

Faculty Senate Executive Council Special Meeting  
MINUTES  
August 10, 2016

## **MINUTES**

Present: Ashley Blamey, Vince Carilli, Joanne Hall, Beauvais Lyons, Lou Gross, Bruce MacLennan, John Zomchick, Jenny Richter, Richard Bennett, Erin Stoner, Betsy Smith, Jimmy Cheek, Bonnie Ownley, Sadie Hutson, and Sally Hunter

### **I. CALL TO ORDER**

Chancellor Cheek called the meeting to order at 9:01 a.m.

Chancellor Cheek started the meeting to initiate a discussion about sexual misconduct, the recent settlement, and how we adjudicate cases on this campus.

J. Richter introduced Erin Stoner, Senior Deputy Title IX Coordinator. She will handle all situations related to sexual misconduct and sexual harassment on campus. J. Richter explained that the exploration of sexual misconduct issues began several years ago. A comprehensive policy was written and approved by a Commission appointed by the Chancellor; every area of the campus was represented on the Commission. The policy was presented to the Chancellor and instituted August 2015. After a full year of being in place, the policy needed to be evaluated. The Cabinet reviewed the policy on August 8, 2016 and made minor revisions for implementation in AY 2016-17. OED was given three new positions including Erin's position as well as two Title IX investigators. The first half of the fall semester is the riskiest time for sexual misconduct issues. OED will initially investigate the cases and then move the cases forward to the Office of Student Misconduct. Izetta Slade, OED Associate Director, identifies resources pertaining to the case. Erin Stoner's background was as a former Title IX Coordinator and she will work with Ashley Blamey in CHEW and Betsy Smith in the Office of Student Conduct and Community Standards. One Title IX investigator, Michelle Buck, came from Mercer College of Law and was trained as a University investigator of sexual misconduct. The other Title IX investigator, Na'Tasha Webb-Prather, is a recent law school graduate of University of Georgia School of Law. She spent some time as a teacher in Atlanta and knows the student side, but also trained as a neutral.

B. Lyons, asked about the extent to which the policy on Campus intersects with law enforcement. What are the triggers? J. Richter explained that OED always encourages reporting to law enforcement. There is both a criminal process and process to explore whether a person should remain a member of the campus community. A. Blamey's office also coordinates with law enforcement, if needed. A. Blamey further explained that students have the right to go to student health or counseling and this is treated as confidential and thus not reported. If students come to CHEW, it is considered institutional reporting. Trust is critical to the process. The criminal justice system doesn't always know what to do with these cases because of the influence of alcohol, knowing the perpetrator, as well as issues of safety. Biggest barriers to reporting are shame, loss of privacy, and the emotional difficulty of retelling the story. UTPD is primary law enforcement group to investigate.

J. Hall asked for specific reasons cited why cases were not reported: A. Blamey, offered several: "I don't want my parents to find out I was drinking; I don't want to talk about it; I had a

previous relationship with this person and that may be confusing because maybe I wasn't clear; I don't remember all the details and may not be able to answer your questions."

L. Gross asked about the data regarding recent statistics of sexual misconduct on this campus.

A. Blamey indicated that the University had contact with 55 students during AY 15-16 (this did not include cases where students went to student health or counseling, but rather, UTPD, Office of Student Conduct, OED, Center for Health Education and Wellness). Of the 55, 38 were student-on-student cases. CHEW undertakes a number of different interim measures such as: contacting faculty to help students with class obligations, student relocation to another housing situation, arrangements so that the victim and the respondent do not have to see each other after the incident, and facilitating a forensic exam [Sexual Assault Center of East TN- UTK has an MOU with them].

A. Blamey's office (CHEW) does prevention and intervention. The student is provided with support. An Office of Violence Against Women grant was awarded to work on preventive measures such as training. A tremendous amount of work has been done to make policies for students equitable. CHEW has adopted a model of being trauma-informed. Students are also involved in working on this issue. Vols to Vols- 24, primarily pre-med type majors, come and work on prevention with students. CHEW also submitted a prevention plan to Chancellor Cheek's office; the policy was evaluated by the Department of Justice as part of the grant. There is a guide to a conversation on consent. Parents and students are engaged in this topic, beginning at Freshman orientation. There are slogans and materials available to make in-roads on making this conversation accessible. Enhancements: two positions added in CHEW. Athletics: Helen Ross McNabb is one of the biggest providers of mental health and substance abuse treatment. Athletics has contracted with two positions (clinical social work and public health) with HRMN in order to have accountability for what UTK is doing in the areas of prevention and intervention. HRMN will do similar things with the student athletes that CHEW does with the rest of the campus.

V. Carilli spoke about adjudication. If there is a violation of the Code of Conduct, Office of Student Conduct will adjudicate that via Betsy Smith. The current Code of Conduct is heavily punitive, but the Office is invested in revising it to make it more developmental and educational. There are concerns about this approach in the community; as such, the new COC has not yet been passed. Tennessee Uniform Administrative Procedures Act dictates the procedures regarding hearings as a right to all students via state statute. UTK operates on the basis of a preponderance of evidence to adjudicate these cases. This has been a part of the University's practice for decades.

In the settlement of the lawsuit, there exists a paragraph regarding student involvement on disciplinary hearing boards [attachment]. The language has been drafted and will be sent to the senate for comment. This must be presented to the Board of Trustees in October. The paragraph will be inserted in the new COC. An Associate Director was hired in the Office of Student Conduct and will start in a few weeks. Betsy Smith serves as the Director of the Office of Student Conduct (OSC).

After a report is made, the OSC will notify law enforcement. OSC will also set up the APA hearing or student disciplinary board hearing (based on the proposed COC). A Title IX

investigator will serve as a witness. The goal is to make the process equitable and that the student is supported.

B. MacLennan asked for clarification regarding the state of the proposed COC. V. Carilli stated that it was submitted to the Secretary of State. Joint Operations Committee Hearing indicated that it does not look like the new changes to the COC will be honored. There may end up being a public hearing on the COC. J. Cheek said that the genesis of the revisions to the COC began when Susan Martin started as Provost.

L. Gross asked-- in comparison to Top 25 institutions, was UTK under-invested on the issue of sexual misconduct given that we have hired several people? J. Cheek responded that UTK wanted to take additional steps to enhance our current state. UTK has invested an additional half million dollars in the hiring and re-structure of how misconduct cases are handled on this campus. A. Blamey indicated that the growth is important, but the response is similar across the country.

L. Gross asked about how CHEW and OED plan to be involved in Sex Week? J. Richter indicated that there is active participation and that will continue. Funding and participation are two different things.

L. Gross asked about our general investment on other forms of misconduct on this campus? J. Richter responded that the OED is committed to making sure all of the issues of harassment (other than sexual) on this campus are treated in the same way and that those issues are not left unaddressed. Another question was posed about how that relates to the defunding of Diversity and Inclusion. J. Richter noted that the new position in OED held by Izetta Slade will bring diversity training back; not everything can be replaced, but OED is attempting to address these issues to the best of their ability. J. Cheek indicated that a team would quickly be identified to develop and implement a plan related to the 6<sup>th</sup> objective of the strategic plan, namely diversity.

J. Hall noted that there is tension on this campus with regard to women's rights, differences in speech and action, etc. She distributed an article on the *History, Uses, and Abuses of Title IX* [attachment]. J. Hall asked, "What went wrong with the case and what did we learn from the settlement?" J. Richter responded that she has faith in the students who participated on the case as they took their job seriously, underwent training, and acted like a trained jury. They were serious and committed. She also noted that they learned that we need to be very cautious about speaking about specifics of the lawsuit. Every institution is vulnerable to these cases. Institutions are now handling cases pushed forward by respondents' attorneys claiming that they did not get their due process. A. Blamey said that we also learned that the commitment to coordination is even stronger than it was before.

## **II. ADJOURNMENT**

Chancellor Cheek adjourned the meeting at 10:04 a.m.

Respectfully submitted,

Sadie P. Hutson, Secretary