

**Tennessee Technological University  
Policy No. 141**



**Prohibited  
Discrimination  
and  
Harassment**

Effective Date: January 9, 2018

**Policy No.:** 141

**Policy Name:** Prohibited Discrimination and Harassment

**Revised:** August 14, 2020

## **I. Purpose**

This policy describes Tennessee Tech's policy on unlawful discrimination, harassment, and the resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, disability, age, veteran status, genetic information, and any other category protected by federal or state civil rights laws.

## **II. Review**

This policy will be reviewed every two years or whenever circumstances require review, whichever is earlier, by the Associate Vice President for Human Resources in consultation with the Vice President for Planning and Finance and the Compliance Officer, with recommendations for revision presented to the Administrative Council and University Assembly.

## **III. Scope**

This policy applies to cognizable complaints related to discrimination or harassment as recognized by federal or state civil rights laws. Complaints related to sexual harassment may also fall within the scope of TTU Policy 144 (Title IX Policy and Grievance Procedures). TTU Policy 142 (Process for Filing Title VI Complaints) governs the procedures for complaints related to Title VI.

## **IV. Definitions**

- A.** Complainant: an individual who is alleged to be the victim of conduct that may constitute Discrimination and/or Harassment
- B.** Discrimination: treating a person differently than others based on that individual's legally protected status where such treatment is recognized by statute or regulation as potentially unlawful.
- C.** Harassment: unwelcome conduct based on a protected category where, considering the totality of the circumstances, the conduct complained of is (1) objectively offensive and (2) sufficiently severe or pervasive to alter the conditions of an employee-Complainant's employment or to interfere with or deny a student-Complainant's participation in Tennessee Tech's educational programs, services, and activities.
- D.** Reporting Authority: Office of Human Resources or Office of Compliance
- E.** Respondent: an individual who has been reported to be the perpetrator of conduct that may constitute Discrimination and/or Harassment.

**F.** Responsible Employee: any Tennessee Tech employee who is required by law or Tennessee Tech policy to report relevant details about an incident of alleged Discrimination and Harassment that have been disclosed to the Responsible Employee including supervisors (staff and faculty) and other positions as designated by the Vice President or Director of the unit.

**G.** Retaliation: a materially adverse action taken for the purpose of interfering with any right or privilege protected by nondiscrimination laws.

**V. Policy**

**A.** Tennessee Tech is committed to maintaining an inclusive community that recognizes and values the inherent worth of every person, fosters tolerance, sensitivity, understanding, and mutual respect, and encourages each individual to strive to reach his/her own potential.

**B.** Tennessee Tech does not condone and will not tolerate Discrimination or

Harassment or Retaliation as defined in Section IV, the Reporting Authority will forward the complaint to the appropriate administrator for action, if any.

- F.** Tennessee Tech will conduct a prompt, thorough, and impartial investigation of the complaint and provide notification of the outcome to the Complainant and Respondent. The timeframe for the investigation will depend on the complexity of the investigation and the severity and the extent of the allegations.
- G.** Tennessee Tech will maintain the confidentiality of the complaint and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by the law.
- H.** In situations that require immediate action because of safety or other concerns, Tennessee Tech may take reasonable, appropriate administrative action.
- I.** Upon completion of the investigation, the investigator will provide a summary of his/her findings and conclusions to the Vice President for Planning and Finance.
- J.** The Vice President will decide whether or not a violation of this policy has occurred based on the investigator's findings and conclusions, or, if necessary, request additional information and/or further investigation of the matter.

## **VII. Reconsideration of Decision**

- A.** Either party may request the Vice President to reconsider his/her decision. The party shall notify the investigator in writing of the request for reconsideration within five (5) business

**VIII.**

**Approved by:**

President on January 9, 2018, pursuant to Policy 101, Section VII.A.

President on August 14, 2020, pursuant to Policy 101, Section VII.A.

**Received by:**

Administrative Council: February 21, 2018; September 2, 2020

University Assembly: April 18, 2018; November 18, 2020