



Effective Date: August 14, 2020

Policy No: 144

Policy Name: Title IX Policy and Grievance Procedures

Revised Date: September 29, 2020; August 1, 2021

The state regulation associated with this policy is Tennessee Tech Rule [0240-09-08](#). This

- E.** Deliberately indifferent -- a response that is clearly unreasonable in light of the known circumstances.
- F.** Disciplinary Sanctions -- remedies and penalties that Tennessee Tech may impose upon a respondent following a determination of responsibility are as follows:
 - 1.** A student who violates this policy is subject to the disciplinary sanctions set forth in Tennessee Tech Policy 302, Student Conduct. These include:
 - a.** Informal Warning
 - b.** Official Warning
 - c.** No Contact Order
 - d.** Restitution
 - e.** Restriction of Privileges
 - f.** Educational Action
 - g.** Disciplinary Probation
 - h.** Housing Probation, Suspension or Cancellation of Housing Contract
 - i.** Other Interim Measures
 - j.** Expulsion
 - 2.** An employee who violates Tennessee Tech Policy 144, Title IX Policy and Grievance Procedures, is subject to the disciplinary sanctions set forth in Tennessee Tech Policy 650, Disciplinary Action. These include:
 - a.** Verbal or Written Warning
 - b.** Suspension with Pay
 - c.** Suspension without Pay
 - d.** Demotion

e. Disciplinary Probation

f. Termination

3. Students or employees found guilty of violating this policy may also face criminal prosecution.

rule to the singular “respondent” include the plural, as applicable.

- M.** Sexual assault -- as defined under [federal law](https://www.tntech.edu/titleix/definitions.php) (20 U.S.C. 1092(f)(6)(A)(v)) <https://www.tntech.edu/titleix/definitions.php> .
- N.** Sexual harassment -- conduct on the basis of sex that satisfies one or more of the following:
 - 1.** A Tennessee Tech employee conditioning the provision of an aid, benefit, or service of Tennessee Tech on an individual’s participation in unwelcome sexual conduct;
 - 2.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Tennessee Tech’s education program or activity; or
 - 3.** Sexual assault, dating violence, domestic violence and stalking as defined by federal law.
- O.** Stalking – as defined under [federal law](https://www.tntech.edu/titleix/definitions.php) (34 U.S.C. 12291(a)(30)) <https://www.tntech.edu/titleix/definitions.php> .
- P.** Supportive measures -- non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Tennessee Tech’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Tennessee Tech’s educational environment, or deter sexual harassment. Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- Q.** Title IX Coordinator -- the person designated and authorized by Tennessee Tech to coordinate its efforts to comply with its Title IX responsibilities.

IV. Policy

- A.** As required by law, no student, employee, or applicant for admission or employment will be excluded, on the basis of sex, from participation in, be denied the benefit of,

or be subjected to discrimination under any Tennessee Tech education program or activity.

B. When a person reports sex discrimination committed against a person while in the

3. Its grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how Tennessee Tech will respond; and
 4. The contact information for the Title IX Coordinator and its Title IX policies and procedures.
- B.** These notifications along with other information related to Title IX will be placed on Tennessee Tech's website and in each handbook or catalog that it makes available to applicants for admission and employment, students, and employees.
- C.** The Title IX Coordinator is responsible for coordinating the effective implementation of the notification and publication requirements.

VI. Confidentiality

- A.** Tennessee Tech will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted or required by federal or state law, or to carry out the purposes of this rule and attendant policies, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
- B.** Tennessee Tech will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality does not impair Tennessee Tech's ability to provide the supportive measures.

VII. Immediate Steps a Complainant Should Take After Sexual Assault

- A.** In the immediate aftermath of a sexual assault, domestic violence, dating violence or similar event, the complainant should first get to a safe place and to call 911 if in immediate danger.
- B.** The complainant should next seek medical attention, regardless of whether a complainant has decided to report the crime to the police. It is very important for the complainant of sexual assault to seek medical attention immediately so that the complainant can be screened for sexually transmitted diseases/pregnancy/date rape drugs, obtain emergency contraception, and receive treatment for any physical injuries.

Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

- B.** A report may be made at any time (including during non-business hours) to the Title IX Coordinator at 931-372-3112, titleix@tntech.edu, 1 William L. Jones Drive, Box 5037, Cookeville, TN 38505 or to the U.S. Department of Education, Office of Civil Rights, 800-421-3481, OCR@ed.gov

- 11.** Ensure that the Title IX Coordinator, investigator, hearing officer, or decision-maker does not have a conflict of interest or bias for or against complainants or r

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XII. Investigative Reports

- A.** Tennessee Tech will investigate, to the extent necessary or possible, the allegations in a formal complaint and create an investigative report that fairly summarizes relevant evidence.
- B.** During the investigatory process, both parties will have an equal opportunity to:
 - 1.** Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
 - 2.** Inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which Tennessee Tech does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- C.** Tennessee Tech will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- D.** Prior to completion of the investigative report, Tennessee Tech will:
 - 1.** Send the investigative report along with the evidence subject to inspection and review in an electronic format or a hard copy to each party and the party's advisor, if any;
 - 2.** Allow the parties 10 business days to submit a written response to the investigative report, which the investigator will consider prior to completion of the investigative report; and
- E.** At the conclusion of 10 business days, the Title IX Coordinator will send the investigative report along with the evidence subject to inspection and review in an electronic format or a hard copy to the Hearing Officer.

XIII. Formal Complaint Hearing

- A.** A live hearing of formal complaints not dismissed will be conducted by a hearing officer that meets the requirements set forth in Tennessee Code Annotated Section 4-5-324.

- B.** Live hearings may be conducted with all parties physically present in the same geographic location or, at Tennessee Tech's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- C.** Either party may request that the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions.
- D.** Tennessee Tech will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- E.** At least seventy-two (72) hours prior to a live hearing, Tennessee Tech will provide both parties with written notice of the following:
 - 1.** The time, place, and date of the hearing and electronic access information, if applicable;
 - 2.** The name of each witness Tennessee Tech expects to present at the hearing and those Tennessee Tech may present if the need arises;
 - 3.** Their right to request a copy of the investigative file; and
 - 4.**

Q. If the h

2. New evidence that could affect the outcome of the matter that was not reasonably available at the time the determination or dismissal was made; and
3. A conflict of interest or bias for or against complainants or respondents generally

shared; and

- 3.** Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- B.** Prior to agreeing to an informal resolution, a party may withdraw from the informal resolution process and resume grievance procedures with respect to the formal complaint.
 - C.** Tennessee Tech will ensure that an individual designated to facilitate an informal

E. Complaints alleging retaliation may be filed with the Title IX Coordinator who will follow the procedures and processes used for Title VII retaliation allegations as set forth in Tennessee Tech Policy 141, Prohibited Discrimination and Harassment.

F. Retaliation will result in disciplinary measures up to and including termination or expulsion.

XVIII. Interpretation

The Tennessee Tech Compliance Officer or his/her designee has the final authority to interpret the terms of this policy.

XIX. Citation of Authority for Policy

T.C.A. § 49-8-203(a)(1)(E); Tennessee Tech Policy 006 (Nondiscrimination Policy); Title IX of the Education Amendments of 1972 and its regulations, Section 485(f) of the Reauthorization of Education Act as amended, by Section 304 of the Violence Against Women Reauthorization Act of 2013; 34 CFR § 668.41, § 668.46, and Appendix A to Subpart D of Part 668.

Approved by: