



OFFICE OF
TITLE IX

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

JANUARY-DECEMBER

2018

SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, STALKING, AND RETALIATION

OFFICE OF TITLE IX 2018 ANNUAL REPORT

CONTENTS

Our Campus Commitment: Letter from the Title IX Coordinator	3
Our Mission, Model, and History	4
Our Team.....	5
Campus Collaboration	6
Policy	7
Education, Training, and Communication	8
Violence Against Women Grant—Connecting with Our Campus and Beyond	16
Support and Interim Measures	18
Reports of Sexual Misconduct, Relationship Violence, Stalking, and Retaliation	20
Notes.....	28
Appendix: Definitions of Prohibited Conduct	29

OUR CAMPUS COMMITMENT

Dear UT students, faculty, and staff,

First, I want to thank you. As I look back over the last year, as a community we have made positive steps forward. We have increased our prevention efforts, reached a record in mandatory training for faculty and staff, and reduced investigative timelines.

This work is the work of our faculty, staff, and students. We are often a microcosm of the world around us, but we have the opportunity to choose. We have the opportunity to create a living, learning, and working environment that fundamentally ensures educational access. When we ask for consent, respect boundaries, and serve as an active bystander, we choose a community in which sexual misconduct, relationship violence, stalking, and retaliation are not tolerated. We define ourselves.

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 with information dating back to 2011. Last year, we broadened our report to include statistics on reports of faculty and staff misconduct. This year we have enhanced our report further by including a more in-depth look at cross-campus collaborations in keeping with our ongoing commitment to increase transparency and to engage our community in prevention, response, and support. Each year our annual report reflects the evolution of our Title IX work and your feedback.

From our policy to our prevention, the commitment belongs to us all.

Our door remains open year round to your ideas, suggestions, questions, and concerns. Sexual misconduct, relationship violence, stalking, and retaliation are intolerable impediments to our mission. We cannot fulfill that mission without you.

I look forward to working with you.

With gratitude,

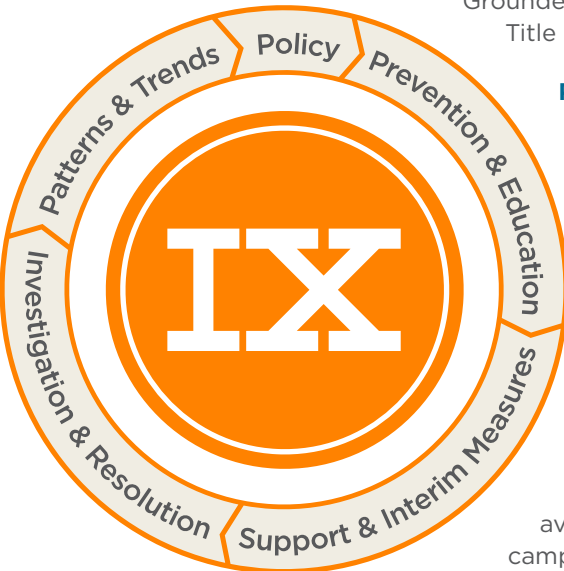


Ashley Blamey
Title IX Coordinator

OUR MISSION

To serve the University of Tennessee community through our comprehensive Title IX commitment of ensuring access to education.

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 utilize the best available research, evidence-based practice, and our own campus trends in our prevention and response efforts.

OUR HISTORY

In September 2016, then 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 in June 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 established the Office of Title IX in August 2017. The Office of Title IX is centrally located at 1817 Melrose Avenue.

OUR TEAM

COORDINATED COMMUNITY RESPONSE TEAM (CCRT)

- Composed of more than 50 members across the campus and greater Knoxville community
- Includes representation from the faculty, Athletics, University Housing, the Office of Sorority and Fraternity Life, the Campus Ministers Council, the Office of Multicultural Student Life, the Sexual Assault Center of East Tennessee, the Family Justice Center, and numerous other departments and agencies

STUDENT ADVISORY BOARD (SAB)

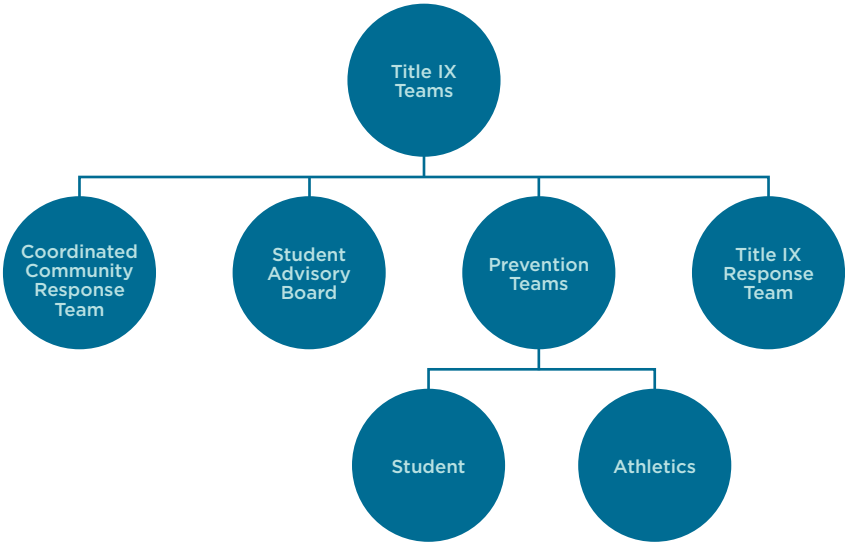
- Mirrors the work of the CCRT and is composed of students committed to prevention at UT
- Provides an excellent way for students to become involved in a high-impact area
- Includes students from an array of academic programs and student organizations who have applied for membership or been nominated by a faculty or staff member

PREVENTION TEAM

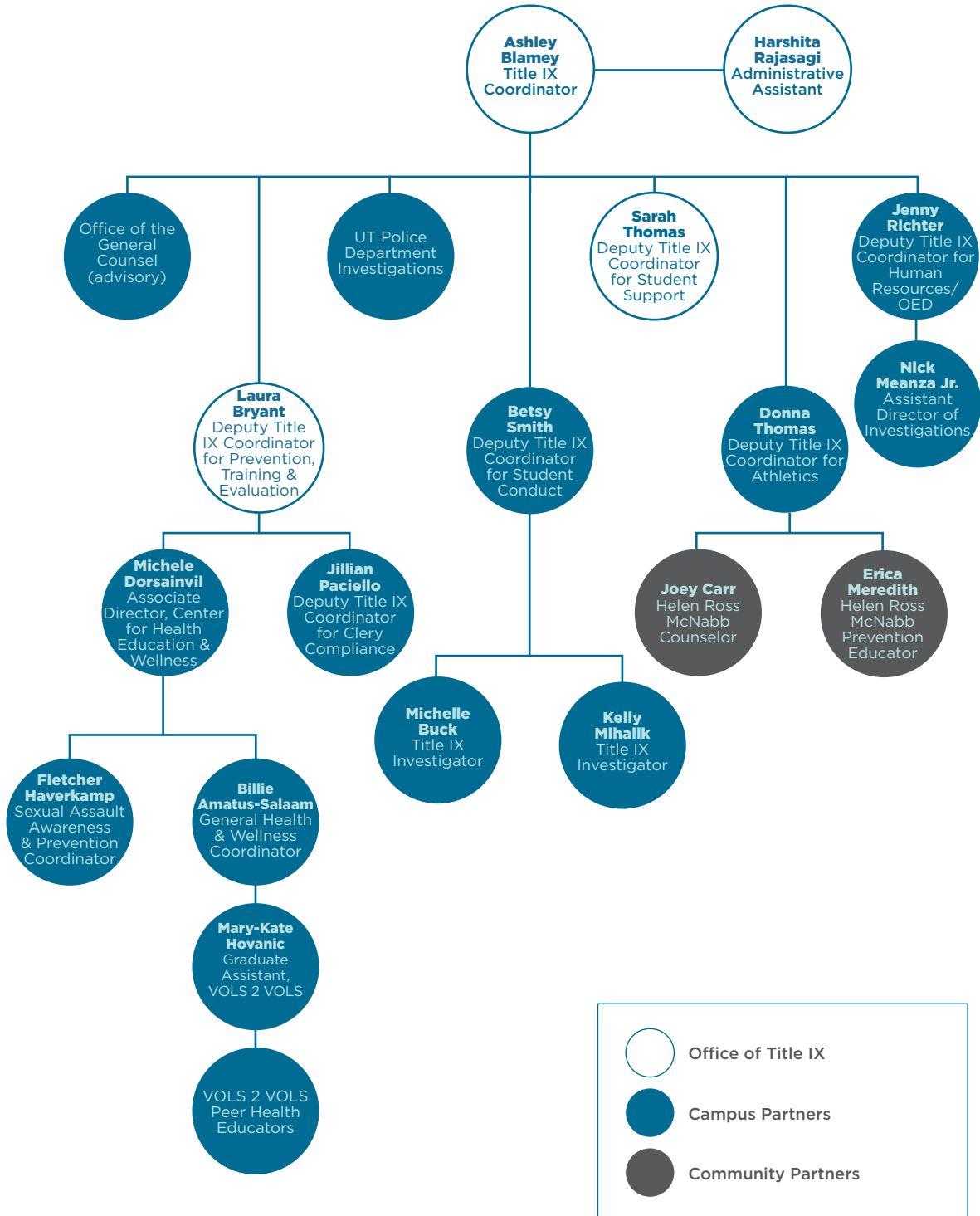
- Establishes a long-term commitment to prevention across the campus community, informed by the work of the CCRT and SAB
- Ensures that campus-wide prevention (student, faculty, and staff) is aligned with evidence-based research and the patterns and trends of the UT community
- Provides oversight and 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



CAMPUS COLLABORATION



POLICY

The University of Tennessee, Knoxville, is committed to implementing policy that is fair, effective, and informed. The Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation was updated in August 2018. The 2018 policy implements the requirements of Title IX and the Clery Act, including amendments to the Clery Act made by the Violence Against Women Reauthorization Act. The policy includes updated definitions and more clearly articulates the process by which allegations of prohibited conduct are resolved. The updated policy is divided into distinct sections for ease of use and is accessible at titleix.utk.edu.

The primary purposes of the policy are to:

1. Define, eliminate, prevent, and remedy the effects of prohibited conduct
2. Identify care, support, and reporting options for students and employees
3. Explain the obligations of employees to report prohibited conduct to the university
4. Identify the procedures the university will follow to thoroughly, equitably, and promptly investigate and resolve reports of prohibited conduct

The university will continue to review and update the policy annually to best serve our students, faculty, and staff.

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

August 20, 2018

titleix.utk.edu



EDUCATION, TRAINING, AND COMMUNICATION

CAMPUS-WIDE EVENTS

SPRING 2018

Stalking Awareness Week
4 events, 4 locations, 1 week

35 Student participants

Healthy Relationships
Valentine's Day | 2 events, 2 days

60 Student participants



Healthy Communication
7 events, 5 locations, 3 weeks

119 Student participants

FALL 2018

Red Zone
6 events, 6 locations, 4 weeks

1,378 Student participants

Red Flag
6 events, 6 locations, 4 weeks

704 Student participants



Safe Spring Break

379 Student participants



Managing Conflict in a Healthy Way
Facebook Live

100 Views

Sexual Assault Awareness Month
10 events, 4 weeks

1,027 Student participants

- Hike the Hill in Heels
- Consent Lunch & Learn
- Brittany Piper, From Hardship to Leadership: Transforming Pain to Progress
- Day of Service Clothing Drive
- Healthy Relationships Ice Cream Social
- Facebook Live with Title IX team
- Coffee Talks: Q&A about sexual misconduct policy & consent
- Be an Active Bystander training
- Denim Day

**APRIL IS
SEXUAL ASSAULT
AWARENESS
MONTH**
Get Engaged.

Safe Fall Break

344 Student participants

Take Back the Night

105 Student participants

Title IX Panel

70 Faculty, staff, and students

VOLS 2 VOLS Consent Tailgate

332 Student participants



CENTER FOR HEALTH EDUCATION & WELLNESS PROGRAMS

138 PROGRAMS/2,307 PARTICIPANTS

VOLS 2 VOLS

32

PEER HEALTH EDUCATORS

39

PROGRAMS

458

PARTICIPANTS

VOLUNTEERS SPEAK UP!

40

PROGRAMS

836

PARTICIPANTS

BE WELL, VOLS!

28

PROGRAMS

451

PARTICIPANTS

CONSENT PROGRAM

4

PROGRAMS

21

PARTICIPANTS

KNOW THE STANDARD

4

PROGRAMS

166

PARTICIPANTS

SEXUAL HEALTH

18

PROGRAMS

231

PARTICIPANTS

HEALTHY MASCULINITY

4

PROGRAMS

44

PARTICIPANTS

VOLS KNOW THEIR RISK

1

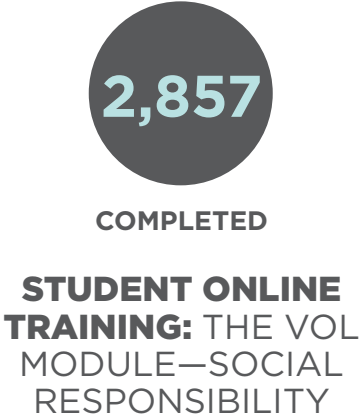
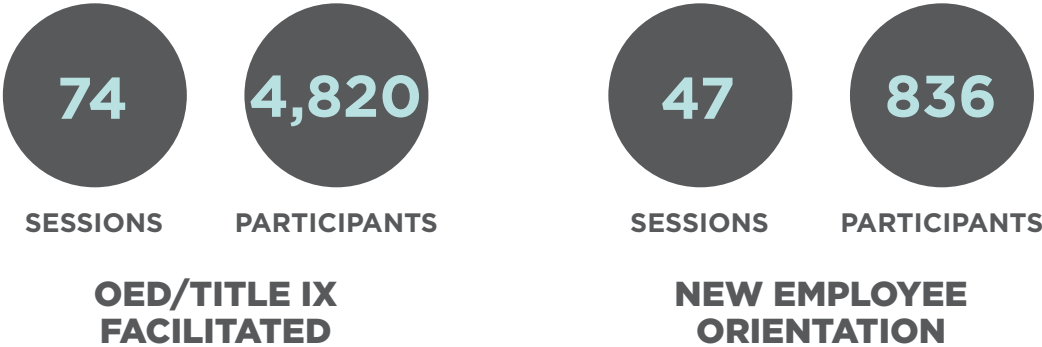
PROGRAM

100

PARTICIPANTS



TRAINING



IN-PERSON TRAINING



STUDENT PARTICIPANTS

BE SMART, BE SAFE, BE A VOL

ORIENTATION SESSION FOR INCOMING STUDENTS



FAMILY AND GUEST PARTICIPANTS

HEALTH, SAFETY, AND WELLNESS

ORIENTATION SESSION FOR NEW STUDENT FAMILIES



PROGRAMS



PARTICIPANTS

UTPD-FACILITATED TRAININGS

FOR FACULTY, STAFF, AND STUDENTS



PROGRAMS



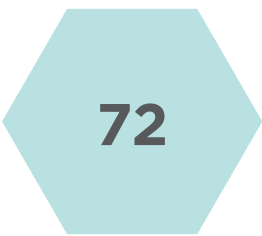
PARTICIPANTS

OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

FOR FACULTY, STAFF, AND STUDENTS



PROGRAMS



PARTICIPANTS

RESIDENCE HALL STAFF TRAINING

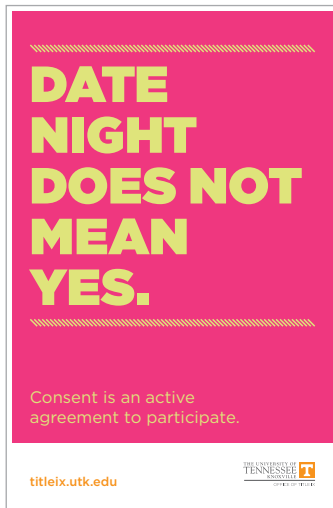


STUDENT-ATHLETES AND STUDENT ATHLETICS EMPLOYEES

CONSENT, ALCOHOL, EXPECTATIONS, AND YOUR RIGHTS

TRAINING BY ATHLETICS TITLE IX AND OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS

COMMUNICATION



POSTERS

500

You Are Not Alone
resource/services/
reporting posters

70

locations on campus

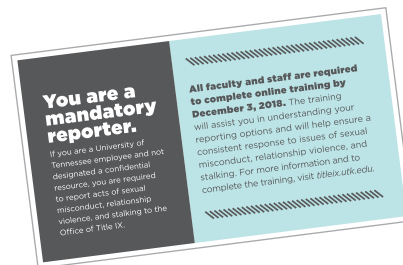
721

Consent
posters

46

locations on campus

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



CARDS/MAGNETS

5,789

**You Are a
Mandatory
Reporter**

postcards to
faculty and staff

3,618

974-HELP

resource magnets
distributed to
residence halls

6,030

**Sexual Assault
Awareness Month**

postcards to
faculty and staff

1,650

You Are Not Alone
cards

1,800

Consent

cards to all student-
athletes, student workers,
and athletics staff



NEWSPAPER

20

Daily Beacon

Print and digital ads

SOCIAL MEDIA

397

Twitter posts



77

Instagram posts



CAMPUS DIGITAL SIGNAGE

TENNESSEE TODAY AND VOL UPDATE

EMAILS

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

PREVENTION SPOTLIGHT

VOLS 2 VOLS Peer Health Educators

VOLS 2 VOLS peer health educators (PHEs), housed in the Center for Health Education and Wellness (CHEW), are undergraduate students who are committed to the mission of promoting healthy lifestyles and better decision making to the university community by providing unbiased and inclusive information with easily accessible resources. They strive to help build a supportive environment for all Volunteers by creating an open dialogue about health issues that matter to students. PHEs work alongside CHEW staff to help empower all Volunteers to thrive by cultivating personal and community well-being.

Students are selected to serve as PHEs through an annual competitive application and interview process. PHEs are trained through a public health course that includes healthy relationships, stress reduction, sleep promotion, financial wellness, sexual health promotion, sexual assault prevention, alcohol and other drug education, and nutrition. After successful completion of the course, students receive a nationally recognized peer educator certification. In addition to the initial course, peers attend regular training sessions, weekly meetings, and an annual retreat.

Working alongside CHEW staff members, the PHEs were able to facilitate 39 programs for 563 students and 42 tabling events for 1,110 students. In addition, they planned and executed two large-scale events.

Get in the Mix was attended by 263 students and encouraged active bystander behavior by using scenarios to guide students through the five steps to being an active bystander. The Consent Tailgate was attended by 332 students and focused on the campus definition of consent. The outcome was overwhelmingly positive: 75 percent of students were able to recall the university's definition of consent, and 96 percent of students were able to identify one or more resources for sexual assault survivors.

“Being a peer health educator has been my most rewarding role at the University of Tennessee. Talking about sexual violence prevention to my peers and educating them on how they can be a part of preventing sexual violence has made me feel so empowered. We can make a difference on our campus and positively impact the lives of others.”

Peer Health Educator

“I am so inspired by the VOLS 2 VOLS commitment to bettering the university community. They know how to connect and engage with their peers and taught me so much in my role as their advisor.”

Mary-Kate Hovanic, Graduate Assistant

“One of the most rewarding responsibilities I have is helping supervise the VOLS 2 VOLS. They bring a unique creative perspective to the work we do and have so many fun, engaging ideas. They put so much effort into their events and initiatives, which in turn keeps me motivated to go the extra mile in my role.”

Bilqis Amatus-Salaam, Wellness Coordinator



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 worked with the Office of Title IX and UT's Center for Health Education and Wellness to tailor HRMC's existing LIMITS program to student-athletes. In 2018, all 14 teams completed the program. Participants took part in at least four mandatory small-group sessions. Nationally recognized speakers including Dan McPhearson, Rachel Baribeau, and Candace Parker spoke to student-athletes about sexual assault, domestic violence, rape culture, and the Definite Dozen, a set of life rules formulated by Pat Summitt.

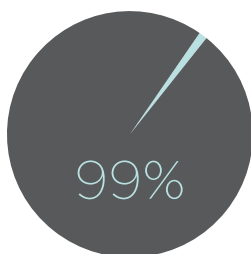
In addition to these efforts, the prevention team placed more focus on increasing student-athlete participation in regular on-campus prevention and education efforts. In 2018, one of six Red Zone events educating students about the statistically heightened risk of sexual misconduct during the fall semester took place on the indoor field at the Neyland-Thompson Sports Center. Additionally, a Red Flag event was held in conjunction with Domestic Violence Awareness Month to highlight the characteristics of healthy and supportive relationships. Approximately 400 student-athletes participated in the events. Further efforts were placed on training and educating athletics, including student workers, managers, tutors, mentors, graduate assistants, interns, and coaches.

In September, UT's Athletic Department partnered with the Center for Health Education and Wellness during the football game against East Tennessee State University to distribute 12,000 "Vols Help Vols" hand fans to Neyland Stadium's student section. The double-sided fans encouraged students to call an audible if they see a Vol at risk and guided them through the five steps of being an active bystander. The fan distribution is part of a yearlong program of campus-wide communication, programs, and events that encourage an active bystander culture on and off campus. Vols are the first line of defense in prevention. Over the last four years, thousands of Vols have been trained to be active bystanders. The University of Tennessee continues to build upon a culture of consent and active bystanders.

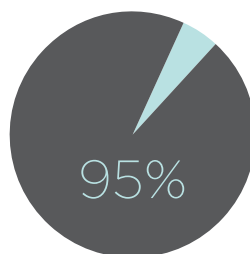


LIMITS Program Data

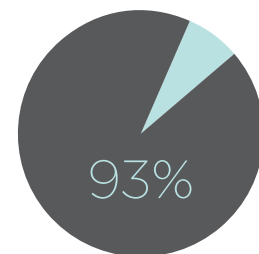
14 Teams | 56 Sessions | 496 Student-Athletes Trained



Student-athletes reporting that they knew how to help someone who was being or had been abused



Student-athletes reporting knowing to whom to report to regarding sexual misconduct or relationship violence, an increase of 4 percent from previous assessments



Student-athletes reporting that the LIMITS program was helpful, an increase of 10 percent from the previous semester and 27 percent from pre- to post-test

Office of Sorority and Fraternity Life Highlights

3,750+

Students attending in-person chapter presentations about Title IX resources, university policies, and referrals

1,800+

New fraternity and sorority members attending in-person presentations by the Office of Title IX about resources, university policies, and referrals

5,000+

Recipients of electronic newsletters containing Title IX information and support resources

400+

Participants interacting with the Red Zone activity in Sorority Village

45

Volunteer advisors and house corporation members attending the inaugural Advisor Conference, hosted by the Center for Health Education and Wellness, Student Conduct and Community Standards, and the Office of Title IX

31

Volunteer advisors and campus professionals trained by Lori Hart of the Catalyst Agency on having tough conversations regarding alcohol use

Check one:

yes

no

consent
is never a maybe.



VIOLENCE AGAINST WOMEN GRANT

CONNECTING WITH OUR CAMPUS AND BEYOND

In 2018 we marked the final 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 that educate the campus community on sexual misconduct and how the community may be a force for prevention. Leveraging the resources provided by the grant, the university continued to deepen its commitment to providing comprehensive, inclusive, and varied training to all university students, faculty, and staff.

University staff reinforced training regarding support and response to sexual assault using lessons learned at grant-supported trainings. Members of the grant implementation team attended two national Office on Violence Against Women conferences to present six sessions on promising practices and lessons learned.

Through the grant, the UT Police Department, in partnership with the Office of Student Conduct and Community Standards, created and facilitated a Title IX training on implementation, reporting, and investigations for the Law Enforcement Innovations Center. This training fulfills the state of Tennessee mandate requiring yearly training for any employee of a public institution of higher education who investigates sexual misconduct.

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 fourth annual Hike the Hill in Heels event raised awareness of sexual assault.



Inaugural Statewide Title IX Summit

UT hosted a statewide Title IX summit in April with 180 representatives from 46 two- and four-year public and private colleges, universities, and non-profit organizations. The summit served as a way for UT to share programs, trainings, resources, and lessons learned in creating a coordinated community response to sexual violence.

Nationally recognized Title IX expert and Project IX founder Jody Shipper served as the event keynote speaker. She spoke about institutions' responsibilities surrounding Title IX and the implementation of best practices of handling of sexual assault on college campuses. Before her work on Project IX, Shipper was system-wide director for Title IX/VAWA/Clery and Sexual Assault, Sexual Violence for the University of California System.

Attendees chose from 16 workshop sessions with topics ranging from current Title IX issues in student conduct, applying the social ecological model to sexual assault prevention efforts, trauma-informed response to sexual violence, and the dynamics of sexual assault response on a college campus.



Office on Violence Against Women Technical Training

In June, Laura Bryant, then director of CHEW, was asked to provide a plenary speech at an Office of Violence Against Women national training in Orlando titled Sustaining a Coordinated Community Response to Sexual Violence Prevention and Response. UT staff were selected to consult and provide expertise with new Office on Violence Against Women grantees during the national training. In August, CHEW staff launched two new sexual violence prevention programs: Healthy Masculinity for undergraduate men and a new Volunteers Speak UP! active bystander program for Greek men.

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, 2018. 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 are available:

- Even if the Complainant³ does not want to report the incident to the police;
- Even if the Complainant has made a Request for Limited Action and the University has granted the Request for Limited Action. (The University may be limited in the Interim Measures it can implement while keeping the identity of the Complainant private, such as: providing support services to the Complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the Prohibited Conduct occurred);
- To the Complainant, the Respondent⁴, and witnesses, when determined to be appropriate by the Title IX Coordinator; and
- Prior to, during, or after the investigation or resolution of a report of Prohibited Conduct.

During the first contact⁵ 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 comprehensive interim measures provided in 2018 to students who reported in previous calendar years as the office may provide supportive resources for students who reported incidents to the Office of Title IX in previous calendar years.

In 2018, the Office of Title IX instituted a 360-degree review of services and supports provided to complainants. With 18 percent of complainants from the spring of 2018 completing an online survey, results included the following:

- 100 percent said they were informed of reporting options available to them (Student Conduct, UT Police, etc.).
- 96 percent said they would recommend the Office of Title IX to a friend who needed help.

Total Number of Interim Measures: 308

	Sexual Misconduct	Relationship Violence	Stalking	Retaliation	Total
Mental Health Services	47	25	15	0	87
Medical Services	10	0	1	0	11
Academic Support	41	20	8	0	69
No-Contact Directive	22	4	13	0	39
Housing	14	6	3	0	23
Referral to Sexual Assault Center of East Tennessee	26	1	1	0	28
Other	23	13	15	0	51
Total	183	69	56	0	308

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

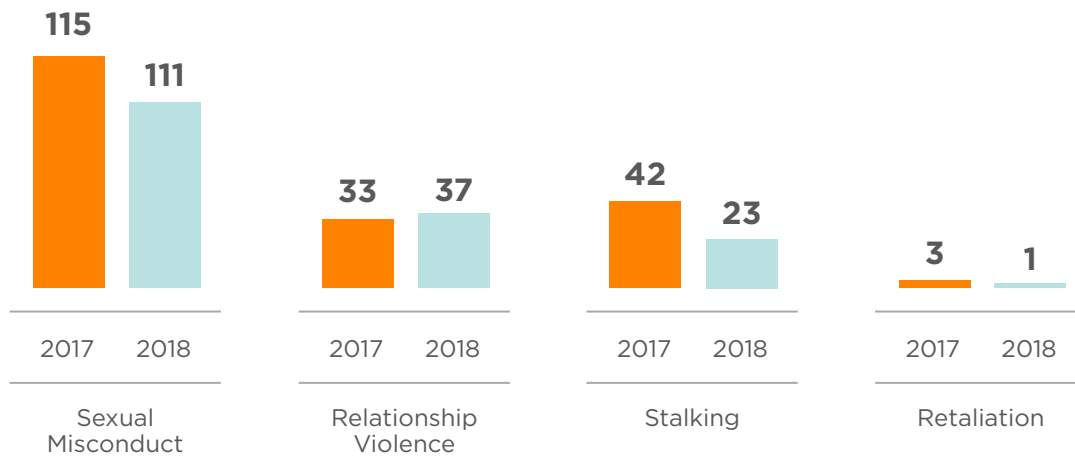
The Office of Title IX is publishing the data in this report to enhance transparency and inform the campus community about the number of reports of misconduct alleged to have been committed by a university student (prohibited conduct) in violation of the university's Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation.

We hope the following notes will help clarify the data:

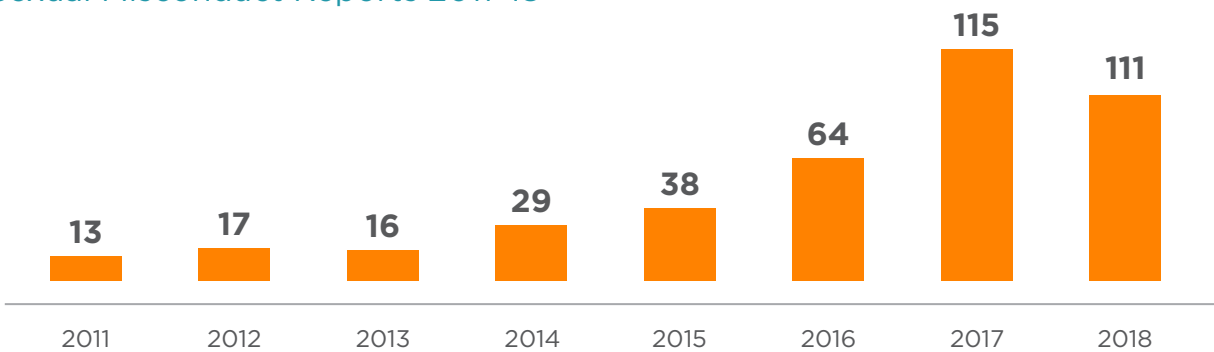
- Definitions of prohibited conduct are provided on page 29.
- The data reported is on a calendar-year basis.
- The data does not include reports made to confidential resources such as the Student Counseling Center or Student Health Center.
- To provide the most accurate portrayal of reporting, the data includes all cases in which at least one of the following applies:
 - › The university knows the identity of the respondent, and the respondent is affiliated with the university.
 - › 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.
- If an incident involved more than one type of misconduct (e.g., sexual misconduct and relationship violence), they are all reflected in this data.

We did not include reports in which the respondent was identified and not affiliated with the university. The Office of Title IX worked with 398 student concerns over the 2018 calendar year. The majority of students who sought services from the Office of Title IX were seeking services related to experiences off campus and with individuals not affiliated with the university. For these students, the university provided interim measures and support resources to support academic access.

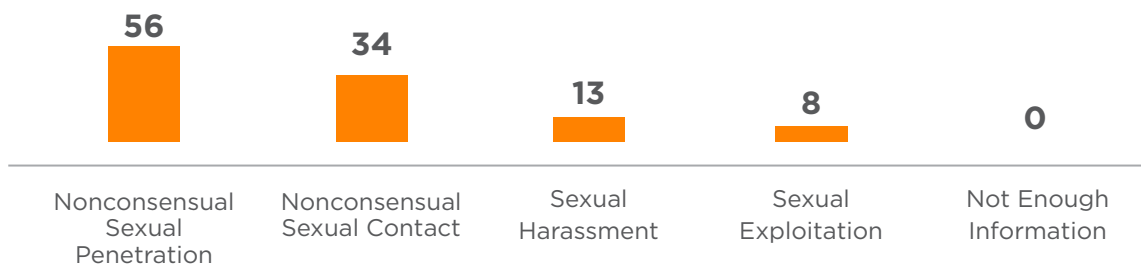
Total Reports in 2018 (N=172) Compared to 2017 (N=193)



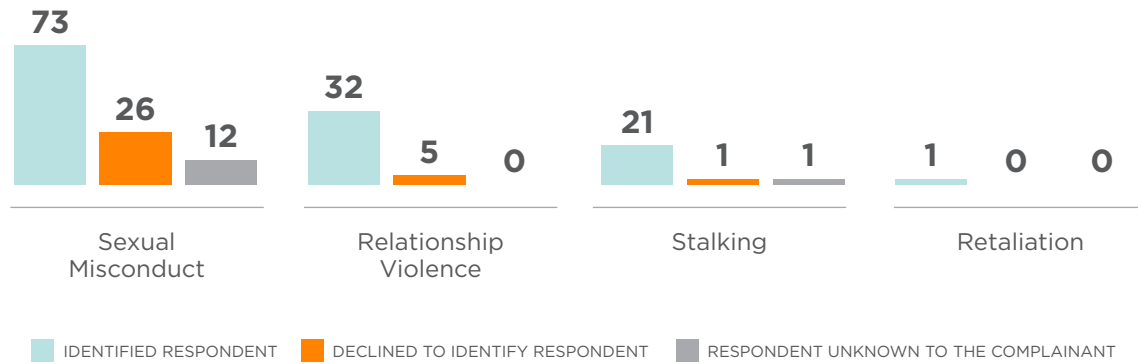
Sexual Misconduct Reports 2011-18



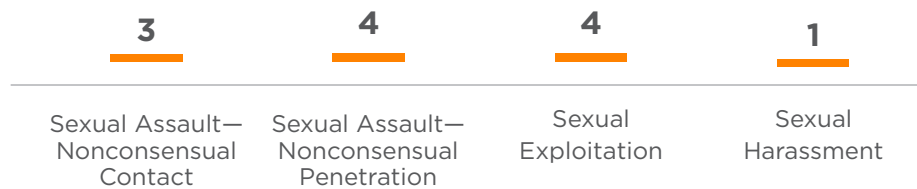
Sexual Misconduct Reported by Type in 2018 (N=111)



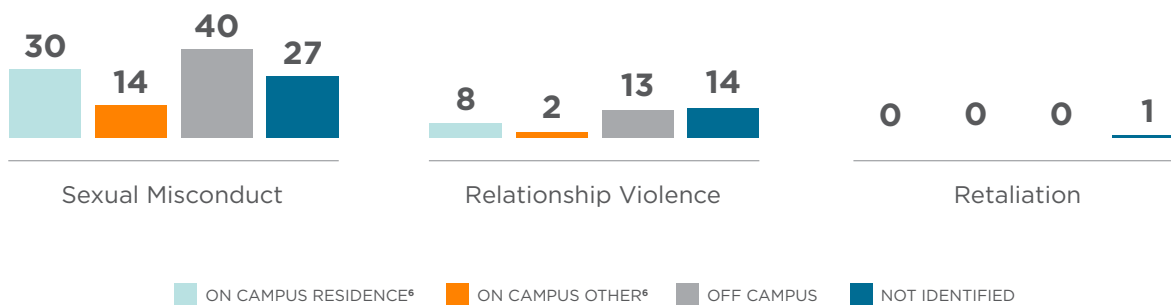
Respondent Identification in 2018 (N=172)



Reports of Sexual Misconduct with Respondent Unknown to the Complainant (N=12)



Sexual Misconduct, Relationship Violence, and Retaliation by Location (N=149)



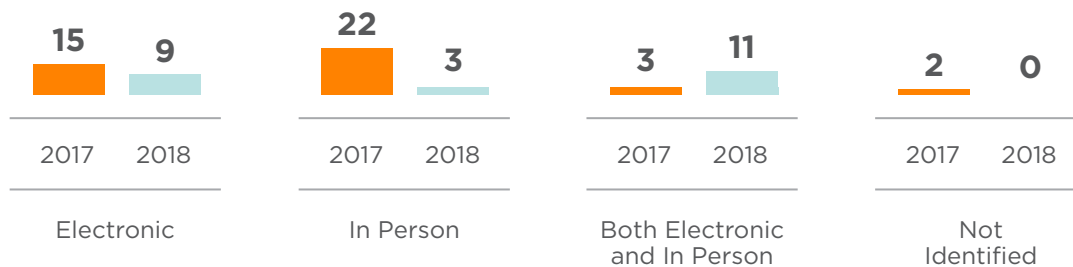
Sexual Misconduct Reports by Location in 2018 (N=111)

	Alleged Violation				Total
	Sexual Exploitation	Sexual Assault—Nonconsensual Contact	Sexual Assault—Nonconsensual Penetration	Sexual Harassment	
Not Identified	3	6	16	2	27
Off Campus	2	13	24	1	40
On Campus Other	2	8	0	4	14
On Campus Residence ⁶	1	7	16	6	30
Total	8	34	56	13	111

On Campus Residence: Sexual Assault—Nonconsensual Penetration



Stalking by Type⁷ in 2018 (N=23) Compared to 2017 (N=42)



2018 Title IX Case Resolutions

	Sexual Misconduct	Relationship Violence	Stalking	Retaliation	Total
Respondent not identified or unknown	55	8	2	1	66
University honored request for limited action ⁸	35	18	18	0	71
Complainant declined to participate in process, and the university did not have enough information to move forward without the complainant's participation	1	1	0	0	2
Alternative resolution ⁹	2	2	1	0	5
Evidence did not support a charge of a policy violation based on a preponderance of the evidence ¹⁰	11	2	1	0	14
Respondent found not responsible for violating the policy after a hearing ¹¹	0	0	0	0	0
Respondent found responsible for violating the policy ¹²	3	6	1	0	10
Respondent left university and received a disciplinary hold ¹³	0	0	0	0	0
Pending investigation or disciplinary hearing	4	0	0	0	4
Total	111	37	23	1	172

Law Enforcement Reports

	Sexual Misconduct	Relationship Violence	Stalking	Retaliation
UT Police Dept ¹⁴	3	6	0	9
Knoxville Police Dept ¹⁵	4	2	0	6

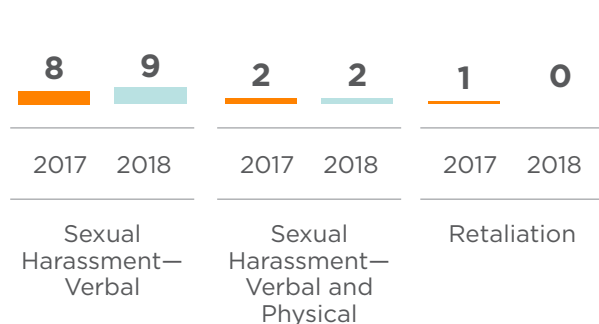
Reports of Faculty and Staff Misconduct

There were 21 reports made by students, employees, and third parties against faculty and staff¹⁶ in 2018. All reports made in 2018 were allegations of sexual harassment (either verbal or a combination of verbal and physical). In 2018, there were no reports of retaliation. For complete information on faculty and staff reporting, see UT Policy HR0280 (tiny.utk.edu/HR0280) and the procedures listed in Appendix D of the Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation (tiny.utk.edu/appendix-d).

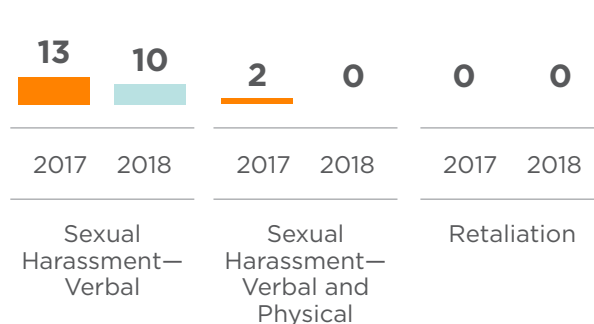
The following chart represents the type of report that was made, either by the complainant or third party. With respect to conduct directed at another employee, sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which 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

Current or Former Student



Employee or Third Party



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 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 (Electronic & In-Person)	Verbal & Physical Sexual Harassment	Retaliation	Total
University honored request for limited action ¹⁷	1	0	0	1
Complainant declined to participate in process— university did not have enough information to move forward	3	0	0	3
Informal resolution ¹⁸	8	1	0	9
Evidence did not support a charge of a policy violation based on a preponderance of the evidence ¹⁹	4	0	0	4
Respondent found responsible for violating the policy	2	0	0	2
Pending investigation	1	1	0	2
Total	19	2	0	21

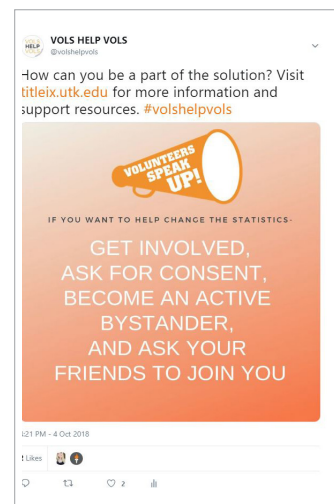
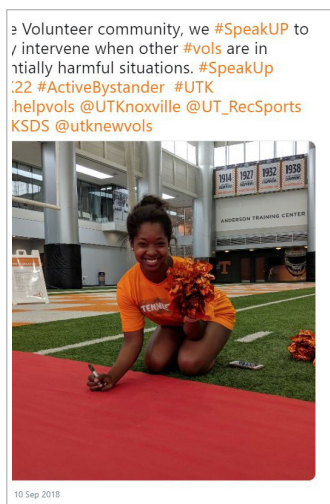
PATTERNS AND TRENDS

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:

- Training for hall staff was enhanced in 2018 through the addition of active bystander and environmental management for desk assistants in residence halls. Desk assistants were equipped with the knowledge and skills to greet residents and visitors to the residence halls and follow-up with them and call for supports if needed.
- Prevention and education about unhealthy and healthy relationships were expanded upon by the staff at the Center for Health Education and Wellness. Through relationship red flag recognition activities that were juxtaposed with green flags of healthy relationships, students, faculty, and staff engaged both face-to-face and online.
- The Red Zone initiative continued for the fourth year to educate students about the definition of consent and encourage students to sign a pledge committing to be an active bystander and look out for their follow volunteers.
- In addition to serving as a resource to students, faculty and staff are key partners in prevention. In 2018, 94 percent of students who reported an incident made their first report to a faculty or staff member. A mandatory online Title IX training was developed and implemented for all full-time faculty and staff. The campus-specific training, narrated by the university's Title IX coordinator, was succinct and provided faculty and staff members with specific strategies to prevent sexual misconduct and assist those who have experienced 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.



NOTES

- 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.
- 3** "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 prejudgment concerning whether the person was subjected to prohibited conduct.
- 4** "Respondent" means a person or registered student organization that has been accused of committing prohibited conduct. This term does not imply prejudgment concerning whether the person or registered student organization committed prohibited conduct.
- 5** "First contact" is defined as contact with a member of the Office of Title IX, the Office of Conduct and Community Standards, or the University of Tennessee Police Department (all members of the Title IX Response Team). If a student reports to another mandatory reporter, the student will be connected with one of those offices.
- 6** 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 above 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, and 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 above includes sexual misconduct, relationship violence, stalking, and retaliation committed by a student off campus.
- 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.
- 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. In some cases, there may have not been a policy violation, but the conduct was addressed separately under the code of conduct violation (e.g., harassment).
- 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 and Community Standards 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.
- 14** 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.
- 15** These numbers reflect complainants who self-disclosed a report to the Knoxville Police Department.
- 16** Faculty and staff include graduate teaching assistants and student employees if the reported incident occurred while they were acting in their employment capacity.
- 17** 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. 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 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.
- 18** 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 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 a university policy.
- 19** Even if there is not found to be a policy violation based on the preponderance of the evidence, the university provides educational interventions (e.g., training).

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:
 - » Cyberstalking, 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.