

APPENDIX E
GUIDE FOR MANDATORY REPORTERS

The University of Tennessee is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Misconduct, Relationship Violence, Stalking, and Retaliation (collectively, "Prohibited Conduct"). Prohibited Conduct is defined in the University's Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation (the "Policy").¹

The purposes of this guide are to: (1) assist employees in determining whether they are Mandatory Reporters with respect to information they receive about Prohibited Conduct; and (2) assist Mandatory Reporters in determining how to respond to a report of Prohibited Conduct.

SECTION 1. QUESTIONS TO ASK TO DETERMINE WHETHER YOU ARE A MANDATORY REPORTER

(1) Are you a Confidential Employee, or do you work under the supervision of a Confidential Employee? If you do not know the answer to this question, then you are most likely not a Confidential Employee. Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional's client or patient. ***(Refer to Section 1.2.1 of Appendix A or contact the Title IX Coordinator if you are not sure whether you are a Confidential Employee)***

- If yes, and if you received the information about Prohibited Conduct in the context of a confidential relationship, then you are not a Mandatory Reporter. You should help a Complainant explore options for care and support and provide information on reporting options and interim measures, and provide emotional support.
- If no, proceed with asking Question 2.

(2) Is the Complainant a child (under age 18)?

- If yes, and the incident involves suspected child abuse or child sexual abuse, then you must report the incident in accordance with University of Tennessee Safety Policy 0575.
- If no, proceed with asking Question 3.

(3) Is either the Complainant or the Respondent a student?

- If yes, then you must report the incident to a Title IX Official² unless:
 - You received the information about Prohibited Conduct during a public awareness event such as "Take Back the Night," candlelight vigil, protest, "survivor speak outs" or other public forum;
 - You received notice of the incident during the student's participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - You received notice through an in-class discussion, a class paper, or other academic assignment; or
 - You are a student employee (e.g., graduate assistant) and you did not receive notice of the incident in your University employment capacity.
- If no, proceed with asking Question 4.

¹ Capitalized terms have the same meaning in the Policy and Appendix E.

² The names and contact information for Title IX Officials are listed in Section 2 of the Policy.

(4) Are you the supervisor of either the Complainant or the Respondent, or do you otherwise have the authority to redress the Prohibited Conduct?

- If yes, then you must report the incident to a Title IX Official unless you received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forum, or you received notice of the incident during a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
- If no, then the University strongly encourages you to report the information to a Title IX Official even though you are not a Mandatory Reporter with respect to the incident. Employees who have been designated by The University of Tennessee Police Department (“UTPD”) as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) should evaluate whether they have an independent obligation to report misconduct to UTPD. Questions about the reporting obligations of Campus Security Authorities should be directed to Jillian Paciello, the University’s Clery Compliance Coordinator, at jpaciell@utk.edu or (865) 974-0544.

SECTION 2. ACTIONS THAT MANDATORY REPORTERS MUST TAKE

A Mandatory Reporter who receives information concerning an incident of Prohibited Conduct must:

(1) Support the Complainant by:

- Assisting the Complainant with obtaining medical assistance (if needed or requested) or accessing other on- or off-campus resources (if requested); and
- Encouraging the Complainant to report the incident to law enforcement and assist the Complainant in contacting law enforcement if requested by the Complainant (call 911 in an emergency); and

(2) Report the incident to the University:

- Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours³ after receiving the report).⁴ The Mandatory Reporter must communicate: (1) all details known about the alleged incident; and (2) if applicable, communicate to a Title IX Official that a Complainant has made a Request for Limited Action; or
- If the incident involves suspected child abuse or child sexual abuse, comply with University of Tennessee Safety Policy 0575.

³ If the end of the 48-hour reporting window falls on a weekend or a University holiday, then the Mandatory Reporter should report the incident as soon as possible on the next University business day.

⁴ A Mandatory Reporter may also inform his/her supervisor of the incident. With the prior approval of the Title IX Coordinator, a University unit may adopt a policy that requires a Mandatory Reporter in the unit to report an incident of Prohibited Conduct to his/her supervisor or other designee within the unit, who, in lieu of the Mandatory Reporter who received notice of the incident, must promptly report the incident to a Title IX Official.

SECTION 3. ACTIONS THAT MANDATORY REPORTERS SHOULD TAKE

Before a Complainant reveals information to the Mandatory Reporter that the Complainant may wish to keep confidential, the University recommends that a Mandatory Reporter use his/her best efforts to ensure that the Complainant understands:

- (1) The employee's obligation to report the names of a Respondent and a Complainant involved in the alleged Prohibited Conduct, as well as other relevant facts regarding the alleged incident, to a Title IX Official;
- (2) A Complainant's ability to share the information confidentially with certain on- and off-campus resources (**Appendix A** of the Policy);
- (3) A Complainant's option under the Policy to make a Request for Limited Action to the Title IX Coordinator, if the person indicates that he/she wants to disclose information to the Mandatory Reporter but wishes to maintain confidentiality or does not want the University to investigate the incident or pursue disciplinary action against the Respondent; and
- (4) If the person indicates hesitancy to report an incident to the University, inform the person that the University prohibits Retaliation and will not only take steps to prevent Retaliation but also take strong responsive action if Retaliation occurs.

After a Complainant reveals information about Prohibited Conduct to the Mandatory Reporter, the University recommends that a Mandatory Reporter take the following actions (in addition to the actions in Section 2):

- (1) Provide emotional support to the Complainant;
- (2) Encourage the Complainant to preserve any evidence (see **Appendix A** of the Policy for tips on the preservation of evidence);
- (3) Inform the Complainant that the employee will be reporting the incident to a Title IX Official, who will contact the Complainant to provide further guidance and assistance; and
- (4) Provide a Complainant with a copy of **Appendix A** of the Policy or the **You Are Not Alone** guide.

SECTION 4. ACTIONS THAT MANDATORY REPORTERS MUST NOT TAKE

A Mandatory Reporter who receives notice of an incident of Prohibited Conduct must not:

- (1) Guarantee a Complainant that the employee will keep information confidential and not share the information with anyone else, including a Title IX Official;
- (2) Share information about the incident with a person who does not have a University-related need to know;
- (3) Share personally identifiable information about the incident with law enforcement (including UTPD) without the Complainant's consent; and/or

- (4) Investigate or otherwise attempt to resolve reports of Prohibited Conduct without the approval of a Title IX Official (this provision does not apply to UTPD), other than taking an action required or recommended in Section 2 or Section 3.