

# DISCRIMINATION/HARASSMENT

Policy Number: 3.2.303

Discrimination/Harassment will not be tolerated. Employees and students at MTSA shall be provided a work and learning environment free of discrimination/harassment per the MTSA Nondiscriminatory Policy. It shall be a violation of this policy for any employee or any student to discriminate against or harass an employee or student through disparaging conduct or communication that is inherently discriminatory. The basis of these complaints may arise, but not be limited to, the following provisions of law:

- Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.;
- Title VII of the Code of Federal Regulations; 29 CFR §1604.11;
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.;
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq.;
- Claims of sexual harassment under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

The following situations are examples of when employees and students should report possible discrimination / harassment to the Title IX Coordinator:

- Unreasonably interferes with the individual's work or performance;
- Feels intimidated, hostility or an offensive work environment;
- Explicit or implicit term threats to terms of employment or academic success;
- Encounters submission to or rejection of sexual conduct will be used as a basis for decisions affecting the harassed employee or student.

Alleged victims of sexual, racial, ethnic, sexual orientation, or religious discrimination/ harassment shall report these incidents immediately if they believe their rights as guaranteed by the State or Federal Constitution, State or Federal laws or School policies have been violated. This report should be made in writing to the Title IX Coordinator, except when the Title IX Coordinator is the offending party. If the Title IX Coordinator is the offending party, the report shall be made to the President of MTSA. All allegations of discrimination/harassment shall be reported in writing to and fully investigated by the office of the Title IX Coordinator or the President, as appropriate.

Reports should be addressed to:

Title IX Coordinator

Middle Tennessee School of Anesthesia

PO Box 417

Madison, TN 37116

[titleIXcoordinator@mtsa.edu](mailto:titleIXcoordinator@mtsa.edu)

An oral complaint may be submitted; however, such complaint shall be reduced to writing to insure a more complete investigation. The complaint should include the following:

- Identity of the alleged victim and person accused;
- Location, date, time and circumstances surrounding the alleged incident;
- Description of what happened;
- Identity of witnesses (if any); and
- Any other evidence available.

A substantiated charge against an employee shall result in disciplinary action up to and including termination. A substantiated charge against a student may result in corrective or disciplinary action up to and including removal from the School.

There will be no retaliation against any such person who reports discrimination/harassment or participates in an investigation. However, any employee/student who refuses to cooperate or who gives false information during the course of any investigation may be subject to disciplinary action. The willful filing of a false report shall itself be treated as a violation of this policy and shall result in severe repercussions to the maker of the report.

## INVESTIGATION PROCEDURES

The privacy and anonymity of all parties and witnesses to complaints will be respected. The complaint and identity of the complaining party shall not be disclosed except (1) as required by law or this policy; or (2) as necessary to fully investigate the complaint; or (3) as authorized by the complaining party. However, because an individual's need for confidentiality must be balanced with obligations to cooperate with police investigations, legal proceedings, to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve a complaint, the identity of parties and witnesses may be disclosed. This will occur only in appropriate circumstances and only to individuals deemed necessary to possess such knowledge.

The Title IX Coordinator, or a designated complaint manager appointed by them, shall address the complaint of discrimination/harassment promptly and equitably. The person conducting the complaint investigation shall file a written report within ten (10) MTSA business days with the

Title IX Coordinator. After receipt of the report from the person conducting the investigation, the Title IX Coordinator of MTSA, or the President, as appropriate, shall render a written decision within ten (10) MTSA business days.