



## **REPORTING AND CONFIDENTIALLY DISCLOSING SEXUAL HARASSMENT AND SEXUAL VIOLENCE UNDER TITLE IX**

TSU encourages survivors of sexual violence to talk to somebody about what happened so survivors of assault can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a survivor's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This information is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they experience sexual harassment or sexual violence. TSU encourages survivors to talk to someone identified in one or more of these groups.

### **KNOW YOUR OPTIONS**

#### **A. Privileged and Confidential Communications**

##### ***Professional Counselors and Health Care Providers***

Professional, licensed counselors who provide mental-health counseling to members of the school community (including those who act in that role under the supervision of a licensed counselor) and healthcare providers, such as doctors and nurses, are not required to report any information about an incident to the Title IX coordinator without a survivor's permission. Following is the contact information for individuals who qualify as counselors and healthcare providers at TSU:

TSU Counseling Center  
Main Campus  
Wilson Hall, Basement  
615-963-5611  
[www.tnstate.edu/counseling](http://www.tnstate.edu/counseling)



TSU Student Health Services  
Main Campus  
Floyd Payne Student Center, Room 304  
615-963-5084  
[studenthealthservices@tnstate.edu](mailto:studenthealthservices@tnstate.edu)

**B. Reporting to “Responsible Employees.”**

A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a survivor tells a responsible employee about an incident of sexual violence, the survivor has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the survivor, including the names of the survivor and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the survivor’s consent or unless the survivor has also reported the incident to law enforcement.

The following offices are designated to receive and investigate complaints of sexual violence and sexual harassment at TSU:

Office of Equity and Inclusion (Title IX Coordinator)  
Main Campus  
McWherter Administration Bldg., Ste. 260  
615-963-7435  
[www.tnstate.edu/equity](http://www.tnstate.edu/equity)

Student Conduct and Judicial Services (Title IX Deputy Coordinator)  
Main Campus  
Floyd Payne Student Center, Room 103  
615-963-4891  
[www.tnstate.edu/mediation](http://www.tnstate.edu/mediation)



The following categories of employees are deemed “responsible employees” and must report any information regarding sexual harassment or sexual violence to the Office of Equity and Inclusion:

- President, Vice Presidents, Asst./Assoc. Vice Presidents
- Deans, Asst./Assoc. Deans, Department Heads, and other Administrative Supervisors
- Professors, Instructors
- Advisors for academic matters or student organizations
- Staff in student resource and advocacy offices
- Coaches, Trainers, and other athletics staff
- TSU Police and Security Officers
- Title IX Coordinator and Deputy Coordinators

Before a survivor reveals any information to a responsible employee, the employee should ensure that the survivor understands the employee’s reporting obligations – and, if the survivor wants to maintain confidentiality, direct the survivor to confidential resources.

If the survivor wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the survivor that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the survivor’s request for confidentiality. The Title IX Coordinator, in conjunction and consultation with University Counsel, will determine if the survivor’s request for confidentiality can be honored.

Responsible employees will not pressure a survivor to request confidentiality, but will honor and support the survivor’s wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a survivor to make a full report if the survivor is not ready to.

### **REQUESTING CONFIDENTIALITY FROM THE UNIVERSITY: HOW THE UNIVERSITY WILL WEIGH THE REQUEST AND RESPOND.**

If a survivor discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the survivor.



If the University honors the request for confidentiality, a survivor must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

There are times when the University may not be able to honor a survivor's request in order to provide a safe, non-discriminatory environment for all students. The University has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Office of Equity and Inclusion  
Main Campus  
McWherter Administration Bldg., Ste. 260  
615-963-7435  
[www.tnstate.edu/equity](http://www.tnstate.edu/equity)

When weighing a survivor's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator in the Office of Equity and Inclusion will consider a range of factors, including, but not limited to, the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence;
- whether there have been other sexual violence complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, to the extent such information is provided to the University;
- whether the alleged perpetrator threatened further sexual violence or other violence against the survivor or others;
- whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the survivor is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the survivor's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The nature and level of dissemination of information to members of the campus community regarding the alleged perpetrator's actions; and
- The overall risk to negatively impacting the educational environment of the campus community.



If the University determines that it cannot maintain a survivor's confidentiality, the University will inform the survivor prior to starting an investigation, and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the survivor's well-being, and will take ongoing steps to protect the survivor from retaliation or harm and work with the survivor to create a safety plan. Retaliation against the survivor, whether by students or University employees, will not be tolerated. The University will also:

- assist the survivor in accessing other available survivor advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the survivor of the right to report a crime to campus or local law enforcement – and provide the survivor with assistance if the survivor wishes to do so.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that it can respect a survivor's request for confidentiality, the University will also take immediate action as necessary to protect and assist the survivor.

## **MISCELLANEOUS**

### **The Clothesline Project and Other Public Awareness Events**

Public awareness events such as the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual



violence, **are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s)**. Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

### **Off-campus Counselors and Advocates**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the survivor requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus resources:

Sexual Assault Center of Nashville  
101 French Landing Drive  
Nashville, TN 37228  
615-259-9055 or 1-800-879-1999  
[www.sacenter.org](http://www.sacenter.org)

Tennessee Coalition to End Domestic & Sexual Violence  
2 International Plaza Dr., Ste. 425  
Nashville, TN 37217  
615-386-9406  
<http://tncoalition.org/>

Tennessee Domestic Violence Hotline  
1-800-356-6767

The National Sexual Assault Hotline  
1-800-656-4747

**NOTE:** While these off-campus counselors and advocates are not required to share information with Tennessee State University, they may have reporting or other obligations under state law.