

**What two words can  
make people hide  
their true identities?**

**“You’re  
Fired!”**

**Vote on April 6 & 7 to  
“Expand the UTK  
Non-Discrimination  
Clause.”**

**APPENDIX M**  
**1999 REFERENDUM PROPOSAL AND PETITION**

<u>SPONSOR Michelle</u>	<u>Allyson</u>	<u>Collins</u>
LEGAL FIRST NAME	MIDDLE NAME INITIAL OR NICKNAME	LEGAL LAST NAME

I, Michelle Allyson Collins  
FULL LEGAL NAME

DO AFFIRM THAT THE BELOW NAMED STUDENTS ARE STUDENTS WHO ARE ELIGIBLE TO VOTE ON REFERENDA.

<u></u>	<u>3/2/99</u>
SIGNATURE OF SPONSOR	DATE

**REFERENDUM:**

Whereas, It is recognized that diversity is inclusive of people of differing sexual orientation, and  
Whereas, The University of Tennessee, Knoxville currently has a policy to protect students, faculty, and staff from certain types of unfair discrimination, and  
Whereas, This non-discrimination clause protects people from discrimination “on the basis of race, sex, color, religion, national origin, age, disability or veteran status in provision of educational programs and services or employment opportunities and benefits ...extend[ing] to both employment by and admission to the University,” and  
Whereas, The current policy does not protect members of the University community from discrimination based on real or perceived sexual orientation, and  
Whereas, There are many students, faculty, and staff at the University of Tennessee, Knoxville who hide their sexual orientation in fear of negative repercussions,  
Be It Hereby Resolved, That the student body at the University of Tennessee, Knoxville strongly supports and encourages the amendment of the University’s non-discrimination clause to include sexual orientation.

\* Note: The language used in the above referendum is strongly based on the wording of resolutions passed by the Student Government Association Senate and Graduate Student Association in the Spring of 1997.

## A Clarification

The expanded Non-Discrimination Clause would apply only to “educational programs and services or employment opportunities and benefits.”

*The policy does not extend to religious or social organizations.*

This means that **churches** or other **religious groups** on this campus **will not be required to admit gay or lesbian members** to their congregations or membership.

Similarly, **fraternities and sororities will still be able to consider the sexual orientation** of students when deciding whether to extend invitations for membership.

The policy only affects students in terms of admission to the University, scholarship, and academic advancement.

## Peer Institutions of UT Knoxville

University of Florida (Gainesville)

\* University of Georgia (Athens)

- University of Kentucky (Lexington)

\* University of Maryland (College Park)

\* University of North Carolina (Chapel Hill)

- University of Oklahoma (Tulsa)

University of South Carolina (Columbia)

\* University of Texas (Austin)

\* University of Virginia (Charlottesville)

\* Virginia Tech (Blacksburg)

\* *Has EEO/Nondiscrimination Policy Inclusive of Sexual Orientation*

- *Nondiscrimination Policy for Students Only (Grading, Admissions, Fin. Aid)*

# Universities with EEO Policies Inclusive of Sexual Orientation

Akron, University of,	OH
Allegheny College, Meadville	PA
Alma College, Alma	MI
American Conservatory of Music Chicago,	IL
American University, Washington	DC
Amherst College,	MA
Antioch College, Yellow Springs,	OH
Antioch University, (New England) Keene	NH
(Seattle) Seattle	WA
(Southern California) Los Angeles	CA
Appalachian State University, Boone	NC
Arizona State, Tempe	AZ
Arizona, University of Tucson,	AZ
Art Institute, School of the Chicago,	IL
Babson College	MA
Barnard College,	NY
Bates College, Lewiston	ME
Berkeley Unified School District	CA
Bloomsburg University	PA
Bowdoin College	ME
Brandeis University	MA
Brooklyn College, Brooklyn	NY
Brown University	RI
Bryn Mawr College	PA
Bucknell University	PA
Buffalo, University of, Buffalo	NY
Butler University	IN (student organizations)
California Institute of Technology, (Caltech) Pasadena,	CA
California State U - (systemwide)	CA
California, University of (statewide)	CA
Carleton College,	MN
Carnegie Mellon University, Pittsburgh	PA (ROTC excepted)
Case Western Reserve Univ., Cleveland	OH
Catholic University of America	DC
Chicago School of Professional Psychology, North Chicago	IL
Chicago, University of Chicago,	IL
Cincinnati, University of, Cincinnati	OH (by exec order for employees)
Claremont Colleges (Harvey Mudd College Pitzer College Pomona College Scripps College Claremont McKenna College)	CA (employees only)
Clarkson University	NY
Clarion University	PA
Colby College	ME
Colorado College	CO
Colorado State University	CO (pending CO-2 implications)
Columbia College, Chicago	IL
Columbia Univeristy, New York	NY
Connecticut, State Universities of	CT

Connecticut, University of	CT	
Cornell University	NY	
Dartmouth College	NH	
Delaware, University of	DE	(Recent grant of permanent status to ROTC may have invalidated non-discrimination policy)
DePauw University	IN	(ROTC excepted)
Dickinson College, Carlisle	PA	
Drake University, Des Moines	IA	
Drew University,	NJ	
Drexel University, Philadelphia	PA	
Duke University, Durham,	NC	
Eckerd College, St Petersburg	FL	
Edinboro University	PA	
Emory University	GA	
Emporia State University	KS	
Evergreen State College, Olympia,	WA	
Florida, University of South, Tampa,	FL	(currently in question 8/5/92)
Fordham University School of Law, New York City	NY	
Georgia, University of Athens,	GA	
Georgia Southern Univ., Statesboro	GA	
Georgia State University	GA	
Georgia Tech, Atlanta	GA	
Gettysburg College, Gettysburg	PA	
Goshen College	IN	(NOT employees)
Grinnell College	IA	
Guilford College, Greensboro,	NC	
Hamline University, St. Paul	MN	
Hampshire College	MA	
Harrington Institute of Interior Design, Chicago	IL	
Hartford, University of, W. Hartford	CT	
Harvard University, Cambridge	MA	
Haverford College	PA	
Hawaii, University of	HI	
Hiram College, Hiram	OH	
Hofstra University, Hempstead	NY	
Hunter College	NY	
Houston, University of, Houston	TX	
Illinois, University of	IL	
Illinois, University of, Chicago School of Medicine	IL	
Illinois State University	IL	
Illinois, Eastern, University	IL	
Illinois, Northeastern, Univ. Chicago	IL	
Illinois, Northern, University	IL	
Illinois, Southern, University	IL	
Illinois, Western, University Macomb	IL	
Indiana State University	IN	
Indiana University	IN	
Iowa State University	IA	
Iowa, University of	IA	
James Madison University	VA	
Jamestown Community College, Jamestown,	NY	
Johns Hopkins University	MD	
Kalamazoo College, Kalamazoo	MI	
Kansas, University of, Lawrence,	KS	
Kansas State, University Manhattan,	KS	
Keene State College	NH	(University system of NH)
Kent State University	OH	
Kentucky, University of	KY	(grading, Admissions, Fin. Aid)
Knox College, Galesburg,	IL	
Lake Michigan College, Benton Harbor	MI	

Law School Admission Council,	(sponsor of LSAT)
Lawrence University	NY
Lehigh University, Bethlehem	PA
Lincoln College, Lincoln	IL
Lock Haven University	PA
University of	LA (faculty, students & staff)
Louisville, University of	KY (executive order in hiring)
Madison Area Technical College	
Madison	WI
Manchester College, N. Manchester	IN
Mankato State University, Mankato,	MN
Marshall University,	WV
Mary Washington Col., Fredericksburg	VA
Maryland, University of College Park	MD
Massachusetts Institute of Technology	MA
Merrimack College, North Andover,	MA
Michigan, Central University	
Michigan State University	MI
Michigan Tech University, Houghton	MI
Minnesota, University of	
Minneapolis/St. Paul	MN
Missouri, University of	MO (by executive order)
Missouri, University of, St. Louis	MO
Moorhead State University, Moorhead,	MN
Mount Holyoke College	MA
Nassau Community College	NY
Nebraska, University of (all campuses)	NE
New Hampshire, University of	NH
New Hampshire, University of	
New Haven, University of, New Haven	CT
New Mexico, Eastern University	NM
New Mexico State University	NM
New York, City University of,	NY
New York University	NY
North Carolina A & T	NC (under question 9/28/94)
North Carolina, University of,	
Chapel Hill and Asheville	NC
North Dakota, University of Grand Forks	ND
Northeastern, Boston,	MA
Northwestern University, Evanston	IL
Oakton Community College, Des Plaines	IL
Occidental College, Los Angeles	CA
Ohio University	OH

Ohio State University, Columbus,	OH
Oklahoma, University of,	OK (student organizations only)
Old Dominion, Norfolk,	VA
Oregon, University of,	OR
Oregon State University,	OR
Parkland Community College, Champaign	IL
Pembroke College	NY
Pennsylvania, all state colleges	PA (by executive order)
Pennsylvania State U, University Park,	PA
Pennsylvania, University of	PA
Pennsylvania, University Museum of Archaeology/Anthropology	PA
Pittsburgh, University of, Pittsburgh	PA
Pitzer College	CA
Plymouth State College	NH
Pomona College	CA
Portland State University, Portland,	OR
Princeton University, Princeton,	NJ
Radcliffe College	MA
Radford University, Radford,	VA
Redlands, University of Redlands	CA
Reed College, Portland,	OR
Rensselaer Polytechnic Institute, (RPI) Troy,	NY
Rhode Island, University of	RI
Rice University,	TX
Ripon College,	WI
Rochester Institute of Technology (RIT) Rochester,	NY
Rochester, University of Rochester,	NY
Rockford College, Rockford	IL
Rutgers University	NJ
San Diego Unified School District, San Diego	CA
Santa Rosa Junior College, Santa Rosa,	CA
Seattle Community College District Seattle Central North Seattle South Seattle	WA
Shippensburg University	PA
Slippery Rock University	PA
Smith College,	MA
Stanford University	CA
South Africa, University of	
Southern California, University of (USC)	CA
Southern Indiana, University of	IN (Under Revision)
Southern Methodist University,	TX (student code/harassment)
Swarthmore College,	PA
Syracuse University, Syracuse	NY
Temple University,	PA
Texas, University of	TX
Texas Women's University	TX
Towson State University, Towson	MD
Transylvania University	KY
Tufts University	MA
Tulane University	LA
Utah, University of Salt Lake City,	UT
Vanderbilt University, Nashville	TN
Vassar University,	NY
Vermont, University of	VT
Virginia Polytechnical Institute	VA
Virginia, University of	VA
Washburn University, Topeka	KS

Washington State University	WA
Washington University, St. Louis	MO
Wellesley College	MA
Wesleyan University, Middletown	CT
West Chester State University	PA
West Coast University	CA
West Virginia University	WV
Western Carolina University	NC
William Mitchell College of Law St. Paul	MN
Williams College,	MA
Wisconsin, University of	WI (13 4-year, 13 2-year)
Wright State University, Dayton	OH
Vanderbilt University, Nashville	TN
Virginia Tech	VA
Virginia, University of	VA
Youngstown State Univ., Youngstown,	OH (by executive order)
Yuba College	CA



## **Sexual Harassment**

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Sexual harassment is a form of sex discrimination. It is illegal under state and federal law and is a violation of University policy. Vanderbilt is committed to providing an environment that is free from implicit and explicit coercive sexual behavior used to control, influence, or affect the well-being of any member of our community. Sexual harassment of any individual is unacceptable and is grounds for performance improvement counseling action, including possible termination of employment. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment. In 1980, the Equal Employment Opportunity Commission (EEOC) included sexual harassment in its discrimination guidelines, defining sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

## **Sexual Orientation**

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Vanderbilt University is committed to the principle of non-discrimination on the basis of being, or being perceived as, homosexual, heterosexual, or bisexual. In affirming its commitment to this principle, the University does not limit freedom of religious association, does not require adherence to this principle by government agencies or external organizations that associate with, but are not controlled by, the University, and does not extend benefits beyond those provided under other policies of the University.

For additional information or assistance, contact the Development Center (322-4705).

## **Racial Discrimination & Harassment**

Racial harassment, or harassment of individuals based on other protected criteria such as religion or national origin, is inappropriate in the Vanderbilt community, which is committed to diversity and inclusiveness. Such harassment may be a violation of University policy and federal law, and staff who engage in such conduct may be subject to performance improvement counseling action, including termination of employment.

For additional information or assistance, contact the Opportunity Development Center (322-4705).

## **Individuals with Disabilities**

THE UNIVERSITY OF MEMPHIS POLICY MANUAL

SUBJECT: Policy on Sexual Orientation

POLICY NO.: 1:2A:12:05

DATE: December 19, 1996

SUPERSEDES POLICY NO.: None

DATED: N/A

As is reflected in the Statement of Values, The University of Memphis is committed to a policy of non-discrimination and equal opportunity that extends to all members of the University community. All persons are treated equally in the University's programs and activities, recruitment and admissions, and employment practices. It is the policy of The University of Memphis that neither its students nor its employees be discriminated against on the basis of that individual's sexual orientation. Such a policy helps ensure that only relevant factors are considered and that equitable and consistent standards of conduct and performance will be applied.\*

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\*For the purpose of this policy, sexual orientation shall be defined as heterosexual, homosexual or bisexual status.

A student who has an academic complaint involving discrimination based on his or her sexual orientation should contact the Office of the Vice Provost for Academic Affairs. All other student complaints involving sexual orientation should be directed to the Office of Judicial Affairs. Any individual who has an employment discrimination complaint based upon his or her sexual orientation should contact the Assistant Vice President for Human Resources or the University's EEO/AA Compliance Officer.

This policy shall not be construed to (1) infringe upon the free exchange of ideas essential to the academic environment, (2) limit the freedom of religious association, or (3) establish a duty to engage in affirmative action measures on the basis of sexual orientation. Further, this policy shall not be construed to require the compliance of external government agencies, University programs governed by external governmental agencies in which non-discrimination does not include sexual orientation (i.e., ROTC), or programs which discriminate as a matter of policy. Moreover, The University of Memphis recognizes that, notwithstanding the language set forth in this policy, eligibility of its employees for employment benefits is determined by the laws and regulations of the State of Tennessee.

# National Academic and Professional Organization Support

The following list represents national organizations relevant to academics that have policies inclusive of "sexual orientation." The list reflects support for Universities to enhance cultural diversity and to address discrimination on the basis of sexual orientation.

- National Education Association
- American Association of University Professors
- American College Personnel Association
- National Association of Student Personnel Administrators
- Linguistics Society of America
- American Bar Association
- American Psychological Association
- American Philosophical Association
- American Psychiatric Association
- National Association of Academic Affairs Administrators
- American Association for the Advancement of Science
- American Library Association
- National Association of Social Workers
- National Council of Teachers of English
- American Federation of Teachers
- United States Student Association
- Teacher of English to Speakers of Other Languages (TESOL)
- American College Unions International
- American Chemical Society
- American Medical Association
- Association of International Educators
- National Association of School Psychologists
- National Association of Student Councils
- National Association of College and University Residence Halls
- American Political Science Association
- American Association of University Women
- National League for Nursing
- Golden Key National Honor Society

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## Corporations Endorsing the Employment Non-Discrimination Act (ENDA)\*

S. 932/H.R. 1863

- Apple Computer
- AT&T
- Bank of Boston
- Bankers Trust
- Ben and Jerry's Homemade
- Bethlehem Steel Corporation
- Borland International
- Digi-net Syndication
- Eastman Kodak
- First Bank System
- Genentech
- Harley Davidson
- Hill and Knowlton
- Honeywell
- Inland Steel Industries
- Louis Dreyfus Energy Corporation
- Merrill Lynch
- Microsoft
- Northern States Power Company
- NYNEX Corporation
- Pacific Gas and Electric
- Pacific Telesis Group
- Polaroid
- The Prudential Insurance Company
- The Quaker Oats Company
- Quark
- RJR Nabisco
- Silicon Graphics
- Xerox

\*partial list

## **THE UNIVERSITY OF TENNESSEE, KNOXVILLE GUIDELINES FOR ADVERTISING AND REQUIRED USE OF THE EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT AND TAGLINE**

The following information is provided to help the campus community comply with various federal regulations concerning required use of both our EEO/AA statement and tagline. Should questions arise, please contact the Office of Diversity Resources & Educational Services (DRES) at 974-2498.

### **I. EEO/AA TAGLINE**

The UT Knoxville EEO/AA tagline reads as follows:

**UTK is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA Employer.**

Inclusion of the tagline is required in, but NOT limited to, the following:

1. Paid advertisements to solicit applications for faculty, staff exempt, or non-exempt positions of employment.
2. Contracts for goods or services.
3. Purchase orders.

Other campus publications must include the full EEO/AA statement, which is printed below.

### **II. EEO/AA Statement**

The UT Knoxville EEO/AA statement reads as follows:

**The University of Tennessee, Knoxville does not discriminate on the basis of race, sex, color, religion, national origin, age, disability or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to the University.**

**The University does not discriminate on the basis of race, sex or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.**

**Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Diversity Resources & Educational Services (DRES), 2110 Terrace Avenue, Knoxville, TN 37996-3560, telephone (423) 974-2498 (TTY available). Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Human Resources Management, 600 Henley Street, Knoxville, TN 37996-4125.**

Inclusion of this statement is required in the following:

1. Position announcements (which are not paid advertisements) sent to potential referral sources and other institutions of higher education to solicit applications or nominations.
2. Brochures, announcements, bulletins, catalogs, application forms, posters and other material used



## **Employment Non-Discrimination Act (S.932/H.R. 1863)**

The Employment Non-Discrimination Act (ENDA) extends federal employment discrimination protections currently provided based on race, religion, gender, national origin, age and disability to sexual orientation. Thus, ENDA extends fair employment practices -- not special rights -- to lesbians, gay men, bisexuals and heterosexuals.

- ENDA prohibits employers, employment agencies, and labor unions from using an individual's sexual orientation as the basis for employment decisions, such as hiring, firing, promotion, or compensation.
- Under ENDA, covered entities cannot subject an individual to different standards or treatment based on that individual's sexual orientation (real or perceived) or discriminate against an individual based on the sexual orientation of those with whom the individual associates.
- The "disparate impact" claim available under Title VII of the Civil Rights Act of 1964 (Title VII) is not available under ENDA. Therefore, an employer is not required to justify a neutral practice that may have a statistically disparate impact on sexual orientation.
- ENDA exempts small businesses, as do existing civil rights statutes, and does not apply to employers with fewer than 15 employees.
- ENDA exempts religious organizations, including educational institutions substantially controlled or supported by religious organizations.
- ENDA prohibits preferential treatment, including quotas, based on sexual orientation.
- ENDA does not require an employer to provide benefits for the same-sex partner of an employee.
- ENDA does not apply to the uniformed members of the armed forces and thus does not affect current law on lesbians and gays in the military.
- ENDA provides for the same remedies (injunctive relief and damages) as are permitted under Title VII and the Americans with Disabilities Act (ADA).
- ENDA applies to Congress, with the same remedies as provided by the Congressional Accountability Act of 1995.