Know Your Rights
A guide to your campus, state, and federal rights.

FMLA
Parental
Civil Rights
Gender & Sexuality

Created by the Gender Equity Committee of United Campus Workers in collaboration with A Better Balance
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Part 1. What is in this handbook?
This handbook provides information and resources related to rights surrounding gender, sexuality, parental, and civil rights in one guide. The handbook does not offer legal advice, but does link to more detailed information about your campus policies, as well as your state and federal rights. It also provides resources for accessing services and addressing complaints that are housed in various locations across campus and in the larger community.

The UCW Gender Equity Committee
The United Campus Workers Gender Equity Committee is a committee composed of UCW-CWA staff, faculty, graduate employees and lecturers at public colleges and universities across Tennessee. Our mission is to advance workplace equity and justice for all gender identities in higher education. We believe in a higher education system that provides institutional resources to address pay inequity, protects gender non-conforming workers and students, and supports a fairer system of promotion and tenure. Through education, campus-based organizing, and legislation we aim to shape campus cultures and policies so that employees have a voice and decision-making power around these issues. Additionally, the Gender Equity Committee is responsible for participating in CWA’s National Women’s Committee initiatives.

Membership & Staff
We thank the following committee members and UCW organizers for their work to bring the Know Your Rights Handbook to fruition: Jayme Brunson, Allie Cohn, Kristina Cantin, Jaclyn Michael, Heidi Marsh, Jayanni Webster, Cassie Waters, Eli Stanfield, and Dana Smith. If you are interested in joining the Gender Equity Committee or bringing an issue to our attention, please contact: gec@ucw-cwa.org

About A Better Balance
A Better Balance is a non-profit legal organization that promotes fairness for working women and families. We leverage the power of the law to ensure that no one has to make the impossible choice between their job and their family. Our Southern office is based in Nashville, Tennessee, and serves families throughout the state of Tennessee and the Southeast.
Part 2. What does federal and state law say?

The U.S. and Tennessee both have anti-discrimination laws. Federal law applies to employers with 15 or more employees, including state employees, and Tennessee law applies to employers with 8 or more employees, including state employees. Below is specific information on laws related to sex discrimination, sexual harassment, and pregnancy discrimination:

Sex Discrimination

Federal and Tennessee law prohibit sex discrimination in the workplace. Sex discrimination means being treated differently at work such that it negatively affects the terms or conditions of your employment and that treatment is because of your sex. Changes in the terms or conditions could mean things like being hired or fired, and differences in your job position or duties; your work schedule, shift, or job location; your pay rate or salary; or advancement and training opportunities. The U.S. Equal Employment Opportunity Commission (EEOC) is the federal agency enforcing anti-discrimination law. It maintains that discrimination based on gender identity, including transgender status, and sexual orientation is discrimination based on sex and violates federal law.

Sexual Harassment

Sexual harassment is a form of sex discrimination and is prohibited by federal and Tennessee law. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or based on sex that affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.

Pregnancy Discrimination & Accommodations

Under federal and Tennessee law, it is illegal for employers to treat employees unfairly because they are pregnant. Your boss cannot fire you, cut your hours, or treat you differently simply because you are pregnant, and you cannot be asked about pregnancy or plans to have children in a job interview. Under federal and Tennessee law, you have a right to reasonable accommodations in the workplace for pregnancy-related needs, including lactation, if you can prove that other similarly situated employees are being accommodated. Reasonable accommodations include the ability to sit or carry a water bottle, more frequent breaks, and temporary limits on heavy lifting, among others. You may also have a right to reasonable accommodations under federal and Tennessee disability law if you have a pregnancy-related disability.
Pumping at Work

Under Tennessee law, you are entitled to reasonable break time to express milk during the workday, unless it would unduly disrupt your employer’s operations. Your employer must also make reasonable efforts to provide you with a private space that is close to your work area, other than a toilet stall, where you can express milk. Federal law also provides a right to break time and space to pump for certain employees.

Digital Know-Your-Rights Resources

Our online resources provide more information about the laws available to help you succeed at work while caring for your family. You can be your own best advocate in the workplace, and we are here to help. For more Tennessee-specific information, visit [www.babygate.abetterbalance.org/tennessee](http://www.babygate.abetterbalance.org/tennessee). For a union steward’s guide to counseling and representing pregnant workers, visit [this link](#).
Part 3. What if I need legal help?

Is your employer treating you unfairly because you are pregnant, breastfeeding, recovering from childbirth, or caring for your new child or seriously ill family member? Are you having difficulty obtaining time off from work to care for yourself or a loved one? We’re here to help. Call A Better Balance’s national legal helpline at 1-833-NEED-ABB (1-833-633-3222) for free and confidential information about your workplace rights around caring for yourself and your family. A Better Balance’s consultations are to provide information only. If you are seeking legal representation, please let us know and we can discuss possible options with you.
Part 4. What does University policy say?

Staff, faculty and students can find all University of Memphis policies on the PolicyTech Website.

How do I file a general complaint or grievance?

HR5052: Grievance Process and Conflict Resolution
A staff member who has a formal grievance should complete a grievance form within 15 work-days of the date of the occurrence or knowledge of the occurrence on which the grievance is based. The grievance form should be submitted to the Office of Employee Relations and Engagement (Employee Relations) who will be responsible for notifying the department and providing a copy of the grievance to the appropriate administrator.

HR 5054: Separation from Employment
Similarly, if an employee has been termination, they should use the same grievance process as a general complaint. HR5054 includes some contextual information on how to file a complaint or grievance with the University. Visit the PolicyTech website to review this policy.

President's Panel Hearing
The President's Panel Hearing is the final step in the grievance process that does not involve a TUAPA hearing. An unbiased panel is appointed by the President or designee to hear the grievance and make final recommendations to the President.

TUAPA Hearings
A hearing in conformity with the provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), Tennessee Code Annotated, Sections 4-5-301 through 4-5-322. TUAPA hearings give employees the opportunity to have their grievance heard before a State-appointed judge. The employee should be as specific as possible in detailing why they believe the action taken was wrong, inappropriate, or in error. The employee must also specify the remedy they are requesting for the alleged violations.

Involuntary Separations for Faculty
Involuntary termination of faculty should be in accordance with procedures established through the Offices of the President and the Provost. Additional information may be found in the Faculty Handbook.
I am a faculty member, who can I talk to outside of HR?

Faculty Ombudsperson:
The University of Memphis Faculty Ombudsperson is an independent, confidential, impartial (neutral), and informal resource, chosen from the UM faculty, who is available to all members of the University faculty, including all tenured, tenure-track, clinical, research, and one-year instructors, to facilitate dispute resolution through cooperation, consensus, education and mediation. Ombudsperson’s activities assist the faculty to resolve complaints that have not risen to the level of formal grievances, with the goal of promoting alternatives to adversarial processes. The office supplements, but does not replace, the university’s existing resources for conflict resolution.

Gloria F. Carr
Faculty Ombudsperson
Cell: (901) 283-0532
Email: gcarr@memphis.edu

What does UofM Policy say about sexual misconduct, discrimination, and harassment?

GE2031: Sexual Misconduct and Domestic Violence policy
Sexual misconduct is a form of sex discrimination strictly prohibited by the University, which includes, but is not limited to, sexual assault, sexual harassment, domestic/dating violence or stalking. As such, all reported allegations of sexual misconduct, as defined by GE2031 - Sexual Misconduct and Domestic Violence policy, will be investigated and adjudicated accordingly. If you have experienced or have knowledge of any form of sexual misconduct involving a student, staff, faculty member or affiliated organization, you should contact the Office of Institutional Equity.

These procedures are available for use by the following individuals and may apply to incidents occurring on or off campus:

1. Any employee or student who has been a victim of sexual misconduct, regardless of sexual orientation or gender identity/expression;
2. Any former employee or student who has been a victim of sexual misconduct if the conduct took place during the time of employment or enrollment at the University of Memphis and the conduct has a reasonable connection to the institution;
3. Any employee or student who has knowledge of an act of sexual misconduct against another employee or student in order to report such misconduct; and,
4. All third parties with whom the University has an educational or business relationship who have been a victim of sexual misconduct when the conduct has a reasonable connection to the University. Geographical Scope. This policy applies to employees and nonemployee third parties who are alleged to have violated this policy regardless of the location of the incident.

**GE2030: Non-discrimination and Anti-Harassment**

As an Employer, The University will not tolerate discrimination against any employee or applicant for employment because of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information, nor will it tolerate harassment on the basis of these protected categories or any other category protected by federal or state civil rights law. Further, in accordance with its Title IX responsibilities, the University prohibits discrimination on the basis of sex in employment under any education program or activity. Nondiscrimination in employment on the basis of inclusion in any protected class shall include, but not be limited to, the following areas:

- Employment criteria;
- Recruitment and hiring;
- Promotion, tenure, demotion, transfer, layoff, termination, nepotism policies, and re-hiring;
- Compensation;
- Job assignments, classifications, and descriptions, lines of progression and seniority lists;
- Leave and fringe benefits; and
- All other terms, conditions, and privileges of employment.

**Title IX and Civil Rights Violations**

For Civil Rights violations please visit the [Office of Institutional Equity](#) (OIE). Note: Human Resources can also receive complaints for discrimination, harassment but will ultimately refer you to OIE. The Office for Institutional Equity monitors the University's policy on equal opportunity and affirmative action in employment and education in that it will not discriminate based on race, color, national origin, religion, age, sex (except where sex is a bona fide occupational qualification), disability, where the person is a qualified disabled person, or because of their status as a qualified disabled veteran or veteran of the Vietnam era.
How do I report sexual misconduct, harassment or discrimination?

GE2024 - Discrimination, Harassment - Complaint and Investigation Procedure
Furthermore, GE2024 is a policy applicable to all employees, including faculty members, applicants and students and is intended to protect the rights of the aggrieved party ("the Complainant") as well as the party against whom a complaint of discrimination or harassment is lodged ("the Respondent"), as required by state and federal laws.

To report of file a complaint for sexual misconduct visit this link. Additionally, counseling resources are available for students who are survivors of rape/assault. You can learn more through the Counseling Center's webpage or by calling the Counseling Center at 901.678.2068. To File a Report regarding Discrimination, Harassment & Retaliation you would use this form. If you have any questions about the complaint process or require assistance with completing any of the complaint forms, please contact the Office for Institutional Equity (OIE) at 901.678.2713, Monday through Friday from 8:00 A.M. to 4:30 P.M. or email them at oie@memphis.edu.

Who is considered a mandatory reporter?
As a part of the University’s sexual misconduct policy, it is mandated that faculty and staff report any instance of sexual misconduct that is observed, suspected, or disclosed to them by a member of the University community. The policy states that a Mandatory Reporter is: (1) any University employee who has the authority to redress sexual misconduct; (2) who has the duty to report incidents of sexual misconduct; or, (3) whom a student could reasonably believe has this authority or duty. Read more here.

I’m pregnant, what are my rights on the job?
The Pregnancy Discrimination Act (PDA) is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. People affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work.

Hiring and Working Conditions
An employer cannot refuse to hire a person because of their pregnancy related condition as long as they are able to perform the major functions of her job. An employer cannot refuse to hire a person because of its prejudices against pregnant workers or because of the prejudices of co-workers, clients, or customers. The PDA also forbids discrimination based on pregnancy when it comes to any other aspect of employment,
including pay, job assignments, promotions, layoffs, training, fringe benefits, firing, and any other term or condition of employment.

Additional Policies to know:
- GE 2004 | Equal Employment Opportunity, Affirmative Action
- HR 5055 | Nepotism and Personal Relationship Policy
- Recruitment, Application and Selection of Faculty
- Advertising and Hiring for Non-Faculty Position Openings

Where can I find lactation spaces on campus?
The four designated lactation rooms on campus are:
- University Center (UC) 240
- Clement Hall 118
- Patterson Hall 124
- Health Center 202

How much paid parental leave time am I allowed?

HR 5024: Paid Parental Leave
This policy describes the circumstances in which Paid Parental Leave may be taken, eligibility, procedures for taking Paid Parental Leave, medical certification requirements, coordination with other types of leave, reinstatement issues, and other matters related to Paid Parental Leave. The University of Memphis is committed to providing a work environment that is supportive of employees' work and personal life obligations. In demonstration of this commitment, six (6) weeks (225 hours) of Paid Parental Leave is provided to eligible faculty and staff employees following the birth or adoption of a child, offering parents the opportunity to bond with their new child and balance their professional obligations. Fill out this form to request for Paid Parental Leave

What does FMLA mean? Do I qualify?

HR5028 - Family, Medical and Servicemember Leave
In compliance with the Family and Medical Leave Act of 1993, as amended, (“FMLA” or “the Act”) it is the policy of the University of Memphis to provide eligible employees up to 12 workweeks of leave during a 12-month period for family or medical leave, or for a qualifying exigency; or, up to 26 workweeks of leave for military caregiver leave during a 12-month period for reasons specified in this policy, to provide continued health insurance coverage during the
leave period and to insure employee reinstatement to the same or an equivalent position following the leave period.

You may qualify for a FMLA leave of absence if you meet the two following criteria:

1. have been employed for 12 months and worked 1250 hours in the preceding 12 months and
2. are off work or anticipate an absence of 3 or more calendar days due to
   ○ your serious personal illness, injury or pregnancy, or that of a qualified family member or;
   ○ intermittent absences due to serious illness of self, spouse, parent, or child.

To request for Medical Leave

What are my rights as a disabled employee?

HR5062 - ADA Workplace Accommodations / Disability Rights
Note: employees can utilize the Office of Institutional Equity to grieve this policy if it is not being followed or if they want to appeal decisions around accommodation, modification of duties, or ending disability status.

The University of Memphis is committed to equal opportunity in all aspects of employment for qualified individuals with a disability. In accordance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973, it is the policy of the University to provide reasonable accommodations in employment unless the accommodation would impose an undue hardship on the operation of the University’s business or change the essential functions of the position.

Employee requests for reasonable accommodations must be made to the Human Resources-Office of Benefits Administration (Benefits) by completing the Accommodation Request form or by visiting the office located at 165 Administration Building, Monday-Friday, between the hours of 8:00 a.m. – 4:30 p.m. Managers and supervisors should immediately direct employees to Benefits for assistance and/or guidance and to begin the interactive process. Once an employee makes a request for an accommodation they are required to cooperate throughout the interactive process by providing information as to how the disability affects their ability to perform the essential functions of the job, attending meetings to discuss accommodation needs, timely providing current medical information, and identifying what workplace accommodations are necessary to assist in performing the job duties.
How does workers compensation work?
According to law, employees who sustain job-related injuries or illnesses are eligible for workers compensation. The law also guarantees employees certain job rights upon recovery. Upon their return to work, employees will be treated as though they had never left for purposes of rights and benefits based upon length of service.

What should I do if I am injured on the job?
If it is an emergency, seek treatment at the nearest emergency room. Then contact your supervisor and Human Resources as soon as possible to start the claim process. In a non-emergency, notify your supervisor immediately and follow the steps below.

1. Tell your supervisor what happened, how it happened, who saw what happened, and if you were injured as a result of the accident.
2. You and your supervisor should then call the Workplace Injury and First Notice of Loss Call Center at 1.866.245.8588.
3. Select option #1 to speak with a registered nurse who will evaluate the nature of your injury and determine your immediate care or treatment options. Your supervisor will only verify that you are reporting a work related injury to the registered nurse.
4. If no medical treatment is recommended, the registered nurse will document the call for you and your supervisor and enter an incident report in the reporting system.
5. If medical treatment is recommended, the nurse will direct you to the nearest State approved medical provider.
6. You and your supervisor will need to complete the First Report of Injury or Illness form found online at First Report of Injury or Illness. This form should be returned to the Environmental Health and Safety Office.

What to do when seeking medical treatment:
1. Upon arrival, you should notify the medical facility personnel that you were injured while on the job.
2. Follow-up doctor and/or specialist appointments must be arranged by CorVel and NOT by the injured employee or supervisor.
3. You may contact CorVel to discuss existing claims at 1.888.226.7835.
4. What to do after seeking medical treatment:

It is the employee’s responsibility to keep Human Resources notified regarding their work status. All medical documentation must be forwarded and provided to Human Resources only
– not to your supervisor. Due to HIPAA privacy compliance, ONLY Human Resources will store medical records related to an employee’s on the job injury.

*Note: there is precedent to suggest gender bias in workers compensation claims; if you feel that your gender is being used to deny your claim, downplay your injury or impacting your treatment and outcome, contact the Office of Institutional Equity or the Memphis Equal Employment Opportunity Commission.*

**Additional Campus Resources**

1. **Office of Inclusion and Diversity**

2. **Student Healthcare Center**
   Student Health Center
   University of Memphis
   200 Hudson Health Center
   Memphis, TN 38152-3320
   Email: studenthealth@memphis.edu
   Phone 901.678.2287

3. **Safe Zone**
   The SafeZone Program at the UoM was created to fully support gay, lesbian, bisexual, transgender, intersexed, and questioning UoM students, faculty and staff. As we grow awareness for concerns relating to LGBTQ issues, it reinforces our commitment to diversity and civility, which are top priorities at the University of Memphis. And always will be.

4. **Faculty Senate**
   Thomas E. Banning
   Faculty Senate President
   Tel: 901-678-5377
   Fax: 901-678-4188
   Email: tbanning@memphis.edu
   [https://esc.utk.edu](https://esc.utk.edu)

5. **Staff Senate**
   Staff Senate President
   Meghan Cullen
   Law Library Assistant III
   Office: Law 111
   Telephone: 678-5392
   mcullen@memphis.edu
6. **Police Services**
   Emergency Phone: 901.678.HELP (4357)
   Non-Emergency Phone: 901.678.3848

**Off-Campus Resources**

1. **The Family Safety Center**
   “The Family Safety Center is one location that effectively combines civil, criminal, health and social services for victims of family violence. By co-locating the services of our partner agencies in one location, Family Safety Center is able to better serve the hurting families of Memphis and Shelby County who are caught up in the trauma of domestic violence. We provide assistance to the victims and help them navigate through the many services available to them. Ultimately, we strive to reduce incidents of domestic violence and strengthen families in Memphis and Shelby County.”

2. **Medical & Health Services**
   **CHOICES: Center for Reproductive Health**
   Offers counseling, gynecology and forensics services to victims of sexual assault; they are a trans-friendly health-care provider.

   **Le Bonheur Children’s Hospital**
   Provides comprehensive pediatric medical care and community-based support services to child victims, children at risk of abuse and neglect, and their families

   **SisterReach**
   Focuses on empowering, organizing and mobilizing women and girls around their reproductive and sexual health; this first-of-its-kind organization in Tennessee helps women and girls make informed decisions about themselves and to become advocates for themselves

3. **Children’s Advocacy**
   **Memphis Child Advocacy Center**
   Offers support services to children who have experienced severe physical and sexual abuse, including the children of domestic violence situations

4. **Legal Help**
   **Community Legal Center**
   Provides civil legal assistance for working poor and economically disadvantaged victims who reside in Memphis and Shelby County and offers assistance to immigrants who reside in the four-state region served by the Immigration Court in Memphis
Memphis Area Legal Services
Offers free civil legal assistance to low-income individuals and the elderly in Southwestern Tennessee, in addition to a multitude of services for those facing domestic violence situations, such as case management, court accompaniment and social services

Shelby County Crime Victims Center/Rape Crisis Center/Orders of Protection
Offers services to and on behalf of domestic violence victims inside the legal system by providing court advocates during proceedings relative to victims’ protective orders and court dates, as well as offering crisis counseling and safety planning; providing forensic sexual assault exams, legal advocacy, and counseling services to victims of sexual assault; and assists victims with Orders of Protection

5. EEOC
The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person’s race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

For more off-campus resources: https://familysafetycenter.org/meet-our-partners/