



**VOLS HELP VOLS:
YOU ARE NOT ALONE**

2020-21

Developed for you by the

Office of Title IX

1817 Melrose Ave.

Knoxville, TN 37996

865-974-9600

titleix.utk.edu

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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 Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, which will be referred to as the "Policy" throughout this document, can be found at titleix.utk.edu.

The term **Prohibited Conduct**, as used in this booklet and the university Policy, refers to Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, 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 20.

Remember you are not alone.



Definitions

For the purposes of this booklet, the **Complainant** is the individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct, regardless of whether that person makes a report or seeks action under the Policy.

The **Respondent** is the individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under the Policy.

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

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or (3) sexual assault, dating violence, domestic violence, and/or stalking.

Sexual assault is an umbrella term for any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, fondling, incest, and statutory rape.

Dating violence means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship
- (ii) The type of relationship
- (iii) The frequency of interaction between the persons involved in the relationship

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with who the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction.

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

Stalking means engaging in a course of conduct directed at a specific 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 to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy.

Connecting with Resources and Services

ACCESSING
MEDICAL
CARE

ENSURING
YOUR
SAFETY

FORMAL
COMPLAINT &
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 (SACET)

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 preven-

tion, 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 between the complainant and respondent, which prohibits both parties 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 am–4:30 pm)
fjcknoxville.org

- 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

FORMAL COMPLAINT 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 prohibited conduct. 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 Office of Title IX 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 14 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

You can report an incident to law enforcement before, during, or after a report to the Office of Title IX or filing a formal complaint to initiate an investigation or a resolution of the incident by the university. Reporting to law enforcement initiates criminal proceedings.

Reports to law enforcement are not confidential and privacy levels are compliant with state law within the state in which the incident took place.

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 interview may take several hours, depending on the circumstances of your case. 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; it is the officer's job to get every detail down precisely.

In cases of sexual assault, multiple interviews may be required to get all of the pertinent details of the assault. 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

You can report prohibited conduct to the university without filing a formal complaint. You can access supportive measures even if you choose not to file a formal complaint with the Office of Title IX.

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. If you choose to file a formal complaint, they will connect you to the appropriate office to pursue the investigation and provide support during the entire process.

At the time your report is made to the Office of Title IX, you do not have to decide to file a formal complaint or choose any particular course of action. Talking with the Office of Title IX does not obligate you to initiate a university investigation by filing a formal complaint or report the incident to law enforcement unless you choose to do so.

The decision to file a formal complaint or report to law enforcement is yours to make. Regardless of your choice, the university will provide you with care and support.

If you choose to file a formal complaint to initiate a university investi-

gation, this enables the university to respond appropriately by conducting a prompt, thorough, and equitable investigation and, if warranted, taking disciplinary action against a respondent.

A formal complaint is filed by completing the Formal Complaint Process Form and is required to begin an investigation under the Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (“Policy”). Prior to completing this form, a representative with the Office of Title IX will:

1. Discuss the availability of Supportive Measures with or without filing of a formal complaint;
2. Explain the process for filing a formal complaint; and
3. Review the investigation, hearings, and appeals process associated with a Policy.

To initiate a formal complaint you must provide the following information:

1. Your name
2. Name of the respondent
3. Date of the incident (if known)
4. Location of the Incident (if known)
5. Prohibited conduct

There are limited circumstances in which the Title IX coordinator may determine that the university must continue with an investigation without

your participation, because of the university’s commitment to providing a safe and nondiscriminatory learning, living, and working environment free from prohibited conduct. These limited circumstances are referred to as university-initiated investigations.

The Office of Title IX will explain these circumstances and provide an understanding of university-initiated investigations before taking actions.

University Investigation Options

Once a formal complaint is filed, an investigation will be initiated 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 on-campus confidential

resources where you can learn about supports and options. Other university employees who are not confidential resources—including the Office of Title IX—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 UT Police, 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 prohibited conduct. 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.
865-974-3648
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.

Office of Ombuds Services

865-974-6273
ombuds.utk.edu

Serves as an independent, impartial, confidential, and informal resource for UT Knoxville and UT Institute of Agriculture employees—both faculty and staff—as well as graduate students.

UT Psychological Clinic

208 Conference Center Building
600 Henley Street
Knoxville TN 37996
865-974-2161
psychclinic.utk.edu

Utilizes advanced doctoral students to assess and treat children, adolescents, adults, and couples/families for a wide spectrum of behavioral and mental health conditions.

Employee Assistance Program

855-Here4TN
hr.utk.edu/employee-assistance-program

Provides free confidential assistance to help employees and their families identify counseling and support resources.

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 (OED)

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 prohibited conduct.

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 prohibited contact.

UT Human Resources

105 Student Services Building
865-974-6642
hr.utk.edu

Provides support services and information for university employees.

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

Supportive 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.

Title IX
receives a report.



Title IX offers the
complainant care, support,
resources, and
reporting options.

COMPLAINANT OPTIONS

Limited Action

- A complainant can choose to receive only resources and supportive measures from the Office of Title IX.
- Complainant does not have to pursue a formal complaint.
- A complainant can change their mind at any time and request an investigation or report to law enforcement.

Initiate an Investigation through the University

- A complainant can choose to initiate an investigation through a formal complaint.
- Title IX staff will work with the complainant to file a formal complaint to initiate an investigation with the appropriate office.
- During the process, a complainant can continue to receive supportive measures from the Title IX staff.

Initiate an Investigation through Law Enforcement

- A complainant has the right to choose to report to police.
- Title IX staff will work with the complainant to connect them with the appropriate law enforcement in the appropriate jurisdiction.
- During the process, a complainant can continue to receive support from Title IX staff.

Title IX Coordinator

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

**Deputy Title IX Coordinator
for 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

**Deputy Title IX Coordinator for
Student Investigations**

Michelle Buck
405 Student Services Building
865-974-3171
michellebuck@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

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

Katrice Morgan
1840 Melrose Ave.
865-974-2498
kmorgan4@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

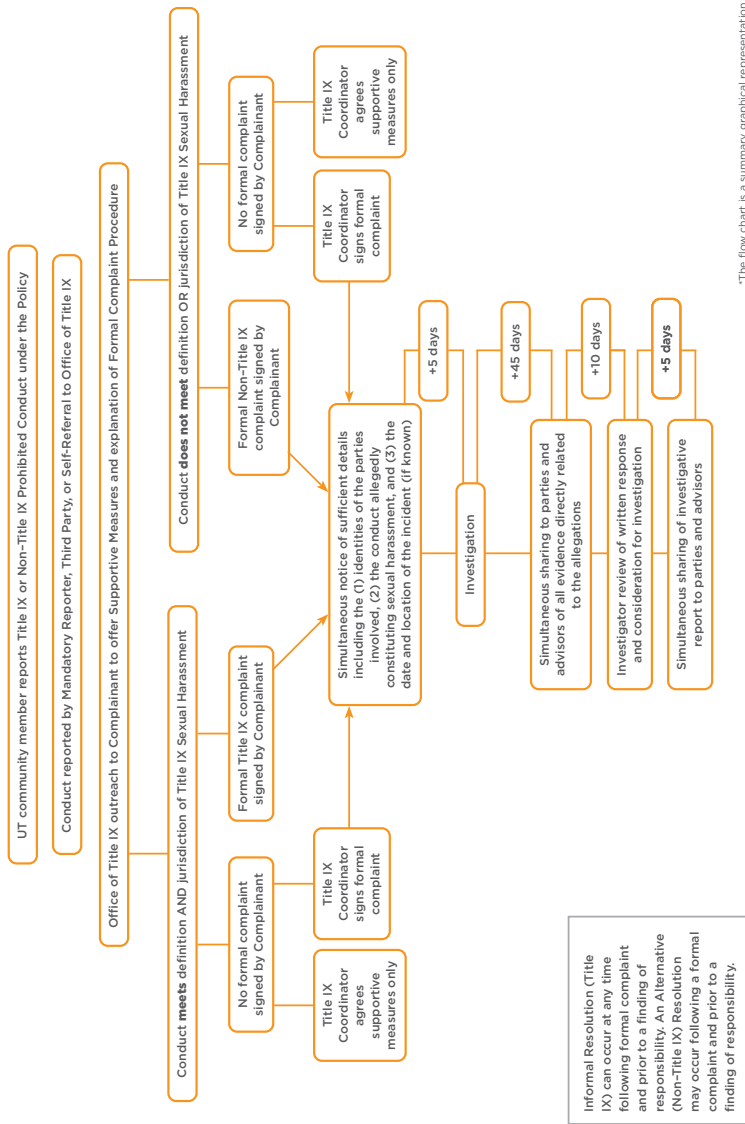
In accordance with Title IX of the Education Amendments Act of 1972, UT policy prohibits discrimination on the basis of sex in any education program or activity. Reports or complaints of sex discrimination or prohibited conduct, or questions about the university's policies, procedures, resources, or 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.

You have the right to be assisted by an advisor during all stages of the prohibited conduct investigation and, if applicable, hearing process, including all meetings, investigative interviews, and hearings. The advisor may be, but is not required to be, an attorney.

In general, an advisor is not permitted to speak on your behalf, appear instead of you, participate as a witness, or participate directly in any other way, except in a Title IX hearing. In a Title IX hearing, the advisor must ask the respondent and any witnesses all relevant questions and follow-up questions.

If you do not have an advisor at a Title IX hearing, the university will provide one (selected by the university) without fee or charge.

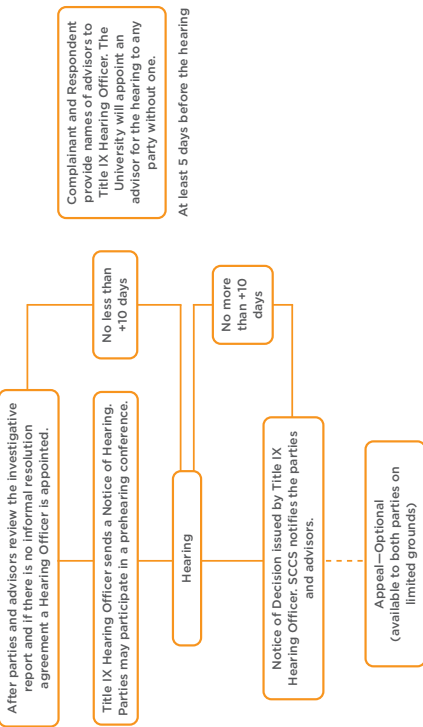
Title IX & Non-Title IX Prohibited Conduct Complaints & Investigations (1 of 3)*



Title IX Prohibited Conduct Hearing and Appeals (2 of 3)*

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process, unless the parties agree to an Informal Resolution. Section IX of the Code describes the process for a Title IX Hearing. The University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.

Informal Resolution can occur at any time following formal complaint and prior to a finding of responsibility.



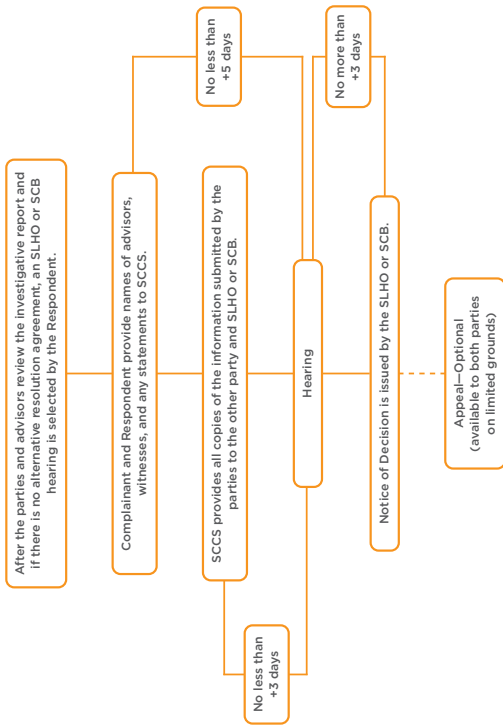
*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

Non-Title IX Prohibited Conduct Hearing and Appeals (3 of 3)*

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Student Life Hearing Officer, a hearing before the Student Conduct Board, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act. Sections VII and VIII of the Code describe the process for those hearings, unless the University agrees to an Alternative Resolution. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

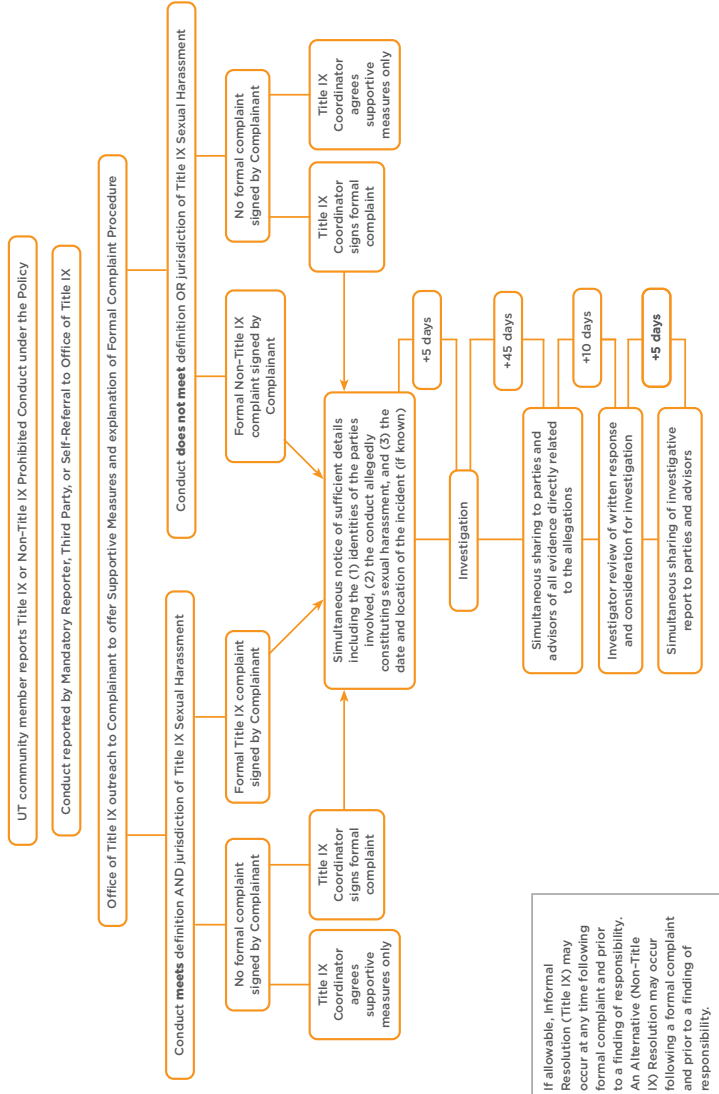
The timelines described do not apply if a Respondent exercises the right to have a hearing conducted under state law, the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. ("UAPA"). If a Respondent exercises a right to a UAPA hearing, then an administrative judge will be appointed by the University's Agency Head typically within five (5) business days of the Respondent's request for a UAPA hearing. The timelines for a UAPA hearing are governed by the UAPA.

An Alternative Resolution may occur at any time following formal complaint and prior to a finding of responsibility.



*The flow chart is a summary graphical representation. For full detail and information see the policy and associated Code of Conduct.

Appendix D Title IX & Non-Title IX Prohibited Conduct Complaints & Investigations (1 of 2)*



Appendix D

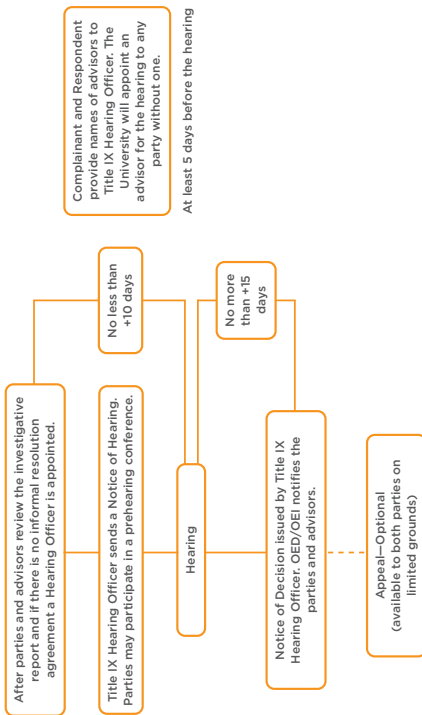
Title IX

Prohibited Conduct Hearing and Appeals

Faculty and Staff (2 of 2)*

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process, unless the parties agree to an Informal Resolution. Section D-1 of the Policy describes the process for a Title IX Hearing for faculty and staff respondents. The University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.

If allowable, Informal Resolution may occur at any time following formal complaint and prior to a finding of responsibility.



*The flow chart is a summary, graphical representation. For full detail, information, and dismissal considerations see the Policy.



The University of Tennessee is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services. All qualified applicants will receive equal consideration for employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status. The university name and its indicia within are trademarks of the University of Tennessee.

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