Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy

Office of Inclusion, Equity, and Diversity

September 2023 Townhall Meeting

https://uthsc.edu/oied/titleix.php
Introduction
OIED NOTES: Title VII Sexual Harassment
WHAT EVERYONE SHOULD KNOW

WHAT IS SEXUAL HARASSMENT?
Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other behavior of a sexual nature when:
- Submission to such conduct is made, explicitly or implicitly, a term or condition of an individual’s employment or participation in an educational program;
- Submission to or rejection of such conduct by an individual is used as the basis for personal decisions or for academic evaluation or advancement;
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creates an intimidating, hostile or offensive working or educational environment.

Sexually discriminatory conduct as described above will not be tolerated by the University of Tennessee Health Science Center UTHSC.

Examples of Sexual Harassment

**Verbal harassment**
- Sexually explicit jokes or stories
- Sexually explicit, interactive software programs/computer games used at work
- Sexual giggle innuendos, comments, remarks or sounds
- Repetitively asking for a date after a person has expressed disinterest
- Insulting about a person’s sexual fantasies or sexual activities
- Sexual propositions/pressures for sex

**Non-verbal harassment**
- Removing a person's body by staring them up and down
- Making facial expressions such as wriggling or flicking the lips, or other sexual gestures with hands or through body movements
- Following a person around before, during, or after work hours
- Offering unwanted gifts or letters
- Displaying sexually explicit pictures or signs

**Physical harassment**
- Pinning, pinching or brushing up against someone in a sexual manner or other unwelcome forms of touching a person's body, hair or clothing
- Attempted or actual kissing or fondling
- Attempted or actual coerced sexual acts

RECOGNIZING SEXUAL HARASSMENT
Sexual harassment is not about intentions; it deals with impact.

To avoid being misinterpreted, it is important to become conscious of conduct and behaviors that may constitute a violation of the policies enforced by UTHSC under the authority of the law, Title IX, and Title VII. These policies are designed to protect students, faculty, and staff members from harassment and discrimination.

Behavior that may constitute sexual harassment includes intentional and uninvited physical contact, sexually explicit language or writings, and lewd pictures or notes. The conduct may be initiated by individuals in positions of power or by fellow co-workers/students.

EXAMPLES OF SEXUAL HARASSMENT
INCLUDE, BUT ARE NOT LIMITED TO:

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What if I am not sure?
The Office of Inclusion, Equity, and Diversity (OIED) provides guidance and resources to the university community. If you are experiencing a problem, but are not sure if it is a sexual harassment, we encourage you to make an appointment to discuss your concerns.
Call 901.448.212.
# Title VII and Title IX

Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 are federal antidiscrimination laws. The University of Tennessee (UT) must comply with the laws because UT is a state employer, employs more than fifteen people, and receives federal funding.

## Title VII vs. Title IX

<table>
<thead>
<tr>
<th>Title VII</th>
<th>Title IX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibits employment discrimination based on race, color, religion, sex, or national origin. It applies to employer decisions about the terms, conditions, and privileges of employment, including hiring, firing, promotion, discipline, and benefits.</td>
<td>Prohibits sex-based discrimination in education programs and activities that receive federal funds. In this context, sex-based discrimination includes sexual harassment and discrimination based on pregnancy or parental status.</td>
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<tr>
<td>Protects employees and applicants for employment.</td>
<td>Protects all students and employees.</td>
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<tr>
<td>At UT, Title VII protections are found in Human Resources Policy G210 and Human Resources Policy G210.</td>
<td>At UT, Title IX protections are found in the Policy on Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking (Title IX Policy). The federal Office for Civil Rights (OCR) enforces Title IX compliance.</td>
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Both Title VII and Title IX prohibit sex-based discrimination. Together, these laws prohibit:

- Treating similarly situated people differently based on sex (including gender);
- Providing different terms, benefits, or services based on sex (including gender);
- Making rules that treat individuals differently based on parental or pregnancy status;
- Failing to adequately respond to sexual harassment (including sexual harassment and hostile environment sexual harassment).

UT is empowered to respond to possible Title VII and/or Title IX violations by:

- Connecting reporters to University, campus, or community resources for care and support;
- Initiating a University investigation;
- Facilitating a non-investigatory resolution and/or;
- Providing relevant training on community expectations for behavior and policy compliance.

While both Title VII and Title IX prohibit sex-based discrimination, there are differences in their scope and applicability. There is no expectation for campus community members to develop expertise in whether their concerns fall under Title VII or Title IX.

The Office of Inclusion, Equity, and Diversity (OIED) receives discrimination complaints and ensures that allegations are reviewed and responded to under the appropriate policy.

Contact the Office of Inclusion, Equity & Diversity (OIED) with questions or to report possible Title VII and/or Title IX concerns under campus policy.

901.648.2122 | isso-oire@utmem.edu | utmem.edu/oed
Title IX Sexual Harassment defined:

(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, or stalking.
2022 Title IX Report
## TITLE IX SUMMARY REPORT

### CALENDAR YEAR COMPARISON JANUARY 1, 2021 – DECEMBER 31, 2022

<table>
<thead>
<tr>
<th></th>
<th>SEXUAL MISCONDUCT</th>
<th>RELATIONSHIP VIOLENCE</th>
<th>STALKING</th>
<th>RETALIATION</th>
<th>TOTAL</th>
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### CALENDAR YEAR 2022 TOTAL COMPLAINTS BY UTHSC CAMPUS LOCATION

<table>
<thead>
<tr>
<th>Campus Location</th>
<th>SEXUAL MISCONDUCT</th>
<th>RELATIONSHIP VIOLENCE</th>
<th>STALKING</th>
<th>RETALIATION</th>
<th>TOTAL</th>
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### CALENDAR YEAR 2022 TOTAL UTHSC COMPLAINANT STATUS

<table>
<thead>
<tr>
<th>Complainant Status</th>
<th>SEXUAL MISCONDUCT</th>
<th>RELATIONSHIP VIOLENCE</th>
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### CALENDAR YEAR 2022 TOTAL UTHSC RESPONDENT STATUS

<table>
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<tr>
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*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.*

2022 Campus Reports <5 for non-Title IX complaints.
2023-2024 Title IX Policy
Main Policy
1. Updated policy links.

Appendix A: Guide on Supportive Measures and Reporting Options
2. Updated additional Confidential Resources.

Appendix B: Consent
3. No Changes.

Appendix C: Student Grievance Procedures
4. Removed the limitation on an advisor serving as a witness.

Appendix D: Employee Grievance Procedures
5. Removed the limitation on an advisor serving as a witness.

Appendix E: Guide for Mandatory Reporters
6. No Changes.
Jurisdiction
With respect to employees and other non-students, this Policy applies to conduct which: (i) occurs on University-controlled property; (ii) occurs in the context of a University education program or activity, including University employment; and/or (iii) 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:

(1) occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience;

(2) involves another member of the University community; or

(3) 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.
Filing a Complaint
A Formal Complaint is required to begin an investigation on the Policy on Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy.

Prior to completing this form, a representative from the Office of Inclusion, Equity, and Diversity 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 Policy.
Title IX
Complaint Procedure Form
Location of Incidents:
Title IX only applies to incidents that occur within the school’s education program or activities and does not apply outside the United States.
Confidential Resources & Supportive Measures
OIENotes: Confidential Resources

WHAT IS A CONFIDENTIAL RESOURCE?

A Confidential Resource means that information shared is protected by federal and state laws and cannot be shared without your explicit permission. You may contact one of the university’s confidential resources to learn about your reporting options, available support services, and resources.

APPLICABLE LAWS

- Title IX of the Education Amendments Act of 1972
- Violence Against Women Act (VAWA)
- Campus Safer Act
- Title X and V of the Civil Rights Act of 1964

PRIVACY VS. CONFIDENTIALITY

UTHSC employees have different obligations and expectations when students disclose information to them.

Employees identified as “mandated reporters/responsible employees” are expected to keep information private, meaning that it will only be shared internally with other University employees who need to know (like the Title IX Coordinator or Deputy Title IX Coordinators) and generally will not be shared externally. Designated reporters are typically expected to keep student information private.

A small group of employees are expected to keep confidential information. Confidential employees typically are guided by state and federal law that requires that they not share information without permission from the student or otherwise permitted or required by law. Conversations with confidential employees are generally privileged and therefore have additional protections under state and federal law. This means that information disclosed to a confidential employee is not subject to disclosure in many instances. Psychologists, licensed counselors, psychiatrists, psychologists, nurses, advocates, the Ombudsperson are some examples of confidential employees. (Note that conversations with the Ombudsperson are not privileged.)

Confidential employees are not required to make a report to Title IX officers and will not share information without your permission. However, they may be required or allowed to share information in certain circumstances. For example, if a court order is presented, if they have reason to believe that a student is at high risk for suicide or violence toward others or a student is at risk of being a victim of sexual assault, domestic violence, or stalking.

Confidential employees: a person who investigates, reports on, and helps resolve complaints; an individual sexually affiliated with or an organization or business who serves as an advocate for employees, students, etc.

CONFIDENTIAL COMMUNITY RESOURCES

MEMPHIS/GREATER MEMPHIS

- Citrine Victim and Rape Crisis Center 901.401.9900, 800.528.3333
- YMCA of Greater Memphis, 901.255.5555, 800.736.9199
- Memphis Women’s Center, 901.527.3200
- Memphis Shelby County Domestic Violence Program, 901.320.6500

KNOXVILLE

- Safe Harbor Crisis Center 800.824.0918
- YWCA Greater Knoxville, 865.566.0900
- Knoxville Women’s Center, 865.524.0200
- TN Sexual Assault Hotline, 888.799.SAVE

CHATTANOOGA

- Partnership Rape Crisis and Family Violence Center, 423.265.1818
- Girl Scouts of Middle Tennessee, 615.322.5400
- Legal Aid of East Tennessee, 423.265.8000

OTHER RESOURCES

- CARE Team, 865.331.7775
- Counseling Resources, 865.331.8822
- Student Resource Guide, 865.331.8822

UTHSC CAMPUS CONFIDENTIAL RESOURCES

If you do not desire action by the University and would like the details of the incident to be kept confidential, but desire to confront someone, you may speak with the following persons, who are called “Confidential Employees”:

- University Health Services - (865.331.6565) (daytime) or (865.331.6544) (evening/weekends)
- Student Behavioral Health Services which is part of UHS, can provide emotional support for the victim as well as maintain confidentiality. A counselor is available at all times. Medical and psychological follow-up is available as long as needed.
- Licensed Counselors located in Student Academic Support Services and inclusion (SASS) at 865.331.6565 or ultibuild.com/resources/counselingcenter/
- Ombudsperson: Juan D. Rios, PhD,相近pat@somark.edu 865.350.7533
- Hollie E. Milam, MD, mmilam16@uthsc.edu 865.492.2467

A Professional employee, such as a physician, psychologist, psychiatrist, licensed counselor, or social worker, identified in this section, is a Confidential Employee only if the Complainant is communicating and if they are a patient or client. The designation of Confidential Employee can also include nonprofessional employees (e.g., staff, student trainees or student employees) or advocates who work or volunteer on campus or in health centers or who are a student support services employee under the supervision of a person with a professional license. For instance, a class professor or clinical preceptor, who happens to be a physician or psychologist, would not be a Confidential Employee because such conversations are generally not protected by confidentiality and not for purposes of professional medical treatment or counseling. All faculty members are Nonconfidential Reporters. Confidential Employees may periodically report non-personally identifiable information about Prohibited Conduct to the Title IX Coordinator to keep the Title IX Coordinator informed about the general extent and nature of Prohibited Conduct on and off campus.

TRANSMONIATIONS DEDICATED FOR THE DEEDS 865.449.7802
Title IX Team and Mandatory Reporters
OIED NOTES: Your Mandatory Reporter Role

I HAVE RECEIVED A REPORT. WHAT DO I DO?

A mandatory reporter who receives information concerning an incident of Prohibited Conduct MUST REPORT:

1. Provide emotional support to the Complainant;
2. Encourage the Complainant to preserve any physical evidence (e.g., if possible, the Complainant should not shower, bathe, douche, change clothes, brush hair/wear teeth, or comb hair)
3. Inform the Complainant that as a Mandatory Reporter, you will be reporting the incident to the Title IX Coordinator or Office of Institutional Equity and Compliance;
4. Advise the Complainant about confidential resources available on campus and in the community where the information shared is confidential;
5. Provide a Complainant with a copy of UTHSC’s Sexual Misconduct and Relationship Violence Policy (available at uthsc.edu/final-documents/title-ix-policy-update.pdf) or another written publication approved by the Title IX Coordinator.

A Mandatory Reporter who receives notice of an Incident of Prohibited Conduct MUST NOT:

1. Guarantee to a Complainant that the Mandatory Reporter will keep information confidential;
2. Share information about the incident with a person who does not have a legitimate need to know;
3. Share personally identifiable information about the incident with law enforcement (including UTHSC PD) without the Complainant’s consent;
4. Investigate or otherwise attempt to resolve reports of Prohibited Conduct without first contacting the Title IX Coordinator (this provision does not apply to UTHSC PD).

APPLICABLE FEDERAL LAWS:

- Title IX of the Education Amendments of 1972
- Violence Against Women Act (VAWA)
- Campus Safety Act
- Title IV, Title VI, and VII of the Civil Rights Act of 1964

REPORT COMPLAINTS OF SEXUAL MISCONDUCT TO ANY OF THE FOLLOWING:

- Michael Jordan, BID
  Title IX Coordinator for UTHSC
  904.442.2953 (Direct) office@UTHSC.edu
- Valerie Fanning, PhD
  Deputy Title IX Coordinator for Faculty
  931.323.6452 (Direct) vsfanning@uthsc.edu
- Aaron Humes, MSHA
  Deputy Title IX Coordinator for Staff
  931.323.6645 (Direct) ahumes@uthsc.edu
- Captain Jeanne Monroe
  Deputy Title IX Coordinator for Glory Compliance
  931.323.6645 (Direct) jmonroe@uthsc.edu
- Will Ross, MD
  Deputy Title IX Coordinator for Students
  904.442.5561 (Direct) wross@uthsc.edu
- Crystal Garner, LSW
  Deputy Title IX Coordinator for Health
  904.442.2953 (Direct) cgarner@uthsc.edu
- Debrah TRIO BID Coordinator
  931.323.6452 (Direct) dfhanna@uthsc.edu
- Whitney Davis, PharmD
  Deputy Title IX Coordinator for Research
  904.442.7651 (Direct) wldavis@uthsc.edu
- Amy Fagin, PhD, CPA, MHA
  Title IX Coordinator for UTHSC’s Department of Public Safety
  931.323.6502 (Direct) afagin@uthsc.edu
- Geoffrey Foudy, MD
  Deputy Title IX Coordinator for Physician Assistant Program
  931.323.6020 (Direct) gffoudy@uthsc.edu
- Pamela Scott
  Deputy Title IX Coordinator for GME Training
  904.442.6464 (Direct) pscott@uthsc.edu
- UTHSC Campus Police
  904.442.6498 (Direct)

Telecommunications devices for the Deaf
904.442.3822

IF A PERSON INDICATES DESIRE TO REPORT AN INCIDENT TO THE UNIVERSITY, INFORM THE PERSON THAT THE UNIVERSITY PROHIBITS RETALIATION AND WILL NOT TAKE STEPS TO PREVENT RETALIATION BUT WILL TAKE PROPER RESPONSES TO ADDRESS THE INCIDENT.

Mandatory Reporters:

- All UTHSC employees
- Office of Inclusion, Equity, and Diversity
- Office of Student Affairs and Community Engagement
- Office of Enrollment Management
- Student Academic Support Services and Inclusion (SASSI)
- Academic Advisors
- Chancellor’s Office, Associate Vice Chancellor, and Assistant Vice Chancellors
- Dean, Associate Deans, Assistant Deans, Executive Directors, Associate Directors, Assistant Directors, or Department Heads
- Faculty Members
- Staff and faculty advisors to registered student organizations
- Residency Coordinators

The University of Tennessee is an AA/EO/ADA institution. It is committed to providing a discrimination and harassment-free workplace for all faculty, staff, and students.
• Title IX Information: https://uthsc.edu/oied/titleix.php


• Mandatory Reporter Handout: https://uthsc.edu/oied/documents/mandatory-reporter-handout.pdf

• Student Rights and Resources Handout: https://uthsc.edu/oied/documents/oied-student-rights-and-resources-handout.pdf
Thanks for your attention.