



DISCRIMINATION, HARASSMENT AND RETALIATION

Information for Respondents

If you have been accused of discrimination, harassment and/or retaliation, the following information is provided to give you some guidance regarding the process and your rights.

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.

FAIR AND IMPARTIAL INVESTIGATION AND RESOLUTION

You can expect a fair and just process as the complaint is handled—from the initial investigation to the final result. At a minimum, a individual involved in the process receives, annual training on issues related to discrimination, harassment, retaliation and training on how to conduct an investigation and hearing process that protects the safety of victims 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 Office for 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 to appeal. Appeals must be made to the President of the University in writing within ten (10) business days upon receipt of the investigator's decision. The appealing party(ies) must explain why he or she believes 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 parties will not be allowed to present their appeals in person to the President. The President's decision will constitute the University's final decision with respect to whether a policy violation occurred. For more specific and detailed information about the appeal's process, please see the University's policy/procedure on Discrimination, Harassment - Complaint and Investigation Procedure.

INFORMATION

You have the right to information regarding the status of the complaint against you, including: the outcome of the campus investigation and any disciplinary action, the procedures to appeal a disciplinary action and the final 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.

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. 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 University Counseling Center, 214 Wilder Tower, 901.678.2068. Counseling is provided to employees via the Employee Assistance Program (EAP).

CONFIDENTIALITY

You have the right to have your name and all information related to the offense kept as confidential as is reasonably possible. Absolute confidentiality may not be maintained in all circumstances, especially when the University needs to act to protect the safety of others. However, we aim to respect the privacy of all persons involved in a complaint of discrimination, harassment or retaliation, 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.

The University is subject to laws regarding the disclosure of information—e.g., the Tennessee Public Records Act. When a student is involved as the complainant, respondent or an individual interviewed, all documentation referring to that student shall be subject to the provisions of FERPA and T.C.A. § 10-7-504(a) (4) which requires that certain student disciplinary records are subject to disclosure pursuant to a public records request.

RIGHT TO AN ADVISOR

If you have been accused of discrimination, harassment or retaliation, you have the right to select an advisor to support and accompany you at all times throughout University proceedings. The advisor may support you, but may not represent you or speak for you. You may contact the investigator if you have procedural questions or concerns during any stage of the process.

INTERIM MEASURES

Persons subject to discrimination, harassment or retaliation have a right to request interim measures such as transferring to an alternate work or lab location or placement of the respondent on academic or administrative leave or suspension. The interim measures should not be construed to indicate that a determination has been made regarding a policy violation. Interim measures provide protection for you as well as the complainant. Any interim measures implemented, such as a no-contact order, should be respected and adhered to. Failure to do so could result in additional sanctions.

Also, if you as a respondent feel that communication and contact restrictions are warranted, you may speak with the Office for Institutional Equity about interim measures that you would like implemented.

SANCTIONS

You have the right to know the potential sanctions that may be imposed if you are found responsible for violating the Non-Discrimination and Anti-Harassment Policy. These sanctions are described in the policy and may include, but are not limited to: dismissal, expulsion, termination or other appropriate sanction.

RETALIATION

Threats, intimidation and any form of retaliation for bringing a complaint of discrimination, harassment or retaliation 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 complainant to retract their complaint or bringing any undue pressure on a complainant.

Received and Reviewed by:

Print Name:

Signature:

Date:



Office for Institutional Equity

memphis.edu/oiie/resources/internal.php

An Equal Opportunity/Affirmative Action University.