



Policy Title: GE2024 - Discrimination, Harassment - Complaint and Investigation Procedure (INTERIM)

Subject Area: General

Responsible Official(s): Director and Title IX Coordinator

Responsible Office(s): Office for Civil Rights Compliance and Title IX

Policy Statement

The purpose of this policy is to provide for the orderly resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, , disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights laws that apply to the University of Memphis (UofM).

Policy

This policy is applicable to all employees, applicants for employment and students and is intended to protect the rights of the aggrieved party ("the Complainant") as well as the party against whom a complaint of discrimination or harassment is lodged ("the Respondent"), as required by state and federal laws.

Any student, employee or applicant for employment who believes they have been subject to, or witnessed discrimination, or harassment as defined by this policy may utilize these procedures. In addition, a third party (including but not limited to contractors, vendors, and visitors) may also utilize these procedures if they believe that they have been subjected to or witnessed discrimination or harassment as defined by this policy and the conduct has a reasonable connection to the University of Memphis. Former employees or students may file complaints concerning conduct covered by this policy which took place during the time of employment or enrollment provided the complaint is filed timely - in accordance with this policy - and the conduct has a reasonable connection to the UofM.

Procedures

OFFICE FOR CIVIL RIGHTS COMPLIANCE AND TITLE IX

The University's Office for Civil Rights Compliance and Title IX (OCRC) ensures compliance with federal, state and local equal opportunity laws; investigates discrimination, harassment, sexual harassment to include dating violence, domestic violence, sexual assault and stalking complaints; and provides prevention and awareness training for students, trainees, faculty and staff. OCRC is overseen by the Director, Civil Rights Compliance and Title IX who is the University's Title IX Coordinator (the Director/Title IX Coordinator).

UNIVERSITY COMMUNITY

All employees are required to be knowledgeable of the policies and guidelines concerning discrimination and harassment. Further, each Vice President and other supervisory or managerial personnel are all responsible to the President for implementing the Non-Discrimination and Anti-Harassment and Equal Opportunity and Non-Discrimination policies within their administrative areas. Deans, directors, chairpersons, and managers of the various schools, departments, and programs are to administer and manage personnel activities within their areas to ensure full implementation of the University's commitment to equal opportunity, non-discrimination and anti-harassment.

DUTY OF COOPERATION

Every University employee has a duty to cooperate fully in a discrimination or harassment investigation. This duty includes, but is not limited to, speaking with the investigator and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in disciplinary action up to and including termination of employment. Students are also required to cooperate in discrimination and harassment investigations; failure to do so may result in disciplinary action up to and including expulsion.

FILING COMPLAINTS

Any individual covered by this policy who believes that they have been a victim of discrimination, harassment, or retaliation prohibited by University policy, or who has witnessed such discrimination, harassment, or retaliation, should immediately report the circumstances in accordance with the procedure set forth below. The University may investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

Complaints can be made to the Title IX Coordinator or to any of the departments listed below:

Office for Civil Rights Compliance
and Title IX
156 Administration Building
The University of Memphis
Memphis, TN 38152
Tel: (901) 678-2713
Fax: (901) 678-4800
Email: ocr@memphis.edu

Human Resources,

165 Administration Building
The University of Memphis
Memphis, TN 38152
Tel: (901) 678-3573
Fax: (901) 678-1650
Email: emprelations@memphis.edu

All Employees Are Strongly Encouraged To Report Information Regarding Any Actions That They Believe To Be Discriminatory or Harassing.

It is preferable that a complaint be made in writing and provide all relevant information including the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. When the complainant chooses not to provide or sign a written complaint the matter will still be investigated, and appropriate action taken based on available information. Complaints made anonymously or by a third party will be investigated to the extent possible. The complaint form may be accessed here: [Discrimination, Harassment & Retaliation | Complaint Form \(maxient.com\)](#)

If it is determined that the complaint does not rise to the level of discrimination or harassment, the Investigator may dismiss the complaint without further investigation, after consultation with Legal Counsel, and advise the Complainant of other available processes such as the employee grievance/complaint process, or a student non-academic complaint process.

TIMELINESS

The University encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is fresh in witnesses' memory and other evidence is most likely to be available.

Complaints of discrimination under Title VI must be brought within 180 days of the last incident of discrimination or harassment. All other complaints must be brought within 365 days of the last incident of discrimination or harassment. Complaints brought after that time period will not be pursued absent extraordinary circumstances, as determined by the Office for Civil Rights Compliance and Title IX in conjunction with the Office of Legal Counsel.

This policy does not in any way restrict an individual's right to file a complaint with any state or governmental agency with investigative authority.

INVESTIGATION

The Title IX Coordinator or their designee ("Investigator") shall conduct an investigation of the complaint. When the allegation of discrimination or harassment is against the Title IX Coordinator, an individual who has been trained in the investigation of such complaints will be appointed by the President as Investigator of the complaint and carry out the responsibilities assigned pursuant to this policy. When the allegation of discrimination or harassment is against the President of the University, the Office of the Legal Counsel will assign an Investigator who will make their report to the Audit Committee.

Within ten (10) business days of receipt of a new Title VI complaint, the University shall complete and email to the Tennessee Department of Human Resources(TDOHR) Compliance Officer the required Title VI Complaint Notification Form and appropriate documentation.

The Investigator shall notify the Respondent in writing that a complaint has been made against him or her within seven (7) days of receipt of the complaint.

- The Respondent may respond to the complaint in writing within five (5) days following the date of receipt of the Investigator's notification.

In consultation with Legal Counsel and under the direction of the Director, Civil Rights Compliance and Title IX, the Investigator shall conduct an investigation of the complaint which shall include interviews with the Complainant and the Respondent, relevant witnesses, and review of any documentary evidence presented during the investigation. The Investigator will weigh the credibility of all individuals interviewed to determine the weight to be given information received during the course of the investigation.

Supportive Measures. Pending the outcome of an investigation, the University may implement supportive measures to address any safety or security concern(s), if requested by a Complainant or Respondent or if otherwise deemed appropriate or to protect the integrity of the investigation. Supportive measures are subject to the reasonable availability of such accommodations and are based on available facts and circumstances. Supportive accommodations include, but are not limited to, the placement of the Respondent on academic or administrative leave or suspension, no-contact directive, transfer to an alternate work or lab location, academic program adjustments, reassignment of housing and other supportive accommodations to academic, living, transportation or working situations. Supportive measures are coordinated through the Title IX Coordinator.

Informal Resolution. At any time during the course of the investigation, the Investigator

may meet with both the Complainant and the Respondent jointly or individually for the purpose of resolving the complaint informally.

1. Either party has the right to end informal processes at any time.
2. If an informal resolution is successful in resolving the complaint, a report of such shall be submitted to TDOHR.

INVESTIGATOR'S DECISION

Upon completion of the investigation, and within sixty (60) days following receipt of the complaint, absent good cause for extension of time, the Investigator will draft a report summarizing the investigation. The report will include a determination of whether there was a violation of University policy. Additionally, the University shall submit a summary of the investigation and conclusion to the TDOHR, for Title VI complaints specifically. The summary must be submitted before notifying the Complainant and Respondent.

DISCIPLINARY SANCTIONS

If the final decision includes disciplinary action, the procedures for implementing the appropriate disciplinary sanction shall be determined by the status of the Respondent as follows:

- When the Respondent is a faculty member, by the Executive Vice President for Academic Affairs and Provost in consultation with Human Resources;
- When the Respondent is staff, by the AVP/Chief Human Resources Officer;
- When the Respondent is a vendor/contractor/third-party, by the Executive Director Procurement and Contract Services in consultation with vendor/contractor/third-party senior management; and
- When the Respondent is a student, by the Dean of Students.

EXAMPLES OF DISCIPLINARY SANCTIONS

Disciplinary action may include training, probation, suspension, dismissal, expulsion or termination, or other appropriate sanction(s). In addition, contractors, vendors, and other third parties are also subject to this policy and are expected to comply with the requirements set forth herein. Any contractor, vendor, or other third party who fails to comply with this policy is subject to all remedies available under any applicable contract and are subject to permanent removal from the University of Memphis campus or University controlled properties. Discipline for a violation of policy need not be progressive, so a first violation of policy may warrant termination, suspension, or expulsion.

CONFIRMATION

In cases where an investigation confirms a violation of policy, management in the appropriate

department must ensure that the prescribed remedial action, including disciplinary action, is implemented. Confirmation that the recommended action has occurred or is in process must be provided within 14 days to Human Resources for employees, Executive Director Procurement and Contract Services for vendors/contractors/third-parties, and the Dean of Students for students. Only upon such confirmation will the investigatory file be closed.

CONFIDENTIALITY

To the extent possible, the investigation and its results will be conducted in such a manner to protect the confidentiality of all parties. However, complete confidentiality cannot be guaranteed as information may need to be revealed to the Respondent and to potential witnesses. Any information disclosed will be shared only with those who have a need to know in order to conduct a full and fair investigation of the matter.

The University is subject to laws regarding the disclosure of information. Requests to inspect documents made pursuant to the Tennessee Public Records Act may result in certain documents being released. Further, when a student is involved as the Complainant, the Respondent or an individual interviewed, all documentation referring to that student shall be subject to the provisions and protections of the Family Educational Records and Privacy Act (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.

ANTI-RETALIATION

Retaliation for complaints made under this policy or participation in any investigation either as a Complainant, Respondent or witness is prohibited and should be reported to the Title IX Coordinator immediately. Retaliation can take many forms, including abuse or violence, threats, and intimidation.

Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or University-controlled living environment of an individual; or if they hinder or prevent the individual from effectively carrying out their University responsibilities. Any individual or group of individuals who engage in retaliation will be held accountable under this policy.

Last Revision Update Log: 04/23/2026

GE2024 – Discrimination, Harassment – Complaint and Investigation Procedure – July 20, 2015
UM1718 – July 2015 – supersedes UM1391