



VOLS HELP VOLS:
YOU ARE NOT ALONE

2019-20

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Developed for you by the

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titleix.utk.edu

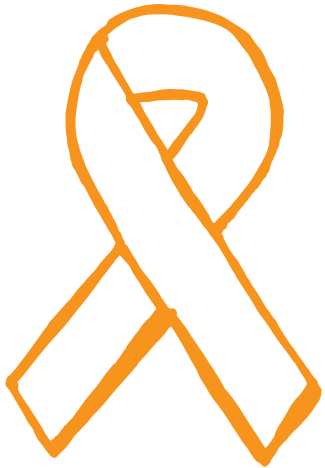
The University of Tennessee is committed to providing a safe living, learning, and working environment. This booklet provides an overview of care, support, and reporting options for students and members of our community. The university's full Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation can be found at titleix.utk.edu.

The term *prohibited conduct*, as used in this booklet and the university policy, refers to sexual misconduct, relationship violence, stalking, and retaliation. A brief overview of prohibited conduct is found within this booklet. More extensive definitions of these terms and related terms can be found at titleix.utk.edu.

If you need assistance or have questions about this policy or how the university works with students, the university's Title IX coordinator and deputy Title IX coordinators are trained and accessible to discuss care, support, and reporting options. A full list of Title IX officials is included on page 18.

If you have experienced sexual misconduct, relationship violence, or stalking, **remember you are not alone.**

Definitions



For the purposes of this booklet, the **complainant** is the person who reports that they have been subjected to prohibited conduct.

The **respondent** is the person who has reported to have engaged in prohibited conduct.

A **reasonable person** is a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities to the person whose words and/or conduct are being evaluated by the person.

Incapacitation means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical, or developmental abilities render them incapable of making rational informed decisions. Incapacitation is not the same as legal intoxication.

A person violates this policy when they engage in sexual activity with another person who is incapacitated and a reasonable person in the same situation would have known that the person is incapacitated.

Sexual misconduct includes sexual assault, sexual harassment, and sexual exploitation.

Sexual assault includes non-consensual sexual penetration, nonconsensual sexual contact, and conduct that meets the defini-

tion of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

Sexual harassment, with respect to conduct by a student, means (1) verbal or physical conduct (2) on the basis of sex, which includes gender, pregnancy, sexual orientation, gender identity, and gender expression, (3) that is so severe, pervasive, and objectively offensive (4) that it unreasonably interferes with or denies a person the ability to participate in or benefit from a university education program or activity.

Sexual exploitation means taking sexual advantage of another person, without that person's active agreement.

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, or other intimate relationship with the complainant.

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 fear for the person's safety or the safety of another person or suffer substantial emotional distress.

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.

Connecting with Resources and Services

ACCESSING
MEDICAL
CARE

ENSURING
YOUR
SAFETY

REPORTING
AND
INVESTIGATION
OPTIONS

SUPPORT
AND
RESOURCES

ACCESSING MEDICAL CARE

You can seek medical care at any time following an assault, but we strongly recommend that you do so within 72 hours (three days). A medical professional will examine you, provide appropriate medical treatment, and if applicable talk with you about the prevention of pregnancy and sexually transmitted infections.

We encourage you to preserve all physical evidence. If possible, avoid changing your clothing, bathing, showering, using a douche, using the bathroom, brushing your teeth, drinking liquids, washing your hands or face, or combing your hair. If you change clothes, evidence is best preserved in a paper (not plastic) bag. Preservation of evidence does not mean that you have to pursue criminal charges, but it helps keep that option open for you.

You can seek medical care by contacting one of the resources listed here 24 hours a day, seven days a week.

Sexual Assault Center of East Tennessee

2455 Sutherland Ave., Building B
Knoxville, TN 37919
mcnabbcenter.org/sacet
24/7 crisis line: 865-522-7273

SACET provides compassionate services for victims and survivors of sexual assault and works to empower communities through education and social change.

All services are free, including medical examinations, pregnancy prevention, and testing and preventative treatment for sexually transmitted infections.

Emergency Services

911

University of Tennessee Medical Center

1924 Alcoa Highway
Knoxville, TN 37920
utmedicalcenter.org
Emergency and trauma services:
865-305-9000

ENSURING YOUR SAFETY

We strongly encourage you to consider options for ensuring your short- and long-term safety. Resources are available both on campus and in the community to assist you with safety planning, obtaining an order of protection, and reporting to law enforcement.

Campus Resources

Office of Title IX

1817 Melrose Avenue
865-974-9600
865-974-4357 (24-hour help line)
titleix.utk.edu

A no-contact directive can be issued that prohibits the respondent from having verbal, physical, or written contact with you for a definite or indefinite period of time.

Community Resources

Knoxville Family Justice Center

400 Harriet Tubman Street
Knoxville, TN 37915
24/7 confidential family violence helpline: 865-521-6336
Office phone: 865-215-6800
(M-F, 8 a.m.–4:30 pm)

- Safety planning
- Danger assessment
- Orders of protection
- Prosecution
- Civil legal assistance

- Counseling
- Support groups
- Language interpretation
- Access to shelter
- Employment assistance
- Housing—short and long term
- Child care
- Services for the elderly, individuals with disabilities, and other special populations

Helen Ross McNabb Domestic Violence Services

24/7 confidential domestic violence crisis hotline:
865-637-8000

- Safety planning
- Emergency shelter information
- Support groups
- Counseling services
- Court advocacy and accompaniment
- Referrals for housing, legal services, employment, and education
- Specialized services for children
- On-site services at the Family Justice Center
- Education and information on domestic violence and abuse
- Access to translation services

REPORTING AND INVESTIGATION OPTIONS

Consider your reporting options.

Campus and community resources are available if you wish to speak with someone about an incident and discuss your options for reporting.

Reporting prohibited conduct to the university or law enforcement is a personal choice that only you can make.

The university strongly encourages you to report an incident of sexual misconduct. Reporting the incident is the only way that the university and/or law enforcement can take action. Reporting the incident—and, for sexual assault cases, having a medical exam performed within 72 hours—is critical in preserving evidence and allowing law enforcement and/or the university to respond effectively, but you can report an incident at any time.

You can report an incident to law enforcement before, during, or after an investigation or a resolution of the incident by the university. You have the right to decline to report the incident to law enforcement. If you do decline you can still access medical care, counseling, and other support from the university by notifying the Title IX coordinator or the Office of Student Conduct and Community Standards. While these offices are not confidential resources, they will protect the privacy of your

report as much as possible. See “Confidentiality and Privacy” on page 13 for more information on this aspect of reporting.

Nonconfidential Reporting Resources

UT Office of Title IX
1817 Melrose Ave.
865-974-9600

UT Office of Student Conduct and Community Standards
405 Student Services Building
865-974-3171

UT Police Department
865-974-3114 or 911
Contact the UTPD to make a report or request that an officer take you to a local hospital or the Sexual Assault Center of East Tennessee for a medical examination.

Knoxville Police Department
865-215-7000 or 911

If unwanted sexual activity has occurred and you think you might want to prosecute, you are strongly encouraged to have a medical examination within 72 hours.

Calling 911 or contacting SACET or UTPD to arrange for a medical examination does not mean you must make a formal report. A medical exam simply preserves evidence in the event that you choose to pursue prosecution.

The collection of evidence for use in a criminal prosecution relating to unwanted sexual activity can be performed only by trained personnel at a hospital emergency

room or at the Sexual Assault Center of East Tennessee. Physical examinations by other health care providers are likely to impede potential future legal remedies.

Reporting an Incident to Law Enforcement

We hope you will decide to report any incident to the police. While there is no way to change what has happened, you have the right to seek justice—but the decision to report or not to report is yours to make. You are not legally obligated to report.

A nurse at an emergency room or the Sexual Assault Center of East Tennessee can perform a sexual assault forensic examination. This examination involves collecting evidence—such as hairs, fluids, and fibers—and preserving the evidence for forensic analysis. If you think you might want to pursue prosecution but are still unsure, we recommend that you make the police report right away, while the evidence is still present and your memory is detailed.

If you have a medical exam but choose not to make an immediate police report, the law enforcement agency with jurisdiction will store the examination materials for up to three years so they can still be matched to a police report if you file one during that time. In most cases, the police will come to you and take a statement about what occurred. In addition to taking a statement, police collect physical evidence. They may ask

to examine the scene and collect bedding, clothing, or other items.

The police interview may take up to several hours, depending on the circumstances. Some questions will probably feel intrusive, and the officer will probably go over the details several times. The extensive questioning is not because the police do not believe you but because it is their job to get every detail down precisely.

Due to the traumatic effect of sexual assault on survivors, multiple interviews may be required to get all of the pertinent details. This is not unusual, and investigators are trained to expect gaps in memory due to trauma immediately after the assault. Investigators understand that as time passes, additional memories may become clearer. Throughout the process, law enforcement officials will keep you aware of the progress of your case.

The district attorney will decide whether to pursue prosecution; however, it is unusual for cases to proceed without the cooperation of the victim. Reporting the incident to law enforcement does not obligate you to cooperate with any criminal prosecution. If prosecution is pursued, the chance of success will be much higher if you reported and allowed evidence to be collected. **If you report the incident to UTPD,** they will contact the Title IX coordinator and a university official will get in touch with you. UTPD will also provide you with a

list of available resources and offer to contact a victim advocate to be present during your questioning if you choose.

Reporting an Incident to the University

Reporting prohibited conduct to the university empowers you to obtain the care and support you need and enables the university to respond appropriately, including conducting a prompt, thorough, and equitable investigation and, if warranted, taking disciplinary action against the respondent.

If you disclose an incident of prohibited conduct to the university (by telling a mandatory reporter or meeting with the Office of Title IX), the Office of Title IX will work with you to evaluate your care and support needs and discuss your options under university policy. They will connect you to the appropriate office to pursue the investigation and provide support during the entire process.

Your decision on how to proceed after reporting an incident is a process that may unfold over time, and you do not have to decide whether to request or choose any particular course of action when you make a report. Regardless of your choice, the university will provide you with care and support even if its ability to investigate the incident and pursue disciplinary or other remedial action is limited.

If you report an incident of prohibited conduct to the university, you have the right to

- Request that your name not be disclosed to the respondent
- Request that the university not investigate the incident further or pursue disciplinary action against the respondent
- Decline to participate in a university investigation or disciplinary proceeding
- Decline to disclose the identity of the respondent to the university

The Title IX coordinator or another university representative will evaluate a request that your name not be disclosed to the respondent or that the university not investigate the incident further or pursue disciplinary action against the respondent. If the university honors such a request, its ability to respond fully to the incident (for example, to meaningfully investigate the incident and pursue disciplinary action against the respondent or take other remedial action) may be limited.

In accordance with the Family Educational Rights and Privacy Act of 1974, or FERPA, personally identifiable information concerning a student report to a university official who is not a law enforcement officer (for example, to the Office of Title IX) will not be disclosed to third parties outside the university without the consent of the student except in response

to a lawfully issued subpoena or as otherwise required or allowed by law.

University Investigation Options

You can choose to initiate an investigation through the Office of Student Conduct and Community Standards if the respondent is a student, or through the Office of Equity and Diversity if the respondent is a faculty or staff member. The Office of Title IX will work with you to connect you with the appropriate office. During the investigative process, you can continue to receive support from the Office of Title IX staff.

Confidentiality and Privacy

Confidentiality and privacy are different. Confidentiality is limited to someone who, by law, can keep information confidential. Information communicated to the Office of Title IX or other mandatory reporters will be kept private and shared only with university employees who need to be involved in responding to or addressing a report. For more detailed information, visit titleix.utk.edu or contact the Office of Title IX.

The Student Counseling Center and Student Health Center are the primary designated confidential resources where you can learn about supports and options. Other university employees who are not confidential resources will protect the privacy of your report to the maximum extent possible under the circumstances and will share the information you reported

only within the limited circle of university employees who need to be involved in responding to the report.

Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the Clery Act, is a federal law requiring all higher education institutions that receive federal financial aid to report crime statistics to their communities. This includes statistics related to sexual misconduct, relationship violence, and stalking that occur on UT-controlled property.

Certain individuals on campus who are designated campus security authorities, or CSAs, are required to submit reports to the Clery compliance officer at UTPD, which keeps a log of all Clery crime statistics reported within the past 60 days at clery.utk.edu/crime-log. Not all incidents reported to the Office of Title IX result in a safety notice to the community. For questions about Clery statistics, CSAs, or the crime log, contact the Office of Title IX or the Clery compliance officer.

Safety Notices/UT Alert

Because of our commitment to keep the UT community safe and informed, there are times when a safety notice or UT Alert is sent to the community. Safety notices do not include identifiable information about the complainant but are designed to address any ongoing safety threats to the community.

Retaliation

The University of Tennessee and Title IX prohibit retaliation against anyone who reports sexual harassment, sexual assault, or sexual misconduct. The university will take reasonable steps to prevent retaliation and will take strong responsive action if retaliation occurs.

Amnesty

If you were using alcohol or drugs at the time of an incident, the university does not want that to keep you from reporting. The university will not pursue disciplinary charges against you for personal consumption of alcohol or other drugs.

SUPPORT AND RESOURCES

Talk to someone you trust. As soon as you are in a safe place, talk to someone you can trust about the incident—like a family member, friend, or counselor. There are resources both on campus and in the community that can assist you.

ON-CAMPUS RESOURCES

Confidential On-Campus Resources

Student Counseling Center

1800 Volunteer Blvd., Suite 200
865-974-2196
865-974-4357 (24-hour help line)
counselingcenter.utk.edu

Provides students with personal counseling, psychotherapy, and psychological outreach and consultation services.

Mental health providers are available during weekday business hours for appointments and after hours and on weekends via the helpline.

Student Health Center

1800 Volunteer Blvd.
865-974-3135
studenthealth.utk.edu

Provides students with an acute care clinic/triage nurse, primary care clinic, sports medicine clinic, and women's health clinic. After hours, students are encouraged to seek services through the Sexual Assault Center of East Tennessee or at the UT Medical Center emergency room.

Nonconfidential On-Campus Resources

Office of Title IX

1817 Melrose Ave.
865-974-9600
865-974-4357 (24-hour help line)
titleix.utk.edu

UT Police Department

1101 Cumberland Ave.
865-974-3114
Emergency: 911 or 865-974-3111
utpolice.utk.edu

Works to ensure safety on campus and in the immediate surrounding area and provides programming for students to increase awareness, personal safety, and property security.

Office of Equity and Diversity

1840 Melrose Ave.
865-974-2498
oed.utk.edu

Fulfills an important compliance function by working with various legal mandates set out by state and federal law and university policies related to civil rights, equal employment, and affirmative action. OED serves to investigate and resolve faculty/staff-related reports of sexual misconduct, relationship violence, stalking, and retaliation.

Office of Student Conduct and Community Standards

405 Student Services Building
865-974-3171
studentconduct.utk.edu

Staff members are the primary investigators for alleged prohibited conduct. Before initiating an investigation, staff can meet with an individual to discuss options and processes.

Center for Health Education & Wellness

1800 Volunteer Blvd., Suite 201
865-974-5725
wellness.utk.edu

Provides campus prevention efforts to educate, increase awareness, and impact decision making in areas related to sexual misconduct, relationship violence, stalking, and retaliation.

COMMUNITY RESOURCES

Confidential Community Resources

Sexual Assault Center of East Tennessee

2455 Sutherland Ave., Building B
Knoxville, TN 37919
mcnabbcenter.org/sacet
24/7 crisis line: 865-522-7273

Our Title IX 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.

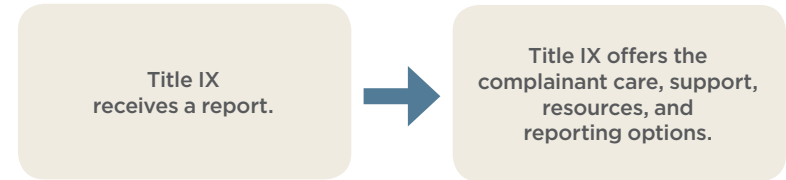
Prevention. Our goal is to prevent sexual misconduct, relationship violence, stalking, and retaliation before they happen.

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.

APPENDIX B: TITLE IX PROCESS



COMPLAINANT OPTIONS

<p style="text-align: center;">Request Limited Action</p> <ul style="list-style-type: none"> • A complainant can choose to receive only resources and support from the Office of Title IX and does not have to pursue a formal investigation. • The Title IX coordinator will review specific forms of available support with the complainant. • A complainant can change their mind at any time and request an investigation. 	<p style="text-align: center;">Initiate an Investigation through the University</p> <ul style="list-style-type: none"> • A complainant can choose to initiate an investigation. • Title IX staff will work with the complainant to connect them with either the Office of Student Conduct and Community Standards or the Office of Equity and Diversity. • During the process, a complainant can continue to receive support from the Title IX staff. 	<p style="text-align: center;">Initiate an Investigation through Law Enforcement</p> <ul style="list-style-type: none"> • A complainant has the right to choose to initiate an investigation with police. • Title IX staff will work with the complainant to connect them with the appropriate law enforcement department. • During the process, a complainant can continue to receive support from Title IX staff.
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Title IX Coordinator

Ashley Blamey
1817 Melrose Ave.
865-974-9600
ashleyblamey@utk.edu
titleix.utk.edu

Deputy Title IX Coordinator for Student Support

Sarah Thomas
1817 Melrose Ave.
865-974-9600
sarahthomas@utk.edu
titleix.utk.edu

Deputy Title IX Coordinator for Prevention, Training & Evaluation

Laura Bryant
1817 Melrose Ave.
865-974-9600
lbryant7@utk.edu
titleix.utk.edu

Director of the Office of Student Conduct & Community Standards, Deputy Title IX Coordinator for Student Conduct

Betsy Smith
405 Student Services Building
865-974-3171
bbsmith@utk.edu
studentconduct.utk.edu

Deputy Title IX Coordinator for Intercollegiate Athletics

Tara Brooks
Brenda Lawson Athletic Center
1551 Lake Loudoun Blvd.
865-974-6122
tbrooks3@utk.edu

Associate Vice Chancellor and Director of the Office of Equity and Diversity, Deputy Title IX Coordinator for OED

Jennifer Richter
1840 Melrose Ave.
865-974-2498
jrichter@utk.edu
oed.utk.edu

Clery Compliance Coordinator; Deputy Title IX Coordinator for Law Enforcement and Clery Compliance

Jillian Paciello
UT Police Department
1101 Cumberland Ave.
865-974-0544
jpaciell@utk.edu
clery.utk.edu
utpolice.utk.edu

In accordance with Title IX of the Education Amendments Act of 1972, UT policy prohibits discrimination on the basis of sex in any education program or activity. Reports or complaints of sex discrimination or prohibited conduct, or questions about the university's policies, procedures, resources, or programs concerning any of those issues, may be directed to the university's Title IX coordinator or one of the university's deputy Title IX coordinators.

