



# Discrimination, Harassment & Retaliation

## Information for Complainants

### UNIVERSITY OF MEMPHIS NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Any form of discrimination or harassment based on race, color, religion, age, disability, sex, national origin, marital status, veteran status, sexual orientation, gender identity/ expression or any legally protected class is not tolerated at the University of Memphis. Reports of discrimination or harassment are taken very seriously. Further, any form of retaliation against a person for participating in an investigation is prohibited. The following rights are afforded to any University of Memphis student, staff or faculty member who experiences such an incident.

### 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 misconduct. You are advised to save any text messages, emails, voicemails, social media messages/pages, pictures and any other communications or documents that would be useful to investigators. Procedures for gathering evidence can be explained to you by an officer. Further, such evidence may also be requested by the University for as part of the internal investigation.

### CONFIDENTIAL COUNSELING

You 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, 901.678.2068. For University employees, you may consult the Employee Assistance Program at [here4tn.com](http://here4tn.com).

### INTERIM 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 OIE.

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.

### 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 a minimum, annual training on issues related to discrimination, harassment and retaliation and training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. 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 Office of Institutional Equity or the Office of Legal Counsel.

## APPEAL RIGHTS

After the Investigator has rendered a determination, either party (complainant or respondent) has the right of appeal. Appeals must be made in writing within 10 business days of receipt of the Investigator's decision. The appealing party(ies) must explain why they believe the factual information was incomplete, the analysis of the facts was incorrect, the appropriate standard was not applied and how this would change the determination in the case. The appeal will be reviewed by the President of the University, who will issue a written final determination as to whether or not a policy violation occurred and the justification for the decision. For more specific and detailed information about the appeal's process, please see GE 2024.

## INFORMATION

You have the right to be informed of the process of the investigation, the outcome of an appeal and the outcome of any disciplinary proceeding. You and the respondent will be simultaneously informed in writing of the outcome of the investigation, disciplinary sanctions and the procedures for appeal.

## RIGHT TO AN ADVISOR

You have the right to have an advisor throughout the process, including meetings and hearings. The advisor may not be a witness in the case. The advisor's role in any meeting or hearing is limited to quietly conferring with you through written correspondence or whisper, and the advisor may not address any other participant or the hearing officer.

## 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 may be provided with a copy of your complaint. 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, person(s) involved in a complaint of discrimination, harassment or retaliation 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. 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 incident 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 or the Health Center.

## RETALIATION

Threats, intimidation and any form of retaliation for bringing a complaint of misconduct are prohibited and may be grounds for disciplinary action. If any retaliation occurs, it is important to immediately notify the Office for Institutional Equity.

Received and Reviewed by:

Print:

Sign:

Date:



Office for Institutional Equity

[memphis.edu/oi/resources/internal.php](https://memphis.edu/oi/resources/internal.php)

An Equal Opportunity/Affirmative Action University.