

**The University of Tennessee**  
**Title IX Implementation Plan**

**2017-2018**

**September 30, 2017**

**THE UNIVERSITY OF TENNESSEE  
TITLE IX IMPLEMENTATION PLAN  
2017-2018  
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**THE UNIVERSITY OF TENNESSEE  
TITLE IX  
IMPLEMENTATION PLAN  
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**Part 1 – Overview of the University of Tennessee’s Title IX Enforcement Program**

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.*

**I. Overview of The University of Tennessee**

The University of Tennessee System is comprised of campuses at Knoxville, Chattanooga, and Martin, the Health Sciences Center at Memphis, and the statewide Institute of Agriculture and Institute for Public Service. This plan continues to cover all University of Tennessee locations.

The University of Tennessee is the state’s land-grant, higher education institution and flagship public university. It is comprised of campuses at Knoxville, Chattanooga, and Martin; the Health Science Center at Memphis; the Space Institute at Tullahoma; and the statewide Institute of Agriculture and Institute for Public Service.

The University of Tennessee System has a presence in each of Tennessee’s 95 counties. Through the combined force of its education, research, and outreach, the University serves students, business and industry, schools, governments, organizations, and citizens throughout the state.

Each year more than 11,000 students graduate from UT campuses across the state and earn bachelor’s, master’s, doctoral and professional degrees. The UT System enrolls a little more than 49,000 undergraduate and graduate students statewide each year. The University has an active role in helping the state of Tennessee achieve Gov. Bill Haslam’s “Drive to 55” initiative that seeks to increase the number of Tennesseans with at least a two-year degree to 55 percent by 2025. UT faculty and staff on each campus are working on improvements to graduation and retention rates, which are rewarded by state appropriations approved and funded through the Complete College Tennessee Act (CCTA). The CCTA replaced a funding formula that rewarded inputs such as headcount instead of results such as progression toward a degree.

The University of Tennessee is a recipient of federal financial assistance for education activities, and in accordance with the provisions of the Education Amendments Act of 1972 (20 U.S.C. Section 1681, et seq.), all of its education

programs and activities are subject to the prohibition of Title IX of that act against discrimination on the basis of gender. In 1998, the Tennessee General Assembly passed Public Chapter 758, which requires that each state government entity subject to Title IX develop a Title IX implementation plan annually, and submit it to the state Department of Audit. This Title IX Implementation Plan for the University of Tennessee attempts to follow the guidelines set out for Tennessee State Agencies by the state Comptroller's office. This plan reflects the guidelines set forth in the document, "Without Regard to Gender," produced by the State of Tennessee Office of Education Accountability in 1999. It does not mirror the University's Title VI Plan that is also required by the State of Tennessee of all of its state agencies.

Both the Title IX plan requirements and the Title VI plan requirements are state requirements.

The University of Tennessee receives federal financial assistance primarily through its students and is generally not an agency through which federal funds flow to sub-recipients. The University generally receives funds from a federal agency for distribution to other governmental entities or private entities. The University's primary duty under Title IX is to ensure that its own instructional, employment, research, and public service programs and activities are offered without discrimination on the basis of gender. One focus of Title IX compliance has been with regard to athletic opportunities provided on a nondiscriminatory basis by the recipients of federal funds. Title IX has also been the legislative vehicle through which individuals in the educational setting are provided coverage against gender discrimination and sexual harassment. A secondary duty of the University is to make reasonable efforts to assure Title IX compliance by those sub-recipients of federal funds distributed through the University. This obligation must be viewed within the University's limited ability to delve into the policies and practices of other agencies that are governed by Title IX. The University's civil rights compliance obligation for sub-recipients is carried out through surveys conducted under the requirements of Title VI.

#### **A. Budget Information**

The University of Tennessee is a recipient of federal and state funds. Information is available from the University's Controller's Office. An example of federal expenditures and sample schedule of federal agency dollars expended by and the amount distributed to sub-contractors of the University for 2016 is shown <http://controller.finance.tennessee.edu/wp-content/uploads/sites/7/2017/03/2016cu16227.pdf>

#### **II. Organization and Designation of Title IX Coordinators**

The University of Tennessee has a designated a Title IX Coordinator at each campus location, as well as a Title IX Coordinator for the University of Tennessee system.

Following is a list of the Coordinators and their respective campuses:

Dr. Michael Alston	Memphis campus
Dr. Ashley Blamey	Knoxville campus/ Interim System Title IX Coordinator
Ms. Patricia Burks-Jelks	Tulahoma campus
Mr. Joe Henderson	Martin campus
Ms. Stephanie Rowland	Chattanooga campus

These Coordinators have overall responsibility for monitoring compliance with Title IX and other state and federal civil rights functions. Responsibilities for developing and implementing the University's Title IX Implementation Plan are housed in the University's Office of Title IX located at the Knoxville campus at 1817 Melrose Avenue, Knoxville, TN 37996.

### **III. Statement of Policies and Applicability**

An *example* of a full University of Tennessee campus "Non-Discrimination EEO/AA Statement" reads as follows:

All qualified applicants will receive equal consideration for employment and admissions without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Eligibility and other terms and conditions of employment benefits at The University of Tennessee are governed by laws and regulations of the State of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, The University of Tennessee affirmatively states that it does not discriminate on the basis of race, sex, or disability in its education

programs and activities, and this policy extends to employment by the University.

Inquiries and charges of violation of Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (V/TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity

In addition to this nondiscrimination statement, the University has established a policy concerning fair employment practices to ensure equal employment opportunity to all University employees and applicants for employment. University Policy HR0220 reads as follows:

*It is the policy of The University of Tennessee not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, disability, age, or being a disabled veteran or veteran of the Vietnam Era. This policy extends to recruitment, employment, promotion, demotion, transfer, lay-off, termination, compensation, training, benefits, and all other terms and conditions of employment.*

*Employment opportunities will not be distinguished on the basis of sex unless sex is a bona fide occupational qualification. Employment opportunities will not be distinguished on the basis of age except where age is reasonably taken into account as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity administered by the University.*

*The University will take affirmative action to recruit, employ, and to advance in employment minorities, women, disabled veterans, and veterans of the Vietnam Era. Reasonable accommodations will be made for otherwise qualified disabled veterans and persons with disabilities in accordance with Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.*

*The University prohibits any retaliatory action against an employee for opposing a practice which he/she believes to be discriminatory, including the filing of an internal complaint or grievance or a charge with a state or federal civil rights enforcement agency.*

*Each unit will promulgate an Affirmative Action Plan for the implementation of the above commitment. Also, each unit will provide a complaint procedure for equal employment opportunity and discrimination*

*complaints. Affirmative Action Plans will be publicized and made available to employees.*

*The University of Tennessee is committed to the principle that decisions concerning employment, admission, and performance should be based on an individual's qualifications and performance and not on characteristics unrelated to job or academic requirements. Therefore, the university and its employees shall not discriminate against or harass any employee or student on the basis of sexual orientation such as heterosexuality, homosexuality, or bi-sexuality; marital status; parental status; or similar characteristics regardless of whether those characteristics enjoy a protected status under state or federal law. An employee who has a complaint about discrimination or harassment prohibited by this policy should follow the internal complaint procedure required in the previous paragraph of this policy.*

*[The previous paragraph] shall not be construed to: (1) confer eligibility for employment benefits for which an employee is not otherwise eligible under state law, policy, or practice; (2) infringe upon the free exchange of ideas essential to the academic environment; (3) limit the freedom of religious association; (4) establish a duty to engage in affirmative action measures for characteristics not subject to affirmative action under state or federal law; (5) require the compliance of external entities or individuals or compliance of university programs governed by external government agencies in which non-discrimination does not include certain personal characteristics (e.g., ROTC); or (6) create any cause of action not currently provided by state or federal law.*

## **A. Other Related Policies**

The University has adopted several policies and procedures that support Title IX. Many of the campuses have adopted the new policies and procedures with adaptations for their own student and employee disciplinary procedures and campus administrative structures (see, as an example, <http://utc.edu/sexual-misconduct/>). The new UTK and Institute of Agriculture policy can be found by going to the website: <https://titleix.utk.edu>. Changes and additions were made to the policy during 2017 and became effective in August 2017.

UT Martin policy can be viewed  
[http://www.utm.edu/sexualmisconduct/pdfs/sexual\\_misconduct\\_policy.pdf](http://www.utm.edu/sexualmisconduct/pdfs/sexual_misconduct_policy.pdf).  
 UT Health Science Center is located  
<https://www.uthsc.edu/oed/documents/sexual-misconduct-and-relationship-violence-policy-effective-august-2016.pdf>.

Additional support resources for students and employees can also be accessed at the campus websites. Additionally, as mentioned above, University Policy HR0220, Equal Employment Opportunity and Affirmative Action, supports fair employment practices and equal employment opportunity; Policy HR0143, Recruiting, provides for the creation of systematic and equitable search procedures at each campus location; Policy HR0280, Sexual Harassment & Other Discriminatory Harassment, establishes and defines the University's overall policy prohibiting sexual harassment. Policy HR0280 also establishes the requirement that each campus location provide training for employees on what constitutes sexual harassment, and create a sexual harassment complaint procedure. University Policy HR0640 establishes a grievance policy that may apply in certain complaint situations.

Hiring policies and practices are monitored and reviewed on each campus by the campus Equity and Diversity/Affirmative Action office. Searches for faculty and professional staff are closely reviewed in order to monitor the recruitment and selection of qualified women applicants and qualified minority applicants. Examples of campus search procedures can be found for Knoxville: <http://oed.utk.edu/searches/> and for Martin <https://www.utm.edu/departments/equalopp/search.php>. An example of the University's sexual harassment complaint procedures can be found at: <http://oed.utk.edu/complaints/>. Examples for reporting options for campuses include Chattanooga <http://utc.edu/sexual-misconduct/reporting.php>, UT Health Science Center <https://www.uthsc.edu/oed/file-complaint.php> and UT Space Institute <http://www.utsi.edu/wp-content/uploads/2017/07/UTSI-Complaint-Procedure-And-Form-10.26.15-1.pdf>

Additional related policies and procedures can be found in campus and institute affirmative actions plans and in campus student handbooks and faculty handbooks. Student handbooks provide information regarding the University's sexual harassment policies, sexual assault policies and complaint procedures as they relate to students. To further serve students, the Office of Student Conduct has created a new publication that explains the Student Code of Conduct in great detail. The University's campuses are currently engaged in publication and training efforts with regard to the new policies on sexual harassment, sexual misconduct, sexual assault, domestic violence and stalking. Faculty workshops and handbooks are another method of notifying faculty of the University's prohibition against sexual harassment and misconduct. The Knoxville faculty handbook has also provided guidance on the use of non-sexist language in the classroom setting. During the 2014-15 academic year, the faculty approved a new policy that clearly prohibits consensual relationships. The handbook has been revised in recent years and policies may be found at <http://provost.utk.edu/wp-content/uploads/sites/10/2016/10/Faculty-Handbook-2016.pdf>. An example of a student handbook may be found at <https://www.utc.edu/dean-students/student-handbook.php>. The new Student Code of Conduct publication for the Knoxville campus includes a section devoted

to sexual misconduct process for students as well as referral to the Policy on Sexual Misconduct, Relationship Violence, Stalking and Retaliation <https://hilltopics.utk.edu/student-code-of-conduct/> .

The Chattanooga campus has created and implemented mandatory one hour in-person trainings for all incoming freshmen and their parents during orientation. UTC also implemented its “Know More” campaign, which is a comprehensive training program that covers many topics including Bystander intervention, confidential resources, consent, myths, etc. Student athletes were required to attend training sessions and lectures as well as participate in on-line training. In addition to student training, UTC faculty and staff have received in-person and internet-based training that focuses on mandatory reporter responsibilities.

Policies and procedures are widely available to University faculty, staff, students, and campus visitors through the University’s main website, and through each individual campus’ websites. See: <http://www.tennessee.edu>. UT Martin prominently displays its commitment to Title IX in its Athletics Department handbook (<http://www.utmsports.com/Information/Handbook.pdf>) through its sexual harassment policy (p. 12), its compliance statement (p. 4), and its gender equity statement (p. 4). The Health Sciences and Tullahoma campuses do not have organized athletics programs. The University of Tennessee, Knoxville, has recently developed a website dedicated solely to helping students understand their rights, options and services in the event of a sexual assault: [www.titleix.utk.edu](http://www.titleix.utk.edu)

#### **IV. Definitions**

“Assurance” is a written statement or contractual agreement signed by an authorized University official in which the University agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

“Applicant” for student purposes is defined as: anyone who expresses an interest in attending the University, fills out the necessary application forms, and pays the required application fee.

For employment purposes, “applicant” is anyone who expresses an interest in employment with the University and fills out the necessary application form(s) or fulfills the application requirements as determined by applicable search committees.

“Beneficiaries” are those persons to whom the University provides instructional, research, or public service assistance, service, or benefits.

“Complaint” is the reporting of an act or activity by any University employee, student, applicant for admission or employment, or other participant in UT’s

programs or activities where the reporter believes that he or she has been discriminated against on the basis of race, color, sex (including sexual harassment), religion, national origin, age, disability or veteran status. Complaints generally are to be put in writing and filed within 300 calendar days.

“Discrimination” is to make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, sex, color, religion, disability, age, national origin, or veteran status.

“Educational Program and Activity” includes all the operations of the University including admissions, instruction, research, public service, and employment activities.

“Federal assistance” is any funding, property, or aid provided by the federal government or a federal agency for the purpose of assisting a beneficiary.

“Gender Equity” is the effort to provide services and programs without regard to gender.

“Grievance” for the purpose of the University Grievance Policy (Policy HR0640), means a non-exempt employee’s complaint about matters listed in the policy that the employee has been unable to resolve with his or her supervisor.

“Grievances” which allege discrimination issues must first be addressed through the campus/unit discrimination complaint procedure.

“Noncompliance” for the purposes of Title IX is defined as a failure or refusal to comply with Title IX of the 1972 Educational Amendments, other applicable civil rights laws, and implementing regulations.

“Post Award Compliance Review” will be the methods through which the University ensures that any subrecipients of federal funds will comply with Title IX and other applicable civil rights acts.

“Primary recipient” for purposes of Title IX, is one who receives or benefits from federal financial assistance either directly or through another recipient.

“Secondary recipient” for purposes of Title IX, is viewed in the same manner as a “sub-recipient” for Title VI purposes. A sub-recipient is any entity (or individual) with which the University contracts to perform services funded in whole or in part by federal funds.

“Sex discrimination” is to make a distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on gender.

“Sexual harassment” is defined in University policy as follows: “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or status in a course, program or activity; 2) submission to or rejection of such conduct by an individual is used as a basis for employment or academic (grades, academic progress, internships, etc.) decisions affecting the individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance, academic performance, or creating an intimidating, hostile, or offensive work environment.” Additional definitions covering specific types of sexual misconduct can also be found at: <http://titleix.utk.edu> and in each campus policy.

## **V. Staff and Budgetary Resources**

Each Title IX Coordinator for each campus is responsible for coordinating compliance and training functions associated with Title IX and civil rights statutes in general, although such functions may be carried out by other units such as the General Counsel’s office, Human Resources offices, or by Student Affairs staff. Resources are allocated for training, publishing and printing materials, continuing education of personnel working with Title IX issues, and purchasing of current materials and publications through each responsible office’s operating budget. Title IX Coordinators make every effort to meet annually, in conjunction with other meetings, for training updates, guidance, discussion of relevant issues, and assistance in administering the University’s Title IX programs. Additionally, inquiries are made about Title IX in calls involving the Title IX Coordinators for the system’s different campuses, and through discussions with the various campus athletics departments.

With the heightened interest – and greater emphasis - in higher education institutions around the country, the University of Tennessee campuses have committed to enhancing resources and on-going evaluation of continued needs.. Title IX compliance remains within the Equity and Diversity umbrella of civil rights responsibilities on most UT campuses, however, Chattanooga and Knoxville both have established dedicated Title IX offices, and Memphis, Martin and UTSI have made training a priority for staff working within this arena. The training of the additional staff has been a priority for the various campuses, and resources have been provided by the Chancellors of those campuses.

In addition to staff efforts, the University has various committees whose responsibilities include a focus on Title IX issues. Two of these committees include the Commission for Women at the Knoxville campus and the Sexual Assault Response Team. The Chattanooga Department of Intercollegiate Athletics Gender Equity Committee meets bi-annually to review and assess the athletics department’s compliance with Title IX and recently commissioned a

report on the state of equity. That report has been submitted and includes a comprehensive review of the athletics programs at UTC. The Martin campus has a standing Equity and Diversity Advisory Council.

## **VI. Civil Rights Training**

### **A. Training efforts and outreach programs**

As in past years, Title IX Coordinators and/or their staff participate in national conferences, regional training opportunities, and seminars that include Civil Rights and Title IX training and issues, as resources allow. Over the past several years, Knoxville OED/ Title IX staff attended 3-day trainings provided by the Department of Justice, NACUA online training, and multiple webinars provided as part of the campus VAWA Grant. Title IX Coordinators also subscribe to applicable monthly publications (again, as resources allow) that address Title IX issues. UT Martin staff attended a 4-day Title IX training program in Philadelphia within the past few years. The UT Chattanooga staff also recently attended a Title IX-focused program in order to keep up-to-date with renewed OCR guidance. A sample of the publications subscribed to includes Women in Higher Education, The Chronicle of Higher Education, and Tennessee Employment Law Update (a monthly newsletter). In addition to these and other publications, the coordinators may also subscribe to various computer list-serves dedicated to legal issues in higher education.<sup>1</sup> The Title IX Coordinators and staff may also subscribe to Academe, which regularly includes articles about Title IX and other equity issues.

Additionally, the University undertakes its training responsibilities through a variety of offices and in a variety of ways at the different campus locations. Below are some of the methods used to educate University students and personnel about Title IX issues (particularly sexual harassment and sexual violence):

1. The University of Tennessee at Chattanooga Title IX Coordinator has worked with the University's Women's Center to provide information for all students on Title IX, sexual harassment and sexual violence in a prominent fashion through a mandatory one-hour program presented during new student orientation, as well as implementing a "Know More" campaign which is a comprehensive internet-based and in-person training program for identified campus groups and individuals.
2. All University campuses have developed and included information for students on family and sexual violence, and provide information for police, health, mental health and local resources. Knoxville's program

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<sup>1</sup> An example of such listservs include Affirmnet (for affirmative action officers in higher education) and NACUANET (for college and university attorneys in higher education).

can be reviewed at the campus Center for Health Education & Wellness: <http://wellness.utk.edu>.

3. Many campuses and different units of the University have participated in sexual harassment training provided by the Title IX Coordinators, University Human Resources staff and/or employees of the University General Counsel's office. Human Resources also makes available an on-line training class on recognizing and correcting sexual harassment.
4. New websites have been developed on each campus to increase the ease with which students can find information regarding procedures and assistance and resources in the event of sexual assault, sexual misconduct, or sexual harassment.
5. The University's sexual harassment policy is provided to all new employees during employee orientation at the different campus locations. On the Knoxville campus, OED and Title IX staff meet with each new group of employees for a brief overview of policies relating to EEO and the University's policies prohibiting sexual harassment.
6. Non-discrimination policies and procedures with regard to gender are addressed at all initial search committee meetings at the outset of the hiring process for administrative, faculty and positions at the Knoxville campus. Virtually all search committees include female committee members.
7. UT Chattanooga has created mandatory education programs based on the Save Act for its freshman class, including 5 learning objectives for freshmen students.
8. The Health Science Center regularly provides sexual harassment training for the Memphis campus students and workforce.
9. The Department of Preventive Medicine at Memphis received a grant to provide training on "Improving Safety on Campus: Prevention of Domestic Violence, Dating Violence, Sexual Assault and Stalking."
10. The Chattanooga campus has created a Student Education Committee charged with recommending ideas for innovative educational programming for UTC's campus.
11. Non-discrimination and sexual harassment programs are provided for various First Year Studies classes (comprised of entering freshmen) and other undergraduate courses on a request basis at the Knoxville campus.

12. Training seminars are provided for all Graduate Teaching Assistants in many of the large units on the Knoxville campus (including Psychology GTA's, English GTA's, Math GTA's, History graduate students, new University GTA's and other units, as requested).
13. Training seminars have been provided for all Deans, Department Heads, Student Affairs staff, including staff from Residence Halls, Dean of Students, Counseling Center, Athletics staff, Student Health, Counseling Center Career Services, Student Conduct, etc., on the Knoxville campus.
14. Title IX training was provided to Deputy Title IX Coordinators, advisory boards, a child care staff, and faculty and staff search committees on the Martin campus.
15. Training seminars are provided for individual classes, faculty groups and programs on a request basis. A sample of groups receiving Title IX training includes the Provost's staff, UT Police Department, Student Affairs staff, Residence Halls staff and Athletics Department staff.
16. The University of Tennessee at Martin has created a Personal Safety Empowerment Partnership Program to help educate students on issues of safety, including sexual assault.
17. Additionally, the Knoxville Title IX Coordinator participates in sexual harassment and sexual misconduct training for faculty members who will be taking students abroad.
18. Residence Hall Directors/Managers and facilities employees receive training in the area of sexual harassment on an annual basis at the Knoxville campus.
19. Sexual harassment training is traditionally provided to each college of the Memphis campus, including the College of Medicine, College of Pharmacy, College of Dentistry, College of Allied Health, College of Nursing, and the College of Graduate Health Sciences.
20. The Agriculture Extension Office provides sexual harassment training for its new extension agents.
21. The Knoxville campus Center for Health Education and Wellness website provides significant information and campus wide prevention and response information for students.

UT Martin supports a Power Based Violence website in order to provide students with information and strategies:

<http://www.utm.edu/departments/shcs/pbpv/>

Additionally, the University includes a reference to Title IX obligations at all supervisory or other training sessions that cover nondiscrimination issues. These obligations are also covered in any training sessions involving good interview practices.

## **VII. Discriminatory Practices Prohibited**

Some examples of prohibited discriminatory practices specific to the University include:

1. Denial of admission on the basis of gender.
2. Denial of academic or student support services on the basis of gender.
3. Denial of scholarships or other financial aid on the basis of gender, except as allowed under the provisions of Title IX.
4. Employment opportunities will not be distinguished on the basis of sex unless sex is a bonafide occupational qualification. Any instances of this would be extremely rare.
5. Discrimination in the provision of working conditions/environment. Within the employment arena, the University makes no distinction between married or unmarried persons of either gender in employment or promotional opportunities, nor does the institution deny employment to women with young children, nor does the institution make any distinction based upon gender in determining age for termination from employment, where such determination is allowable by law.
6. Denial of any services, or other benefits for which individuals are otherwise qualified on the basis of gender. University policies and practices assure appropriate physical facilities to both sexes. The University does not deny employment or promotional opportunity to a person of either gender because of a lack of appropriate physical facilities.
7. Discrimination on the basis of gender because of a hostile environment created because of sexually harassment or sexual misconduct.

## **VIII. Federal Assistance/Guidance**

The University's different campuses regularly receive requests from state and federal agencies requesting assurances of compliance. All such requests receive responses from the appropriate OED office, HR office, General Counsel office or research office. During the 2014-15 academic year, the UTK campus underwent its first compliance review conducted by the National Science Foundation and the federal Department of Energy. The University was found to be compliant with Title IX.

Universities around the country have been alerted in recent years that the federal Department of Education's Office of Civil Rights continues to increase its focus on Title IX compliance. This increased scrutiny has been discussed at several of the national meetings attended by responsible University personnel, and policies and guidelines have been adjusted accordingly.

### **Part 2 – Approach to Major Civil Rights Functions**

#### **I. Statements of Assurance**

All University contracts for educational programs or services support the University's policy of non-discrimination. The following assurance is contained in the University of Tennessee's "Standard Terms and Conditions":

No person on the grounds of disability, age, race, color, religion, **sex**, national origin, veteran status or any other classification protected by Federal and/or Tennessee State constitutional and/or statutory law shall be excluded from participation in, or be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract. The Contractor shall, upon request, show proof of such non-discrimination, and shall post in conspicuous places, available to all employees and applicants, notice of non-discrimination.

A copy of the "Standard Terms and Conditions" can be found at:  
[https://policy.tennessee.edu/fiscal\\_policy/fi0420/](https://policy.tennessee.edu/fiscal_policy/fi0420/) .

In addition to the language contained in University contracts, the University requires a survey and statement of assurance from all sub-recipients of federal funds that acknowledges compliance with Federal regulations.

## II. Public Notification

The University of Tennessee notifies the general public of the University's commitment to Title IX and other civil rights obligations through the inclusion of a statement of policy in regard to nondiscrimination practices, including Title IX, in all University brochures and publications made available to the public. The policy is also included in the University's student handbooks and employment policies. A sample of this statement can be seen at: <http://oed.utk.edu/statement> .

Staff, Faculty, and student employees are regularly notified of the University's policy through e-mails sent from the Chancellor's offices and Title IX offices at the various campuses. Staff and faculty are also notified (and receive information) on the Knoxville campus during New Employee Orientation. Campuses include information about sexual harassment and sexual misconduct policies at employee orientation. Flyers are posted at various locations on the different campuses. Students at some campus locations receive information about the non-discrimination policies during freshmen orientation and first-year studies training sessions. Students are also notified through e-mail, websites and student handbooks. The Knoxville campus has created a comprehensive website available for students who have questions related to sexual harassment, sexual misconduct or sexual assault. The website includes information on resources and procedures. The Chattanooga campus has a "Transformation Project" website that contains information about and links to campus resources for sexual assault. Additionally, the Chattanooga campus provides notice to its community through a "green dot" campaign geared toward creating a visual reminder that violence is not tolerated on campus. Other campus efforts include posters, T-shirts, Red Zone campaigns and other efforts to educate students about Title IX issues.

It is important to note that all information related to the University's obligations in the areas of nondiscrimination and civil rights, including Title IX, is widely disseminated and available to the University community and the public at large through notifications and publications on the University's websites. Each campus maintains well-developed websites that provide extensive information, data, and copies of reports that may be of interest to the public.

The University's anti-discrimination statement directs inquiries and charges of violation concerning Title IX (among other civil rights laws) to each campus location's responsible office, along with a mailing address and telephone number for each responsible office. The statement is required to be included in all position announcements, brochures, bulletins, catalogs, application forms, posters, newsletters, and other publications which are made available to alumni/ae, faculty, staff, students, applicants, and other participants in or beneficiaries of the University's programs.

Retaliation against any person who files a charge of discrimination, participates in an investigation, or who opposes an unlawful employment practice, is strictly prohibited by University policy and federal law.

Training is made available to students, faculty and staff as noted in section VI, B.

### **III. Compliance Reviews**

The University of Tennessee currently reviews recipients pre-award and post-award compliance with civil rights obligation through self-survey [https://www.tn.gov/assets/entities/didd/attachments/Title\\_VI\\_Self\\_Survey\\_-\\_2017.pdf](https://www.tn.gov/assets/entities/didd/attachments/Title_VI_Self_Survey_-_2017.pdf) . The University currently has a plan under Title VI that includes a self-survey and an assurance statement for pre-award compliance review. The self-survey method allows the Title VI Coordinators to review each survey and make a determination as to whether additional action is needed in view of the responses on the survey. The assurance statement reminds the subcontractor, in writing, of its Title VI obligations, and of the University's intent to contract only with those subcontractors who agree to the terms in writing. At the same time, the Title VI Coordinators are able to review the responses for compliance with Title IX.

Additionally, under the University's Title VI Plan, self-surveys are retained and reviewed for compliance. If any survey responses indicate deficiencies, additional documentation of compliance could be requested from sub-recipients. Failure to answer a question could trigger action by the University. Any sub-recipient who indicates noncompliance with Title VI or Title IX would be given written notice that the University will suspend, terminate, or reject future contracts with that entity if that entity fails to correct the deficiency within a reasonable period of time. These procedures may also be reviewed, as necessary.

### **IV. Complaints of Discrimination**

#### **A. Adoption of Grievance Procedures**

The University of Tennessee has had a discrimination complaint procedure in place since the late 1970's. The current procedures are available for complainants who believe that they have been discriminated against on the basis of their gender, and for complaints of sexual harassment.<sup>2</sup> Each campus has tailored its procedure to fit the particular campus needs, yet meet its civil rights obligations. A sample of a campus procedure can be found at: <http://www.utm.edu/departments/equalopp/harassment.php> .

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<sup>2</sup> The complaint procedures are available for complaints of discrimination based on all legally protected classes.

Generally, the complaint procedures provide coverage for employees, students, applicants for admission or employment or any other participant in the University's programs or activities. Complainants are encouraged to put complaints in writing; however, a written complaint may not be required, particularly in the case of sexual harassment. Complaints must usually be filed within 300 days of the alleged discrimination. Procedures provide for the resolution of complaints, rather than just providing a method to file a complaint. Appeals procedures are also outlined in the complaint procedures. In addition, complaints may be resolved informally, if appropriate.

University of Tennessee non-exempt personnel may also pursue a grievance under University Policy HR0640 (Grievances) if they are not satisfied with the determination made under the nondiscrimination complaint procedures. This is available in accordance with Tennessee State law.

University of Tennessee students may use the campus sexual misconduct reporting procedures, or the nondiscrimination complaint procedures as well as any other procedure outlined in the student handbook, <https://hilltopics.utk.edu/>. Students, as well as faculty and staff, also have the option of pursuing complaints through available criminal justice processes.

## **V. Data Collection and Analysis**

The athletic programs maintained at the Chattanooga, Knoxville, and Martin campuses have been remarkably successful, and the women's teams at the different campuses have maintained high levels of competitiveness. Readers of this report are encouraged to review each campuses' athletics website for detailed information regarding the successes of the teams. For Chattanooga, see: <http://www.gomocs.com/>; for Knoxville, see: <http://www.utsports.com/>; for Martin, see: <http://www.utmsports.com/>.

### **1. Participation rates in intercollegiate athletics.**

The University provides a wide-range of intercollegiate athletic opportunities to its students. Varsity sports are available at the Knoxville, Martin, and Chattanooga campus locations. These sports include (but may differ from campus to campus) basketball, track, football, golf, softball, tennis, indoor track, volleyball, wrestling, soccer, crew, cross-country, baseball, rodeo and rifle. The most recent participation rates reflected in the most recent Department of Education's Equity in Athletics Disclosure Act report are included in Appendix A.<sup>3</sup>

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<sup>3</sup> Because of the timing of the NCAA's reporting requirements, the information provided reflects the preceding year.

In addition to intercollegiate athletic opportunities, most campuses offer non-varsity sports and informal recreational opportunities to thousands of students of both sexes to participate in athletic activities serving their own interests. Intramural, informal and club sports on the main campus are evaluated each semester by the Recreation staff for participation rates and student interest. Teams and opportunities are created based on these evaluations and the level of interest indicated by the students. On the Knoxville campus, every intramural and club program is evaluated and adjusted accordingly.

**2. Enrollment in selected classes such as advanced math and science, and vocational education.**

Enrollment in all University classes is open without regard to gender. Enrollment in such classes as math and science classes does not depend on the gender of the student; rather, it depends on the requirements of the student's selected major field of study. The major field of study is self-selected and open to all qualified students, regardless of gender.

**3. Employees in administrative positions**

The University produces Affirmative Action Plans each year in order to analyze its workforce and evaluate the effectiveness of the University's affirmative action efforts. The Plans are another method of emphasizing the University's policies of equal employment opportunity and its commitment to make good faith efforts in the areas of recruitment, employment, promotion, demotion, transfer, lay-off, termination, compensation, training, benefits, and all other terms and conditions of employment. These annual Affirmative Action Plans provide detailed statistics and analysis of the University's workforce in terms of race and gender. Copies of these plans are available through the Title IX Coordinators listed in Part 1, Section II, of this plan.

Each University campus or reporting structure also compiles data on faculty and staff in terms of race and gender. Most campuses report this information in campus fact books. Samples of the information found in these fact books may be found at  
[https://www.utm.edu/departments/irp/statistical\\_reports.php](https://www.utm.edu/departments/irp/statistical_reports.php)  
<https://www.utc.edu/planning-evaluation-institutional-research/pdfs/factbook/faculty-eth-gender-2016.pdf>  
<https://oira.utk.edu/factbook/archive>

In addition, extensive data regarding employment statistics and gender/race composition of the University's workforce are compiled annually through the Integrated Postsecondary Education Data System (IPEDS) report which is used for reporting to the Department of Labor. A copy of the Knoxville report is available from the University's Office of Institutional Research through

the Office of Title IX (Knoxville office: 1817 Melrose Avenue, Knoxville, TN 37996).

#### **VI. Compliance Reporting**

The University will maintain all compliance records as required by its federal funding agencies. As the University continues to require assurances of compliance and self-surveys to include all federal civil rights obligations, it will maintain such records to demonstrate its compliance with federal regulations. The University already keeps copies of its training materials, and copies of any discrimination complaints filed through the campus discrimination complaint procedures process. Further information about complaints or complaints procedures may be found at each OED/ Office of Title IX campus office.

#### **VII. Coordination with Other Agencies**

The University of Tennessee has not delegated its responsibilities for Title IX compliance to any other agency.

#### **VIII. Effecting Compliance**

As part of the University's Title IX enforcement plan, the University will take corrective action and develop, as needed, policies and procedures to be followed when it is determined that a Title IX violation may have occurred. A brief outline of the University's current review process of subrecipients compliance enforcement plan, and resolution of noncompliance appear in **Part 2, Section III**.

The University will review and revise its policies and procedures annually or as needed. It will continue its efforts to reinforce its commitment to nondiscrimination based on gender.

## **Appendix A**

### **Athletic Participation Rates**

**The University of Tennessee, Knoxville  
The University of Tennessee at Chattanooga  
The University of Tennessee at Martin**

**Appendix B**

**Sub recipient List for FY2017**

**Schedule of Expenditures for Federal Awards**

