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Student Health and Counseling Center
609 Lee Street
Martin, TN 38238
731.881.7750
utm.edu/departments/shcs
The University of Tennessee at Martin is committed to providing a safe and nondiscriminatory living, learning, and working environment free from sexual harassment (including sexual assault, domestic violence, dating violence, and stalking), sexual exploitation, and retaliation (collectively, “Prohibited Conduct”). 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 and can be found at https://www.utm.edu/sexualmisconduct/

The term Prohibited Conduct, as used in this booklet and the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking- refers to sexual harassment, sexual assault, rape, fondling, incest, statutory rape, domestic violence, dating violence, 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 https://www.utm.edu/sexualmisconduct/

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.

Remember, UTooMatter.
WHAT TO DO IF YOU HAVE BEEN THE VICTIM OF SEXUAL ASSAULT

Go to a safe place.

Talk to someone you trust.
As soon as you are in a safe place, tell someone you can trust about the incident – a family member, roommate, friend, minister, or counselor – someone who can provide emotional support and objectively help you make a plan.

Preserve all physical evidence.
If you have been the victim of sexual assault, do not change your clothing, bathe, shower, douche, use the bathroom, brush your teeth, drink liquids, wash your hands or face, or comb your hair. If you change clothes, you should place all your clothing that was worn at the time of the incident in a paper (not plastic) bag. Preservation of evidence does not mean that you must pursue criminal charges, but it preserves that option for you.
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.

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

Contact the Department of Public Safety (DPS) if you would like an officer to take you to a local hospital for medical care.

Emergency Services
Call 911

UTM Department of Public Safety
215 Hurt St.
159 Crisp Hall
Martin, TN
731-881-7777

LOCAL HOSPITALS
West Tennessee Healthcare Volunteer Hospital
161 Mt. Pelia Rd
Martin, TN
731-587-4261
http://wth.org/

Baptist Memorial Hospital
1201 Bishop St.
Union City, TN
731-885-2410
http://www.baptistonline.org/union-city/

Lauderdale Community Hospital
326 Asbury Ave
Ripley, TN
731-221-2200
https://www.lauderdalehospital.org/

Jackson-Madison County General Hospital
620 Skyline Dr
Jackson, TN
731-541-5000
http://www.wth.org/locations/jackson-madison-co-general
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
Title IX Office
544 University Street
Martin, TN 38238
731-881-3505
http://www.utm.edu/sexualmisconduct/

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
For assistance in pursuing orders of protection in Weakley County and other legal remedies, a person may contact:

Weakley County General Sessions Court
116 W. Main St., #203
Dresden, TN 38225
731-364-3455

West Tennessee Legal Services
210 W. Main Street
Jackson, TN
731-423-0616 or 800-372-8346
http://www.wtls.org/
WTLS is a non-profit organization that provides assistance in civil cases to individuals, families, and communities. Through its “Victim Assistance and Advocacy Project” and “Stop Violence Against Women” victims of violent crimes and victims of domestic violence may receive assistance with victim advocacy services.
SEEKING COUNSELING

A licensed University counselor or staff member in Student Health and Counseling Services can help with exploring options and provide you with information and emotional support. Whether you seek immediate assistance or choose to wait, counseling can help you deal with the psychological impact and begin the healing process.

Student Health and Counseling Services
(resource option for STUDENTS only)
609 Lee Street
Martin, TN
731-881-7750
Licensed clinical social workers are available during weekday business hours.

Employee Assistance Program
(resource option for EMPLOYEES only)
855-Here4TN (855-437-3486)
www.here4tn.com
Counselors available

SEEKING ADVOCACY

Women’s Resource and Rape Assistance Program (WRAP)
(serves 174 West Tennessee Counties including Madison, Decatur, and McNairy)
1-800-273-3566 (24-hour hotline)
https://www.wraptn.org/contact-us/

Tennessee Coalition Against Domestic & Sexual Violence
1-800-356-6767 (24 hour hotline)
https://www.tncoalition.org/
REPORTING AND INVESTIGATION OPTIONS

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

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

Prohibited Conduct may constitute both a violation of the Policy and criminal law. Therefore, the University encourages Complainants to report Prohibited Conduct to the police immediately. Prompt reporting of an incident to the police is especially critical for certain incidents of Sexual Assault because the collection and preservation of evidence relating to Sexual Assault often is essential for police investigations and criminal prosecutions. Complainants should report Prohibited Conduct to the police because the police have unique legal authority to investigate and respond to Prohibited Conduct, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders.

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 Title IX Office or the Office of Student Conduct. 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 12 for more information on this aspect of reporting.

NONCONFIDENTIAL REPORTING RESOURCES

Office of Title IX
303 Administration Building
731-881-3505 (office)
731-881-3507 (fax)
titleix@utm.edu
www.utm.edu/departments/equalopp
UTM Department of Public Safety
215 Hurt St.
159 Crisp Hall
Martin, TN
731-881-7777 (24 hours/day, 7 days/week)
www.utm.edu/departments/publicsafety
Emergency: 911 or 731-881-7777
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.

Division of Student Affairs
223 Administration Building
731-881-7700
www.utm.edu/studentaffairs
The Division of Student Affairs is committed to facilitating student growth and development in civility and humanity by providing excellent student services that are responsive to student needs both inside and outside the classroom. The Division of Student Affairs oversees the Office of Student Conduct and the Office of Student Health & Counseling services. The office seeks to engage and support students throughout their learning experience with co-curricular programs and services. The staff assists students in connecting with resources and understanding all available options for support and reporting.

Office of Student Conduct and Care
222 Administration Building
731-881-7703
www.utm.edu/departments/conduct
The Office of Student Conduct handles cases in which a UTM student has been accused with violating the University’s Standards of Conduct.

Student Health and Counseling Services
609 Lee St (across from University Village Phase I)
731-881-7750
www.utm.edu/departments/shcs
SHCS can provide free and confidential clinical expertise and counseling for students dealing with sexual harassment/assault, SHCS may refer a student to a local hospital or a sexual assault examination performed by a trained Sexual Assault Nurse Examiner. SHCS can also assist students with finding other resources in the community that serve student’s needs.
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 UTM DPS 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. 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 Title IX Office 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 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 UTM DPS, they will contact the Title IX coordinator and a University official will get in touch with you. UTM DPS 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 Title IX Office. If you disclose an incident of Prohibited Conduct to the University (by telling a mandatory reporter or meeting with the Title IX Office), the Title IX Office 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 Title IX Office, you do not have to decide to file a formal complaint or choose any particular course of action. Talking with the Title IX Office 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 investigation, this enables the university to respond appropriately by conducting a prompt, thorough, and equitable investigation and, if warranted, taking disciplinary action against a respondent.

To file a formal complaint, you sign a document that sets out the allegations of Prohibited Conduct and requests that the University investigate the allegations. The Title IX Coordinator will give the formal complaint to the University office that will investigate.

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 non-discriminatory learning, living, and working environment free from prohibited conduct. These limited circumstances are referred to as university-initiated investigations.

The Title IX Office 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 if the respondent is a student, or through the University’s Office of Equity and Diversity if the Respondent is a faculty, staff member, or third party. The Title IX Office will work with you to connect you with the appropriate office. During the investigative process, you can continue to receive support from the Title IX Office 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 Title IX Office 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 https://www.utm.edu/sexualmisconduct/ or contact the Title IX Office. The Student Health and Counseling Center is 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 UTM-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 UTM DPS, which keeps a log of all Clery crime statistics reported within the past 60 days at https://drive.google.com/file/d/1mQmRJYF2B6kGrx3CUwKBShwkQWbog1n4/view. Not all incidents reported to the Title IX Office result in a safety notice to the community. For questions about Clery statistics, CSAs, or the crime log, contact the Clery compliance officer, Chad Worley, (731) 881-7776, cworley@utm.edu.
TIMELY WARNINGS
Because of our commitment to keep the UTM community safe and informed, there are times when a Timely Warning is sent to the community. Timely Warnings 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 at Martin 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.

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.

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.

HOW CAN WE SUPPORT YOU?
After receiving a report of Prohibited Conduct, the Title IX Coordinator will take immediate and appropriate steps to:

• Promptly contact the Complainant to offer to meet with, or otherwise communicate with, the Complainant;

• Discuss the availability of Supportive Measures;

• Consider the Complainant’s wishes with respect to Supportive Measures;

• Inform the Complainant of the availability of Supportive Measures with or without filing of a formal complaint;

• Explain to the Complainant the process for filing a formal complaint;

• Implement Supportive Measures (Appendix A, Section 1.5 at www.utm.edu/tix) to eliminate and prevent the recurrence of Prohibited Conduct, deter Retaliation, and remedy the effects of Prohibited Conduct through reasonable support services, accommodations, and other assistance;

• In cases of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, whether the Prohibited Conduct occurred on or off campus, provide a Complainant with a paper or electronic copy of this Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant’s rights and options under this Policy (if that has not already been done by a Mandatory Reporter), which will include: (1) notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and (2) notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
• If the Complainant chooses to file a formal complaint, the Title IX Coordinator must make an initial evaluation based on the nature of the conduct alleged and the reported location of the alleged conduct to determine whether the alleged conduct meets the definition of Sexual Harassment that occurs in a University education program or activity in the United States, in which case the formal complaint will be received as a Title IX Sexual Harassment Complaint. If the Title IX Coordinator determines that the alleged conduct is not Title IX Sexual Harassment that occurs in a University education program or activity in the United States but is otherwise Prohibited Conduct to which this Policy applies, the formal complaint will be received as a Non-Title IX Prohibited Conduct Complaint. Regardless of the designation of the formal complaint, the Title IX Coordinator will initiate the grievance procedures outlined in Appendix C or Appendix D of the Policy; and If the Complainant requests, assist the Complainant in reporting the incident to the police.
APPENDIX 1: DEFINITIONS

For the purposes of the Policy, 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.

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 anytime.

Valid Consent cannot be given if:
- A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated;
- A person is Forced; or
- The sexual penetration of a person by the Respondent would constitute mitigated statutory rape, statutory rape, or aggravated statutory under state law, based on the ages of the Respondent and the other person.

Dating Violence means violence committed by a person—

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship.
  - The type of relationship.
  - 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.

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.

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

**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.

**Sexual Assault** is 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.

- **Rape** means the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, 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.
- **Incest** means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
- **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.

**Sexual Exploitation** means taking sexual advantage of another person without that person’s active agreement.

**Sexual Harassment** is conduct based on sex that satisfies one or more of the following:
- 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;
- 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
- Sexual assault, dating violence, domestic violence, and/or stalking

**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.
- Fear for his or her safety or for the safety of others; or
- Suffer substantial emotional distress
APPENDIX 2: DISCIPLINARY PROCESS

Title IX Coordinator
Dr. Margaret Y. Toston
303 Administration Building
544 University St.
731.881.3505
titleix@utm.edu

Office of Student Conduct and Care
Ms. Shannon Perry
222 Administration Building
731-881-7703
www.utm.edu/departments/conduct

Appendix C of the Policy includes the disciplinary process for students who are Respondents: www.utm.edu/tix

Please also refer to the Student Code of Conduct for information on the complete process: www.utm.edu/student_handbook

Appendix D of the Policy includes the disciplinary process for employees who are Respondents: www.utm.edu/tix
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. Inquiries should be directed to the Office of Equity and Diversity (OED), 303 Administration Building, Martin, TN 38238, (731) 881-3505 Office, (731) 881-4889 TTY, Hearing Impaired, (731) 881-3507 Fax, equityanddiversity@utm.edu, http://www.utm.edu/departments/equalopp/. In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act), UTM’s annual security report includes statistics for the previous three years concerning reported crimes that occurred on or around the campus and UTM’s emergency response and evacuation procedures. You can view the report at http://www.utm.edu/departments/publicsafety/_pdfs/annual security report 2014 adobe.pdf or you may obtain a paper copy of the report by contacting the Office of Public Safety, 215 Hurt Street, Martin, TN 38238 or calling (731) 881-7777. Data on intercollegiate athletics program participation rates and financial support may be found at http://www.utm.edu/about/consumer.php#3g and printed copies may be obtained through the Office of Intercollegiate Athletics, 1022 Elam Center, Martin, TN 38238 or by calling (731) 881-7660. E05-0113-00-001-22