

6.01.00.00 Sex Discrimination, Sexual Harassment or Sexual Misconduct



Policy/Guideline Area

Sexual Discrimination/Harassment/Misconduct

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

It is the intent of the Tennessee Board of Regents that the institutions under its jurisdiction shall fully comply with Title IX of the Education Amendments of 1972, §485(f) of the HEA, as amended by §304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR §668.41, §668.46, and Appendix A to Subpart D of Part 668; and Sections 799A and 845 of the Public Health Service Act and Regulations issued pursuant thereto found at 45 CFR Parts 83 and 86. The policies in this area are adopted to address such compliance.

Definitions

For purposes of this policy area the following definitions shall apply:

- Sex Discrimination is treating someone less favorably because of that person's sex, sexual orientation or gender identity/expression.
- Sexual Harassment is unwelcome conduct based on a person's sex, sexual orientation or gender identity/expression that:
 - Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
 - Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment of the individual;
 - Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment; or

- Some sexual harassment can also meet the definition of sexual misconduct.
- Sexual Misconduct for purposes of this policy area includes dating violence, domestic violence, sexual assault, stalking, and Title IX sexual harassment as they are defined in Policy 6.03.00.00.

Policy/Guideline

I Applicable Policies and Procedures

- A. Complaints of sex discrimination or sexual harassment by or against students, faculty or staff shall be governed by Policy 6.02.00.00 and P-080. Complaints of sexual misconduct shall be governed by Policy 6.03.00.00.

Sources

Authority

T.C.A. § 49-8-203; All State and Federal Statutes, Acts, Codes, Rules and Regulations referenced in this policy.

History

NEW: Board Meeting September 26, 2014; Revisions approved at August 12, 2020, Special Called Board Meeting.

Related Policies

[6.03.00.00 Sexual Misconduct](#)

[P-080 Discrimination & Harassment - Complaint & Investigation Procedure](#)

[5.01.02.00 Equal Employment Opportunity](#)