

RESPONDENT GUIDE

2022-23

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 processes for students, faculty, and staff who have been accused of violating the university's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, which will be referred to as the "Policy" throughout this document and 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 have questions about the policy or how the university works with students, faculty, or staff or if you need assistance, the university's Title IX coordinator and deputy Title IX coordinators are trained and accessible to discuss care, support, and processes. A full list of Title IX officials is included on page 12.

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 is 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 whom 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.

RESPONDENT SUPPORT

If you have been identified as a respondent in an investigation being conducted by the university's Office of Student Conduct and Community Standards or Office of Equity and Diversity, or as the subject of a law enforcement investigation, you are encouraged to contact the Office of Title IX about respondent support services. They will work with you to evaluate your care and support needs and discuss your options under university policy.

Support Offered by the Office of Title IX

The Office of Title IX is not a confidential resource; however, it will keep information provided as private as possible.

You can meet with a representative of the university's Office of Title IX by phone, by video conference, or in person to discuss your situation and connect with resources and support during an investigative process. The Title IX coordinator evaluates requests and grants support services as reasonable and necessary for each individual.

Possible assistance is available in obtaining supportive measures, which may include:

- A no-contact directive
- Medical, advocacy, or counseling services
- Exploration of changes in class, workplace configuration, and extracurricular activities
- Exploration of changes in living, transportation, dining, and working arrangements
- Appointments for follow-up support services on or off campus
- Assistance communicating with faculty members and supervisors
- Requesting that directory information be removed from public sources by the Office of the University Registrar
- Requesting academic support, including tutoring

- Requesting academic accommodations such as rescheduling exams, obtaining extensions of time for assignments, retaking a course, dropping a course, or withdrawing for a semester without financial or academic penalty

Title IX Hearings & Advisors

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 for you or 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 complainant 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.

Non-Title IX Hearings & Advisors

The advisor's role is limited to assisting, advising, and supporting you during the student conduct process. Your advisor can support you by attending meetings (investigative conversations, housing removal or relocation discussions, or resolution agreement discussions) as a support person and reviewing documents and materials from the investigation, final report, and sanctioning decisions.

A university advisor will treat you with respect, dignity, and sensitivity throughout the process and will consider all the facts you share with them to provide you with appropriate resources and information.

Your university advisor will not be permitted to speak for you or on your behalf, appear in your place, participate as a witness, or participate directly in any other manner during the student conduct process.

University advisors and the Office of Title IX cannot:

- Advocate on your behalf
- Serve as a confidential resource
- Provide legal advice
- Provide responses or statements on your behalf to the Office of Student Conduct and Community Standards

You have the option of choosing a friend or attorney who is not employed by the university to serve as your advisor. Your advisor's schedule must allow attendance at meetings and hearings as scheduled by the Office of Student Conduct and Community Standards. Meetings and hearings generally will not be rescheduled to meet an advisor's needs.

In a Uniform Administrative Procedures Act hearing, you are entitled to have an attorney advocate on your behalf.

WHAT TO EXPECT IN A UNIVERSITY INVESTIGATION

If you have been named a respondent in a prohibited conduct investigation, the Office of Student Conduct and Community Standards or the Office of Equity and Diversity will send a Notice of Receipt of a Formal Complaint to your official university email address.

The Notice of Receipt of Formal Complaint includes information about the grievance process, and following that note you will receive a notice of your scheduled meeting and interview. Your advisor may join you at this meeting, and you will have a minimum of five days between the notice and your meeting.

WHAT TO EXPECT IN A LAW ENFORCEMENT INVESTIGATION

If a report of prohibited conduct was made to law enforcement, the law enforcement agency within the jurisdiction will contact you for an interview. The police interview may take as long as 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.

Multiple interviews may be required, and 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.

SUPPORT AND RESOURCES

Resources both on campus and in the community can assist you with working through the process as well as providing support.

For a medical or mental health emergency, call 911.

Confidential 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 through the help line.

Student Health Center

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

Provides students with an acute care/triage nurse, primary care clinic, sports medicine clinic, and women's health clinic.

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.

Veterinary Social Work Clinic

865-755-8839
vetsocialwork.utk.edu

Human and animal violence are often linked. Former and current pet owners seeking help, support, or resources can call the helpline weekdays between 10 a.m. and 5 p.m.

Limited Confidentiality

After-Hours Help Line

865-974-4357

5 pm to 8 am

The after-hours help line is confidential only from 5 pm to 8 am. When you call the help line after hours, you will be connected with someone who can talk to you about options, resources, and support. The most important thing is to talk with someone who can provide emotional support and help you plan.

Nonconfidential 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.

UT Human Resources

105 Student Services Building

865-974-6642

hr.utk.edu

Provides support services and information for university employees.

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 prohibited conduct.

Office of Student Conduct and Community Standards

405 Student Services Building

865-974-3171

studentconduct.utk.edu

OSCCS staff members serve as advisors to the student judicial system and, when necessary, initiate appropriate disciplinary proceedings, including investigation and resolution of any accusation of sexual misconduct, relationship violence, stalking, and retaliation.

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.

Supportive measures. Our promise is to provide appropriate supportive 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 Coordinators

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 Intercollegiate Athletics

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

Associate Vice Chancellor; Executive Director and Deputy Title IX Coordinator for Office of Equity and Diversity

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.

Appendix A: Confidentiality, Privacy, and Campus Crime Statistics

Confidentiality and privacy are not the same. Confidentiality is limited to someone who, by law, can keep information confidential. Information communicated to the Office of Title IX or other mandatory reporters cannot be treated as confidential but will be kept private and shared only with university employees who need to be involved in responding to or addressing a report.

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.

In contrast to a report to a university administrative official, incident reports prepared by UT Police 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.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (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, who 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.

For more information about the Policy, confidentiality, privacy, or FERPA as related to reports of prohibited conduct, see titleix.utk.edu.

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

UT community member reports Title IX or Non-Title IX Prohibited Conduct under the Policy

Conduct reported by Mandatory Reporter, Third Party, or Self-Referral to Office of Title IX

Office of Title IX outreach to Complainant to offer Supportive Measures and explanation of Formal Complaint Procedure

Conduct **meets** definition AND jurisdiction of Title IX Sexual Harassment

Conduct **does not meet** definition OR jurisdiction of Title IX Sexual Harassment

No formal complaint signed by Complainant

Formal Title IX complaint signed by Complainant

Formal Non-Title IX complaint signed by Complainant

No formal complaint signed by Complainant

Title IX Coordinator agrees supportive measures only

Title IX Coordinator signs formal complaint

Simultaneous notice of sufficient details including the (1) identities of the parties involved, (2) the conduct allegedly constituting sexual harassment, and (3) the date and location of the incident (if known)

Title IX Coordinator signs formal complaint

Title IX Coordinator agrees supportive measures only

+5 days

Investigation

+45 days

Simultaneous sharing to parties and advisors of all evidence directly related to the allegations

+10 days

Investigator review of written response and consideration for investigation

+5 days

Simultaneous sharing of investigative report to parties and advisors

Informal Resolution (Title IX) can occur at any time following formal complaint and prior to a finding of responsibility. An Alternative (Non-Title IX) Resolution may occur following a 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.

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.

After parties and advisors review the investigative report and if there is no informal resolution agreement a Hearing Officer is appointed.

Title IX Hearing Officer sends a Notice of Hearing. Parties may participate in a prehearing conference.

Hearing

Notice of Decision issued by Title IX Hearing Officer. SCCS notifies the parties and advisors.

Appeal—Optional
(available to both parties on limited grounds)

No less than +10 days

No more than +10 days

Complainant and Respondent provide names of advisors to Title IX Hearing Officer. The University will appoint an advisor for the hearing to any party without one.

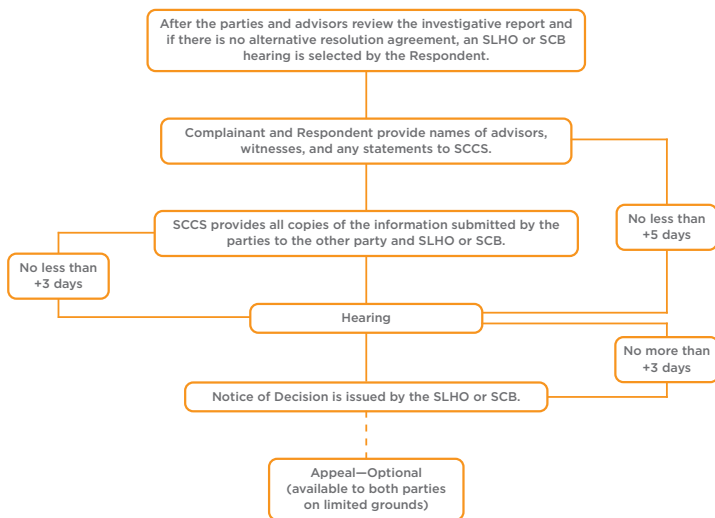
At least 5 days before the hearing

*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)*

UT community member reports Title IX or Non-Title IX Prohibited Conduct under the Policy

Conduct reported by Mandatory Reporter, Third Party, or Self-Referral to Office of Title IX

Office of Title IX outreach to Complainant to offer Supportive Measures and explanation of Formal Complaint Procedure

Conduct **meets** definition AND jurisdiction of Title IX Sexual Harassment

Conduct **does not meet** definition OR jurisdiction of Title IX Sexual Harassment

No formal complaint signed by Complainant

Formal Title IX complaint signed by Complainant

Formal Non-Title IX complaint signed by Complainant

No formal complaint signed by Complainant

Title IX Coordinator agrees supportive measures only

Title IX Coordinator signs formal complaint

Simultaneous notice of sufficient details including the (1) identities of the parties involved, (2) the conduct allegedly constituting sexual harassment, and (3) the date and location of the incident (if known)

Title IX Coordinator signs formal complaint

Title IX Coordinator agrees supportive measures only

Investigation

+5 days

Simultaneous sharing to parties and advisors of all evidence directly related to the allegations

+45 days

Investigator review of written response and consideration for investigation

+10 days

Simultaneous sharing of investigative report to parties and advisors

+5 days

If allowable, Informal Resolution (Title IX) may occur at any time following formal complaint and prior to a finding of responsibility. An Alternative (Non-Title IX) Resolution may occur following a 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.

Appendix D

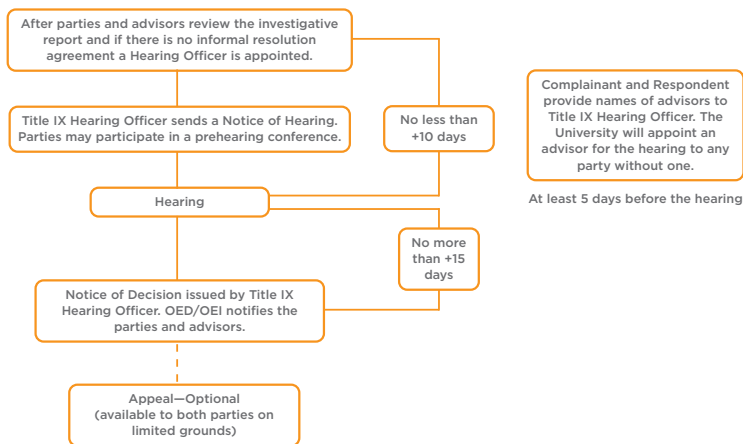
Title IX

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. A project of the Office of Title IX with assistance from the UT Office of Communications and Marketing. Job 79539715