



# 2023 ANNUAL TITLE IX REPORT



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## MESSAGE FROM THE TITLE IX COORDINATOR

Dear UT Health Science Center Community:

This report aims to promote awareness and transparency regarding the incidence of sexual misconduct reported by UT Health Science Center faculty, staff, trainees, students, and others. It is a Title IX best practice to publish annual reports.

Secondly, this annual report includes information about five primary areas: policy and procedures, education and prevention, support measures, investigation and resolution, and patterns and trends. The report also identifies members of the Title IX Team that is expansive, covering various individuals (i.e., categories of complainants), departments, and locations.

The ongoing engagement of the UT Health Science Center community is essential to our efforts to prevent sexual misconduct and maintain a safe and respectful campus. We are each responsible for ensuring UT Health Science Center can be a safe environment for all community members, across all locations. Your questions, comments, and concerns are always welcome. You may contact the Office of Access and Compliance [oaac-hsc@uthsc.edu](mailto:oaac-hsc@uthsc.edu) or schedule a meeting by calling (901)448-2112.

Thanks,



Michael Alston, EdD  
Associate Vice Chancellor and Title IX Coordinator

## TITLE IX MODEL



The university's commitment to Title IX efforts is centered around five foundational areas that encompass the Title IX model.

**Policy and procedures** provide the basis in which the university operates.

**Prevention and Education** initiatives that include trainings and collaborations with campus and community partners centered around increasing UT Health Science Center community awareness and encouraging an environment free from all forms of sexual harassment, domestic violence, dating violence, stalking, and retaliation.

**Support Measures** are the university's commitment to a range of care, support, and reporting options in response to Prohibited Conduct.

**Investigation and Resolution** processes are dedicated to encouraging reporting, campus safety, and prompt, equitable resolution of reported Prohibited Conduct.

**Patterns and trends** across campus along with the latest available research aid our education, prevention, and response efforts to better serve the UT Health Science Center community.

## TITLE IX POLICY

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct will not be tolerated and will be grounds for disciplinary action up to and including expulsion from the University and termination of employment.

The primary purposes of this Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence and Stalking (“Policy”) are to:

- (1) define, eliminate, prevent, and remedy the effects of Prohibited Conduct;
- (2) identify care, support, and reporting options for students and employees;
- (3) explain the obligations of employees to report Prohibited Conduct to the University; and
- (4) identify the grievance procedures the University will follow to thoroughly, equitably, and promptly investigate and resolve reports of Prohibited Conduct.

Additional information about each campus’s procedures and training and prevention programs relating to Prohibited Conduct can be found online at <https://www.uthsc.edu/oied/titleix.php>

## TITLE IX SCOPE

This Policy applies to the conduct of and protects:

- Students of The University of Tennessee Health Science Center
- Employees and affiliates of the University; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

This Policy applies regardless of the Complainant’s or the Respondent’s sex, sexual orientation, gender identity, or gender expression. Prohibited Conduct can occur between individuals regardless of their relationship status and can occur between people of the same or of different sexes, sexual orientations, gender identities, or gender expressions.

- The “Complainant” means an 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 this Policy.
- The “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

Those terms do not imply pre-judgment concerning whether Prohibited Conduct occurred. Other key terms used in this Policy are defined in other places in this Policy and are capitalized throughout this Policy.

## TITLE IX JURISDICTION

With respect to employees and other non-students, this Policy applies to conduct which:

- occurs on University-controlled property;
- occurs in the context of a University education program or activity, including University employment; and/or
- occurs outside the context of a University education program or activity, but has continuing adverse effects or creates a sexually hostile environment on University-controlled property or in any University education program or activity, including University employment.

The University's jurisdiction concerning misconduct by students is governed by the University's Student Code of Conduct ("Code"). The Code applies to Prohibited Conduct which occurs on University controlled property.

The Code also applies to Prohibited Conduct that occurs off of University-controlled property if the conduct adversely affects the interests of the University, including Prohibited Conduct which:

- occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience;
- involves another member of the University community; or
- threatens, or indicates that the student poses a threat to, the health, safety, or welfare of others or the security of any person's property.

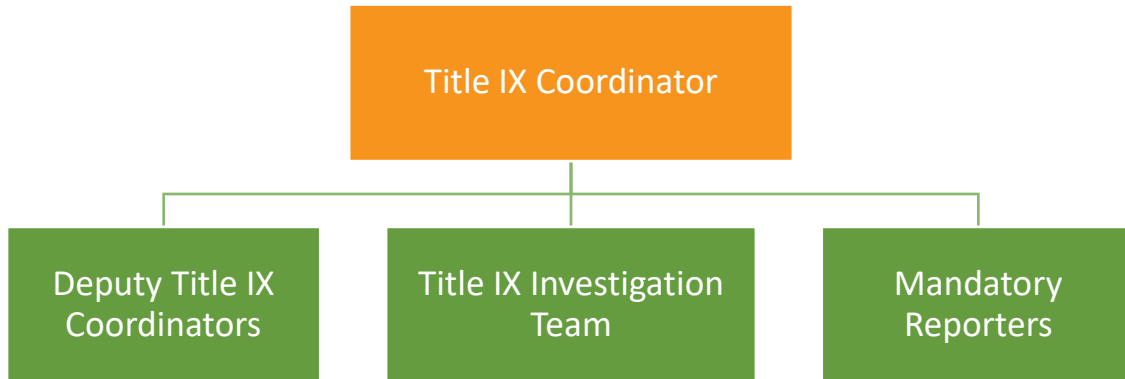
The University may address Prohibited Conduct that occurs off-campus regardless of whether the University has a duty under Title IX to address the conduct.

The effective date of this Policy is August 11, 2023. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 11, 2023. If the Prohibited Conduct reportedly occurred prior to August 11, 2023, then:

(1) the report will be evaluated using definitions of misconduct contained in applicable University policies in effect on the date the reported Prohibited Conduct occurred; and (2) other aspects of the University's response to the report (e.g., grievance procedures) will be based on this Policy.

This Policy is not intended to, and will not be used to, infringe on academic freedom or to censor or punish students, faculty, or staff who exercise their First Amendment rights, even though such expression may be offensive or unpleasant.

## TITLE IX TEAM



## DEPUTY TITLE IX COORDINATORS

DEPUTY TITLE IX COORDINATORS		
NAME	TITLE(S)	CONTACT INFORMATION
Valarie Fleming, PhD, CCC-SLP	Senior Associate Vice Chancellor, Office of Academic, Faculty, and Student Affairs Deputy Title IX Coordinator for Faculty	O.W. Hyman Building, Suite 400, Memphis, TN 38163 901.448.9552   <a href="mailto:vflem2@uthsc.edu">vflem2@uthsc.edu</a>
Aaron Haynes, MSBA	Assistant Dean, GME Administration Deputy Title IX, GME (Memphis)	920 Madison, Suite 447 Memphis, TN 38163 901.448.5364   <a href="mailto:ahaynes@uthsc.edu">ahaynes@uthsc.edu</a>
Omar Malik, JD	Senior Compliance Resolution Officer, Office of Access and Compliance Deputy Title IX Coordinator for Staff	920 Madison, Suite 825 Memphis, TN 38163 901.448.2442   <a href="mailto:omalik1@uthsc.edu">omalik1@uthsc.edu</a>
Will Ross, MA	Associate Director for Community Standards, Student Conduct Officer Deputy Title IX Coordinator for Students	800 Madison, Suite 300 Memphis, TN 38163 901.448.1646   <a href="mailto:wross12@uthsc.edu">wross12@uthsc.edu</a>
Connie Childs, MA	Director, International Programs Deputy Title IX Coordinator for International Programs	910 Madison, Suite 530 Memphis, TN 38163 901.448.8484   <a href="mailto:connie.childs@uthsc.edu">connie.childs@uthsc.edu</a>
Captain Joanne Morrow	Police Captain, Campus Police Deputy Title IX Coordinator for Clery Compliance	3 N. Dunlap Street Memphis, TN 38163 901.448.5679   <a href="mailto:jmorrow9@uthsc.edu">jmorrow9@uthsc.edu</a>
Amanda Wilson, MBA	Assistant Dean, Knox Dean's Office (Knoxville) Deputy Title IX Coordinator for GME (Knoxville)	Graduate School of Medicine Knoxville, TN 37920 865.305.6482   <a href="mailto:awilson94@tennessee.edu">awilson94@tennessee.edu</a>
Geoffrey Smallwood, MD	Chief Academic Officer Clinical Medical Education Deputy Title IX Coordinator for GME (Nashville)	Saint Thomas Health Nashville, TN 615.284.5555   <a href="mailto:Geoffrey.smallwood@ascension.org">Geoffrey.smallwood@ascension.org</a>
Wesley G. Byerly, PharmD	Sr. Associate Vice Chancellor, Research Deputy Title IX Coordinator for Research	910 Madison, Suite 608 Memphis, TN 38163 901.448.7125   <a href="mailto:wbyerly1@uthsc.edu">wbyerly1@uthsc.edu</a>
Crystal Maddox, MPA	Assistant Dean, Office of Finance and Administration Deputy Title IX for GME (Chattanooga)	960 East Third Street, Suite 100 Chattanooga, TN 37403 423.778.6956   <a href="mailto:mcrystal@uthsc.edu">mcrystal@uthsc.edu</a>

## TITLE IX SUMMARY REPORT

### CALENDAR YEAR COMPARISON JANUARY 1, 2022 – DECEMBER 31, 2023

	SEXUAL MISCONDUCT	RELATIONSHIP VIOLENCE	STALKING	RETALIATION	TOTAL
2022	0	0	0	0	0
2023	0	0	0	0	0

### CALENDAR YEAR 2023 TOTAL COMPLAINTS BY UTHSC CAMPUS LOCATION

	MEMPHIS AREA	NASHVILLE AREA	CHATTANOOGA AREA	KNOXVILLE AREA	TOTAL
SEXUAL MISCONDUCT	0	0	0	0	0
RELATIONSHIP VIOLENCE	0	0	0	0	0
STALKING	0	0	0	0	0
RETALIATION	0	0	0	0	0

### CALENDAR YEAR 2023 TOTAL UTHSC COMPLAINANT STATUS

	SEXUAL MISCONDUCT	RELATIONSHIP VIOLENCE	STALKING	RETALIATION	TOTAL
STUDENTS	0	0	0	0	0
TRAINEES	0	0	0	0	0
EMPLOYEES	0	0	0	0	0
OTHERS	0	0	0	0	0

### CALENDAR YEAR 2023 TOTAL UTHSC RESPONDENT STATUS

	SEXUAL MISCONDUCT	RELATIONSHIP VIOLENCE	STALKING	RETALIATION	TOTAL
STUDENTS	0	0	0	0	0
TRAINEES	0	0	0	0	0
EMPLOYEES	0	0	0	0	0
OTHERS	0	0	0	0	0

\*Sexual Misconduct is a term that encompasses Sexual Harassment, Sexual Assault, Sexual Exploitation and all other words and or/conduct that would constitute a Sex Offense Crime

**2023 Campus Reports <5 for non-Title IX complaints.**

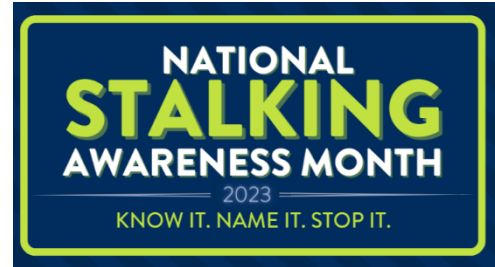
## PREVENTION, EDUCATION, SUPPORT, AND TRAINING

### STALKING AWARENESS MONTH-January

#### Stalking Awareness Month Webinar

January 18th, 2023 | 12:00pm CT to 1:00pm CT

The Office of Access and Compliance hosted a public awareness webinar, in partnership with UTHSC Campus Police. The webinar, created in part by the Stalking, Prevention, Awareness, and Resource Center (SPARC), focused on identifying, addressing, reporting, and supporting persons who have experienced stalking.



Participants were asked to use the knowledge gained from the Stalking Awareness Month Webinar to complete an online quiz between Wednesday, January 18th, 2:00pm to Wednesday January 25th, 2:00pm for a chance to win a UT Campus Police Department swag bag along with a \$25 Chipotle gift card.

#### Tabling Event

January 31st, 2023 | 12:00pm to 1:00pm CT

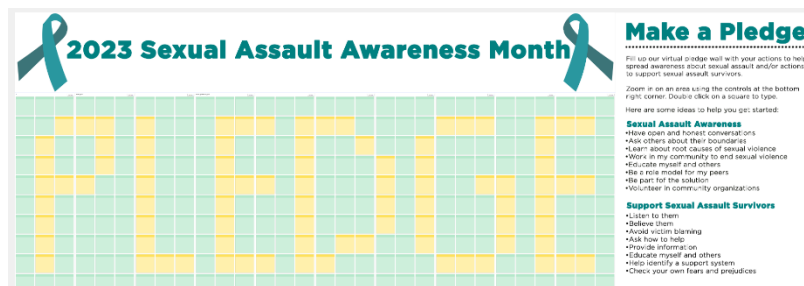
Campus Police alongside the Office of Access and Compliance hosted a tabling in the Madison Plaza Lobby with games, information, and resources for students, faculty, and staff. The goal was to raise awareness of stalking and how to support victims.

### SEXUAL ASSAULT AWARENESS MONTH-April

#### Day of Action

Tuesday, April 4, 2023 | 11:00 am – 1:00 pm CST | Madison Plaza

The Office of Access and Compliance hosted a tabling to kick off Sexual Assault Awareness Month. All UT Health Science Center faculty, staff and students were invited to participate. Participants who stopped by the table were given a teal ribbon and invited to sign the virtual pledge wall and learn about resources available on and off campus.





## Violence and Sexual Assault Prevention: What You Need to Know, to Know What to Do

Thursday, April 13, 2023 | 12:00 pm – 1:00 pm CST | Freeman Auditorium and Zoom

The Office of Compliance and Access (OAC) hosted a collaboration series partnered with the Crime Victims & Rape Crisis Center (CVRCC) of Shelby County and Student Academic Support Services and Inclusion (SASSI). CVRCC delivered educational events around the topic of Violence and Sexual Assault prevention. This included learning about bystander intervention and available resources from CVRCC, OAC, and SASSI.



## Sexual Assault Q and A

Monday, April 24, 2023 | 12:00 pm – 1:00 pm CST | Freeman Auditorium and Zoom

The Office of Compliance and Access (OAC) hosted a panel discussion with experts in the field of Sexual Assault. Topics included reporting on and off campus, community resources, campus resources and policies, advocacy, and prevention, and much more.

## Denim Day

Wednesday, April 26, 2023 | 11:30 am CST | Madison Plaza Lobby

Denim Day is a campaign in honor of Sexual Assault Awareness Month. The campaign began after a ruling by the Italian Supreme Court where a rape conviction was overturned because the justices felt that since the victim was wearing tight jeans, she must have helped the person who raped her remove her jeans, thereby implying consent. The following day, the women in the Italian Parliament came to work wearing jeans in solidarity with the victim. Peace Over Violence developed the Denim Day campaign in response to this case and the activism surrounding it.

The Office of Compliance and Access hosted Denim Day at UT Health Science Center. Participants were asked to come together and take pictures wearing denim to show support and raise awareness for Sexual Assault victims.



# DENIM DAY

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**GROUP PICTURE** | Madison Plaza Lobby  
Wednesday, April 26  
11:30 am

Register at <http://shorturl.at/avA05>  
Can't make it to the group picture? Send us your  
Denim Day picture at [hsc-oleid@uhsc.edu](mailto:hsc-oleid@uhsc.edu)



## DOMESTIC VIOLENCE AWARENESS MONTH-OCTOBER

### Day of Unity - Resource Fair

Monday, October 2, 2023 | 11:00 am - 1:00 pm CST | GEB Lobby

The Domestic Violence Resource Fair was hosted by the Office of Access and Engagement to provide information about on and off campus resources related to domestic violence. All members of the UTHSC campus were invited to come and connect with local organizations and engage with the campus community.



OCTOBER IS  
**DOMESTIC VIOLENCE  
AWARENESS  
MONTH**

**Monday, October 2** 11:00 am - 1:00 pm CST | GEB Lobby  
**Day of Unity - Resource Fair**

**Tuesday, October 10** 10:00 am - 11:00 am CST | Zoom  
**Domestic Violence 101**

**Monday, October 23** 11:30 am - 1:00 pm CST | GEB A202  
**Bystander Intervention**

**Wednesday, October 25** 1:00 pm - 2:00 pm CST | Zoom  
**Intimate Partner Violence - a Medical Professional's Role**

 **UTHSC**  
INCLUSION, EQUITY,  
AND DIVERSITY

  
uthsc.edu/olec/events.php

### Domestic Violence 101

Tuesday, October 10, 2023 | 10:00 am - 11:00 am CST | Zoom

All UTHSC faculty, staff and students were invited to learn about Domestic Violence from the Shelby County Crime Victims and Rape Crisis Center. Participants were able to gain a deeper understanding regarding the process of how survivors are screened, as well as next steps for safety planning.

### Bystander Intervention

Monday, October 23, 2023 | 11:30 am – 1:00 pm CST | GEB A202

Presented in partnership with the Office of Student Academic Support Services and Inclusion (SASSI), the Office of Access and Compliance presented a training on Bystander Intervention. Participants were able to learn verbal and behavioral de-escalation strategies to non-violently intervene violence in all its forms.



### Intimate Partner Violence- a Medical Professional's Role

Wednesday, October 25, 2023 | 1:00 pm – 2:00 pm CST | Zoom

The Office of Access and Compliance hosted a webinar for medical professionals via Zoom. The webinar's purpose was to assist medical professionals who encounter domestic violence victims by providing resources and information.

## **ANNUAL TITLE IX TRAINING**

The Office of Access and Compliance continued to enhance and expand the annual Title IX training assigned to all UT Health Science Center employees during the spring of 2023. The training was packaged into the Annual Compliance Training, which was housed in the K@TE learning management system for faculty, staff, and graduate students. The package covered the Clery Act, the Code of Conduct, the Family Educational Rights and Privacy Act, Hazard Awareness and Workplace Safety, HIPAA Training, IT Security Awareness, Title VI, and Title IX: Mandatory Reporter/Responsible Employees. The 2023 Annual Compliance Training launched on March 1, 2023, and was due on April 30, 2023. The UT Health Science Center Mandatory Reporter Training had a 99% completion rate.

## **ANNUAL SYSTEM-WIDE TITLE IX TRAINING**

Title IX Team Members and Campus Partners were in attendance to the Annual System-Wide Title IX Training with other UT campuses held on August 14 & 15, 2023. Training was recorded and uploaded to K@TE for use and future access.

## **TITLE IX INFORMATION SESSIONS**

### **Title IX Town Hall**

Tuesday, September 12, 2023 | 12:00 pm-1:00 pm | Zoom

Dr. Michael Alston held an informative Title IX Town Hall session via Zoom to review the 2023-2024 Sexual Misconduct, Relationship Violence, Stalking, and Retaliation Policy on September 12, 2023. The session covered updates to the UT Health Science Center policy, shared prevention and education initiatives, reviewed available supports and resolution options, and shared data and trends from 2022.

### **Meet and Greet with the Title IX Team**

Tuesday, April 11, 2023 | 1:00 pm – 2:00 pm CST | Mooney Library and Zoom

The Office of Access and Compliance hosted a meet and greet with the UT Health Science Center's Title IX team. All members of the UT Health Science Center campus were invited to meet the Title IX Coordinator, Deputy Title IX Coordinators, and the Title IX Investigation Team. The session provided participants information regarding UT Health Science Centers's Title IX Policy and information to help participants understand the investigation process and possible outcomes. Participants were invited to ask questions about Title IX and the roles and responsibilities of the Title IX team.

## COMMUNITY RESOURCES

### LOCAL RESOURCES

Crime Victims and Rape Crisis Center 901.222.3950

Crime Victims and Rape Crisis Center (24-Hour Sexual Assault Hotline) 901.222.4350

Family Safety Center of Memphis and Shelby County 901.222.4400

Memphis Area Legal Services 901.523.8822

Memphis Area Women's Council 901.378.3866

Memphis Child Advocacy Center 901.525.2377

Memphis Police Department Domestic Violence Investigative Unit 901.636.3741

Shelby County Crime Victims Services 901.222.3950

Shelby County District Attorney General's Domestic Violence Unit 901.222.1485

Shelby County Sheriff's Office Domestic Violence Unit 901.222.4400

Tennessee Department of Children's Services 901.578.4371

YWCA of Greater Memphis 901.725.4277

### CAMPUS RESOURCES

Title IX Coordinator 901.448.2112

Employee Relations Counselor in HR 901.448.5600

UT Health Science Center Police Department 901.448.4444

University Health Services 901.448.5630 (day) 901.541.5654 (evening/weekends)

### STUDENT RESOURCES

[Care Team](#)

### NATIONAL RESOURCES

National Domestic Violence Hotline 1.800.799.SAFE (7233)

National Dating Abuse Helpline 1.866.9474

### ADDITIONAL LINKS & RESOURCES

[Title IX Policy](#)

[Student Health Services Title IX Information](#)

[UT System Title IX Report](#)

## APPENDIX A – DEFINITIONS

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation.

### THIS POLICY PROHIBITS THE FOLLOWING CONDUCT:

**Sexual Harassment** –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.

For the definition of Sexual Harassment, “reasonable person” means a reasonable person under similar circumstances as and with similar identities to the complainant. To determine whether words and/or conduct constitute Sexual Harassment, the University will consider the totality of the circumstances, including without limitation: the context in which the conduct and/or words occurred; and the frequency, nature, and severity of the words and/or conduct. In no event shall the term “Sexual Harassment” be construed to prohibit speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech)

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**Sexual Assault** – 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.

**“Consent”** means an active agreement to participate in a sexual act. An active agreement is words and/or conduct that communicate a person’s willingness to participate in a sexual act.

Examples of sexual act(s) include, without limitation: vaginal intercourse; anal intercourse; oral sex; any other intrusion, however slight, of a person's finger or any object into any other person’s genitals or anus; the intentional touching of a person's intimate parts (genital area, groin, inner thigh, buttock or breast), the intentional touching of the clothing covering the immediate area of a person's intimate parts, or the intentional touching of any other person with a person’s own intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual gratification.

Consent can be revoked at any time. Valid Consent cannot be given if:

- (A) A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated;
- (B) A person is Forced; or
- (C) The sexual penetration of a person by the Respondent would constitute mitigated statutory rape, statutory rape, or aggravated statutory rape under state law, based on the ages of the Respondent and the other person.

**“Force (Forced)”** means words and/or conduct that, viewed from the perspective of a reasonable person, substantially impair(s) a person’s ability to voluntarily choose whether to take an action or participate in an activity.

Examples of Force include, without limitation:

- Physical force (e.g., hitting, punching, slapping, kicking, restraining, choking, kidnapping, using a weapon, blocking access to an exit);
- Words and/or conduct that would cause a reasonable person to fear;
  - Physical force or other harm to the person’s health, safety, or property, or a third person’s health, safety, or property.



- o Loss or impairment of an academic benefit, employment benefit, or money;
- o Disclosure of sensitive personal information or information that would harm a person’s reputation;
- o Disclosure of video, audio, or an image that depicts the person’s nudity or depicts the person engaging in a sexual act (s);  
or
- o Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third 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 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 renders them incapable of making a rational informed judgment. 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 under circumstances in which a reasonable person in the same situation would have known the other person to be Incapacitated. For evaluating Incapacitation, a “reasonable person” means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.

Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

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**Rape** – means the penetration, no matter how slight, of the vagina or anus, with any body part or object, without the consent of the victim.

.....

**Fondling** – means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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**Incest** – means sexual intercourse between persons who are related to each other within degrees.

.....

**Statutory Rape** – means sexual intercourse with a person who is under the statutory age of consent.

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**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.

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**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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurs, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurs.

In cases involving allegations of mutual acts or threats of acts of violence, the designated investigator(s) will, when appropriate, identify the primary aggressor in the situation based on the totality of the information gathered, including without limitation: the history of violence between the parties; the relative severity of the injuries inflicted on each person; information gathered from the persons involved in the situation and witnesses to the situation; and whether the acts or threats were done in self-defense. The primary aggressor will be considered the Respondent for the purpose of evaluating Domestic Violence.

.....

**Stalking** – means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For the definition of Stalking, “reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant.

.....

**Sexual Exploitation** – means taking sexual advantage of another person, without that person’s active agreement. An active agreement is words and/or conduct that communicates a person’s willingness to participate in an act. A person cannot actively agree to an act if:

- (A) the person is Incapacitated, if either the person claiming to have obtained the other person’s active agreement knows that the other person is Incapacitated, or a Reasonable Person would know that the other person is Incapacitated; or
- (B) the person is Forced to act or participate in an activity.

Examples of Sexual Exploitation include, without limitation:

- Surreptitiously observing, photographing, audiotaping, videotaping, or recording an image of a person who is engaging in a sexual act(s), or a person’s breasts, buttocks, groin, or genitals, when the person being observed/ photographed/ audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy.
- Allowing or enabling a person to surreptitiously observe, photograph, audiotape, videotape, or record an image of another person who is engaging in a sexual act(s), or another person’s breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy.
- Showing, posting, or sharing video, audio, or an image that depicts a person who is engaging in a sexual act(s), or a person’s breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped /recorded is in a place in which the person has a reasonable expectation of privacy, if all persons who are depicted have not agreed to having the video/audio/image shown, posted, or shared;

- Prostituting another person or engaging in sex trafficking.
- Knowingly exposing another person to a sexually transmitted infection or disease without informing the other person that one has a sexually transmitted infection or disease.
- Forcing a person to participate in sexual act(s) with a person other than oneself.
- Forcing a person to expose the person’s breasts, buttocks, groin, or genitals.
- Forcing a person to take an action against that person’s will by threatening to show, post, or share video, audio, or an image that depicts the person’s nudity or depicts the person engaging in a sexual act(s).
- Forcing a person to take action of a sexual nature against that person’s will by threatening to disclose information that would harm a person’s reputation.
- Forcing a person to take an action against that person’s will by threatening to disclose information of a sexual or intimate nature that would harm a person’s reputation.
- Causing or requesting an incapacitated person to expose the person’s breasts, buttocks, groin, or genitals or to participate in sexual act with a person other than oneself.



**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, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this Policy constitutes retaliation.

- (A) The exercise of rights protected under the First Amendment does not constitute retaliation.
- (B) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation. Retaliation is a violation of this Policy regardless of whether the underlying allegation of a violation of this Policy is ultimately found to have merit. Determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.





THE UNIVERSITY OF  
TENNESSEE  
HEALTH SCIENCE CENTER.

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ACCESS AND COMPLIANCE

For more information, please contact:

**Office of Access and Compliance**

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