

SEXUAL HARASSMENT

Information for Respondents

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 is accused of such an incident.

NOTIFICATION OF CHARGES

You have the right to be notified in writing of the charges against you. You also have the right to provide a written response to the charges made against you. Further, all Respondents are presumed not responsible for violations of this policy until a finding has been made at the conclusion of this grievance process.

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. Further, the 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.

INFORMATION

You have the right to information regarding the status of the complaint against you, including the right to be informed of the process of the investigation, the outcome of a hearing and any appeal/appeal outcome. You can expect periodic updates throughout the process and may contact the investigator at any time with questions or to provide information relevant to the investigation.

You and the Complainant 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.

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. The appeal hearing will be held before a Hearing Officer who will issue a written determination as to whether or not a violation of this policy occurred and the justification for the decision. 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. For more specific and detailed information about the appeals process, please see the University's Sexual Harassment and Sexual/Gender-Based Misconduct Policy.

CONFIDENTIAL COUNSELING

You may find it helpful to consult with a counselor or seek other forms of assistance. Those who wish to seek information or support in a confidential manner have campus and community resources available to them. 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. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Counseling is provided on campus to students at the 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 AM-4:30 PM) please call or enter our virtual waiting room. For after hours assistance, please call 901.678.HELP (4357). Employees may consult HR Benefits for the Emotional Wellbeing Solutions.

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 Complainant will be provided with a copy of your statement(s) and any evidence submitted as part of the investigation. It may not be possible to maintain absolute confidentiality in all circumstances, especially when the University needs to act to protect the safety of others.

However, as a general matter, all persons involved in a complaint of sexual harassment, sexual assault, violence or stalking are to respect the privacy of the individuals involved and must 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. Your parent(s)/guardian(s) will not be contacted by the University except at your request, in the case of a health or safety emergency, or as required by law. 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 Health Center or Victim Services.

RETALIATION

Threats, intimidation and any form of retaliation for bringing a complaint of sexual harassment are prohibited and may be grounds for disciplinary action. Therefore, you should avoid any actions that could be construed as retaliatory such as trying to convince a victim or Complainant to retract their complaint or bringing any undue pressure on a Complainant. 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.

RIGHT TO AN ADVISOR

You have the right to have an advisor throughout the process, including meetings and hearings. The advisor may be anyone of your choosing. The advisor's role in any meeting or hearing 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 an advisor for the hearing.

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 Complainant 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. 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.

SANCTIONS

You have the right to know the potential sanctions that may be imposed if you are found responsible for violating the Sexual Harassment and Sexual/Gender-Based Misconduct Policy. Sanction information may be provided to you by the Title IX Coordinator, and may include but are not limited to: warning, counseling, probation, suspension, dismissal from the University and/or termination from employment.