where the incident took place or move anything the offender touched. Procedures for preserving evidence are described in the policy and can be explained to you by a campus police officer. If you feel more comfortable speaking with a male or female officer about evidence preservation and other matters related to an assault, please advise University Police Services. You are encouraged to preserve electronic evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents that would be useful to investigators.

INFORMATION

You have the right to be informed of the process of the investigation, the outcome of a hearing, as well as any appeal/appeal outcome. You and the respondent will receive the following documents and/ or information: the investigative report in electronic format or hard copy, the evidence collected (directly related to the allegations) by an investigator, the disciplinary sanctions and the procedures for appeal.

CONFIDENTIAL COUNSELING

Complainants may find it helpful to consult with a counselor. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Further, discussions with representatives of these offices will not be considered a report to the University regarding the behavior and therefore will not, without additional action by the complainant or a reporter, result in further action by the University. Counseling is provided on campus to students at the University Counseling Center (214 Wilder Tower) or by calling 901.678.2068. For the Lambuth Campus you may call 731.425.1906. If you are experiencing a crisis emergency during business hours (Monday to Friday | 8 a.m.-4:30 p.m.) please call or enter our virtual waiting room. For after hours assistance, please call 901.678.HELP (4357). Employees may consult HR Benefits for Emotional Wellbeing Solutions by calling 1.855.HERE4TN (1.855.437.3486).

SUPPORTIVE MEASURES

You have the right to request a change in housing (a new room assignment in the residence halls), a change in class assignment (a change to a different section of a course), a campus protective order (prohibiting contact or access to your residence hall) or a change in your working environment (a change in office location or reporting relationship) so that you will be separated from the accused person to the greatest extent possible. Academic relief may also be available. These requests should be made to the Title IX Coordinator. Any requested changes will be made as soon as alternative arrangements are reasonably available. The accommodations provided will remain confidential to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations.

The supportive measures should not be construed to indicate that a determination has been made regarding a violation of policy violation. Supportive measures provide protection for all parties. Any supportive measures implemented, such as a no-contact directive, should be respected and adhered to. Failure to do so could result in additional sanctions.

RIGHT TO AN ADVISOR

You have the right to have an advisor throughout the process, including meetings and hearings. The advisor may be any one of your choosing. The advisor's role in any meeting is limited to quietly conferring with you through written or verbal communication, and the advisor may not address any other participant or the hearing officer.

During hearings, the advisor's role is to ask the other party and any witnesses all relevant questions. If you do not have access to an advisor, the University will provide you with a list of faculty and staff trained in the University's grievance procedures from which you can choose for the hearing.

RETALIATION

Threats, intimidation and any form of retaliation for bringing a complaint of sexual harassment are prohibited and may be grounds for disciplinary action. If any retaliation occurs, it is important to immediately notify the Office for Civil Rights Compliance and Title IX at 901.678.2713 or ocr@memphis.edu.

FAIR AND IMPARTIAL INVESTIGATION AND RESOLUTION

You can expect a fair and just process as your complaint is handled, from the initial investigation to the final result. All of the individuals involved in the process receive, at minimum, annual training on issues related to dating violence, domestic violence, sexual assault and stalking and training on how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability. Prior, irrelevant sexual behavior or history with other individuals will be excluded as evidence and from any hearings. Further, your complaint will be handled by individuals who do not have a conflict of interest or bias. If you believe that an involved party has a conflict of interest, you are encouraged to report it to the Title IX Coordinator or the Office of Legal Counsel.

CONFIDENTIALITY

You have the right to have your name and all information related to the offense kept as confidential as is reasonably possible, although you should understand that the Respondent will be provided with a copy of your complaint and any evidence submitted as part of the investigation. Absolute confidentiality may not be maintained in all circumstances, especially when the University needs to act to protect the safety of others.

However, as a general matter, person(s) involved in a complaint of sexual harassment, sexual assault, dating/domestic violence or stalking are to respect the privacy of the individuals involved and should keep the matter as confidential as is reasonably possible. This does not prohibit you from disclosing information to persons who need to know it in order to participate in or administer the process, and/or to provide support and assistance to you.

CONFIDENTIALITY (CONTINUED)

Your parent(s) or guardian(s) will not be contacted by the University except at your request or in the case of a health or safety emergency. If the University is required to notify the community of the incident, including recording the assault in the campus crime log, no identifying information about you will be included, to the extent permissible by law. For absolute confidentiality, contact the University Counseling Center, the University Health Center or Victim Services.

APPEAL RIGHTS

After the Hearing Officer has rendered a determination, either party (Complainant or Respondent) has the right of appeal. Appeals must be made in writing within ten (10) business days of receipt of the Hearing Officer's decision. Either party may appeal on the following basis:

Title IX Sexual Harassment Complaint

Procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and there was a conflict of interest or bias for or against the parties by the Title IX Coordinator, investigator(s) or hearing officer that affected the outcome of the matter.

Sexual/Gender-Based Misconduct Complaint

The parties will be notified of their appeal rights. Appeals will be decided by an Appeal's Officer appointed by the Title IX Coordinator. The outcome of the appeal will be provided simultaneously in writing to both parties, within a reasonable period of time and include rationale for the decision. The parties will be provided the name of the individuals hearing the appeal. Within a reasonable time, the appeal officer will issue a written appeal decision. The decision will be provided simultaneously to both parties. The appeal officer's decision is final. For more specific and detailed information about the appeal's process, please see the University's Sexual Harassment and Sexual/Gender-Based Misconduct Policy.