

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Non-Discrimination on the Basis of Sex in Education Programs and Activities

EFFECTIVE DATE: August 14, 2020; Revised January 22, 2024 (updating job title)

I. Purpose and Scope

It is the intent of Southwest Tennessee Community College (“Southwest” or “the College”) to fully comply with Title IX of the Education Amendments of 1972 and applicable amendments thereto. This policy is adopted to assist with addressing such compliance.

This policy applies to all Southwest faculty members, employees and students and also extends to those with whom the College conducts business, including clients, customers and vendors.

II. Definitions

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

Sex Discrimination- treating someone less favorably because of that person's sex, sexual orientation or gender identity/expression.

Sexual Harassment- 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
- Meets the definition of sexual misconduct.

Sexual Misconduct for purposes of this policy includes dating violence, domestic violence, sexual assault, stalking, and Title IX sexual harassment as they are defined in Policy 3:06:00:00/12.

III. Policy

A. Sex Discrimination

1. It is the goal of Southwest to ensure that equal opportunity and nondiscrimination exists on the basis of sex for students in all education programs and activities, including but not limited to, the following:

- a. Recruitment and admission;
 - b. Academic, extracurricular, research, occupational training, health-related training, and other education programs;
 - c. Rules on student life activities;
 - d. Housing;
 - e. Facilities;
 - f. Access to course offerings;
 - g. Counseling;
 - h. Financial assistance;
 - i. Employment assistance;
 - j. Health and insurance benefits and services;
 - k. Rules on marital or parental status; and
 - l. Athletics.
2. The College seeks to ensure that no person, on the basis of sex, is excluded from participation in, denied the benefits of, or subjected to discrimination in employment under any education program or activity.
 3. Non-discrimination in employment on the basis of sex includes, but not be limited to, the following:
 - a. Employment criteria;
 - b. Recruitment and hiring;
 - c. Promotion, tenure, demotion, transfer, layoff, termination, nepotism policies, and rehiring;
 - d. Compensation;
 - e. Job assignments, classifications, and descriptions, lines of progression and seniority lists;
 - f. Leave;
 - g. Fringe benefits; and
 - h. All other terms, conditions, and privileges of employment.

B. Sexual Harassment

1. Designation of Title IX Coordinator

- a. The College will designate at least one (1) employee to serve as the Title IX Coordinator to coordinate the efforts of the College for compliance with Acts and the Regulations related to Title IX.
- b. The Title IX Coordinator will have sufficient time and ability to evaluate the compliance efforts of the College and investigate complaints by employees
- c. and students arising under the Acts and the Regulations associated with Title IX.
- d. The name of the Title IX Coordinator will be published by the College and made readily available.

2. Complaint Procedure

Reports and complaints of sexual discrimination, including sexual harassment, should be reported to the Title IX Coordinator by mail, telephone, or electronic mail using the contact information listed for the Title IX Coordinator. Contact information, including name, mailing address, email address, and telephone number, will be posted prominently on the College's website, specifically, on the page for the Office of the Chief of Staff. It is also provided below:

Office of the Chief of Staff
Union Avenue Campus
Memphis, TN 38103
Parrish Building, Room 221
901-333-5005
chiefofstaff@southwest.tn.edu
<https://www.southwest.tn.edu/compliance/>

3. Statement and Dissemination of Policy

- a. The College does not discriminate on the basis of sex in the educational programs or activities, which it operates and that it is required by Title IX of the Educational Amendments of 1972, Sections 799 A and 845 of the Public Health Service Act, and 45 C.F.R. Parts 83 and 86 not to discriminate in employment or in admission to education programs or activities.
- b. The College's Title IX Coordinator is the Chief of Staff. The website link for that office is <https://www.southwest.tn.edu/compliance/>. The contact information for the Title IX Coordinator is provided in the Complaint Procedure section above.
- c. The College will adopt specific and continuing measures whereby applicants for admission and employment, students, employees, and sources of referral of applicants for admission and employment will be notified of the policy adopted pursuant to this policy.
- d. In addition, the College will include the policy statement in each announcement, bulletin, catalog, and application form that it makes available to any person herein described or is used in connection with the recruitment of students or employees.

4. Recordkeeping

- a. The Title IX Coordinator will retain for a period of seven (7) years the following documents:
 - 1) Documents related to each sexual harassment investigation, whether pursuant to the College's Sexual Misconduct Policy, *TBR Guideline P-080* or otherwise:


- a) investigation files, which include records that the College creates to investigate an allegation, regardless of later dismissal or other resolution, as well as all information required by applicable policy and guidelines;
 - b) determinations regarding responsibility;
 - c) audio or audiovisual recordings and transcripts;
 - d) disciplinary actions;
 - e) remedies provided to restore or preserve equal access to an education program or activity;
 - f) appeals and result therefrom; and
 - g) informal resolutions and results.
- 2) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process about their obligations under the Sexual Misconduct Policy, which will be available on the College's website.
- 3) For every report, whether formal or informal, of sexual misconduct as defined by the Sexual Misconduct Policy, where no investigation was conducted, documentation of:
- a) records of action taken in response, including interim or supportive measures;
 - b) documentation of the basis for the College's conclusion that its response was not deliberately indifferent;
 - c) measures taken to restore or preserve equal access to the College's education programs and activities; and
 - d) if the College does not provide a complainant with supportive measures, documentation as to why the College's response was not clearly unreasonable in light of known circumstances (e.g., the complainant did not wish to receive supportive measures or refused to discuss them with the Title IX Coordinator).

5. Self-Evaluation

The College will modify policies and practices that do not meet the requirements of Title IX or the Regulations issued pursuant thereto, take appropriate remedial steps to eliminate the effects of discrimination resulting from such policies and practices, and recommend to the Chancellor amendment of any state legislation that inhibits compliance with Title IX or the Regulations issued pursuant thereto.

Source of Policy: New Title IX Regs, TBR Responsible Administrator: Chief of Staff

Related Policy: 3:06:00:00/12 TBR Policy Reference: 6.01.00.00 6.02.00.00
5:00:00:00/15 5:01:02/28 TBR Guideline Reference: 6.01.00.00, 6.02.00.00

Approved:  Date: January 22, 2024
President