



THE UNIVERSITY OF
TENNESSEE
KNOXVILLE

OFFICE OF TITLE IX

**SEXUAL
MISCONDUCT,
RELATIONSHIP
VIOLENCE,
STALKING, AND
RETALIATION**
ANNUAL
REPORT

JANUARY-DECEMBER

2017

SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, STALKING, AND RETALIATION

OFFICE OF TITLE IX 2017 ANNUAL REPORT

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OUR CAMPUS COMMITMENT

Dear UT students, faculty, and staff,

First, I want to thank you. The issues of sexual misconduct, relationship violence, stalking, and retaliation are not simple. Your willingness to become informed is the first step in becoming part of the solution.

Our annual reporting process was established to provide an overview of prevention efforts, information about reports, and interim/support measures over the past academic year. The university has provided an annual update of reports of sexual misconduct since 2014. Last year, we broadened the report to include stalking and relationship violence. This year, we have enhanced it further to include statistics on reports of faculty and staff misconduct. We have included this data in our ongoing commitment to increase transparency and to engage our community in prevention, response, and support. Our 2017 report reflects the evolution of our Title IX work and your feedback.

Sexual misconduct, relationship violence, stalking, and retaliation are community issues. With the opening of the Office of Title IX in August 2017, Chancellor Beverly Davenport made a public commitment to our university community. From the faculty member on the conduct board to the student who is an active bystander at a party, the commitment belongs to us all.

Our door remains open year round to your ideas, suggestions, questions, and concerns. Issues of sexual misconduct, relationship violence, stalking, and retaliation are intolerable impediments to our mission. We are here to live, learn, work, and engage. We cannot fulfill our mission without you.

I look forward to working with you.



Ashley Blamey
Title IX Coordinator

OUR MODEL



Grounded in the social-ecological model, the university’s Title IX commitment emphasizes five key areas:

Policy. Our foundation is in the policy and procedures we follow.

Prevention. Our goal is to prevent sexual misconduct, relationship violence, stalking, and retaliation before they happen.

Support and interim measures. Our promise is to provide support and appropriate interim measures to individuals involved in the Title IX process.

Investigation and resolution. Our commitments to due process, campus safety, and encouraging reporting guide how we investigate and resolve reports.

Patterns and trends. Our responsibility is to use the best available research, evidence-based practice, and our own campus trends in our prevention and response efforts.

“Sexual assault is not only a health and wellness issue but also a student success issue.”

— Chancellor Davenport

OUR TEAM

COORDINATED COMMUNITY RESPONSE TEAM (CCRT)

- ◆ Composed of more than 50 members across the campus community including representation from the faculty, Athletics, Housing, Sorority and Fraternity Life, the Campus Ministers Council, Multicultural Student Life, and numerous other departments
- ◆ Divided into three work teams—programming, policy, and communication—which conduct work related to prevention

STUDENT ADVISORY BOARD (SAB)

- ◆ Mirrors the work of the three teams in the CCRT and is composed of students committed to prevention at UT
- ◆ Provides a good way for students to become involved
- ◆ Includes students from a wide array of academic programs and student organizations

PREVENTION TEAM

- ◆ Establishes a long-term commitment to prevention across the campus community informed by the work of the CCRT and SAB
- ◆ Ensures that campus-wide prevention (student, faculty, and staff) is aligned with evidence-based research and the patterns and trends of the UT community
- ◆ Provides oversight and support in the development of annual prevention plans for student life, intercollegiate athletics, and faculty and staff

TITLE IX RESPONSE TEAM

- ◆ Addresses individual reports of sexual misconduct, relationship violence, and stalking
- ◆ Ensures consistency across case responses
- ◆ Provides oversight of interim measures, investigations, and individual case resolutions



POLICY

The University of Tennessee, Knoxville, is committed to implementing policy that is fair, effective, and informed. In September 2016, UT President Joe DiPietro appointed an independent commission to review and address Title IX compliance across the UT System. The commission acted with full authority to access and review existing programs and resources. Information gathered by the commission was released on June 15, 2017, with observations and recommendations. This report was reviewed by the president, chancellors, general counsel, and others to ensure effective implementation of selected enhancements. The report made five major recommendations:

- ♦ Creation of a system-wide Title IX coordinating presence
- ♦ Campus Title IX staffing and resource enhancements
- ♦ Policy, grievance procedure, and Student Code of Conduct updates and modifications
- ♦ Case management and care and support enhancements
- ♦ Enhanced education, prevention, and training

In response to these suggestions, UT Knoxville introduced an updated Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation in August 2017. This version includes updated definitions and more clearly articulates the process by which allegations of prohibited conduct are resolved. The updated policy is divided into five distinct sections for ease of use and is accessible at titleix.utk.edu. UT Knoxville will continue to review and update the policy to best serve our students, faculty, and staff.

Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation

titleix.utk.edu



EDUCATION, TRAINING, AND COMMUNICATION

CAMPUS-WIDE EVENTS

Number of participants



CENTER FOR HEALTH EDUCATION AND WELLNESS PROGRAMS

110 PROGRAMS/2,157 PARTICIPANTS

VOLS 2 VOLS

29 PEER HEALTH EDUCATORS

27 PROGRAMS

456 PARTICIPANTS

VOLUNTEERS SPEAK UP!

40 PROGRAMS

1,050 PARTICIPANTS

BE WELL, VOLS!

22 PROGRAMS

278 PARTICIPANTS

CONSENT PROGRAM

4 PROGRAMS

74 PARTICIPANTS

KNOW THE STANDARD

5 PROGRAMS

89 PARTICIPANTS

SEXUAL HEALTH

8 PROGRAMS

113 PARTICIPANTS

HEALTHY MASCULINITY

2 PROGRAMS

23 PARTICIPANTS

VOLS KNOW THEIR RISK

2 PROGRAMS

74 PARTICIPANTS



TRAINING

Trained in Title IX

104	190	42
CONDUCT BOARD MEMBERS	HOUSING STAFF <small>(100% RAs TRAINED)</small>	STUDENT ORIENTATION LEADERS

69	3,176
<small>SESSIONS</small>	<small>PARTICIPANTS</small>

OED/TITLE IX FACILITATED

51	926
<small>SESSIONS</small>	<small>PARTICIPANTS</small>

NEW EMPLOYEE ORIENTATION

92%
<small>COMPLETION RATE</small>

EMPLOYEE ONLINE TITLE IX TRAINING: HAVEN FOR FULL-TIME FACULTY AND STAFF

2,273
<small>COMPLETED</small>

STUDENT ONLINE TRAINING: THE VOL MODULE—SOCIAL RESPONSIBILITY

IN-PERSON TRAINING



STUDENT PARTICIPANTS

BE SMART, BE SAFE, BE A VOL

ORIENTATION SESSION FOR ALL INCOMING STUDENTS



FAMILY AND GUEST PARTICIPANTS

HEALTH, SAFETY, AND WELLNESS

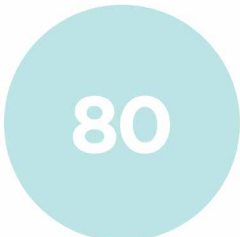
PARENTS AND FAMILIES PANEL



STUDENT-ATHLETES AND STUDENT ATHLETICS EMPLOYEES

CONSENT, ALCOHOL, EXPECTATIONS, AND YOUR RIGHTS

TRAINED BY ATHLETICS TITLE IX AND OFFICE OF STUDENT CONDUCT



PROGRAMS



PARTICIPANTS

UTPD-FACILITATED TRAININGS

FOR FACULTY, STAFF, AND STUDENTS



PROGRAMS



PARTICIPANTS

OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

FOR FACULTY, STAFF, AND STUDENTS



PROGRAMS



PARTICIPANTS

RESIDENCE HALL STAFF TRAINING



PROGRAMS



PARTICIPANTS

KNOW YOUR POLICY

COMMUNICATION

You are not alone.

The University of Tennessee has resources and support services for individuals who have experienced sexual assault, relationship violence, stalking, or retaliation. Students are encouraged to seek medical care and counseling and to report the incident.

MEDICAL CARE	COUNSELING	REPORTING
Emergency 911	Student Counseling Center* 865-974-2196	Emergency/UT Police 911/865-974-3114
Sexual Assault Center of East Tennessee 24/7 crisis line* 865-522-7273	865-974-4357 (after hours)	Office of Title IX 865-974-9600
Student Health Center* 865-974-3648	Sexual Assault Center of East Tennessee 24/7 crisis line* 865-522-7273	Student Conduct & Community Standards 865-974-3171
	Office of Title IX 865-974-9600	
	Family Justice Center* 865-521-6336	

*CONFIDENTIALITY SUPPORT SERVICES WITH AN ASTERISK ARE CONFIDENTIAL RESOURCES.

titleix.utk.edu

THE UNIVERSITY OF TENNESSEE
KNOXVILLE
OFFICE OF TITLE IX

POSTERS

510
You Are Not Alone resource/services/reporting posters

70
buildings on campus

354
Know Your Policy posters

52
locations on campus

711
Consent posters

89
locations on campus

Campus locations include all residence halls, sorority and fraternity houses, and athletic facilities.

974-HELP

974-HELP is for all sexual violence, but you can also be a mandatory reporter for sexual violence.

974-HELP:

- Call 865-974-HELP (4357)
- We are here to help.

wellness.utk.edu

You are not alone.

The University of Tennessee has resources and support services for individuals who have experienced sexual assault, relationship violence, stalking, or retaliation. Students are encouraged to seek medical care and counseling and to report the incident.

Please see reverse side for contact information.

CARDS/MAGNETS

4,000

Know Your Policy
cards distributed to sports clubs and other registered student organizations

6,328

Are You a Mandatory Reporter?
postcards to faculty and staff

3,505

974-HELP
resource magnets distributed to residence halls

6,328

What to Do If You Receive a Report
postcards to faculty and staff

Hey New Vols!

You are now part of the Volunteer community where VOLS HELP VOLS.

VOLUNTEERS SPEAK UP!

Learn how to **Speak UP!** to prevent sexual violence, relationship violence, and stalking at wellness.utk.edu

HEALTH SERVICES • WELLNESS

respvols

This project was supported by Grant No. 2015-WA-A-0004 awarded by the Office of the Attorney General, Tennessee Department of Justice, the Office of the Attorney General, Tennessee Department of Justice, the Office of the Attorney General, Tennessee Department of Justice, and the Office of the Attorney General, Tennessee Department of Justice.

NEWSPAPER

18

DAILY BEACON ADS

SOCIAL MEDIA

32

EVENTS

397

POSTS

Twitter



34

EVENTS

184

POSTS

Facebook



EMAILS

Various campus-wide emails notifying community of Title IX resources and improvements, policy updates, mandatory reporter duties, and instructional staff reporting duties

PREVENTION SPOTLIGHT

Athletic Prevention Programming and Wellness Plan

Through a contract with UT's Athletic Department, the Helen Ross McNabb Center (HRMC) provided UT student-athletes with education, outreach, and prevention programming focused on increasing awareness of healthy choices and decision making, positive communication, and successful relationships. Programming included education regarding domestic and dating violence, sexual assault, establishing healthy boundaries, and being an active bystander. Through this partnership the university also informed student-athletes of resources and processes provided by other on- and off-campus entities.

HRMC, together with two UT units—the Center for Health Education and Wellness and the Office of Title IX—also worked to tailor HRMC's existing LIMITS program to student-athletes. The program is based on the transtheoretical model, which focuses on healthy decision making and behavioral change. Its design reflects the unique needs and demands of this population and approaches outreach and education from the student-athlete perspective. The goal of LIMITS is to equip student-athletes with the necessary skills to increase personal awareness in preparation for a successful experience at UT and beyond.

In 2017 all 16 teams completed the program. Participants took part in at least four mandatory small-group sessions, including a concentrated program facilitated by guest speaker Derek Greenfield, a renowned speaker known for his ability to reach his audience through motivation and creative thinking.

In addition to these efforts, the prevention team placed more focus on increasing student-athlete participation in regular on-campus prevention and education efforts. In 2017 one of seven Red Zone events, educating students about the statistically heightened risk of sexual misconduct during the fall semester, took place in the Brenda Lawson Athletic Center with approximately 250 student-athletes participating. Further efforts were placed on training and educating athletic staff, including student workers, managers, tutors, mentors, graduate assistants, interns, and coaches.



VIOLENCE AGAINST WOMEN GRANT—CONNECTING WITH OUR STATE

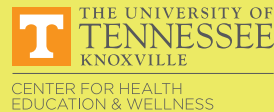
The year 2017 was the third year of the university's \$299,821 grant from the US Department of Justice Office on Violence Against Women, which provides trainings on a variety of Title IX-related issues to staff across the university and funds a full-time sexual violence prevention coordinator housed in the Center for Health Education and Wellness (CHEW). CHEW is responsible for programs, events, and campaigns designed to educate the campus community on sexual misconduct and how the community may be a force for prevention. Leveraging these trainings and the addition of a full-time sexual violence prevention coordinator, as well as grant funds, the university has deepened its commitment to providing comprehensive, inclusive, and varied trainings to all university students, faculty, and staff.

Last year, using grant funds, CHEW created a new online sexual misconduct prevention and alcohol education module for incoming students. Over the course of the year, 2,273 students completed the module. The module includes education on five topic areas: active bystander education, policy, alcohol education, healthy relationships, and consent. In 2018, the online module will become available free of charge to all colleges and universities in Tennessee.

University staff also reinforced trainings regarding support and response to sexual assault using lessons learned at grant-supported trainings. The UT Police Department (UTPD) developed a training for police officers on how to have a trauma-informed response to victims of sexual assault, while the Office of Student Conduct and Community Standards collaborated with the Office of Title IX and UTPD to incorporate trauma-informed questioning, response, and understanding into Conduct Board training.

During April, the grant-supported sexual violence prevention coordinator planned and executed a series of programs and events to recognize Sexual Assault Awareness Month. The third annual Hike the Hill in Heels event raised awareness of sexual assault.

CHEW staff also developed two new sexual violence prevention programs, which launched in August: Healthy Masculinity for undergraduate men and a new Volunteers Speak UP! active bystander program for Greek men.



**APRIL IS
SEXUAL
ASSAULT
AWARENESS
MONTH**

**wellness.utk.edu
#SAAMUTK**



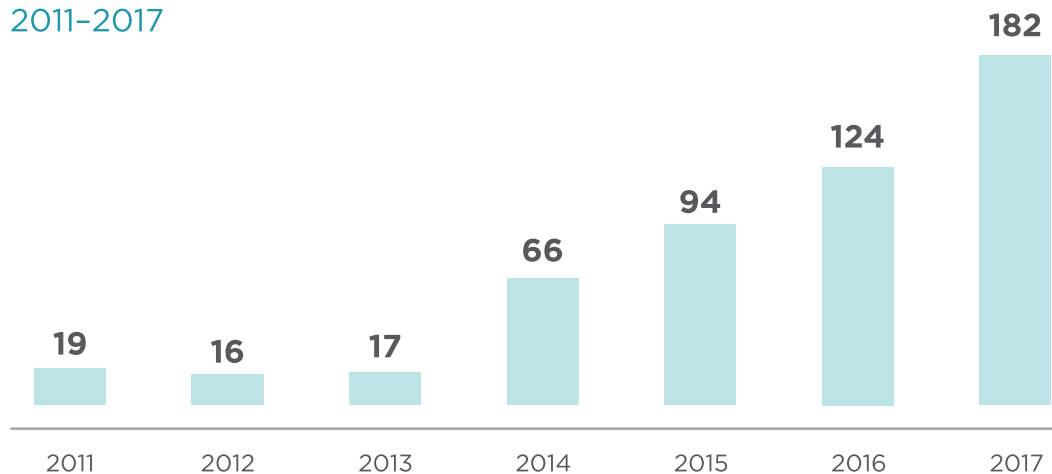
SUPPORT AND INTERIM MEASURES

INTERIM MEASURES

Interim measures¹ are supports and resources the university can provide to assist students addressing a Title IX-related issue. This report provides data on the number of interim measures provided to students who made a report of sexual misconduct to the University of Tennessee, Knoxville, in the calendar year January 1-December 31, 2017. The data on this page does not include reports of sexual misconduct made to confidential resources such as the Student Counseling Center.

If the university receives a report of conduct that may fall under the Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation,² the university will provide interim measures in support of the student and in protection of the student's educational access.

Interim Measures:
Sexual Misconduct Reports
2011-2017



¹ “Interim measures” is a term defined by university policy that identifies and provides for reasonable and appropriate measures, as determined by the university, which are designed to eliminate reported prohibited conduct and protect the persons involved in the matter (i.e., complainant, respondent, potential witnesses).

² The policy can be found at titleix.utk.edu.

Total Number of Interim Measures: 297

	Sexual Misconduct	Relationship Violence	Stalking	Retaliation
Mental Health Services	36	11	14	0
Medical Services	10	1	3	0
Academic Support	53	10	11	0
No-Contact Directive	27	12	22	1
Housing	13	4	4	0
Referral to Sexual Assault Center of East Tennessee	22	1	2	0
Other	21	9	10	0
Total	182	48	66	1

Interim measures are available to students under a wide range of circumstances:

- even if the student does not want to report to law enforcement
- even if the student does not want to participate in the university’s conduct process
- even if the student does not identify the respondent
- even if the respondent is not affiliated with the university
- as needed and on an ongoing basis while the student is enrolled at the university

During the first contact³ with the university, students are made aware of all available interim measures and reporting options, including filing a report with police and/or the Office of Title IX. The most common interim measures were tracked, although additional interim measures are available. In meeting with the Office of Title IX, the student’s options and needs are identified. A student may receive as many interim measures as the student accepts. This report does not reflect interim measures provided in 2017 to students who reported in previous calendar years. The total number of students assisted⁴ in 2017 was 137.

³ “First contact” is defined as contact with a member of the Office of Title IX , the Office of Equity and Diversity, the Office of Conduct and Community Standards, or the University of Tennessee Police Department (all members of the Title IX Response Team, formerly referred to as the Sexual Assault Response Team). If a student reports to another mandatory reporter, the student will be connected with one of those offices.

⁴ “Students assisted” includes cases of student-on-student misconduct as well as students who report experiencing misconduct by unaffiliated individuals. The numbers on this report are higher than in the student-on-student report, as they include nonstudent respondents. It is important to note that students who reported in other calendar years are not reflected in these numbers but are still able to (and often do) receive continued support and interim measures from the university.

REPORTS OF SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, STALKING, AND RETALIATION

The Office of Title IX is publishing the data in this report to enhance transparency and inform the campus community about the number of reports of misconduct alleged to have been committed by a university student (“prohibited conduct”) in violation of the university’s Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation. We recognize the significant increase in the number of reports in 2017. The increase is attributed to an increase in training and wider awareness of reporting options and resources.

We hope the following notes will help clarify the data:

- ◆ Definitions of prohibited conduct are provided on the following page.
- ◆ The data reported here is on a calendar-year basis.
- ◆ The data does not include reports made to confidential resources such as the Student Counseling Center or Student Health Center.
- ◆ To provide the most accurate portrayal of reporting, the data includes all cases in which at least one of the following applies:
 - › The university knows the identity of the respondent.⁵
 - › The identity of the respondent is known to the complainant but is not provided to the university.
 - › The identity of the respondent is unknown to the complainant.⁶
- ◆ If an incident involved more than one type of misconduct (e.g., sexual misconduct and relationship violence), they are all reflected in this data.

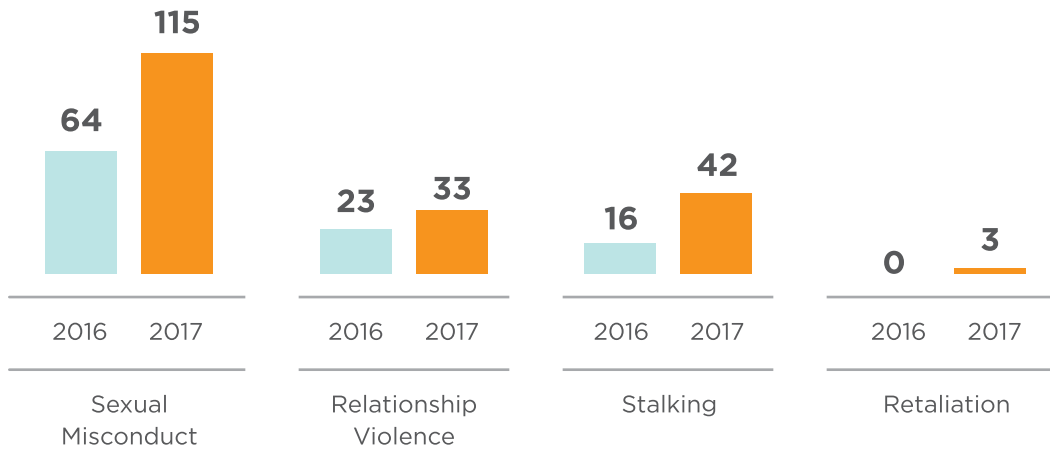
In accordance with the Clery Act, UTPD annually publishes data on sexual assault, relationship violence, and stalking in its Annual Security and Fire Safety Report (ASFSR). There may be differences between the data summarized below and the statistics reported by UTPD in the ASFSR because of

- › Differences between definitions of prohibited conduct in the university’s policy and the definitions of criminal offenses in the Clery Act.
- › The exclusion of reports in the ASFSR that were determined to be unfounded by UTPD.
- › Differences in reporting definitions. Data in the ASFSR is limited to reports of crimes that occurred on campus, on public property, or on university-controlled off-campus property, regardless of whether the individuals involved were students (e.g., ASFSR data may include sexual assaults committed against employees or other nonstudents). Unlike the ASFSR, the data summarized below includes sexual misconduct, relationship violence, stalking, and retaliation committed by a student off campus.

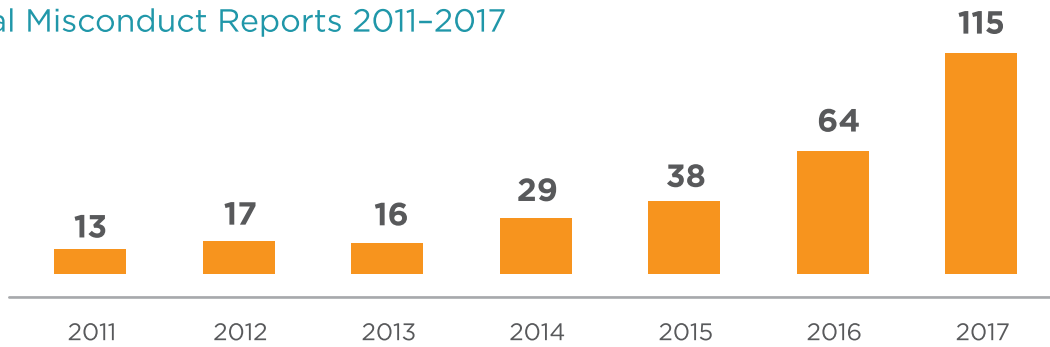
5 “Respondent” means a person or registered student organization that has been accused of committing prohibited conduct. This term does not imply prejudice concerning whether the person or registered student organization committed prohibited conduct.

6 “Complainant” means a person who may have been subjected to prohibited conduct regardless of whether that person makes a report or seeks action under the university’s policy. This term does not imply prejudice concerning whether the person was subjected to prohibited conduct.

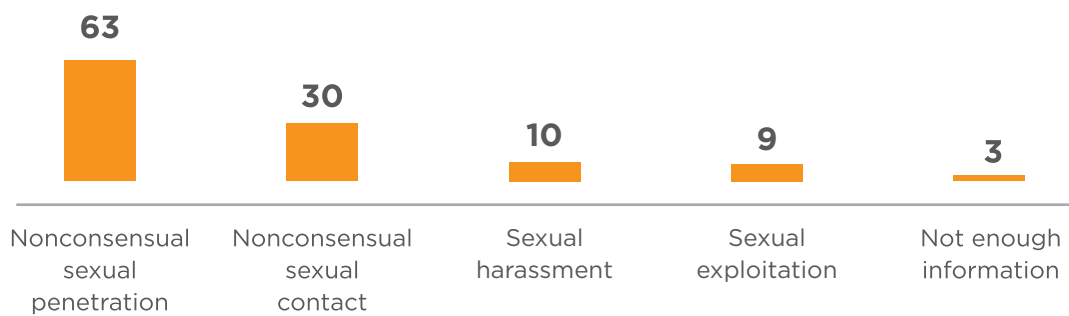
Total Reports in 2017 (N=193) Compared to 2016 (N=103)



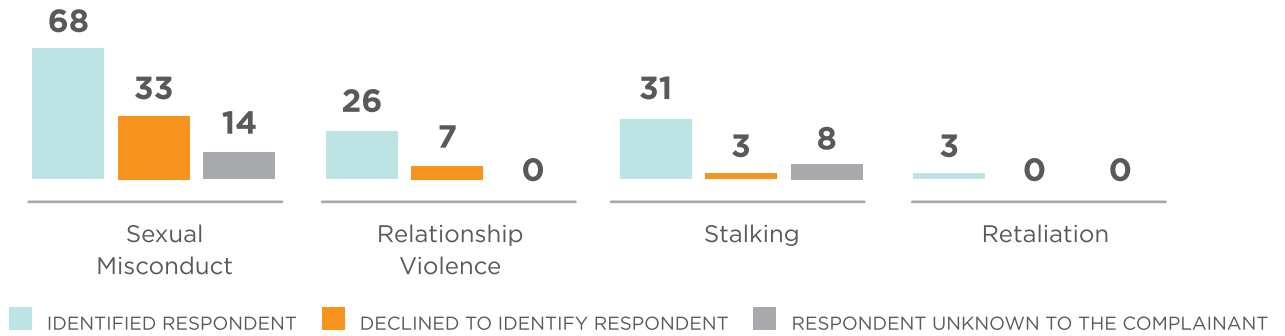
Sexual Misconduct Reports 2011-2017



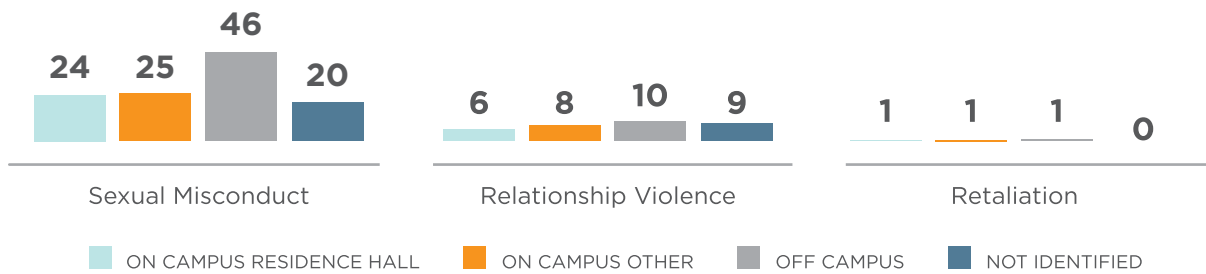
Sexual Misconduct Reported by Type in 2017 (N=115)



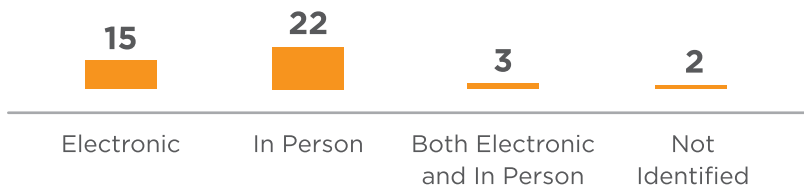
Respondent Identification (N=193)



Sexual Misconduct, Relationship Violence, and Retaliation by Location (N=151)



Stalking by Type⁷ (N=42)



⁷ Stalking can occur in person and/or electronically by means of unwanted contact or harassment through social media, texting, calling, emailing, or any other electronic means.

2017 Resolutions*

	Sexual Misconduct	Relationship Violence	Stalking	Retaliation	Total
Respondent not identified or unknown	47	7	11	0	65
University honored request for limited action ⁸	46	9	18	1	74
Complainant declined to participate in process, and the university did not have enough information to move forward without the complainant's participation	5	9	4	0	18
Alternative resolution ⁹	3	1	2	2	8
Evidence did not support a charge of a policy violation based on a preponderance of the evidence ¹⁰	8	2	3	0	13
Respondent found not responsible for violating the policy after a hearing ¹¹	1	0	0	0	1
Respondent found responsible for violating the policy ¹²	4	5	3	0	12
Respondent left university and received a disciplinary hold ¹³	0	0	1	0	1
Pending investigation or disciplinary hearing	1	0	0	0	1
Total	115	33	42	3	193

*There were five reports pending from 2016 due to an ongoing investigation or Uniform Administrative Procedures Act hearing. In two of those cases, the respondent was found responsible, one was resolved with an Alternative Resolution, and two remain pending as of the release date of this report.

8 A complainant has the right to request limited action, in which case the university will weigh the request against the university's obligation to provide a safe, nondiscriminatory environment for all members of the community. More information regarding limited action can be found in the policy.

9 At any point during the investigation and resolution process, a report may be resolved through an alternative resolution process.

10 All investigations and proceedings, including disciplinary hearings, must be conducted using a preponderance of the evidence standard, meaning whether it is more likely than not that prohibited conduct occurred.

11 If a respondent does not wish to accept the charges and/or sanctions issued by Student Conduct, they have the right to request a disciplinary hearing.

12 "Responsible" is the term used when it is found that a respondent violated the Student Code of Conduct by the preponderance of evidence standard. The finding can be made by the Office of Student Conduct after a respondent accepts responsibility for the misconduct; by the Student Disciplinary Board following a hearing under the procedures described in *Hilltopics*; or by an administrative law judge following a hearing under the Uniform Administrative Procedures Act.

13 When a respondent receives a disciplinary hold, they must address the investigation or hearing before and/or upon their return.

Law Enforcement Reports¹⁴

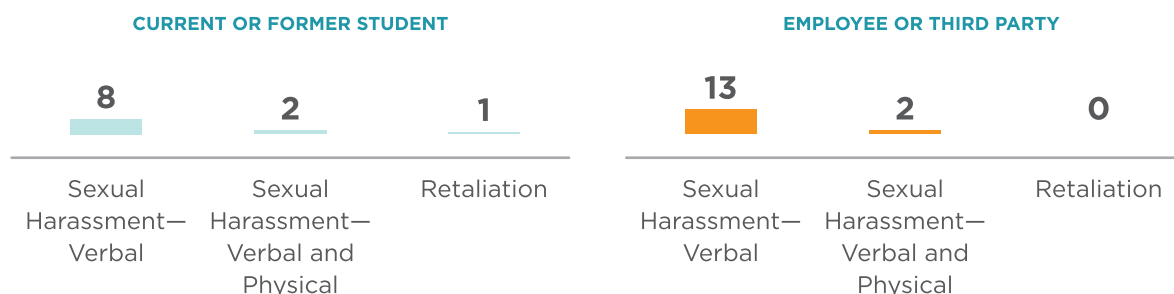
	Sexual Misconduct	Relationship Violence	Stalking	Retaliation
UT Police Dept	8 ¹⁵	4	11	0
Knoxville Police Dept ¹⁶	6	0	3	0
Other	1	0	1	0

Reports of Faculty and Staff Misconduct

There were 26 reports made by students, employees, and third parties against faculty and staff in 2017.¹⁷ All reports made in 2017 were allegations of sexual harassment (either verbal or a combination of verbal and physical), in addition to one report of retaliation. For complete information on faculty and staff reporting, see UT Policy HRO280 (tiny.utk.edu/HRO280) and the procedures listed in Appendix D of the Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation (tiny.utk.edu/appendix-d).

The following chart represents the type of report that was made, either by the complainant or third party. With respect to conduct directed at another employee, sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which includes conduct based on gender, pregnancy, sexual orientation, and gender identity, regardless of whether those characteristics receive protected treatment under state or federal law. Retaliation is an act or attempted act taken because of a person's participating in a protected activity (e.g., making or supporting a complaint of sexual or other discriminatory harassment) that would discourage a reasonable person from engaging in protected activity.

Complainant Status



Resolutions

If a complainant does not wish to seek resolution directly with the employment unit or academic department, they may decide to seek either an informal or formal resolution with the Office of Equity and Diversity (OED). A complainant who chooses an informal resolution process may decide to proceed with

¹⁴ These numbers are reflective of the 193 reports described earlier and therefore do not reflect reports made to law enforcement when the respondent was a nonstudent.

¹⁵ It is important to note that the UTPD definitions of related charges may be different than policy definitions, and therefore may be classified differently in the police report.

¹⁶ These numbers reflect complainants who self-disclosed a report to the Knoxville Police Department.

¹⁷ Faculty and staff include graduate teaching assistants and student employees if the reported incident occurred while they were acting in their employment capacity.

a formal complaint at any time during the informal process or after completion of the informal process if a mutually acceptable resolution is not reached. The goal of the informal process is to attempt to reach a resolution that is acceptable to both the complainant and the respondent. The university does not make a determination as to whether a respondent has violated university policy. Instead, OED attempts to facilitate a mutually acceptable resolution. In the informal process, OED will speak to those people whose involvement is necessary to facilitate a resolution. Frequently, this includes only the complainant and respondent, followed by notification to the supervisor(s) or appropriate administrator(s) to help implement a resolution. Possible informal resolutions might include, but are not limited to: (1) an agreement by the respondent to cease the behavior; (2) assisting the respondent to better understand the effects of their conduct and ways in which the behavior might be changed; or (3) participation in education programs.

The goal of the formal complaint process is to reach a determination as to whether a respondent has violated one or more university policies prohibiting discrimination and unlawful harassment. All investigations and proceedings, including any disciplinary proceedings, are conducted using a “preponderance of the evidence” standard. As a part of the formal complaint process, OED conducts an investigation into the allegations and prepares a written report. At the conclusion of an investigation, the appropriate administrator is responsible for reviewing the OED report and making a determination whether the respondent violated one or more university policies. OED does consider requests for privacy and other limited action but may not be able to honor such requests during the formal complaint process.

	Verbal Sexual Harassment	Verbal and Physical Sexual Harassment	Retaliation	Total
University honored request for limited action ¹⁸	5	0	0	5
Complainant declined to participate in process. University did not have enough information to move forward.	1	1	0	2
Informal resolution ¹⁹	8	1	0	9
Evidence did not support a charge of a policy violation based on a preponderance of the evidence	3	0	1	4
Respondent found responsible for violating the policy	2	1	0	3
Pending investigation	2	1	0	3
Total	21	4	1	26

¹⁸ A complainant may request that the complainant’s contact with OED not be disclosed to the respondent, that no investigation be conducted, or that no disciplinary action be taken.

¹⁹ If a complainant does not wish to seek resolution directly with the employment unit or academic department, he or she may decide to seek either an informal or formal resolution with OED. The goal of the informal process is to attempt to reach a resolution that is acceptable to both the complainant and the respondent. The university does not make a determination as to whether a respondent has violated university policy.

PATTERNS AND TRENDS

Using the information and data described in the previous section, the university can identify patterns and trends related to sexual misconduct, relationship violence, stalking, and retaliation. Use of this information can improve prevention work and increase safety through intentional preventative measures and education. The following patterns were selected to highlight in this report:

- ◆ The number of reported stalking incidents has risen from 16 in 2016 to 42 in 2017 and occurred more frequently in person and on campus. Most reported stalking incidents involved a respondent whom the complainant knew personally or had recently met online. The Office of Title IX, in collaboration with the Center for Health Education and Wellness, used this information and incorporated the themes into the Red Flag stalking awareness and prevention campaign in October 2017.

WANTED: ACTIVE BYSTANDERS



Headed to the swamp?

We are looking for Active Bystanders!

VOLS represent UT no matter where we are, and we take care of each other on game days.

**If you see something that isn't right,
Speak UP against sexual violence!**


Steps to Speaking UP!

<p>1. Trust <small>The voice within yourself</small></p> <p>2. Acknowledge <small>The situation</small></p> <p>3. Evaluate <small>Your options</small></p>	<p>4. Assume <small>Responsibility</small></p> <p>5. Respond <small>Appropriately</small></p>
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@volshelpvols wellness.utk.edu

HEALTH EDUCATION & WELLNESS

This project was supported by Grant No. 2015-WA-AX-0024 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



STALKING

AWARENESS

WEEK 1/15 - 1/19

61% of female victims and 44% of male victims of stalking are stalked by a current or former intimate partner.

VictimsofCrime.org

If you are being stalked, **seek help** by calling the Office of Title IX at 974-9600, UT Police at 974-3114, or 911.

HEALTH EDUCATION & WELLNESS wellness.utk.edu	TITLE IX titleix.utk.edu
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- ◆ Most reported incidents of nonconsensual sexual penetration occurred after one or both parties had been consuming alcohol, frequently common source alcohol served at social gatherings. The Center for Health Education and Wellness used this information to enhance its programming with an emphasis on bystander intervention as well as alcohol and drug safety.



- ◆ Both recent research and our own data collected in 2017 show that students are at higher risk during the months of September, October, and November, also known as the Red Zone. We have intentionally designed our highest-impact prevention and educational efforts to start at orientation, before the start of the academic year, and continue through early November.



- ◆ In addition to serving as a resource to students, faculty and staff are key partners in prevention. In 2017, 97 percent of students who reported an incident made their first report to a faculty or staff member. In response to this trend, the university adopted an online training program, Haven for Faculty and Staff, an interactive course that includes scenarios and examples faculty and staff members may face around sexual assault, domestic violence, and sexual harassment.

The university will continue to track patterns and trends related to sexual misconduct, relationship violence, stalking, and retaliation to better inform and enhance prevention, education, and training across campus.

OUR FUTURE

The University of Tennessee will continue to work collaboratively in these efforts and hold steadfast in our Title IX commitment. To learn more or become involved with our work, visit titleix.utk.edu or email titleix@utk.edu. You are part of the solution.

APPENDIX: DEFINITIONS OF PROHIBITED CONDUCT

This appendix provides a summary of relevant definitions. For more complete definitions and the full policy, see titleix.utk.edu.

“Sexual Misconduct” is an umbrella term that encompasses sexual assault, sexual harassment, and sexual exploitation.

“Sexual Assault” is an umbrella term that encompasses nonconsensual sexual penetration; nonconsensual sexual contact; and conduct that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting Program.

- › **“Nonconsensual Sexual Penetration”** means sexual penetration, however slight, performed upon another person that occurs without that person’s consent. “Sexual Penetration” means penetration of a vagina or anus by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person.
- › **“Nonconsensual Sexual Contact”** means sexual contact, however slight, performed upon another person that occurs without that person’s consent. “Sexual Contact” means intentional physical contact with another person’s breasts, buttocks, groin, or genitals, whether clothed or unclothed; intentional contact with another person using one’s breasts, buttocks, groin, or genitals, whether clothed or unclothed; causing another person to physically contact oneself with or on the other person’s breasts, buttocks, groin, or genitals, whether clothed or unclothed; or any other type of intentional physical contact done in a sexual manner or for the purpose of sexual arousal or gratification, based on the perspective of a reasonable person.

“Sexual Harassment” means (1) unwelcome words and/or conduct, (2) that are sexual in nature, sex-based, and/or gender-based, (3) that are pervasive, persistent, or sufficiently severe, (4) that are objectively offensive, and (5) that unreasonably deny, unreasonably limit, or unreasonably interfere with a person’s ability to participate in or benefit from a university educational program or activity.

“Sexual Exploitation” means taking sexual advantage of another person, without that person’s active agreement. An active agreement is words and/or conduct that communicate a person’s willingness to participate in an act.

“Relationship Violence” means an act of violence, or a threat of an act of violence, committed by a person who is or has been in a sexual, dating, spousal, romantic, familial, or other intimate relationship with the complainant.

- › **“Act of violence, or a threat of an act of violence”** means causing physical harm to any person; endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to their health or safety; or making an oral or written statement that a reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.
- › The existence of a sexual, dating, spousal, romantic, familial, or other intimate relationship shall be determined based on the totality of the circumstances including, without limitation: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

- › Relationship violence also may be a form of sex discrimination prohibited by federal and state anti-discrimination laws, such as Title VII and Title IX, and/or may constitute a crime in Tennessee.
- › Relationship violence does not include roommates who do not have an intimate relationship.

“Stalking” means engaging in a course of conduct directed at a specific person, regardless of one’s relationship with that person, which would cause a reasonable person to (1) fear for the person’s safety or the safety of another person; and/or (2) suffer substantial emotional distress.

- › “Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another person’s property.
- › “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- › Acts that may be involved in a course of conduct include, without limitation:
 - » Cyber-stalking, a particular type of stalking in which electronic media such as the internet, social networks, apps, blogs, texts, cell phones, or a similar action, method, device, or means is used;
 - » Following a person;
 - » Being or remaining in close proximity to a person;
 - » Entering or remaining on or near a person’s property, residence, or place of employment;
 - » Monitoring, observing, or conducting surveillance of a person;
 - » Threatening a person (directly or indirectly);
 - » Giving gifts or objects to, or leaving items for, a person; or
 - » Damaging or harming a person’s property (including pets) or interfering with a person’s use of property.
- › Stalking also may be a form of sex discrimination prohibited by federal and state anti-discrimination laws, such as Title VII and Title IX, and/or may constitute a crime in Tennessee.

“Retaliation” means an action taken because of a person’s participation in a protected activity and that would discourage a reasonable person from engaging in protected activity.

“Protected activity” means a person’s good faith (1) opposition to prohibited conduct or assisting a person who opposes prohibited conduct; (2) report of prohibited conduct to the university, the police, or to a state or federal agency or assisting a person who reports prohibited conduct; (3) participation (or reasonable expectation of participation) in any manner (e.g., in an investigation, proceeding, or hearing relating to prohibited conduct) or requesting an interim measure under this policy; and/or (4) exercise of rights or responsibilities under any provision of the Clery Act.

- › An action is not taken in good faith if done with knowing or reckless disregard for information that would negate the accuracy of the report or information. Retaliation is a violation of this policy regardless of whether the underlying allegation of a violation of this policy is ultimately found to have merit.