

APPENDIX A
GUIDE ON CARE, SUPPORT, AND REPORTING OPTIONS

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

The purpose of this appendix is to provide an overview of care, support, and reporting options, including confidential resources and options for reporting Prohibited Conduct to the police and/or the University.¹

The University has developed the Complainant “You Are Not Alone” Guide and a separate Respondent Resource Guide that highlight the areas addressed in this appendix, but this appendix serves as the comprehensive resource.

Section 2 of the Policy identifies the University’s Title IX Coordinator and Deputy Title IX Coordinators, who are trained and accessible for consultation and assistance about care, support, and reporting options. The Title IX Coordinator, the Deputy Title IX Coordinators, and their designees are referred to collectively in the Policy and this guide as “Title IX Officials.”

SECTION 1. CARE AND SUPPORT RESOURCES

This section describes a variety of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services available, both within the University and in the community, for an individual who has experienced Prohibited Conduct (“Complainant”). A Complainant may pursue the care and support resources identified in this Section 1 regardless of whether they choose to report the incident to the University or the police. The University also provides support and resources for an individual who is alleged to have committed Prohibited Conduct (“Respondent”).

1.1 Medical Care

The University strongly encourages Complainants who experience Sexual Assault or any other form of interpersonal violence to seek medical care immediately even if they choose not to report the incident. Medical care providers can keep information communicated to them confidential and will not communicate such information to the University, the police, or any other third party, unless required or permitted by law. **Complainants are not required to report an incident to the University or the police to receive medical care.**

Medical care may be obtained from the following:

PLACE	WHEN	CONTACT INFORMATION
UT Student Health Center (for students only)	From 8:00 a.m. – 4:30 p.m., Mondays, Tuesdays, Thursdays, and Fridays, and from 9:00 a.m. – 4:30 p.m. on Wednesdays, except on University holidays, breaks, or closures	(865) 974-2196 1800 Volunteer Blvd Knoxville, TN 37996 studenthealth.utk.edu
Sexual Assault Center of East Tennessee	24 hours, seven days a week	(865) 522-7273 (24 hour crisis line) 2455 Sutherland Avenue, Building B, Knoxville, TN mcnabbcenter.org/sacet

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

PLACE	WHEN	CONTACT INFORMATION
UT Medical Center (or another local hospital)	24 hours, seven days a week	(865) 305-9000 1924 Alcoa Highway Knoxville, TN utmedicalcenter.org

In cases of Sexual Assault, it is important to seek immediate medical attention to determine the presence of physical injury, address pregnancy concerns, determine the possibility of exposure to sexually transmitted infections, and, if the Complainant later decides to pursue legal options, to obtain evidence to assist in criminal prosecution, a civil action, or in obtaining a civil protection order. **According to the Sexual Assault Center of East Tennessee**, the key to success of the evidentiary exam is collecting physical evidence as soon as possible; however, evidence can be collected up to 72 hours after the assault. Assaults do not have to be reported to law enforcement to receive SANE services. Prior to seeking medical care following a Sexual Assault, a Complainant should avoid changing their clothing, bathing, showering, using a douche, using the bathroom, brushing their teeth, drinking liquids, washing their hands or face, or combing their hair. If the Complainant changes their clothes, then the best way to preserve evidence relating to clothing is to put the clothing in a paper (not plastic) bag. Other tips on the preservation of evidence are described in Appendix A, Section 2.1.

The collection of evidence for use in a criminal prosecution or an order of protection hearing relating to Sexual Assault can only be performed by trained personnel at a hospital emergency room (e.g., UT Medical Center) or at the Sexual Assault Center of East Tennessee; physical examinations by other healthcare providers are likely to impede potential future legal remedies. In cases of Sexual Assault, a medical professional typically will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault, such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of sexually transmitted infections and pregnancy. A medical examination preserves evidence for forensic analysis in case a Complainant wishes to pursue a criminal prosecution or an order of protection. The medical examination likely will be performed by a sexual assault nurse examiner (SANE) who is specially trained to collect evidence in cases of Sexual Assault.

If the Complainant chooses not to report the incident to the police at the time of the medical examination, then the medical provider will provide the examination materials to local police with a unique identifying number that will also be provided to the Complainant. The police department with jurisdiction will store the examination materials for up to three (3) years. If in that time the Complainant decides to make a police report, then the Complainant may report to the police department with jurisdiction and refer to the unique identifying number so that the Complainant’s examination materials may be matched with the Complainant’s police report for evidentiary purposes.

1.2 Confidential Support and Counseling for Complainants and Respondents

The University urges Complainants to seek emotional support and counseling immediately after any incident of Prohibited Conduct. The persons identified in this Section 1.2 can keep information communicated to them confidential, which means that they will not communicate such information to the University, the police, or any other third party, unless required or permitted by law, court order, or subpoena. Complainants may pursue the confidential support and counseling options identified in this Section 1.2 regardless of whether they choose to report the incident to the University or the police. Respondents may also seek support and counseling services from confidential resources.

1.2.1 *University “Confidential Employees”*

Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional’s client or patient, or because the University has deemed the employee as a confidential resource for students and employees.

A Confidential Employee can provide emotional support and help explore options for care and provide information on reporting options and Interim Measures.

Information communicated to a Confidential Employee does not constitute notice or a report to the University of an incident of Prohibited Conduct. Except in the limited circumstances described in Section 1.2.1.2 of Appendix A, information communicated to a Confidential Employee will not be shared with a Title IX Official, and the University therefore will be unable to use such information to investigate alleged Prohibited Conduct or to pursue disciplinary action against the Respondent.

1.2.1.1 Identification of Confidential Employees

Confidential Employee	Who May Access Their Services	How to Contact
Lisa Yamagata-Lynch, Ombudsperson	Students and Employees	(865) 974-6273 lisayl@utk.edu ombuds.utk.edu
A licensed psychologist, psychiatrist, or nurse practitioner in the Student Counseling Center	Students	(865) 974-2196, if calling during the hours of 8:00 a.m. – 5:00 p.m. on Mondays, Tuesdays, Wednesdays, and Fridays, or during the hours of 9:00 a.m. – 5:00 p.m. on Thursdays, except on University holidays, breaks, or closures A student who needs counseling support when the Student Counseling Center is <u>not</u> open may call (865) 974-HELP (4357). counselingcenter.utk.edu Student Health Center, Second floor 1800 Volunteer Blvd. Knoxville, TN 37996 Open from 8:00 a.m. – 5:00 p.m. on Mondays, Tuesdays, Wednesdays, and Fridays, and from 9:00 a.m. – 5:00 p.m. on Thursdays, except on University holidays, breaks, or closures
A licensed physician, registered nurse, or nurse practitioner in the Student Health Center	Students	(865) 974-3648 studenthealth.utk.edu Student Health Center 1800 Volunteer Blvd. Knoxville, TN 37996 Open from 8:00 a.m. – 4:30 p.m., Mondays, Tuesdays, Thursdays, and Fridays, and from 9:00 a.m. – 4:30 p.m. on Wednesdays, except on University holidays, breaks, or closures
A licensed psychologist in the Psychological Clinic	Students and Employees	(865) 974-2161 psychclinic.utk.edu 208 UT Conference Center Bldg 600 Henley Street Knoxville, TN 37996 Open from 8:00 a.m. – 5:00 p.m., Monday-Thursday, and 8:00 a.m. – 5:00 p.m. on Fridays, except on University holidays, breaks, or closures
A University employee who holds a valid license in a profession for which Tennessee law recognizes a confidential	Students and Employees	Varies by employee

relationship between a professional and a professional’s client or patient, if the employee is acting within the course and scope of his/her University employment and Tennessee law would recognize the existence of a confidential relationship between the employee and the student in the particular situation		
Kristen Martin, Team ENHANCE/EXCEL Coordinator	Intercollegiate student-athletes only	kmartin5@tennessee.edu (865) 974-9754
Dr. Chris Klenck, Head Team Physician NOTE: Athletic trainers and other staff members in Sports Medicine are <u>not</u> Confidential Employees. They are Mandatory Reporters of Prohibited Conduct involving students.	Intercollegiate student-athletes only	cklenck@tennessee.edu (865) 974-1147

A University employee identified above is a Confidential Employee only if the individual is communicating with the employee as a patient or client of the employee, as opposed to communicating with the employee in another context (e.g., faculty members in law, psychology, social work, and nursing not acting in a licensed capacity).

Confidential Employees include the persons identified above, University employees working under their supervision (except for Sports Medicine staff), and University employees providing administrative, operational, and/or related support for such persons.

1.2.1.2 Confidentiality Exceptions

In a limited number of circumstances, Confidential Employees are required or permitted by law to disclose confidential information:

- The patient or client signs a written consent permitting the information disclosure;
- Confidential Employees may be required to comply with subpoenas and court orders to testify in legal proceedings;
- Confidential Employees may periodically report non-personally identifiable information about Prohibited Conduct to the Title IX Coordinator or a Deputy Title IX Coordinator to keep that person informed about the general extent and nature of Prohibited Conduct on and off campus;
- Confidential Employees who are “Campus Security Authorities” for purposes of Clery Act compliance are required to report non-personally identifiable information to the University’s Clery Compliance Coordinator unless they received the information when acting as a pastoral or professional counselor as defined by the Clery Act regulations, 34 C.F.R. § 668.46(a);
- Confidential Employees are required by Tennessee law to report suspected child abuse or child sexual abuse (Tennessee Code Annotated §§ 37-1-401 et seq.; 37-1-601 et seq.; 37-1-614);
- Confidential Employees are required to report certain injuries to law enforcement (Tennessee Code Annotated § 38-1-101);
- Confidential Employees are required to report threats of serious bodily harm or death against a reasonably identifiable victim or victims (Tennessee Code Annotated §§ 33-3-206; 33-3-210);

- Confidential Employees may be required to report information about a person knowingly exposing another person to sexually transmitted diseases. (Tennessee Code Annotated §§ 68-10-102; 68-10-115); and
- Confidential Employees are required by law to report information that a person age 60 or older, or a person with certain physical and mental disabilities, has been subject to abuse, neglect, or exploitation (Tennessee Code Annotated § 71-6-101 *et seq.*).

1.2.2 Confidential Support and Counseling Outside of the University

Individuals who desire to receive confidential support and counseling from someone not affiliated with the University may contact one of the following:

Knoxville-Area Resources for Complainants

- **Sexual Assault Center of East Tennessee**
(865) 522-7273 (24-7 crisis hotline)
2455 Sutherland Avenue, Building B, Knoxville, TN
mcnabbcenter.org/sacet

To better serve its students and employees, the University has entered into a Memorandum of Understanding with the Sexual Assault Center of East Tennessee (SACET). The primary mission of SACET is to provide excellent and compassionate services for survivors of Sexual Assault and to empower communities through education and social change. SACET is a service of the Helen Ross McNabb Center. **A Complainant does not have to report a Sexual Assault to the police to receive services from SACET.**

SACET has four program areas: Sexual Assault Nurse Examinations; Advocacy; Therapy; and Education and Outreach. Three of those program areas are described in more detail below.

- **Sexual Assault Nurse Examinations.** A Sexual Assault Nurse Examiner (SANE) is available 24/7, 365 days a year to provide forensic nursing to Sexual Assault crime victims ages 13 and older. SANE exams can be performed at a local hospital or at SACET's Sexual Assault Forensic Exam (SAFE) Center. All services provided by the SACET are free, including no-cost SANE exams, pregnancy prevention, and testing and preventative treatment for sexually transmitted infections.
- **Advocacy.** The advocacy program of SACET provides victims of Sexual Assault with the support, information, and resources needed throughout the recovery process. Advocates work to ensure that victims' legal rights are protected, while also empowering victims to make their own decisions. Advocacy assistance includes: accompaniment during SANE exams, police interviews, legal appointments, and University and court proceedings; and assistance filing victim's compensation applications and petitions for orders of protection.
- **Therapy.** Therapy services are available to victims in crisis, victims of a recent Sexual Assault, and persons who were victims of a Sexual Assault or sexual abuse that happened months or years ago. The goal of SACET is to work collaboratively to address the many concerns and issues associated with sexual violence to promote healing. Therapists at the SACET specialize in treating female, male, and LGBTQ Complainants and offer services to individuals of all ages.
- **University of Tennessee Medical Center** (or another local hospital)
(865) 305-9000
1924 Alcoa Highway
utmedicalcenter.org
The University of Tennessee Medical Center is operated by University Health System, Inc., a separate legal entity from the University of Tennessee. As a result, a report to the University of

Tennessee Medical Center does not put The University of Tennessee on notice of Prohibited Conduct.

- **Knoxville Family Justice Center**
(sexual assault and dating/domestic violence)
400 Harriet Tubman Street
Knoxville, TN 37915
(865) 521-6336 (24/7 crisis line)
fjcknoxville.com
The Knoxville Family Justice Center serves domestic violence and sexual assault victims. This comprehensive support center provides a single location for victims to access advocacy and other services, including safety planning, danger assessment, orders of protection, prosecutors, detectives, civil legal assistance, counseling, support groups, access to shelter, clergy, and social service professionals.
- **YWCA – Knoxville – Victim Advocacy Program**
(dating/domestic violence)
(865) 521-6336 (24-7 crisis hotline)
420 West Clinch Avenue or 124 S. Cruze Street
ywcaknox.com
YWCA advocates provide comprehensive support for victims of dating/domestic violence, including safety planning and crisis intervention, education on victim's rights and victim compensation, navigation of the justice system, accompaniment to court, referrals for and assistance accessing essential services, referrals to support group, and follow-up services.
- **Helen Ross McNabb – Family Crisis Center**
(dating/domestic violence)
(865) 637-8000 (24-7 crisis hotline)
mcnabbcenter.org/content/domestic-violence-services
The Kent C. Withers Family Crisis Center is a safe place of refuge for individuals experiencing dating/domestic violence. While at the shelter, victims receive on-site counseling, advocacy and case management. Additionally, the 24-hour crisis hotline provides a number for victims to call for any-time-of-day access to safety planning and information on emergency shelter, support groups and other domestic violence services from caring, knowledgeable staff.

National and state crisis lines available 24 hours/7 days a week for Complainants

- **Tennessee Coalition to End Domestic & Sexual Violence**
800-289-9018
800-256-6767 – 24 hour statewide domestic violence hotline
tncoalition.org
The Tennessee Coalition to End Domestic and Sexual Violence (TCEDS) is a private nonprofit organization composed of diverse community leaders and program members who share a common vision of ending violence in the lives of Tennesseans through public policy, advocacy, education and activities that increase the capacity of programs and communities to address violence. The TCEDS is a stateside organization that serves: Domestic Violence and Sexual Assault programs; community groups and organizations; criminal justice agencies; allied professionals (e.g., medical, legal, mental health professionals); individuals seeking information and resources; and immigrant victims of domestic or sexual violence, stalking or trafficking.
- **RAINN National Sexual Assault Crisis Hotline**
800-656-HOPE (4673)
rainn.org/get-help/national-sexual-assault-hotline
- **National Domestic Violence Hotline**
800-799-SAFE (7233)
thehotline.org

- **Love is Respect – National Dating Abuse Hotline**
866-331-9474
loveisrespect.org

Other confidential, non-University resources for Complainants and Respondents

- A personal attorney
- A clergy member
- A physician or licensed mental health professional who is not an employee or contractor of the University
- A licensed marital or family therapist, licensed professional counselor, or certified clinical pastoral therapist who is not an employee or contractor of the University

Non-University counselors, advocates, and health care providers will maintain confidentiality unless state law requires or permits the disclosure of information.

1.3 Legal Resources for Complainants and Respondents

1.3.1 Orders of Protection, Victim Advocacy Services and Private Legal Assistance

For assistance in pursuing orders of protection in Knox County Fourth Circuit Court and other legal remedies, a Complainant may contact:

- **Knoxville Family Justice Center**
400 Harriet Tubman Street
Knoxville, TN 37915
(865) 521-6336 (24/7 crisis line)
fjcknoxville.com
- **Knox County Fourth Circuit Court**
City County Building
400 Main Street
Knoxville, TN 37902
(865) 215-2399
knoxcounty.org/fourthcircuitcourt/index.php

A Title IX Official or the police can assist a Complainant with arranging an appointment with the Knoxville Family Justice Center to discuss options for pursuing an order of protection and other legal remedies. The Title IX Coordinator can explore the implementation of University Interim Measures (Appendix A, Section 1.5) to assist with enforcing the terms of an order of protection.

Additional information on orders of protection can be found here:

- The Tennessee Coalition to End Domestic and Sexual Violence provides information about orders of protection on its website: tncoalition.org/documents/orders-of-protection-%28under-faq%29.pdf
- The City of Knoxville provides a list of community resources for victims of dating/domestic violence here: knoxvilletn.gov/government/city_departments_offices/police_department/criminal_investigations/special_crimes_unit/domestic_violence_help

- The Knox County Fourth Circuit Court provides information on domestic violence and orders of protection here:
knoxcounty.org/fourthcircuitcourt/domestic_violence.php

The University does not provide advocacy services or private legal assistance to students or employees.

The Knoxville Bar Association provides assistance with finding an attorney in the greater Knoxville area:
knoxbar.org/index.cfm?pg=hire-a-lawyer.

The American Bar Association also provides information on finding legal services by state:
apps.americanbar.org/legalservices/findlegalhelp/home.cfm.

The Tennessee Coalition to End Domestic and Sexual Violence (tncoalition.org) operates a Sexual Assault Legal Clinic, which offers direct legal services to sexual assault victims who may have legal questions and needs related to their victimization. The Sexual Assault Legal Clinic assists with: family law matters; orders of protection; victim's compensation; housing; employment; administrative hearings; referrals for civil cases; and other legal matters relating to sexual assault. The Sexual Assault Legal Clinic can be reached at (615) 386-9406 or 800-289-9018.

1.3.2 Visa and Immigration

International students and employees who are Complainants receive the same rights under Title IX and the Clery Act as other Complainants, regardless of their immigration and visa status. For victims of Sexual Assault, Relationship Violence, and Stalking, there may be other visa options, including U and T Visas.

The University's International Student and Scholar Services can provide useful information regarding immigration status, although the office does not provide legal advice:

International Student and Scholar Services
1620 Melrose Avenue
Knoxville, TN 37996-3531
Phone: (865) 974-3177
Fax: (865) 974-2985

International students and employees with questions about their immigration and visa status should seek the assistance of an immigration attorney. Immigration lawyers are licensed attorneys who specialize in the field of immigration law. They function as the client's advocate, and can represent them before immigration agencies, both in immigration court as well as in filing applications for immigration benefits. The attorney can give general advice and can discuss immigration options. Like all attorneys, immigration attorneys are bound by professional ethical and legal requirements to keep client discussions confidential.

The Tennessee Coalition to End Domestic and Sexual Violence (tncoalition.org) operates an Immigrant Legal Clinic (tncoalition.org/documents/ilc-english-brochure.pdf), which provides legal advice and representation to immigrant and trafficked victims of domestic or sexual violence throughout Tennessee. The Immigrant Legal Clinic was created to address the unique problems faced by immigrant victims of domestic or sexual violence. There are no restrictions on what type of immigration case the clinic takes, nor are there strict income guidelines. However, all the clients must be victims of domestic or sexual violence and unable to afford an attorney on their own. Case acceptance is handled on a case-by-case basis and determined on the merits of the case and whether relief is available. To inquire about receiving the services of the Immigrant Legal Clinic, an individual may call (615) 386-9406 or 800-289-9018.

U.S. Citizenship and Immigration Services (USCIS) (uscis.gov/about-us/find-uscis-office), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation:

USCIS Find Help in your Community Webpage: uscis.gov/citizenship/learners/find-help-your-community

USCIS Find Legal Services Webpage:
uscis.gov/avoid-scams/find-legal-services

The Board of Immigration Appeals (justice.gov/eoir/board-of-immigration-appeals) provides a listing of attorneys by state who provide free or low cost immigration services: justice.gov/eoir/list-pro-bono-legal-service-providers-map.

The American Immigration Lawyers Association (aila.org) offers an online immigration lawyer referral service (ailalawyer.org) that can help a student or employee find an immigration lawyer.

1.4 Student Financial Aid Resources for Complainants and Respondents

Students who need assistance with financial aid issues may contact a Title IX Official or One Stop Student Express Services (onestop.utk.edu/financial-aid/).

1.5 Interim Protective and Remedial Measures Implemented by the University for Complainants and Respondents

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement interim protective and remedial measures (“Interim Measures”) while the University assesses, investigates, and resolves the report. Interim Measures may be implemented upon request or at the Title IX Coordinator’s initiative. Section 2.6 of the Policy explains the availability of Interim Measures and how they are determined, implemented, and enforced.

The following are examples of Interim Measures:

- Issuing an interim administrative action under Section 6.4 of the Student Code of Conduct, including:
 - o Issuing a no-contact directive, which prohibits a student (e.g., the Respondent) from having verbal, physical, written, and/or electronic contact with another person (e.g., the Complainant) and/or from being present on designated University-controlled property for a definite or indefinite period of time (no-contact directives may be mutual, e.g., the Complainant may also receive a directive to not contact the Respondent); and/or
 - o Imposing interim actions on the Respondent (e.g., an interim suspension if the Vice Chancellor for Student Life has reasonable cause to believe that a Respondent’s continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health, safety, or welfare of others);
- Informing the Complainant of the right to report the incident to the police for criminal investigation and prosecution and offering to assist the Complainant in reporting an incident to the police;
- Putting a Respondent (if an employee) on leave, in accordance with other applicable University policies, prior to the conclusion of the investigation and resolution of a report of Prohibited Conduct;
- Assisting an individual in obtaining medical, advocacy, and counseling services;
- Exploring changes in living, transportation, dining, and working arrangements;
- Arranging appointments for an individual for follow-up on-campus support services or off-campus support services, such as those identified in this Section 1 (e.g., arranging an appointment with the Knoxville Family Justice Center to discuss options for pursuing an order of protection in Knox County Fourth Circuit Court);
- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes;
- Assisting an individual in communicating with faculty;
- Reviewing any disciplinary action(s) taken against the Complainant to see if there is a causal connection between the Respondent’s misconduct and the misconduct that may have resulted in the Complainant being disciplined;
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Office of the University Registrar;
- Accessing academic support for an individual, including tutoring;

- Assisting with requesting academic accommodations such as re-scheduling exams, obtaining extensions of time for assignments, re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty.

SECTION 2. REPORTING PROHIBITED CONDUCT

The University encourages students who have experienced, have knowledge of, or have witnessed Prohibited Conduct to promptly report the incident to the police or the University.² Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or to neither. This Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report Prohibited Conduct.

2.1 Preservation of Evidence

The University recognizes that a Complainant may need time to decide whether to report an incident of Prohibited Conduct to the police and/or the University. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

The University strongly encourages Complainants, as soon as possible after experiencing Prohibited Conduct, to take steps to preserve evidence of the Prohibited Conduct, such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72 hours after the incident (Appendix A, Section 1.1);
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

2.2 Reporting to the Police

Prohibited Conduct may constitute both a violation of the Policy and criminal law. Therefore, the University encourages Complainants to report Prohibited Conduct to the police immediately. Prompt reporting of an incident to the police is especially critical for incidents of Nonconsensual Sexual Penetration because the collection and preservation of evidence relating to Nonconsensual Sexual Penetration often is essential for police investigations and criminal prosecutions. Complainants should report Prohibited Conduct to the police because the police have unique legal authority to investigate and respond to Prohibited Conduct, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders.

A Complainant has the right to decline to report the incident to the police. Even if a Complainant does not report the incident to the police, the Complainant may still request Interim Measures from the University by reporting the incident to a Title IX Official.

² Student-employees who are Mandatory Reporters (Policy, Section 2.5.2.1) are required to report information they receive about Prohibited Conduct.

2.2.1 Contact Information for Police

A Complainant may report Prohibited Conduct to the police 24 hours a day, seven days a week:

INCIDENT LOCATION	CONTACT
Regardless of where the incident occurred	Call 911 in an emergency
On campus or the City of Knoxville	UTPD 1101 Cumberland Avenue, Knoxville, TN (865) 974-3111 utpolice.utk.edu Knoxville Police Department (KPD) 800 Howard Baker, Jr. Avenue, Knoxville, TN (865) 215-4010 knoxvilletn.gov/government/city_departments_offices/police_department/
In Knox County but outside of the City of Knoxville	Knox County Sheriff 400 Main Street, Suite L165, Knoxville, TN 37902 (865) 215-2243 knoxsheriff.org or UTPD 1101 Cumberland Avenue, Knoxville, TN (865) 974-3111 utpolice.utk.edu
Outside of Knox County	Contact the police department that has jurisdiction over the location where the incident occurred or Contact UTPD for assistance in contacting another jurisdiction’s police department

Upon the Complainant’s request, a Title IX Official will assist a Complainant in contacting UTPD or another appropriate local police department.

Employees of UTPD are Mandatory Reporters for reports of Prohibited Conduct involving students. Accordingly, if a person reports an incident to UTPD, and the incident has not been previously reported to a Mandatory Reporter outside of UTPD, then UTPD will contact the Title IX Coordinator. The Title IX Coordinator will contact the Complainant regarding the University’s response to the report. In contrast, if a Complainant reports the incident to the Knoxville Police Department or another police department other than UTPD, then the Complainant also will need to report the incident to a Title IX Official (Appendix A, Section 2.3) if the Complainant wants the University to take any action under the Policy.

2.2.2 What to Expect after Reporting Prohibited Conduct to the Police

Even if a Complainant is unsure whether to pursue criminal prosecution or an order of protection, the University recommends that the Complainant report the incident to the police as soon as possible. In most cases, after addressing a Complainant’s immediate safety needs and/or needs for medical care, a police officer will meet with the Complainant and take a statement about what occurred. In cases of Sexual Assault, in addition to taking a statement, the police officer may ask to examine the scene of the incident and collect bedding, clothing, or other items of evidentiary value. A police officer also will conduct a thorough interview to record as many details as possible and as precisely as possible, which may take as long as several hours, depending on the circumstances of

the case. Due to the traumatic effects of Sexual Assaults, multiple interviews may be required to get all of the pertinent details of the assault. When UTPD conducts the police interview, the UTPD police officer typically will ask the Complainant whether they want UTPD to call an on-call victim advocate from the Sexual Assault Center of East Tennessee to be present during the Complainant’s interview(s).

If the police determine that a crime occurred after concluding its investigation, then the police will refer the matter to the district attorney. **The district attorney will decide whether to pursue criminal prosecution; however, it is unusual for cases to proceed without the cooperation of the Complainant. Reporting the incident to the police does not obligate the Complainant to cooperate with the district attorney’s criminal prosecution.** If criminal prosecution is pursued, however, the likelihood of success will be much higher if the Complainant reported and allowed evidence to be collected immediately after the incident of Prohibited Conduct.

2.2.3 How University Policies/Procedures Relate to Criminal Law/Procedures

The University will cooperate with law enforcement if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, the University’s Policy and procedures may differ in significant respects from criminal law. A Complainant may seek resolution through the University’s procedures outlined in the Policy, may pursue criminal action, may choose one but not the other, may choose both, or may choose neither. Procedures under the Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Although the University may delay temporarily the fact-finding portion of its investigation while law enforcement is gathering evidence, the University will implement appropriate Interim Measures during such a delay. Decisions made or penalties imposed by the University are not based on a result of criminal or civil charges against a Respondent arising from the same incident being dismissed, reduced, rejected, sustained, or not prosecuted; however, a Respondent’s plea or a finding against a Respondent in a criminal or civil proceeding may, at the University’s discretion, be used by the University in a University disciplinary proceeding.

2.2.4 Anonymous Reporting to the Police

Persons may report a crime anonymously to the Knoxville Police Department by calling 865-215-7212. Persons may report a crime anonymously to the Knox County Sheriff by visiting knoxsheriff.org/tip/index.php, by calling (865) 215-2243, or by texting the word **Knox** to **Crimes 274637**. **Texting is not an alternative to calling 911; in an emergency, call 911.**

2.3 Reporting to the University

Reporting Prohibited Conduct to the University enables the University to respond appropriately, including conducting a prompt, thorough, and equitable investigation and, if warranted, taking disciplinary action against a Respondent. Complainants are not required to report Prohibited Conduct to the University if they do not want the University to respond to the incident or assist with Interim Measures. A Complainant may opt to report an incident of Prohibited Conduct to the University but decline to disclose the identity of the Respondent; in that case, the University will offer Interim Measures to the Complainant, but the University’s ability to investigate the incident and pursue disciplinary action against the Respondent or take other remedial action will be limited. If an incident is not reported to the University, then the University will not be able to take steps to: identify resources for the Complainant, such as Interim Measures; or promptly, thoroughly, and equitably investigate the incident and/or resolve the situation in order to eliminate the Prohibited Conduct, prevent its recurrence, and address its effects on the Complainant or the University community.

If a person reports an incident of Prohibited Conduct to the University, there is no requirement that the Complainant pursue criminal prosecution or University discipline against a Respondent. The University recognizes that a Complainant’s decision on how to proceed after a report is filed is a process that may unfold over time; thus, at the time a report is made to the University, a Complainant does not have to decide whether to request any particular course of action.

2.3.1 Who to Contact at the University

Students are encouraged to report Prohibited Conduct to a Title IX Official, who are trained to support Complainants:

The University’s Title IX Coordinator is:

Ashley Blamey
 1817 Melrose Avenue
 Knoxville, TN 37996
 (865) 974-9600
ashleyblamey@utk.edu
titleix.utk.edu

The University’s Deputy Title IX Coordinators are:

NAME	TITLE(S)	CONTACT INFORMATION
Jenny Richter	Deputy Title IX Coordinator for Human Resources/Office of Equity and Diversity Associate Vice Chancellor and Director, Office of Equity and Diversity	1840 Melrose Avenue Knoxville, TN 37996 (865) 974-2498 jrichter@utk.edu oed.utk.edu
Sarah Thomas	Deputy Title IX Coordinator for Student Support	1817 Melrose Avenue Knoxville, TN 37996 (865) 974-9600 sarahthomas@utk.edu titleix.utk.edu
Laura Bryant	Deputy Title IX Coordinator for Prevention, Training, and Evaluation	Laura Bryant 1817 Melrose Ave. 865-974-9600 lbryant7@utk.edu titleix.utk.edu
Betsy Smith	Deputy Title IX Coordinator for Student Conduct Director, Office of Student Conduct and Community Standards	405 Student Services Building Knoxville, TN 37996 (865) 974-3171 bbsmith@utk.edu studentconduct.utk.edu
Tara Brooks	Deputy Title IX Coordinator for Intercollegiate Athletics Director of Internal Operations	Brenda Lawson Athletic Center 1551 Lake Loudon Boulevard Knoxville, TN 37996 (865) 974-6112 tbrooks3@utk.edu
Jillian Paciello	Deputy Title IX Coordinator for Law Enforcement and Clery Compliance Clery Compliance Coordinator	University of Tennessee Police Department 1101 Cumberland Avenue Knoxville, Tennessee 37996 (865) 974-0544 jpaciell@utk.edu clery.utk.edu ; utpolice.utk.edu

As explained in Section 2.3 of the Policy, privacy under this Policy is different than confidentiality. If a Complainant desires to communicate with someone who, by law, can keep information confidential, then the Complainant should contact one of the resources outlined in Appendix A, Section 1.2.

If a student discloses information about Prohibited Conduct to a University employee who is not a Title IX Official, then the University employee’s duty to report the information to a Title IX Official will depend on whether the University employee is a Mandatory Reporter. All Mandatory Reporters are required to report information about Prohibited Conduct to a Title IX Official. Section 2.5.2.1 of the Policy identifies the University employees who are Mandatory Reporters.

2.3.2 Initial Response and Assessment by the Title IX Coordinator

After receiving a report of Prohibited Conduct, the Title IX Coordinator will take immediate and appropriate steps to:

- Have an appropriate University employee offer to meet with, or otherwise communicate with, the Complainant;
- Implement interim protective and remedial measures (Appendix A, Section 1.5) to eliminate and prevent the recurrence of Prohibited Conduct, deter Retaliation, and remedy the effects of Prohibited Conduct through reasonable support services, accommodations, and other assistance;
- In cases of Sexual Assault, Relationship Violence, or Stalking, whether the Prohibited Conduct occurred on or off campus, provide a Complainant with a paper or electronic copy of this Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant’s rights and options under this Policy (if that has not already been done by a Mandatory Reporter), which will include: (1) notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and (2) notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- Subject to a Complainant’s Request for Limited Action (Appendix A, Section 2.3.4), initiate the investigation and resolution procedures outlined in **Appendix C** (reports of student misconduct) or **Appendix D** (reports of employee misconduct) of the Policy if, based on an initial assessment, the alleged conduct meets the definition of Prohibited Conduct and falls within the scope and applicability of this Policy; and
- If the Complainant requests, assist the Complainant in reporting the incident to the police.

The Title IX Coordinator may delegate the authority to take the some or all the steps described above to another Title IX Official.

2.3.4 Complainant’s Right to Make a Request for Limited Action

A Complainant has the right to make a “Request for Limited Action” when an incident of Prohibited Conduct is reported to a Title IX Official. Section 2.5.2.3 of the Policy explains what Requests for Limited Action are, how they are evaluated, and the limited circumstances in which they may not be granted.

2.3.5 Amnesty for Students Who Report Prohibited Conduct to the University

Because of the importance to the University of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to the University or provides information in a University investigation into alleged Prohibited Conduct will not be subject to University disciplinary action by the Office of Student Conduct and Community Standards for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk (“Amnesty”). More information on the University’s Amnesty policy can be found in Section 2.5.2.5 of the Policy.

2.3.6 The University’s Disclosure Obligations under Federal and Tennessee Law Relating to Reports of Prohibited Conduct

Clery Act

Certain University employees, called Campus Security Authorities, have a duty to report certain incidents of Prohibited Conduct to UTPD to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information to UTPD for Clery Act purposes, but statistical information must be sent to UTPD regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security and Fire Safety Report. Statistics published in the Annual Security and Fire Safety Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, **but the statistics do not personally identify Complainants or Respondents**. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

In addition to the Annual Security and Fire Safety Report and in compliance with the Clery Act, UTPD maintains a daily crime log that includes entries for all crimes and alleged crimes that occurred within the University’s Clery Geography or the patrol jurisdiction of UTPD. The crime log does not include personally identifying information about the Complainant or the Respondent.

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to: issue timely warnings for crimes reported to UTPD or Campus Security Authorities that pose a substantial threat of bodily harm or danger to members of the campus community. The University will undertake reasonable efforts to avoid disclosing a Complainant’s name and other identifying information, while still providing enough information for community members to make safety decisions in light of the potential danger.

FERPA

In accordance with FERPA, personally identifiable information about a Complainant or Respondent who is a student that has been communicated to a Mandatory Reporter regarding Prohibited Conduct will be shared within the University only with Title IX Officials and those University employees who “need to know” in order to assist with the University’s response to the Prohibited Conduct. Personally identifiable information concerning a Complainant or Respondent who is a student will not be disclosed by the University to third parties unaffiliated with the University without the consent of the student except in response to a lawfully issued subpoena, court order, or as otherwise required or allowed by law. If a Respondent who is a student makes a request to review documents concerning the University’s investigation or resolution of Prohibited Conduct, the University will be required by FERPA to grant the Respondent’s request to inspect and review records that relate specifically to the Respondent, but the University will redact the Complainant’s name and any other identifying information to the maximum extent allowed by law.

Tennessee Public Records Act

Incident reports prepared by UTPD for law enforcement purposes are generally considered public records under the Tennessee Public Records Act (Tennessee Code Annotated § 10-7-503 *et seq.*) and are not protected by FERPA, which means the University is obligated by law to make them available to any Tennessee citizen upon request unless the report is part of an ongoing criminal investigation. Local law enforcement agencies may also be required to make their records available under similar circumstances. In addition, investigative reports prepared by other University officials that do not contain personally identifiable student information also are generally considered public records under the Tennessee Public Records Act.

However, Tennessee law provides that information that is reasonably likely to identify a student accused of committing an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202 or any information that is reasonably likely to identify the victim of an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202, must be treated as confidential and not be open for inspection by members of the public under the Tennessee Public Records Act.

Robert (Robbie) Nottingham Campus Crime Scene Investigation Act

The Robert (Robbie) Nottingham Campus Crime Scene Investigation Act (Nottingham Act), Tennessee Code Annotated § 49-7-129, requires UTPD to notify the Knoxville Police Department upon UTPD’s receipt of a report from a victim alleging that any degree of rape has occurred on University property. The Nottingham Act requires UTPD and the Knoxville Police Department to participate in a joint investigation of the rape, with UTPD leading the investigation.

The Nottingham Act also requires sexual assault programs and services on campus to report annually to UTPD the number of requests for assistance received from persons who were raped on or in the vicinity of campus during the preceding calendar year. Personally identifiable information is not provided to UTPD in connection with that report.

Disclosure to Respondents During the Disciplinary Process

After the University has formally initiated an investigation and during the disciplinary process, a Respondent has rights under federal and state law, including the right to be informed of the nature of the allegations, including the identity of the Complainant and the names of any witnesses, and the right to equal access to all information that will be used in the disciplinary process.