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Part I: Responses to recommendations of the Commission for Women concerning Sexual Harassment.

Creating a campus climate that celebrates diversity means eliminating discrimination based on race, gender, color, religion, national origin, age, handicap, or veteran status. Sexual harassment is an overt form of sex discrimination and will not be tolerated at UTK. The University of Tennessee has a long-standing policy prohibiting sexual harassment of any form (see Appendix A). The Commission for Women, however, has brought forth several important recommendations that will increase the awareness and visibility of this policy. Responses to each recommendation are offered below.

Recommendation #28: **The policy on sexual harassment and the procedures to address charges of sexual harassment should be included in the Faculty Handbook, the Policy and Procedure Manual (a guide for all UTK employees), HillTopics, and all other appropriate publications. Annual publication in Context, Staff Stuff, and The Daily Beacon should occur.**

Response: The recommendation of the Commission above is indicative of a larger issue -- lack of awareness both about what constitutes sexual harassment and UTK policies as well as procedures that address it. It is important that members of the university community be aware of UTK's policy on sexual harassment and the procedures for reporting incidents of harassment.

Each of the publications listed above will be reviewed and, if UTK policy and procedures related to sexual harassment are not included, they will be added in a prominent place. Also, we agree with the Commission for Women that an annual printing of these policies and procedures in university publications should occur. This will begin with the 1994-95 academic year.

The Chancellor and his staff recently placed an ad in the **Beacon** that stated the sexual harassment policy. (See attached)

Efforts to raise awareness of issues related to sexual harassment have been on-going. Campus efforts to raise awareness have included the following:

* The Office of Diversity Resources and Educational Services (formerly the Office of Affirmative Action Programming) provides approximately 10,000 brochures annually to incoming freshman, department heads, residence halls, and other staff with high levels of student contact. Employees are encouraged to post the brochure in a visible place in their departments.

* A class module on sexual harassment, facilitated by the Office of Diversity Resources and Educational Services, was a key part of many sections of First Year Studies.

* Staff members from the Office of Diversity Resources and Educational Services made numerous class presentations on sexual harassment at the request of instructors and/or department heads.

* The Office of Diversity Resources and Educational Services conducts workshops on sexual harassment on a regular basis through the Office of Human Resources Management. In addition, workshops are offered to any department or unit and to student groups upon request.

Recommendation #29: **A campus-wide program to educate administrators, faculty and staff on what constitutes harassment and how it affects individuals should be undertaken.**

Response: Current procedures for reporting incidents of sexual harassment refer students to the Dean of Students Office, the Office of Diversity Resources and Educational Services, and the Ombuds Office. Faculty and staff are referred to the Office of Diversity Resources and Educational Services.

It is important, however, that as many points of contact as possible be available for students who believe they are experiencing sexual harassment. Thus, a training program available to all department heads on issues related to sexual harassment will be piloted, beginning Spring Semester 1995.

The Office of Diversity Resources and Educational Services

has relocated and expanded its programming and training modules. The new location (1818 Lake Avenue) includes a reading room, where video and written materials are available to members of the university community interested in sexual harassment. In addition, the new facility accommodates groups for workshops and training. Staff offer workshops on sexual harassment (and other EEO-AA issues) on a regularly scheduled basis (day and evening). DRES staff continue to facilitate sexual harassment workshops through the Office of Human Resources Management, through Residence Hall administration, in First Year Studies, and upon the request of instructors and department or unit heads. Workshops can be offered at the site of the department or residence hall or at the DRES location. Faculty, staff, and student volunteers assist in facilitating workshops. Staff in the Dean of Students Office, DRES, Office of Human Resources Management, and the Ombudsperson are available to answer questions about sexual harassment.

Brochures, posters, and other announcements will be used to inform the campus community about sexual harassment and UTK policies and procedures for handling incidents.

Recommendation #30: **New employees should be informed of the University's policy on sexual harassment during their orientation. The legal ramifications should also be covered, especially as they apply to the University's liability.**

Response: The 1993 and 1994 New Faculty Orientations included a session on sexual harassment. This session is recommended to be continued at future New Faculty Orientations. A brochure that outlines UTK's policy on sexual harassment is also distributed at New Employee Orientations for staff-exempt and non-exempt employees. Recognition of issues related to sexual harassment at the New Employee Orientation will continue.

Recommendation #31: **Make disciplinary procedures for sexual harassment explicit and known to all University personnel and students. Discipline must be carried out for proven cases.**

Response: Disciplinary procedures for cases of sexual harassment can range from a reprimand to termination. Sanctions can include oral and/or written reprimand, reassignment, suspension, counseling, termination, or any combination thereof. Student offenders may be disciplined under the Standards of Conduct listed in HillTopics. Faculty and staff allegations are handled through the discrimination complaint procedures. A more definitive illumination of sanctions is not possible since all cases are handled on a case-by-case basis. The context of the harassment and mitigating factors are always considered. Decisions regarding sanctions are made by the normal chain of command in the department or unit, considering all evidence and mitigating factors.

The range of disciplinary procedures is clearly stated in the brochure on sexual harassment published by the Office of Diversity Resources and Educational Services and will be included when the sexual harassment policy is printed in other publications.

The Chancellor has asked each Vice Chancellor to establish an atmosphere that discourages sexual harassment. Each Vice Chancellor will develop his/her plan to promote a positive climate free from this harassment.

Conclusions:

The presence of sexual harassment has a particularly disconcerting effect in academic and professional environments. Even those who have not been harassed may avoid certain classes or interaction with professors or colleagues who have a reputation of being harassers. The University of Tennessee, Knoxville, reaffirms that all women and men -- administrators, faculty, staff, and students -- are to be treated fairly and with dignity and respect. Any form of sexual harassment is prohibited.

Appendix A
UT Sexual Harassment Policy

The University of Tennessee has adopted sexual harassment policies that include explicit definitions of sexual harassment. These policies read as follows:

FOR STUDENTS, harassment on the basis of sex is a violation of Title IX of the Education Amendments of 1972, which prohibits sex discrimination in educational programs and activities:

> *"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 status in a course, program, or activity; (2) submission to such conduct is used as the basis for academic decisions affecting the individual, including, but not limited to, grades or academic progress; or (3) when the conduct has the purpose or effect of interfering with the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment."*

FOR EMPLOYEES, harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC) guidelines define sexual harassment 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; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment."*

Disciplinary actions for violations can include: oral and/or written reprimand, reassignment, suspension, counseling, termination, or any combination thereof. Student offenders may be disciplined under the Standards of Conduct listed in HillTopics. Confidentiality of all parties involved will be respected to the extent allowed by law.