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THE UNIVERSITY of TENNESSEE
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GENERAL COUNSEL AND SECRETARY

May 11, 2011

VIA FACSIMILE AND FIRST CLASS MAIL

Ms. Samantha Harris
Director of Speech Code Research
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, Pennsylvania 19106

Re: Letter to Chancellor Jimmy G. Cheek Dated April 27, 2011

Dear Ms. Harris:

In response to your recent letter to the University of Tennessee, Knoxville concerning the university's new policy on bias incidents, please be advised that the policy was not drafted with the intent to punish a student for an act of bias that does not also violate the university's Standards of Conduct. Although we believe the current policy makes that clear, in order to remove any doubt about the university's intent with respect to bias incidents and constitutionally protected speech, the policy now states that "[a]ny student found to be responsible for an act of bias that also violates the university's Standards of Conduct will be subject to disciplinary sanctions up to and including permanent dismissal from the university."

In response to your concern about the university's sexual harassment policy for students, the policy was revised in 2009, but the pre-2009 version of the policy was inadvertently included in the 2010-2011 version of *Hilltopics*, the university's student handbook. The university will ensure that the correct policy is included in the 2011-2012 version of *Hilltopics*. That policy includes within the definition of sexual harassment conduct that is "severe or pervasive enough to create an intimidating, hostile, or offensive educational environment."

Please let me know if you have any questions.

Sincerely,



Matthew Scoggins
Assistant General Counsel

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FOR TENNESSEE**