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## URGE Complaints and Reporting Policy for University of Tennessee, Department of Earth & Planetary Sciences

The following information was found by the **URGE Pod, U of Tennessee Department of Earth & Planetary Sciences**, at the **University of Tennessee**, on policies for handling complaints, the reporting process, resources, and possible outcomes. The information summarized here is publicly available through UT websites. Recommendations for reporting are at the end of the document.

- **Links to the reporting policies at our organization:**

- **University of Tennessee—Knoxville Policies**

There are several places to find reporting information at the University, depending on the incident:

1. Bias Education and Referral Team, <http://bias.utk.edu> The University's Bias Education and Referral Team (BERT) consists of students, staff, and faculty from the following areas: The Office of the Dean of Students, The Office of the Vice-Chancellor for Diversity and Engagement, The Office of the Provost, The Office of the Vice-Chancellor for Communication, The Office of Human Resources, The University of Tennessee Police Department, Department of University Housing, Office of Student Disability Services, The Office of Equity and Diversity, Office of Multicultural Student Life, and Student Representatives. BERT is available to support and guide students seeking assistance in determining how to handle a bias incident. The team members will review incident reports and meet with affected students to facilitate services such as counseling, health services, or other referrals as needed to address safety concerns and to provide assistance and comfort to those impacted.

BERT identifies what constitutes a “bias” and a “bias incident” - any incident that occurs “on campus or within an area that impacts the UT community and which an individual can reasonably conclude is directed at a member or a group of the UT community” and “that is motivated, in whole or in part, due to an individual’s age, race, ethnicity, disability, gender, gender identity or expression, immigration or citizenship status, marital status, national origin, veteran status, religion and/or religious practice, sexual orientation, socioeconomic status, weight, political affiliation, medical condition, mental health, or any combination of these or related factors.”

2. Office of Equity and Diversity (OED), <https://oed.utk.edu/>. OED handles discrimination against employees, students, or applicants for employment or admission, on the basis of race, color, religion, sex (including sexual harassment and conduct prohibited under the University’s Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation, sexual orientation, gender identity, marital status, parental status), national origin, disability, age, genetic information or protected veteran status; discrimination against other participants in educational programs and activities (which includes certain individuals who are not employees, students, or applicants for employment or admission) on the basis of race, color, national origin, sex, or disability; and retaliation against any person who in good faith reports a practice that he/she believes violates non-discrimination policies or who participates in an investigation of a complaint. OED may involve the Title IX office specifically and depending on the nature of the incident. The University OED policy can be found here: <https://oed.utk.edu/wp-content/uploads/sites/19/2020/08/Federal-Discrimination-Laws-Brochure.pdf>

3. Office of Ombuds Services, <https://ombuds.utk.edu/>. This office serves as an independent, impartial, *confidential*, and informal resource for University employees—both faculty and staff—as well as graduate students. The Ombuds is not required to share their conversations with anyone else, and not required to engage in formal Faculty Senate, Graduate School, Human Resources, Office of Diversity and Equity, or any other grievance processes. The Ombuds is independent from other formal organizational structures within the University.
4. Office of Student Conduct & Community Standards (SCCS), <https://studentconduct.utk.edu/>. SCCS investigates and adjudicates alleged violations of the [Student Code of Conduct](#), which includes behavioral misconduct, academic misconduct, student organization misconduct, and Title IX policy violations. Students are responsible for conducting themselves in a lawful manner as well as in compliance with University rules and policies. In addition, the University has developed a set of aspirational goals titled, [Principles of Civility and Community](#), which encourages all members of the University community to foster a learning environment where diversity is valued, respected, and celebrated. Students who engage in conduct that is inconsistent with the Code are subject to University disciplinary action, called the student conduct process, which is educational in nature and centered around student development. The community has the opportunity to report incidents or possible violations to the University in a couple of different ways; violations include misconduct, academic dishonesty, and bias: <https://studentconduct.utk.edu/reporting/>
5. University of Tennessee Police Department (UTPD) or Knoxville Police Department (KPD), <https://utpolice.utk.edu/> If a person feels threatened or is in immediate danger (i.e., a hate crime), then they call 911. A hate crime, also known as a bias crime, is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin: <https://utpolice.utk.edu/crime-information/bias-based-crimes/> The UTPD investigates all reported bias-based crimes. UTPD has the primary responsibility for safety of all UT-owned property, including academic buildings, residence halls, and green spaces on campus. UTPD responds to active calls for service and conducts routine patrol functions on UT property. UTPD is responsible for crime reports and crime statistics that occur on UT property. In contrast, KPD has the primary responsibility for crimes that occur on non-campus property and all non-UT nearby properties. KPD is responsible for crime reports and statistics that occur on non-campus property in the city of Knoxville.

○ **Department of Earth and Planetary Sciences Policy**

The expectation is that reporting incidents would be done following University guidelines and policies. As such, there is no formal (i.e., written) policy for reporting at the Department level, such as in the Bylaws. However, an informal procedure has been described orally to incoming students and faculty that involves notifying a Supervisor (e.g., faculty advisor, instructor), the Department Head, Associate Head, and/or Director of Graduate Studies, if appropriate. If these avenues for reporting are inadequate or inappropriate, then a person can report to the College (e.g., Associate Dean for Human Resources, Dean, etc.) or to another level within the University system, as described above.

- The Pod identified this as a weakness and area where improvements could be made within the department, not only in formalizing reporting procedures but also by providing an anonymous online reporting tool. Recommendations are provided at the end of this document.

○ **Are reports made publicly available?**

Incident reports and statistics are available for the University through several avenues:

1. The Bias Education and Referral Team (BERT) publishes numbers and types of bias incidents at the University each year, <https://bias.utk.edu/category/incidents-data-reports/>
2. The Division of Diversity and Engagement, which is the administrative home of two offices, several commissions, and the Council on Diversity and Interculturalism, produces several reports, including for university-related activities associated with Diversity and Engagement, <https://diversity.utk.edu/reporting-offices-and-committees/>
3. UTPD publishes a crime log of Clery crimes, and reports data on bias-based crimes: <https://clery.utk.edu/crime-log/>
4. The Title IX office issues reports, <https://titleix.utk.edu/about-the-office-of-title-ix/documents-archive/>

○ **Are reporting policies regularly reviewed? What is the process for changing policy?**

Because of the various levels of reporting on campus, there are no specific details regarding the review of bias reporting policies or how to change a policy within each of the different organizations on campus. Changes and revisions would likely be done at higher administrative levels throughout the University System.

● **What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?**

○ **Who are the designated individuals/positions for reporting incidents?**

Any member of the University community or visitors to the University can report an incident.

There are several levels of reporting and positions, depending on the people *and* the incident:

1. Within the Department. This could include the person(s) reporting an incident and departmental leadership, if appropriate. Reporting could be done by email or in person. A 3rd-party could report the incident, on behalf of the impacted person(s). However, although confidentiality could be maintained, anonymity may be difficult if parties are identified and if true actions are to be taken. Leadership could handle the situation internally (by informing accuser(s) of a problem) or report to the College or elsewhere on campus.
2. Within the College. This could include the person(s) reporting an incident and College leadership (e.g., Dean, Associate Dean(s)). A 3rd-party could report the incident, on behalf of the impacted person(s). However, although confidentiality could be maintained, anonymity may be difficult if parties are identified and if true actions are taken.
3. Bias Education and Referral Team, <http://bias.utk.edu> The BERT website includes an online complaint form: [https://cm.maxient.com/reportingform.php?UnivofTennessee&layout\\_id=21](https://cm.maxient.com/reportingform.php?UnivofTennessee&layout_id=21) Complaints lodged to any of university departments and/or offices may be referred for further investigation, and as appropriate, to the UTPD and/or KPD. Various options for reporting are recommended:
  - a. If a person feels threatened or is in immediate danger (i.e., a hate crime), then they call 911.
  - b. A student should report incidents to 865-974-3179 and/or submit a [Bias Incident Reporting Form](#) if the threat is not immediate. They should contact OED (865-974-2498) for allegations of discrimination and/or harassment that occur within the classroom. Complaints may also be directed to the academic Dean of the appropriate College. They can also contact a person of authority with whom the student can speak honestly and openly, i.e., hall director,

professor, etc., if the student is not comfortable following the recommended procedures outlined above. Students involved in a process through SCCS do have a right to an Advisor being present ([refer to policy](#)), but that is a right for the accused party.

- c. A faculty/staff employee is encouraged to submit a [Bias Incident Report](#), as well. They should also initiate a complaint through OED (865-874-249), the Department of Human Resources (865-974-6642), and/or the Academic Dean of the appropriate College if the threat is not immediate. The individual may also consult her/his immediate supervisor or another person in authority within the Department. Complaints lodged in any of these offices will be referred for further investigation, and as appropriate to the University of Tennessee Police Department.
  4. Office of Equity and Diversity (OED), <https://oed.utk.edu/>. Complaints of discrimination (<https://oed.utk.edu/complaints/>) should be directed to the UT Knoxville Office of Equity and Diversity (OED), 1840 Melrose Ave., Knoxville, Tennessee 37996-3560, or by telephone (865-974-2498). Formal complaints must be in writing and filed within 300 days of the alleged discriminatory action. In certain circumstances, at the discretion of OED, complaints filed outside that time limit, or not submitted in writing, may be investigated. The form is here: <https://oed.utk.edu/wp-content/uploads/sites/19/2020/11/Complaint-Form-full-1.pdf>. Complainants who wish to file a complaint with an external agency to OED must be aware that each agency will have a time limit for reporting such a complaint. For example, THRC requires that discrimination complaints be filed within 180 days of the complained-of event. These limits usually run from the last date of unlawful harassment, not the date that the complaint is filed with the agency or resolved with the university.
  5. Title IX Office, <https://titleix.utk.edu/>. Bias incidents may also fall under the provision of Title IX (e.g., sexual harassment, sexual assault, dating and domestic violence, and stalking). The University does not discriminate on the basis of sex in our education programs or activities, including admissions and employment. Any incidents or inquiries about the application of Title IX or to make a report or a formal complaint that falls under the Title IX provisions should be directed to: Title IX Coordinator, 1817 Melrose Avenue, Knoxville, TN 37919, Telephone: 865-974-9600, Email: [titleix@utk.edu](mailto:titleix@utk.edu)
  6. Office of Student Conduct & Community Standards (SCCS), <https://studentconduct.utk.edu/>. If an act of bias is committed by a student, this is also a violation of the University's [Student Code of Conduct](#), and the individual(s) will be subject to disciplinary action by SCCS. The [Bias Incident Report](#) will alert the University to this incident and any possible violations.
- **Who do in-person and online reports go to? Who has access to see reports? Can reports be made online? Where? Anonymously?**

The type of reporting, as described above, can be handled within a Department or at higher administrative levels within the University. The people who make reports and who have access to the reports will vary depending on the nature of the incident and individuals involved. Moreover, anonymity of individuals depends on the type of incident and where/how the reporting is done.

On the BERT [Bias Incident Reporting Form](#) (available at <http://bias.utk.edu> or by calling 865-974-3179), a name, email, phone number, or address are not required fields. It is possible to be anonymous as a reporter in the initial report. However, the form asks for specific information so that the incident can be investigated fully. If the process is handled by the OED or other offices at the University, then the respondent (“the accused”) needs to be provided “enough information” to get a clear picture of the accusation, in order to respond fairly. The “information” will vary based on the circumstances of the incident. The BERT team refers incidents to the appropriate authority: OED, SCCS, UTPD, etc.

Although every organization on campus should respect and maintain confidentiality with respect to incidents and persons involved, complete anonymity would only be possible through the Office of Ombuds Services, <https://ombuds.utk.edu/>.

Lastly, in the case of any incident that falls under the provision of Title IX, most people on campus are Mandatory Reporters (<https://oed.utk.edu/complaints/title-ix/>), in which case anonymity would almost certainly be difficult to maintain.

- **Are police included in the process? When and how? Are individuals accompanied by an advocate or someone from the organization?**

If 911 is called because the threat is a hate crime or the bias incident is immediate, then UTPD and/or KPD would be involved directly and issue the report. UTPD and/or KPD may be brought into an incident investigation and/or the reporting procedures by any of the various organizations on campus (e.g., BERT, SCCS, OED).

- **What are the outcomes or consequences for reported individuals? Who decides the outcomes/consequences? What is the process?**

There are several outcomes and potential consequences, depending on the people *and* the incident. Outcome protocols, the review process, and even disciplinary actions differ for faculty and staff versus students.

Review Process: At UT, prior to any steps being taken against a reported individual, the first action taken would be to determine whether the bias is protected as “**freedom of speech**” (i.e., First Amendment rights). This evaluation is done by BERT, OED, SCCS, etc. and guidance would follow depending on the outcome of the review(s). If the incident is considered protected speech, then it is possible that no action will be taken against the offender or reported individual(s). For what constitutes free speech according to the University of Tennessee policy, refer to <https://freespeech.utk.edu/>.

Outcomes for Faculty and Staff: If it is determined that a form of discrimination has occurred through investigation by OED or other organization on campus, then the consequences will be determined by Human Resources: <https://oed.utk.edu/complaints/information-for-respondents/>, with the following consequences, “*Such action can include, but is not limited to, an oral or written warning, change in state (ex. reassignment, demotion), suspension, counseling, monetary loss (ex. denial of raise), and other actions up to and including termination.*” The accused have the right for representation in hearings. Involvement by the Department in this process could be through follow-up meetings between the Department Head and the individual(s), and/or written documentation of the report in a person’s personnel file, required training (e.g., bias, etc.). Retaliation is prohibited in any OED investigation.

Outcomes for Students: If it is determined that a form of discrimination has occurred through investigation, then SCCS handles the process and consequences for students, as well as “sanctions” and potential disciplinary actions for students: <https://studentconduct.utk.edu/the-process-steps/>

The accused have the right for representation in hearings. Types of sanctions could include, but are not limited to: warning, disciplinary probation, deferred suspension, suspension, expulsion, withholding of degree, educational activities, restitution, etc. The goal would be to turn the incident(s) into a “teachable” or “learning” opportunity. Retaliation is prohibited. For a full sanction listing and explanations: <https://studentconduct.utk.edu/sanctions/>

- **Are reports tracked? Yes**

- **How are they tracked? By who?** Bias Education & Referral Team (BERT)
- **Are repeated complaints escalated to a disciplinary board? What is the process?**

If follow-up actions by individuals for whom complaints have been lodged are retaliatory in nature, then further review and consequences (by OED for faculty and staff) or sanctions (by SCCS for students) would be assessed. Retaliation should be reported immediately to OED and is prohibited by the University's nondiscrimination (and sexual harassment) policies (<https://oed.utk.edu/complaints/retaliation/>).

From the BERT, OED, and SCCS websites, there do not appear to be clear definitions of what constitutes a microaggression or what a microaggression is. Microaggressions are subtle nonverbal, verbal, behavioral, and environmental discriminatory expressions based on the intersection of race, gender, age, or other identity (e.g., disability, gender identity or expression, immigration or citizenship status, marital status, national origin, ethnicity, veteran status, religion and/or religious practice, sexual orientation, socioeconomic status, weight, political affiliation, medical condition, mental health, or any combination of these or related factors). Microaggressions occur on a more frequent, repeated, sometimes daily, basis<sup>1</sup>. Resources to train against microaggressions on campus, such as through the Center for Career Development and Academic Exploration (<https://career.utk.edu/employer-diversity-inclusion/>), are available.

But, it is unclear how microaggressions are included under the umbrella of "bias incident" or how repeated complaints against an individual or group for microaggressions are dealt with at the Departmental, College, or University levels, according to the organizational, including OED or SCCS, websites.

- The Pod identified the lack of clarity regarding microaggressions, and repeated reporting of microaggressions, as a weakness and an area where improvements could be made.

- **What resources are available for individuals reporting?**

Following reporting an incident, through the potential process of hearings and decision outcomes, individuals who did the reporting are protected against retaliation or repercussions: <https://oed.utk.edu/complaints/retaliation/>.

However, resources available for individuals reporting an incident were not clearly available from the OED or SCCS online materials. Reporters can use third-party individuals to remain anonymous throughout reporting or initially, but it is unclear whether reporters have access to counselors or advocates during the reporting process or follow-up review, potential hearings, etc.

- The Pod identified this as a weakness. People who are reporting incidents should have access to automatic counseling and advocate resources, particularly if the review process and assessment of actions and/or sanctions takes place over a long period of time (i.e., a semester or longer). Counselors or advocates should be the same race, ethnicity, and/or gender.

- **What resources are available to groups raising issues or proposing changes?**

Individuals or groups raising issues can include faculty, staff, students, and community members. Depending on the nature of the issue, a meeting with organizational leadership and the designation of working groups or committees, as well as surveys, are possible.

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<sup>1</sup><https://www.knoxnews.com/story/opinion/columnists/george-korda/2017/03/07/george-korda-uts-microaggressions-laboratory-where-free-speech-priority/98841498/>

- **Recommendations for reporting**

There are many resources available at UT for bias and discrimination reporting, spanning the whole university to the individual departments. Anyone can report an incident, including members of the community, and involvement in handling bias incidents include all of the top administrative offices and organisations in the university system.

- The Pod identified three areas where improvements and/or clarifications to reporting policies are be made:
  - Department-level improvements for reporting can be made, including (but not limited to), formalizing reporting procedures and providing an anonymous online reporting tool.
  - Clarification of what constitutes microaggressions, under “bias incident” classifications and policy for repeated microaggressions and reporting
  - Clarification of resources available to individuals doing the reporting
- The Pod also recommends that this reporting information be made available to others within our Department (e.g, posting on the departmental website), streamlined or made into a visual (like a flow chart), to help students, faculty, and staff understand the resources available for reporting bias. The information should be kept up-to-date.