

Annual Security and Fire Safety Report 2024



C THE UNIVERSITY OF TENNESSEE
CHATTANOOGA

Table of Contents

Message from Sean O'Brien, Associate Vice Chancellor for Public Safety and Chief of Police	5
Overview of the Department of Public Safety	6
About the UTC Police Department	6
Officers and Training	6
Authority, Jurisdiction, and Working Relationship with State and Local Law Enforcement	8
Memorandum of Understanding	9
Reporting Crimes, Fires, Medical or Other Emergencies	10
Emergencies and Crime Reporting	11
Non-Emergency Reporting	13
Reporting to University Officials and CSAs	13
Anonymous Reporting	16
Campus Referrals for Certain Incidents	17
Confidentiality	17
Pastoral and Professional Counselors	18
Reporting Sexual Assault, Dating and Domestic Violence and Stalking	19
Retaliation	19
Timely Warnings	20
Timing and Decision Criteria	21
Crimes Outside Clery Geography & Non-Clery Act Crimes	22
Notification Responsibility and Authority	22
Notification Content	23
Notification Methodology	23
Emergency Notifications	24
Timing and Decision Criteria	24
Notification Responsibility and Authority	26
Notification Content	26
Notification Methodology	27
Emergency Response and Evacuation Procedures	27
Evacuation Procedures	28
Evacuation of Individuals with Functional and Access Needs	28
Testing Emergency Response and Evacuation Procedures	29
Missing Student Notification Procedure	29

Identifying a Confidential Contact.....	30
How to Report a Missing Student.....	30
Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking.....	30
Crime Prevention and Security Awareness Programming	30
UTC Police Programming	31
Freshman & Transfer Orientation Programming	31
Onboarding Programming	32
Housing Staff Training	32
Sexual Assault Prevention Programming.....	32
Rape Aggression Defense (RAD) Training	32
Mocs SafeRides.....	33
Housing Safety Programming	33
Safety and Drug Prevention Programming	33
Center for Wellbeing Prevention and Awareness Programming.....	33
Office of Title IX Compliance Prevention and Awareness Programming	34
Alcohol and Illegal Drugs.....	37
Drug Free Campus and Workplace	38
Alcohol	39
Illegal Drugs	40
Student Code of Conduct	40
Employee Code of Conduct	41
Drug and Alcohol Abuse Prevention.....	41
Health Risks	42
Drug Free Schools and Communities Act	42
Weapons	42
Tennessee Criminal Law	42
Parking.....	43
University Weapons Policy for Students	43
University Weapons Policy for Employees	44
Tennessee Sex Offender Registry	44
Disclosure to Victims of Crimes of Violence and Non-Forcible Sex Offenses	45
Annual Disclosure of Crime Statistics.....	45
Crime Statistics for 2021-2023	48

VAWA Offenses: Domestic Violence, Dating Violence, and Stalking	49
Arrests for Alcohol, Drugs, and Weapons Violations.....	50
Disciplinary Referrals for Alcohol, Drugs, and Weapons Violations	51
Hate Crimes	52
Unfounded Crimes.....	52
Definition of Terms.....	53
Definition of Terms for Local Jurisdiction.....	57
Annual Fire Safety Report	61
Fire Log and Reporting Non-Emergency Fires	61
2021 Fire Statistics.....	62
2022 Fire Statistics.....	64
2023 Fire Statistics.....	65
Fire Safety Systems	66
False Reports and Interference with Fire Safety Systems	67
Education and Training Programs.....	67
Fire Drills.....	68
Evacuation Procedures and Guidelines	68
Prohibited Items Within Housing Facilities	69
Future Fire Safety Improvements.....	70
Appendix A: Resources.....	71
Appendix B: Amesty Policy for Good Samaritans and Impaired Students.....	73
Appendix C: Security of University Facilities.....	75
Appendix D: Center for Wellbeing Prevention and Awareness Programming	79
Appendix E: Other Prevention and Awareness Programming	89
Appendix F: Title IX Policy	92

2024 UTC Annual Security and Fire Safety Report
Prepared by the Department of Public Safety
Includes Policy Statements for the 2024-2025 Academic Year and
Crime and Fire Statistics for Calendar Years 2021, 2022, and 2023

MESSAGE FROM SEAN O'BRIEN, ASSOCIATE VICE CHANCELLOR FOR PUBLIC SAFETY AND CHIEF OF POLICE



The University of Tennessee Chattanooga Police Department is a full-service law enforcement agency, as prescribed in Title 49 of the Tennessee Code Annotated (T.C.A.). Our Police Officers have full police authority to enforce state laws on University property and areas immediately adjacent to the campus. All our officers meet or exceed all law enforcement officer specifications established by the Tennessee Peace Officer Standards and Training (P.O.S.T.) Commission.

The core mission of the UTC Department of Public Safety is to keep the students, faculty, staff and visitors at the University of Tennessee at Chattanooga (UTC) safe. Each member of the Department upholds the mission and values of the institution we serve, with the principles of respect, integrity, and civility defining all of our interactions with the UTC and Chattanooga communities.

The Department of Public Safety maintains thriving relationships with local, state, and federal partners in public safety and strong, positive relationships with each representative group in our community.

The Department of Public Safety closely collaborates with the Office of the Dean of Students and Office of Student Conduct. Sharing information pertaining to students with these offices allows the University to take suitable disciplinary action, as appropriate, as well as provide support to students in need of assistance.

The employees of the UTC Department of Public Safety are committed to public service in a professional and considerate manner. It is our hope, as one community, that together we can make this beautiful campus as safe as possible.

Sincerely,
Chief O'Brien

OVERVIEW OF THE DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety (DPS), which is comprised of the UTC Police Department (UTCPD), Emergency Management & Threat Assessment (OEM), and Environmental Health & Safety (EHS), is under the leadership of the Associate Vice Chancellor for Public Safety and Chief of Police, who reports to the Vice Chancellor for Finance & Administration. Institutional Clery compliance initiatives are managed by the Coordinator of Clery Compliance within the DPS.

ABOUT THE UTC POLICE DEPARTMENT

The UTCPD is a unit of the DPS. UTCPD is physically located in the Administrative Services Building at 400 Palmetto Street, Chattanooga, Tennessee 37403. UTCPD is open and staffed 24 hours a day, 7 days a week, 365 days a year and can be contacted at (423) 425-HELP/4357.

UTCPD provides basic police services to the University campus. UTCPD's main objective is to provide a safe campus for students, staff, faculty, and visitors. UTCPD officers perform a variety of tasks that include investigation of criminal activity, apprehension of criminals, accident and fire response, traffic enforcement, and security for special events. UTCPD offers services such as bicycle registration, electronics registration, and educational programs to increase the safety of the SafeMocs Mobile Safety App.

UTCPD maintains a website and three social media accounts, which provide safety and security information to the University community.



utc.edu/police



facebook.com/utcpd



x.com/utcpd



instagram.com/utcpd

OFFICERS AND TRAINING

UTCPD is authorized for 24 state certified police officers. UTCPD employs both full-time and part-time sworn police officers. UTC police officers are commissioned pursuant to T.C.A. §49-7-118. Police officers receive a minimum of 488 hours of basic police training through a Tennessee Peace Officers Standards and Training (P.O.S.T.) training academy and have graduated from an approved law enforcement academy.

Upon successful completion of the basic academy, officers are assigned to a senior level field-training officer for six months and must complete a (320 hour) field-training program in which they learn to apply their law enforcement academy training to a University environment.

All sworn police officers complete a minimum of 40 hours of in-service training each year.

Training topics may include, but are not limited to, topics such as:

Legal updates	Less Lethal Defensive Tactics	Crime prevention strategies	Firearms instruction and re-qualification
Defensive tactics and baton re- certification	Emergency vehicle operation	Child abuse	Community Policing
Officer health and wellbeing	De-escalation techniques	Safety, fire and evacuation response	Ethnic and cultural sensitivity
Stress management	Suicide prevention	Active shooter response	Cardiopulmonary Resuscitation (CPR) and basic first aid

UTCPD operations also are supported by:

- Full-time, uniformed officers patrol the campus 24 hours a day, 365 days a year, and provide public safety services through the deployment of vehicle, foot, and bicycle patrols to ensure the safety of the campus community including emergencies and special events across campus. They also perform frequent building, and facility checks for suspicious activity or to provide assistance to anyone in need.
- Non-sworn officers, including student workers employed by the department, serve as additional patrol units; perform vehicle unlocks and vehicle boosts for students, faculty, and staff; crowd and vehicle control activities; building checks and unlocks; interior building patrols; and other duties as assigned.
- Supplemental sworn officers and non-sworn staff serve as additional protection during special events (for example, sporting events, construction areas, concerts, etc.).
- The UTCPD Communications Center, which operates 24 hours a day, 7 days a week, 365 days a year, is staffed by trained and state certified communications officers who answer calls for service and are authorized to dispatch police, fire, or emergency medical services immediately upon receiving a call for help. Communications officers also monitor intrusion, fire and environmental alarms.
- Hamilton County 911 Emergency System (Hamilton County 911), by mutual agreement with state and federal agencies, maintains the Communications Center's NLETS (National Law Enforcement

Telecommunications Network) terminal supplying access to the National Crime Information Computer (NCIC) system as well as the Tennessee Information Enforcement System (TIES). These computer databases are used for accessing criminal history data; nationwide police records; and wanted persons, stolen property, and driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

- Non-commissioned administrative staff who manage areas in records, compliance, payroll, accounting, and accreditation.

AUTHORITY, JURISDICTION, AND WORKING RELATIONSHIP WITH STATE AND LOCAL LAW ENFORCEMENT

Under UTCPD's state certified policy, officers are duly commissioned by the State of Tennessee and have law enforcement authority and responsibility for enforcing applicable city, county, state, and federal criminal laws and UTC policies on the campus. Officers have the authority to investigate crimes, enforce laws, make arrests, and enforce any parking or traffic regulation. UTCPD police officers investigate all reports of criminal activity that occur within the jurisdiction of the UTC campus and, when appropriate, are referred for prosecution to the District Attorney General. Criminal matters involving University students may also be referred to the appropriate University administrative office (e.g., Office of Student Conduct) for disciplinary action.

As duly commissioned officers, UTCPD carry service weapons and have authority to apprehend and arrest anyone involved in illegal activity on campus and areas immediately adjacent to the campus. In general, each UTCPD officer shall, in all cases, use only the minimum amount of force that is consistent with the accomplishment of their mission, and shall exhaust every other reasonable means of apprehension or defense before considering the use of a firearm.

The jurisdiction of UTCPD officers includes property that is owned, leased or controlled by the institution. Officers have concurrent jurisdiction on city streets running through campus or adjacent to campus.

The Department's non-sworn security officers assist sworn officers in their duties within UTC jurisdiction but are not commissioned by the State of Tennessee. They do not have the authority to make arrests or carry firearms and have no legal authority upon which to enforce criminal offenses. However, non-sworn security officers do have authority to enforce University policies.

UTCPCD maintains a strong working relationship with the Chattanooga Police Department (CPD), Hamilton County Sheriff's Office, Tennessee Highway Patrol, Tennessee Bureau of Investigation, Federal Bureau of Investigation, and other surrounding local, state and federal law enforcement agencies when incidents

arise that require joint investigative efforts, resources, crime related reports and exchanges of information. Meetings are held between leaders of these agencies, on both a formal and informal basis. Staff from UTCPD investigations will frequently exchange information with the CPD and attend joint meetings. The CPD's K-9 units provide K-9 support to the UTCPD when necessary.

MEMORANDUM OF UNDERSTANDING

UTC has a written Memorandum of Understanding (MOU) with the CPD regarding the investigation of alleged criminal offenses. This agreement allows each department to assist the other, when necessary, for the purposes of investigating alleged criminal incidents. The CPD notifies UTCPD when a student is involved in criminal activity at a non-campus location, including those of officially recognized student organizations and those with housing facilities.

Per the current MOU with CPD, in accordance with the Robert "Robbie" Nottingham Campus Crime Scene Act of 2004 and TCA § 49-7-129, UTCPD will immediately notify CPD of: (1) any medically unattended death of a person that occurred on UTC property; or (2) a report alleging that any degree of rape has occurred on UTC property. Further, UTCPD will immediately notify CPD about any felony against a person such as homicide, unattended death, kidnapping/abduction, robbery, aggravated assault, or sexual assault.

CPD will investigate felony crimes against persons with UTCPD, providing assistance in such investigations. However, pursuant to TCA § 49-7-129, (1) UTCPD and CPD will participate in a joint investigation of a death or alleged rape that occurred on UTC property; (2) CPD will lead the investigation of a medically unattended death that occurred on UTC property; and (3) UTCPD shall lead the investigation of an alleged rape that occurred on UTC property.

UTCPD is the lead agency for investigating alleged rapes, sexual assaults, or other sexually oriented crimes that occur on UTC property, and CPD will provide all available resources including forensic, investigative, and social services, to ensure a timely, effective, and thorough investigation that provides support for the victims of these crimes.

UTCPD and CPD will jointly enforce traffic regulations within the University area. Both UTCPD and CPD will have concurrent authority to execute DUI arrests within the University area. UTCPD will investigate vehicular accidents on property owned by the University.

UTCPD has primary responsibility for maintaining order on UTC property, and CPD will assist in maintaining order upon UTCPD's request. UTCPD will handle primary response to all incidents requiring crisis intervention on University property. When requested by UTCPD, CPD will respond to crisis situations on University property

involving hazardous materials, hostage negotiations, bomb threats, civil disorders, and suicide attempts.

UTCPD will provide primary response to emergency calls placed from anywhere on the UTC campus, including University of Chattanooga (UC) Foundation-owned housing facilities and off-campus locations owned or controlled by the University (e.g., the Jones Observatory, UTC Childcare Centers). CPD will respond to all calls for police assistance on city property and city streets within the University area. UTCPD communications officers route to CPD all law enforcement calls involving students that occur on city property or city streets in the University area to CPD. Additionally, the Animal Services Unit of CPD will respond to requests for services from UTCPD.

UTCPD also maintains working relationships with the Hamilton County Sheriff's Office, TBI and the FBI. However, UTCPD does not have a written agreement with those law enforcement agencies.

The prosecution of all criminal offenses, both felony and misdemeanor, is conducted at the Hamilton County General Sessions or Criminal courts, or the Federal courts located in Hamilton County.

REPORTING CRIMES, FIRES, MEDICAL OR OTHER EMERGENCIES

The University strongly encourages students, employees and visitors to accurately and promptly report criminal incidents, suspicious activity and other public safety related emergencies to the UTCPD (which is the University's primary reporting structure for crimes and emergencies), other law enforcement and other public safety agencies, and to designated University officials.

<p>911 calls dialed from University telephones, call boxes, blue light emergency phones, panic buttons, and other safety devices will be routed to the UTCPD Communications Center.</p>
<p>911 calls placed from a cell phone will be routed to the Hamilton County 911 Emergency Communications District.</p>
<p>Calls to (423) 425-HELP/4357 via cellular telephone or other device will be routed to the UTCPD Communications Center for emergency and nonemergency assistance.</p>

Accurate and prompt reporting to UTCPD ensures that criminal incidents can be evaluated, considered for the appropriate issuance of Timely Warnings, and disclosed through ongoing disclosure processes such as the posting of crimes in the Daily Crime & Fire Log and CUSIA Arrest Log; accurate and prompt reporting

also allows for accurate documentation of reportable crimes in the University's annual statistical disclosure.

UTC also encourages accurate and prompt reporting of all crimes to UTCPD and the appropriate police agencies when the victim of a crime elects not to, or is unable to, make such a report.

Under the Clery Act, a crime is "reported" when it is brought to the attention of a campus security authority, UTCPD, or local law enforcement personnel, by a victim, witness, other third party or even the offender. It does not matter whether the individuals involved in the crime, or reporting the crime, are associated with the University.

Criminal incidents or incidents occurring off campus should be reported to the local law enforcement agency with jurisdiction over the location where the crime occurred.

Incidents reported to the UTCPD are maintained in UTCPD's Records Management System (RMS). Reports made to the Office of the Dean of Students, Campus Security Authorities, or Community Members of Concern are maintained through the Maxient system.

Should there be a need for an investigation, UTC employs an investigator with knowledge of law enforcement and Title IX investigative processes.

UTCPD responses to incidents of policy violations or crimes involving students will be reported to the Office of the Dean of Students. UTCPD responses to incidents of policy violations or crimes involving staff or faculty will be reported to the Office of Human Resources and/or Office of Access and Engagement.

Police administrators including the Chief, Deputy Chief, Lieutenants, Director of Emergency Management and Threat Assessment, and Director of Environmental Health and Safety, are responsible for assessing the reporting of crimes for Timely Warnings and Emergency Notifications. The Clery Coordinator is responsible for compiling the statistics for annual disclosure.

EMERGENCIES AND CRIME REPORTING

UTCPD's response to these reports often depends on the type of emergency reported. The initial steps taken at the site of any emergency will be those necessary to safeguard lives and property, secure the scene, and control any crowd which may be present. UTCPD works to provide orderly and efficient coordination with all other agencies, departments, or organizations considered necessary and appropriate to the successful handling of such incidents.

To report a crime or emergency, members of the community should:

- Dial 911 or 423-425-4357/HELP from any University telephone to reach UTCPD. The caller's location will display automatically on the computer at the communications officers' desk so that help can be dispatched immediately to their location.
- Use one of the [Blue Light Callboxes](#) that are strategically located throughout the campus. There are currently 62 on campus. Calls placed from Blue Light Callboxes transmit directly into the UTCPD Communications Center on an emergency line. The emergency line is high priority, and dispatchers will answer immediately. The location of the Blue Light Callboxes from which the call has been placed is made available to the UTC Dispatcher when the call comes in. The UTC Dispatcher will dispatch an officer(s) to the location of the Blue Light Callbox.
- Use one of the emergency phones located in all elevators around campus that transmit to the UTCPD Communications Center. A UTCPD dispatcher will have the phone number, building name, and elevator number (depending on the building) available through the caller ID system. If the person states that the button was pushed by accident and there is no reason to indicate there is a problem, no one is notified. A UTCPD dispatcher will contact a police officer to the elevator if someone is stuck inside to assist with getting the person out of the elevator. If unable to get the person off the elevator, UTCPD will contact the Chattanooga Fire Department (CFD) for assistance. CFD will also be notified if the stuck person calls back to advise that they are in any type of distress, or if they are in distress when they notify UTCPD that they are stuck.
- Use panic alarms, which are in various departments around campus. The panic alarms provide information directly to the UTCPD Communications Center, and officers respond appropriately to the activations.
- Dial 911 from a cell phone or other non-University phone. It is important to note that a 911 call made in this manner will be routed to the Hamilton County 911 System. Once the off campus telecommunicator determines the call is coming from the campus, they will transfer the call to UTCPD.
- Sex offenses and other incidents of sexual or relationship violence can also be reported to the University's Director of Title IX Compliance by dialing (423) 425-4255; or by email at TitleIX@utc.edu; or in person at University Center, Suite 399.
- UTCPD procedures require an immediate response to emergency calls. In response to a call, UTCPD will take appropriate action, either dispatching an officer or asking the victim to come to the police department to file an incident report.

If the communications officer determines that assistance is required by the CPD, Hamilton County Emergency Medical Services (HCEMS), or CFD, the communications officer will contact the appropriate unit. Priority response is given to crimes against persons and personal injuries.

NON-EMERGENCY REPORTING

UTC Police:

Non-Emergency Reports can be made by calling (423) 425-4357; in-person at the Administrative Services Building at 400 Palmetto Street, Chattanooga, Tennessee 37403; or an officer can be dispatched to the reporting party's location. *UTCPD's response to these reports often depends on the type of emergency reported.*

Office of the Dean of Students:

Reports can be made by dialing (423) 425-476 or in person at the University Center, Room 399.

Office of Student Conduct:

Reports can be made by dialing (423) 425-4301 or in person at the University Center, Room 399.

Other University Officials:

Although UTC wants the campus community to report criminal incidents to UTCPD, a victim of a crime may be more inclined to report it to someone other than the campus police. For this reason, the Clery Act requires universities to collect crime reports from individuals known as Campus Security Authorities (CSAs).

REPORTING TO UNIVERSITY OFFICIALS AND CSAS

Reports of Clery Act crimes filed through a Campus Security Authority (CSA) will be provided to the Clery Coordinator or designee and will be used for the purpose of making timely warning reports and included in the University's annual crime statistics published in the Annual Security and Fire Safety Report.

CSA reports have the option to include the victim's name or initials for tracking purposes and to ensure the victim is offered the proper services. However, if the individual making the report wishes to remain anonymous, the individual's personal information does not have to be disclosed. CSA reports of sexual assault, domestic violence, dating violence, and stalking, sexual exploitation, and retaliation provided to the Clery Coordinator or designee will also be made available to the University's Title IX Coordinator.

The crime statistics in the Annual Security Report must reflect crimes that are reported to the campus police department or to a CSA. CSA crime reports are used by the University to fulfill its responsibility to annually disclose Clery crime statistics, and to issue timely warnings for reported Clery Act crimes alleged to have occurred within UTC's Clery Act geography and that pose a serious or continuing threat to the campus community.

CSAs can report criminal incidents on your behalf without identifying you if you do not wish to be identified. If a CSA receives a report, the CSA must report the incident to the Clery Compliance Coordinator; a police report will not be made, but the incident will be reported in the Crime Log and included in the annual statistics.

If you are a Campus Security Authority, you may report Clery reportable incidents at www.utc.edu/CSA.

University Officials		
<p>Dean of Students University Center, Suite 399 (423) 425-4761</p>	<p>Title IX Coordinator University Center, Suite 399 (423) 425-4255</p>	<p>Executive Director for Residential Education and Campus Life Pfeiffer Hall (423) 425-4304</p>
<p>Associate Director for Student Conduct University Center, Suite 399 (423) 425-4301</p>	<p>Director, Center for Wellbeing University Center, Suite 351B (423) 425-5265</p>	<p>Executive Director for the Center for Global Education Lupton Hall (423) 425-4735</p>
<p>Assistant Vice Chancellor, Human Resources 720 McCallie Avenue (423) 425-5742</p>	<p>Executive Associate Athletics Director McKenzie Arena, Suite 407B (423) 425-4583</p>	<p>Executive Director Equal Opportunity and Accessibility 720 McCallie Avenue (423) 425-5760</p>

Description of UTC CSAs:

The Clery Act defines four groups of individuals and organizations associated with the University whose job functions involve relationships with students. These individuals or organizations are considered to have significant responsibility for student and campus activities. Those four groups, as defined by UTC are as follows:

1. **UTC Police Department:** All individuals who work for the UTC PD are CSAs.
2. **Monitors and Security:** Individuals who have responsibility for campus security but who are not members of the UTC PD (e.g., Individuals who monitor access to University facilities, individuals who monitor parking lots, event security, etc.)
3. **Appropriate Administrator:** Any individual or organization specified in University policies as an individual or organization to which students and employees should report criminal offenses (e.g., Office of Title IX

Compliance staff, Office of Student Conduct staff, Office of the Dean of Students staff, Department of Housing and Residence Life staff).

4. **Responsible Employee:** An employee who has significant responsibility for student and campus activities. "Employee" is defined as any person who has the authority and the duty to act or respond to issues on behalf of the University (e.g., Student and Family Engagement staff; Student Organization Advisor; Athletics Administrators, Coaches, and Trainers).

CSAs have online training available all year and are required to complete the training course yearly. UTC utilizes the Clery Center's CSA training as a basis for its in-house CSA training program. Additionally, the Clery Compliance Coordinator is available to do in person training upon request.

CSAs are trained on what information to obtain while maintaining victim confidentiality, and how to report the information to the UTCPD for inclusion in the campus crime statistics. Further, CSAs can refer victims to resources for additional assistance and support.

Directory of UTC CSAs by Position:

- Chancellor
- Executive Vice Chancellor, Senior Vice Chancellor and Provost, Vice Chancellors, Associate Vice Chancellors, and Assistant Vice Chancellors
- Academic Affairs: Provost (Senior Vice Chancellor), Vice Provosts, Associate Provosts, and Assistant Provosts
- Division of Athletics:
 - Director, Associate, and Assistant Athletic Directors
 - Head, Co-Head, Associate, Assistant, and Coordinator Coaches
 - Director of Sports Medicine and Athletic Trainers
 - Director of Strength and Conditioning
- Department of Campus Recreation: Director, Associate Directors, Assistant Directors, Coordinators, and Student Assistants
- Career Connections: Director, Associate, and Assistant Career Counselors
- Counseling Center: Director and Associate Director of Counseling Center
- Office of the Dean of Students:
 - Dean and Associate Deans of Students
 - Director, Associate Director, and Coordinators of Student Conduct
 - Director, Associate Director, and Coordinators of Student Outreach and Support
 - Director, Associate Director, and Assistant Directors of the Center for Women and Gender Equity
 - Director, Associate Directors, Assistant Directors, and Coordinators of the Disability Resource Center
 - Director, Associate Director, and Coordinators of Multicultural Affairs

- Director, Associate Directors, Assistant Directors, and Coordinators of Student and Family Engagement
- Office of Emergency Management: Director and Coordinator
- Office of Environmental Health and Safety: Director, Coordinators, Inspectors, and Specialists
- Center for Global Education: Executive Director, Directors, Associate Directors, Assistant Directors, and Advisors
- Graduate School (Admissions): Dean, Assistant Dean, and Program Liaisons
- Department of Housing and Residence Life:
 - Director, Associate Directors, and Assistant Directors of Housing and Residence
 - Resident Director, Resident Assistants, and Building Assistants
- Parking Services: Director, Coordinator, and Parking Enforcement Advisors
- Office of Title IX Compliance: Director of Title IX Compliance and Title IX Coordinator, Lead Deputy Title IX Coordinator, and Deputy Title IX Coordinators
- Undergraduate Admissions: Director, Associate Directors, Assistant Directors, and Admissions Counselors
- University Center: Director, Associate Director, Coordinator, Building Supervisors, and Building Assistants
- University Health Services: Chief Health Affairs Officer, Director
- UTC Police Department: Police Officers, Security Officers, Communication Officers, and other staff.

ANONYMOUS REPORTING

UTC Police:

To report a crime or other incident anonymously to UTCPD, fill out the [Silent Witness Confidential Crime Reporting Form](#). Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information. Please note that the amount and level of detail of the information provided will affect how thoroughly UTCPD is able to respond to the report.

NOTE: This form is not intended for crimes in progress. If you are witnessing a crime in progress, call 911 from a University telephone or (423) 425-HELP/4357 from a cell phone or non-University phone to reach the UTCPD Communications Center.

Office of Student Conduct:

To report an incident anonymously to the Office of Student Conduct, complete the [Incident Report Form](#). Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information. Please note that the amount and level of detail of the information provided will affect how thoroughly the Office of Student Conduct is able to respond to the report.

Local Law Enforcement:

To report a crime or other incident anonymously to the Chattanooga Police Department or the Hamilton County Sheriff's Office, call the Crime Stoppers Hotline at (423) 698-3333.

CAMPUS REFERRALS FOR CERTAIN INCIDENTS

All incident reports involving weapons, drug, alcohol, or code of conduct violations are forwarded to the Office of Student Conduct for review and potential action under the [Student Code of Conduct](#), as appropriate.

All incident reports involving sexual misconduct, relationship violence and stalking are forwarded to the Director of Title IX Compliance for review and potential action, under the [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#) as appropriate. UTCPD officers will investigate a report when requested by the victim. Additional information obtained via any investigation will also be forwarded to the appropriate office.

As previously mentioned, members of the campus community should report crimes to UTCPD to ensure inclusion in the annual crime statistics and to aid in making Timely Warning notices to the community, when appropriate. For example, a crime that was reported only to the University counseling center would not be known to UTCPD, a campus security authority, or other University official.

Reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to UTC Campus Security Authorities (CSA) as identified below.

CONFIDENTIALITY

The UTCPD encourages anyone who is the victim of or witness to any crime to promptly report the incident to UTCPD or another law enforcement agency. Because police reports are public records and are subject to inspection by any citizen of Tennessee under the Tennessee Public records Act, University police cannot hold reports of crime in confidence. The University's annual crime statistics do not include any personally identifiable information relating to a victim, suspect, or witness. In certain circumstances, the victim's name is protected, but the crime report is not confidential.

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making an anonymous or voluntary confidential report. The purpose of an anonymous report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep accurate records of the number of incidents

involving students; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community, through emergency notifications or timely warnings, to potential danger.

The University's [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#), a copy of which can be found in Appendix F, provides information on the University's policy for handling a situation in which a person reports an incident of prohibited conduct (Sexual Harassment (including sexual assault, domestic and dating violence, and stalking), sexual exploitation, and retaliation) to the University but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken. The policy also provides information on confidential resources that serve as alternatives to reporting an incident of prohibited conduct to the University.

For victims of sexual assault, there are steps to preserve evidence and maintain anonymity. Per TCA § 39-13-519, a victim of a sexual assault may go to a local hospital or the Sexual Assault Center of East Tennessee and request a forensic sexual assault examination. If the victim chooses not to report the incident to law enforcement at the time of the medical examination, the medical provider will provide the examination materials marked with a unique identifying number to the local law enforcement with jurisdiction over the place of offense. The same unique identifying number assigned to the kit will also be provided to the victim. The law enforcement agency with jurisdiction will store the examination materials for at least ten (10) years. If in that time the victim decides to make a police report, they may report to the law enforcement agency with jurisdiction and refer to the unique identifying number so that the examination materials may be matched up with the victim's law enforcement report for evidentiary purposes.

PASTORAL AND PROFESSIONAL COUNSELORS

In accordance with the Clery Act, when acting in their roles as pastoral and professional counselors, pastoral and professional counselors are not considered CSAs and are exempt from disclosing reported offenses.

The Clery Act defines these two individuals as follows:

- **Pastoral Counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. The University does not employ pastoral counselors. Pastoral counselors not employed by the University are not obligated to report crimes to UTC PD. In addition, the University does not have procedures that encourage pastoral counselors to inform persons they are counseling of the University's procedures to report crimes on a voluntary, anonymous basis for inclusion in the

University's annual disclosure of crime statistics, or for the purposes of issuing a timely warning.

- **Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of UTC but are under contract to provide counseling at the institution. The University does not have procedures for encouraging professional counselors, if and when they deem appropriate, to notify persons whom they are counseling of the voluntary, anonymous reporting options to ensure that an incident is included in the University's annual disclosure of crime statistics, or for the purposes of issuing a timely warning.

As a matter of policy, both pastoral and professional counselors at UTC are encouraged, when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis to UTCPD for inclusion in the annual disclosure of crime statistics without making a police report. These individuals will also aid in filing reports with the police or Title IX, if desired.

For a current roster of professional counselors, please contact the UTC Counseling Center at (423) 425-4438.

REPORTING SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE AND STALKING

Additional information concerning options for reporting sexual assault, dating violence, domestic violence, and stalking can be found in the University's [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#), found in Appendix F. The policy also provides information on confidential resources that are alternatives to reporting an incident to the University.

RETALIATION

No University officer, employee, or agent shall retaliate, intimidate, threaten, coerce, seek retribution, or otherwise discriminate against any person for exercising their rights or responsibilities under the Clery Act.

The University's [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#), found in Appendix F, prohibits retaliation.

Retaliation means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the

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

The University of Tennessee [Human Resources Policy HR0580 \(Code of Conduct\)](#) protects employees from retaliatory discharge if in good faith they report or attempt to report illegal activities, or if they refuse to participate in illegal activities. Employees are also protected from other forms of retaliation for reporting or seeking guidance regarding potential or actual criminal conduct.

TIMELY WARNINGS

UTC issues various types of warnings and notifications. Timely Warnings are issued when specific crimes, which fall under the Clery Act, are reported to UTCPD, a CSA, or to another local law enforcement agency which shares that information with UTC. Timely Warnings will be issued in a manner which: (1) is timely (i.e., as soon as the pertinent information is available); (2) does not disclose the name or other identifying information about the victim, as defined in 42 U.S.C. § 13925(a)(18); and (3) aids in the prevention of similar crimes.

Timely Warnings are issued without delay, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate a crime or other emergency. All members and affiliates of the UTC community, including but not limited to, students, employees, and contractors, are sent such warnings using various communication methods. Determination for when such warnings are sent is based on an assessment by DPS personnel as to whether the reported crime, incident, or situation may pose a serious or continuing threat to the health or safety of members of the University community, and that have occurred on or within the University's Clery geography (which includes University owned or controlled property on campus and public property that is within or immediately adjacent to the campus) and in non-campus properties as defined by the Clery Act.

The intent of the Timely Warnings is to alert the University community regarding incidents and provide individuals an opportunity to take reasonable precautions to protect themselves.

Students, employees, and affiliates are encouraged to notify UTCPD by calling 911 from any on-campus telephone or (423) 425-HELP/4357 from any cellular telephone to report any situation or incident that involves a significant emergency or dangerous situation involving an immediate threat to the health or safety of the University community.

TIMING AND DECISION CRITERIA

Timely Warnings are issued to aid in the prevention of similar crimes and include information that promotes safety such as crime prevention and safety tips. Timely Warnings are issued and sent for:

- Clery Act reportable crimes that present a serious or continuing threat to the campus community;
- Which have been reported to UTCPD, the Clery Coordinator, a CSA or local law enforcement; and
- That occurred in the Clery Act reportable geographic areas (i.e., on campus, in or on a non-campus building or property in use or controlled by the University, or on public property immediately adjacent to the University).

Note: Timely Warnings shall be provided to students and employees in a manner that is timely and that withholds the names of victims as confidential.

The UTCPD shift supervisor, or other on-duty supervisor, will immediately alert the On-Call DPS Administrator. Given the information provided, the On-Call DPS Administrator will determine if there is a serious or continuing threat to the community and if the distribution of a Timely Warning is warranted.

Decisions whether to issue a Timely Warning are made on a case-by-case basis considering all facts surrounding the crime, including factors such as:

- The nature of the crime
- Whether the crime appears to be a one-time occurrence or a pattern of incidents
- When and where the incident occurred, and when it was reported (if a crime is reported long after it occurred, there would be no ability to issue a Timely Warning and, thus, one would not be issued)
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts
- Whether the perpetrator has been apprehended
- Whether the perpetrator targeted specific individuals to the exclusion of others, such as with domestic violence
- Consistent pattern of violent behavior

Note: The University is not required to issue a Timely Warning about crimes reported to a pastoral or professional counselor.

CRIMES OUTSIDE CLERY GEOGRAPHY & NON-CLERY ACT CRIMES

The Clery Act does not require the University to issue a Timely Warning for: (1) a Clery Act crime that occurs outside of the University Clery geography; or (2) for a crime that is not a Clery Act crime, even if that crime occurs within the University's Clery geography. However, the Chief of UTCPD or his/her designee may, in his/her discretion, issue a Public Safety Notice for a crime for which the Clery Act does not require the University to issue a Timely Warning. This decision is made on a case-by-case basis and may include incidents such as a power outage, snow/ice closure, string of larcenies, etc.

NOTIFICATION RESPONSIBILITY AND AUTHORITY

The UTC-ALERT team issues Timely Warnings. The decision to issue a Timely Warning is made by the On-Call DPS Administrator, in consultation whenever possible, with at least one other member of the UTC-ALERT Team.

The following University personnel are members of the UTC-ALERT Team and have authority to activate, direct the activation of, and de-activate the UTC-ALERT system:

1. Vice Chancellor for Finance and Administration
2. Associate Vice Chancellor for Public Safety & Chief of Police
3. Deputy Chief of Police
4. Director of Emergency Management, Threat Assessment, and Emergency Communications
5. Director of Environmental Health and Safety
6. Police Dispatchers [for emergency situations]

The following University personnel serve as alternates should the primary team be unavailable in any way.

1. Vice Chancellor of Marketing and Communications
2. Director of Communications for Marketing and Communications
3. Police Lieutenants

The Chancellor, Vice Chancellor for Finance and Administration, or Associate Vice Chancellor for Public Safety & Chief of Police may appoint additional alternates should the primary and alternate teams be unavailable.

If a Timely Warning is necessary, a member of UTC-ALERT team will draft and transmit the message to the University community. As needed, a member of the UTC-ALERT team will also draft and transmit status updates, all clear messages, and/or retractions.

Typically, Timely Warnings are not issued for any incidents reported that are older than ten (10) days from the date of occurrence as the delay in reporting has not afforded the University community to react in a timely manner.

NOTIFICATION CONTENT

A Timely Warning will include the following information, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident.
- The location of the incident.
- The nature of the crime
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention and/or safety tips)

Additional information that may be included depending on the incident:

- Suspect description(s) when deemed appropriate and if there is sufficient detail.
- DPS contact information.
- Other information as deemed appropriate by the UTC-ALERT team.

Specific details, such as the exact location and specific date or time may be withheld if releasing that information may compromise law enforcement efforts (e.g., conducting an investigation, serving a warrant, or conducting an undercover operation). However, the University will not withhold a basic description of the reported crime under the auspices of the risk of compromising law enforcement efforts. In addition, the description of subjects in a case will only be included in the notice if there is enough detail to describe the individual.

NOTIFICATION METHODOLOGY

The University has established a multipath emergency notification system, known as UTC-ALERT. This system allows the University to communicate with members of the community via text message, SafeMocs app, UTC e-mail, personal e-mail, electronic displays, emergency beacons, UTC website, UTC-owned computers, UTC Learn / Canvas, and social media.

The primary methodology for communication of a Timely Warning is via UTC e-mail. Secondary methods, including text message, SafeMocs app, personal e-mail, electronic displays, emergency beacons, UTC website, UTC-owned computers, UTC Learn / Canvas, and social media may be utilized as deemed appropriate by the UTC-ALERT team.

EMERGENCY NOTIFICATIONS

UTC issues various types of warnings and notifications. Emergency Notifications are issued when there is an incident or situation which poses or may pose a serious and/or continuing threat to the UTC community.

Emergency Notifications are issued without delay, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate a crime or other emergency. All members and affiliates of the UTC community, including but not limited to, students, employees, and contractors, are sent such notifications using various communication methods. Determination for when such notifications are sent is based on an assessment by DPS personnel as to whether the reported crime, incident, or situation may pose a serious or continuing threat to the health or safety of members of the University community.

The intent of Emergency Notifications is to alert the University community regarding incidents and provide individuals an opportunity to take reasonable precautions to protect themselves.

All students are automatically enrolled in the Emergency Notification system for text message, telephone, and e-mail. All employees are advised and given the opportunity to sign-up for the Emergency Notification system during new employee orientation, as well as may later do so by completing [this form](#). Contractors are advised to sign-up for the Emergency Notification system via reminders sent at regular intervals to contract supervisors and may do so independently of those reminders by e-mailing emergency-management@utc.edu. Parents can be added to the Emergency Notification system by their student. Other individuals wishing to be added to the Emergency Notification system can do so by e-mailing emergency-management@utc.edu.

Students, employees, and affiliates are encouraged to notify UTC PD by call 911 for any on-campus telephone or (423) 425-HELP/4357 from any cellular telephone to report any situation or incident that involves a significant emergency or dangerous situation involving an immediate threat to the health or safety of the University community.

TIMING AND DECISION CRITERIA

UTC will immediately notify the University community upon the confirmation of a significant emergency or dangerous situation involving the immediate threat to the health or safety of students or staff occurring on campus. UTC will follow its emergency notification procedures and will provide adequate follow-up information to the community as needed. Please note that the University is not required to issue a Timely Warning if an Emergency Notification is issued.

The University will, without delay, and taking into account the safety of the community, determine the content of the emergency notification (i.e., what information to release about the situation), and initiate the emergency notification system, unless issuing an emergency notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency or dangerous situation.

The UTC PD shift supervisor, other on-duty DPS supervisor, or UTC PD dispatcher will immediately alert the On-Call DPS Administrator of the potential of serious or continuing threat, emergency, or other dangerous situation. The On-Call DPS Administrator will confirm the legitimacy of the information based on the information provided by first responding UTC PD or other DPS personnel, or personnel from outside public safety agencies.

Emergency Notifications will be immediately disseminated for situations that meet the following criteria:

- The situation is ongoing in nature in that it continues to pose a real or likely threat;
- The situation may be mitigated by the quick release of information to the campus community; and
- The release of information regarding the situation in a more immediate fashion may significantly reduce the chance of individuals or groups becoming victims.

Examples of events or incidents that may result in the issuance of an immediate notification include, but are not limited to:

- Armed Intruder
- Hostage/barricade situation
- Suspicious package with confirmation of a device
- Armed Robbery (including attempts)
- Bomb Threat
- Fire/explosion
- Hazardous Materials
- Tornado/earthquake Warning
- Structural damage to a University owned or controlled facility
- Outbreak of serious illness
- Biological threat
- Significant flooding
- Gas leak

The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of

responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

NOTE: The University is not required to issue an Emergency Notification regarding incidents reported to a pastoral or professional counselor.

NOTIFICATION RESPONSIBILITY AND AUTHORITY

The UTC-ALERT team issues Emergency Warnings. The decision to issue a Emergency Notification is made by the On-Call DPS Administrator, in consultation whenever possible, with at least one other member of the UTC-ALERT Team.

The following University personnel are members of the UTC-ALERT Team and have authority to activate, direct the activation of, and de-activate the UTC-ALERT system:

1. Vice Chancellor for Finance and Administration
2. Associate Vice Chancellor for Public Safety & Chief of Police
3. Deputy Chief of Police
4. Director of Emergency Management, Threat Assessment, and Emergency Communications
5. Director of Environmental Health and Safety
6. Police Dispatchers [for emergency situations]

The following University personnel serve as alternates, should the primary team be unavailable in any way.

1. Vice Chancellor of Marketing and Communications
2. Director of Communications for Marketing and Communications
3. Police Lieutenants

The Chancellor, Vice Chancellor for Finance and Administration, or Associate Vice Chancellor for Public Safety & Chief of Police may appoint additional alternates should the primary and alternate teams be unavailable.

If an Emergency Notification is necessary, a member of UTC-ALERT team will draft and transmit the message to the University community. As needed, a member of the UTC-ALERT team will also draft and transmit status updates, all clear messages, and/or retractions.

NOTIFICATION CONTENT

An Emergency Notification will describe the situation, as well as procedures for response and evacuation. The UTC-ALERT team will determine how much information is appropriate to disseminate at different points in time. The content of an Emergency Notification may differ depending on what segments of the community the notification targets. For example, in the case of an approaching

tornado, students in residence halls may be advised to take shelter in the basement of the building whereas non-residential students may be advised to review reports for their specific location and to stay away from the campus.

NOTIFICATION METHODOLOGY

The University has established a multipath emergency notification system, known as UTC-ALERT. This system allows the University to communicate with members of the community via text message, SafeMocs app, UTC e-mail, personal e-mail, electronic displays, emergency beacons, UTC website, UTC-owned computers, UTC Learn / Canvas, and social media.

Whenever Emergency Notifications are issued, they are disseminated to the entire University community; while possible, the University does not make targeted notifications when a situation exists which results in an Emergency Notification being issued. Targeted notifications may be used in other circumstances or when additional information needs to be provided only to a portion of the population. The primary methodology for communication of a Timely Warning is via UTC e-mail. Secondary methods, including text message, SafeMocs app, personal e-mail, electronic displays, emergency beacons, UTC website, UTC-owned computers, UTC Learn / Canvas, and social media may be utilized as deemed appropriate by the UTC-ALERT team.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

UTC maintains and is currently strengthening its emergency response and evacuations procedures. A key component of that is the ability to provide warnings and notification in the event of an emergency.

The “Abnormal Conditions Preparedness Guide” is available to all students, employees, and contractors on the [DPS website](#).

In the event of an emergency or abnormal condition, [this guide](#) is intended as a quick reference for recommended action. Please bookmark this guide so that you will have quick access in the event of an emergency.

You may also click the links below for access to information on the following topics:

- [Unsafe Condition](#)
- [Injury or Illness](#)
- [Suspicious Mail](#)
- [Hazardous Waste Removal Procedures](#)
- [Chemical Release/Spill](#)
- [Fire](#)
- [Emergency Evacuation](#)

- [Inclement Weather](#)
- [Tornado](#)
- [Student In Distress](#)
- [Building Modifications](#)
- [Reporting a Crime](#)
- [Critical Incident](#)
- [Active Shooter, Hostage, or Bomb Threat](#)

Personal Preparedness:

- [Areas of Refuse](#)
- [Multicultural Resources](#)
- [Persons with Disabilities](#)
- [Disaster kits](#)

EVACUATION PROCEDURES

In the event of an emergency, it may be necessary to evacuate the building. Causes for evacuation may be fire, hazardous chemical incidents, explosion, severe weather, or other conditions. UTC campus buildings are equipped with fire evacuation alarm systems that include smoke and heat alarms, sprinkler waterflow alarms and wall-mounted pull stations.

If you hear a fire/evacuation alarm, you should:

- Evacuate the building immediately.
- Go to the emergency assembly area (or at least 500 feet away) indicated on the emergency evacuation signage in each building.
- Stay at the emergency assembly area until you receive an “all clear” from local responders.

Anyone discovering a fire, witnessing an explosion, or being made aware of a hazardous chemical incident should immediately activate the building evacuation alarm by pulling a pull station located at the exit ways of campus buildings and then immediately notifying UTCPD by dialing 911 or (423) 425-HELP/4357.

EVACUATION OF INDIVIDUALS WITH FUNCTIONAL AND ACCESS NEEDS

Physically impaired individuals should be identified for assistance by fellow building occupants. Mobility impaired individuals on upper floors should proceed to the nearest exit stairwell or designated area of refuge indicated on emergency evacuation signage and wait for assistance by emergency response personnel. Once outside the building, co-workers should immediately notify emergency response personnel of the location of mobility impaired individuals.

TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The DPS will test its emergency response and evacuation procedures on at least an annual basis, including publicizing its procedures in conjunction with at least one test per calendar year, and documenting a description of the exercise as well as the date and time of the exercise. Tests may be announced or unannounced. Documentation regarding each test will indicate whether the test was announced or unannounced.

The test will contain drills, exercises, follow-through activities, and be designed for assessment and evaluation of emergency plans and capabilities (have measurable goals). The test will be administered with University's plan for evacuating all campus buildings.

To ensure constant emergency access to the campus community, the DPS shall inspect and test all campus emergency communication devices monthly basis. Any device found out of service will be reported to the appropriate office for repair. Tests and inspections shall be documented. All records shall be kept for a minimum of (3) years and are subject to review by University administration.

MISSING STUDENT NOTIFICATION PROCEDURE

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the DPS at (423) 425-HELP/4357, the Office of the Dean of Students at (423) 425-4761, or the Department of Housing and Residence Life at (423) 425-4304. The aforementioned units comprise the University's Missing Persons Team (MPT). Whichever member of the MPT who receives the report will immediately alert the other units and begin a joint investigation.

After the MPT investigates a missing person report, should they determine that the student is missing and has been missing for 24 hours, the DPS will notify the student's missing person contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the DPS will notify the student's parent or legal guardian and the missing person contact.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify a confidential individual to be contacted by MPT in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the DPS will notify the individual no later than 24 hours after the student is determined to be missing.

IDENTIFYING A CONFIDENTIAL CONTACT

A student who wishes to identify a confidential contact can do so through the Department of Housing and Residence Life. This is completed via the Department of Housing and Residence Life's Housing Information System upon application for on-campus housing, in addition to housing check-in at the beginning of each term (fall, spring, and summer). Further updates can be requested by a student as needed. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

HOW TO REPORT A MISSING STUDENT

Students, employees, or other individuals who want to report that a student who lives in on campus housing has been missing for 24 hours should contact UTC PD at (423) 425-4357.

If a University employee believes that a student who lives in on-campus housing has been missing for 24 hours, then that employee must immediately report their belief to UTC PD, the Executive Director of Housing and Residence Life (or their designee), and the Dean of Students (or their designee). Those individuals will contact other University officials who have a need to know about the missing student report. Upon receiving information that a student cannot be located and may be missing, the UTC PD in collaboration with Housing and Residence Life personnel and the Office of the Dean of Students will initiate an investigation.

Missing Student contact information will be registered confidentially, and information will be accessible only to authorized campus officials and law enforcement and may not be disclosed outside of a missing person investigation.

SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING

Information concerning options for reporting sexual assault, domestic violence, dating violence, and stalking can be found in the University's [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#), found in Appendix F. The Policy also provides information on confidential resources that are alternatives to reporting an incident to the University.

CRIME PREVENTION AND SECURITY AWARENESS PROGRAMMING

Crime prevention and security awareness is a priority for the institution. Programming in this area stresses community awareness. All DPS programs and courses are free to University students, employees, and affiliates. DPS conducts programs throughout the academic year. DPS personnel have extensive training

in a variety of areas and in many cases can adapt programs to meet a group's specific needs.

UTC POLICE PROGRAMMING

The UTCPD disseminates educational materials and makes presentations to acquaint students, faculty, and staff with their responsibility to help reduce the potential for a crime to occur. UTCPD also provides information on the departmental website. Security and safety programs, including videos and discussions, are also presented to students and other interested community members in person by professional staff members of UTCPD. Topics range from personal safety and residence hall security to sexual assault and vehicle protection. The importance of citizen involvement in crime reporting is emphasized.

The UTCPD offers a wide variety of security awareness and crime prevention programming for students and employees. UTCPD supports the mission of the University by promoting a safe and secure higher education environment while providing proactive police and customer-related services aimed at reducing crime and disorder. Services provided full time (24/7/365) inside the University community include:

- Police services including emergency response, victim services, preventative patrol, and investigations.
- Security services including physical security of all University properties, fire prevention, and access control.
- Crime prevention services including personal protection training, community awareness, and escort service, lost and found property division and motorist assistance.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

FRESHMAN & TRANSFER ORIENTATION PROGRAMMING

Crime prevention information is provided to all new students, faculty, and staff members at orientation programs. During freshmen and transfer orientation, students and parents are informed of services offered by the DPS through video and in-person presentations. The presentations outline ways to maintain personal safety and security in the residence halls. Students are also informed about crime on campus and in surrounding neighborhoods. Similar information is presented to new employees.

ONBOARDING PROGRAMMING

For employees, the UTC Onboarding Program includes safety and security presentations the DPS. Onboarding sessions are conducted throughout the year by Human Resources.

HOUSING STAFF TRAINING

Representatives from UTCPD and the Clery Compliance Coordinator participate in Resident Director (RD) and Resident Assistant (RA) training annually to ensure that Residence Life staff are fully aware of safety issues and resources available to UTC students. Residence hall policies, Clery Act compliance, and issues related to general safety and security are among the discussion items. Specific policy issues and problems are routinely addressed at residence hall floor meetings conducted by Resident Assistants. DPS personnel are available to attend floor meetings, upon request, to discuss safety concerns. Additional details concerning student or residence hall regulations are included in the [Department of Housing and Residence Life, Student Handbook](#).

SEXUAL ASSAULT PREVENTION PROGRAMMING

Sexual assault prevention programming is offered on a continual basis throughout the year. Periodically during the academic year, and upon request, UTCPD, in coordination with other University organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), domestic violence/dating violence, stalking, alcohol as a gateway drug, Rohypnol abuse, theft, and vandalism, as well as educational sessions on personal safety and security in the residence halls.

RAPE AGGRESSION DEFENSE (RAD) TRAINING

RAD is open to students, employees and the public. It is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors teach the courses provided. R.A.D. is the largest organization or program ever endorsed by the International Association of Campus Law Enforcement Administrators (IACLEA). R.A.D.'s self-defense philosophies are taught at over 3,500 colleges, universities, city, county, and state police departments nationwide. The class does not require any special training or special fitness level. R.A.D. is a class for women only and provides information on physical and non-physical self-defense techniques. Participants at all levels of ability, age, experience, and strength are provided with techniques and information that can be effectively used from the first day of class.

MOCS SAFERIDES

The UTC PD has an available escort service on campus during the academic year. Students, staff, and faculty may use this service to address any personal safety concerns by calling our UTC PD Communication Center (423-4254357). The escort may or may not be in a vehicle, as Security Officers or Patrol Officers may often walk with the caller to a more comfortable location.

HOUSING SAFETY PROGRAMMING

Resident Assistants meet with residents every semester to cover safety and security policies and procedures for Housing & Residence Life. Additionally, programs are held, informational bulletins are created, and newsletters are shared throughout the semester regarding security.

Housing awareness programming provides programming regarding safe drinking habits, sexual protection, healthy relationships, personal safety, belongings safety, and mental health awareness. Programming is offered every month.

SAFETY AND DRUG PREVENTION PROGRAMMING

In addition to crime prevention and security awareness, safety and drug prevention are incredibly important to the University community. All programs and courses are free to University students, employees, and affiliates. Programming occurs throughout the academic year by various offices and departments, with support from DPS.

CENTER FOR WELLBEING PREVENTION AND AWARENESS PROGRAMMING

The mission of the Center for Wellbeing is to support the personal and academic growth of our students by cultivating a well and safe campus community. The center encourages life-long wellbeing by promoting healthy coping skills, a culture of care, risk reduction and wellness.

The center is a resource for discovering a healthier, well-balanced lifestyle. We provide you with the tools, knowledge, and community to help you take care of yourself by developing coping skills, recognizing warning signs, practicing self-care, and helping others.

Wellbeing Focus Areas

- Mental Health Awareness
- Suicide Prevention
- Substance Use Education and Prevention
- Sexual Assault, Dating and Domestic Violence, and Stalking Prevention
- Support and programming for students in recovery

- Physical Health, Sexual Health, and Nutrition

See Appendix D for a detailed list of Prevention and Awareness Programming.

OFFICE OF TITLE IX COMPLIANCE PREVENTION AND AWARENESS PROGRAMMING

UTC is dedicated to providing a campus environment that recognizes the worth and dignity of all people and the limitless value of their potential. To achieve this goal, UTC is committed to creating and maintaining a safe learning, living, and working environment free of sexual harassment; including sexual assault, domestic violence, dating violence, and stalking; sexual exploitation; and retaliation. All members of the UTC community are expected to conduct themselves in a manner that does not infringe upon the rights of others. We encourage all members of the community to report incidents of sexual harassment and misconduct, so the behavior can be addressed and reoccurrence of the behavior can be prevented.

The [Title IX Annual Report](#) has been developed to educate the campus community and provide information about UTC's overall Title IX compliance efforts. It also includes information about our ongoing prevention, education and training efforts, report statistics, and supportive measures implemented to support students, faculty and staff. This annual disclosure of data does not correspond with the University's Annual Security & Fire Safety Report under the federal Clery Act because the definitions and geographic jurisdiction used by the Title IX Office differ from what is required by the Clery Act.

Primary Prevention Programs:

UTC implements programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to prevent incidents of prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking) through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe Bystander Intervention, and seek to change behavior and social norms in healthy and safe directions.

UTC provides programs for incoming students and new employees to inform them about:

- The University's prohibition of dating violence, domestic violence, sexual assault, and stalking, including definitions from the Clery Act and Tennessee law.
- The definition of consent related to sexual activity in Tennessee.
- Key information from the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking.
- Bystander Intervention techniques.

- Risk Reduction strategies.

Questions about the University's Primary Prevention and Awareness Programs should be directed to the Director of Title IX Compliance, the Director of the Center for Wellbeing, or the Director of the Center for Women and Gender Equity.

Student Education and Training:

The University's primary prevention and awareness programs for incoming students:

- **Freshman Orientation:**

UTC provides in-person training regarding Title IX, consent, support and resources, and other related topics to all incoming freshmen, transfer, graduate, and international students. Freshman Orientation training is conducted by the Dean of Students or designee, Director of Title IX Compliance or designee, UTCPD Chief or designee, Director of Emergency Management. Presentations at the transfer, graduate, and international student orientations were conducted by the Director of Title IX Compliance or designee.

- **Online Education:**

New first-year, transfer, and graduate students complete Title IX education via UTC Learn (Canvas), the University's student learning management system, which utilized several of Everfi's online training modules to augment in-person training events. The students are required to complete an online Title IX Education and Prevention program by the beginning of their first academic semester at the University. Incoming freshmen and transfer students completed Everfi's *Sexual Assault Prevention for Undergraduates* (SAPU). Incoming graduate students completed Everfi's *Sexual Assault Prevention for Graduate Students*, which includes information on the same topics as SAPU, but is geared toward graduate students. The modules include information about sexual harassment and sexual violence, stalking, bystander intervention, consent and coercion, values, identities and relationships, reporting options, and support and resources.

UTC's student-athletes complete Title IX education via UTC Learn (Canvas), the University's student learning management system, which utilized Everfi's *Sexual Assault Prevention for Student-Athletes*. The module includes information about leadership, positive values, healthy and unhealthy relationships, bullying, hazing, sexual harassment and sexual violence, consent, bystander intervention strategies, reporting options, and support and resources.

Employee Education and Training:

The University's primary prevention and awareness programs for employees include:

- **Online Education:**

UTC employees, new and current, completed Title IX education via K@TE, the University's employee learning management system, which utilized Everfi's online education modules. Employees completed *Building Supportive Communities: Clery Act and Title IX*, which takes a close look at the issue of sexual harassment, sexual misconduct, relationship violence, and stalking, in higher education. Completion of this module satisfies the annual Title IX training requirement. Employees also completed *Building Supportive Communities: Taking Action*, which supports ongoing education requirements on ways to prevent sexual harassment, maintain a safe campus community, and prepare faculty and staff to provide supportive and effective responses when someone may have experienced sexual harassment, sexual misconduct, relationship violence and stalking. Completion of this module satisfies the annual mandatory reporter training requirement. Both modules include interactive skill-building exercises, scenarios, and a final assessment.

UTC's athletics staff completed Title IX education via K@TE, the University's employee learning management system, which utilized Everfi's *Sexual Assault Prevention for Athletics Staff* module. The module includes information about leadership, positive values, healthy and unhealthy relationships, bullying, hazing, sexual harassment and sexual violence, consent, bystander intervention strategies, reporting options, and support and resources.

UTC had a 99% completion rate for online annual training for full-time faculty and staff.

- **New Faculty Orientation:**

UTC's Office of Title IX Compliance conducted an hour-long session during New Faculty Orientation in August 2023. Topics included Title IX, resources, and support available to students, faculty, and staff, and mandatory reporting.

UTC's comprehensive and collaborative prevention and education program about sexual assault, sexual harassment, dating violence, domestic violence and stalking - KnowMore@UTC, is a partnership between the Office of the Director of Title IX Compliance, the Office of the Dean of Students, the Center for Women and Gender Equity, the Center for Wellbeing, the Office of Equity and Inclusion, the Office of Human Resources and other campus partners.

- **In-person Mandatory Reporter Training:**

UTC's Office of Title IX Compliance conducted 10 in-person training sessions about employee mandatory reporter responsibilities with different groups and departments across campus in 2023.

Awareness Campaigns:

The following details are some of UTC's 2023 ongoing prevention and awareness highlights:

- **Bathroom Resource Flyers:**
Approximately 400 bathroom-stall flyers are posted in 23 buildings around campus each semester. The flyer includes information about resources and reporting options.
- **Consent T-Shirt Campaign:**
Obtained, Affirmative, Voluntary & Continual t-shirt giveaways to the campus as part of UTC's ongoing consent and Title IX education.
- **Starbucks Coffee Sleeve Initiative:**
Consent stickers created for and placed on the on-campus Starbucks coffee sleeves.

Bystander Intervention:

Bystander Intervention means being able to spot situations that could lead to harm, understanding how certain rules and social attitudes can make violence happen, finding ways to overcome obstacles to stepping in, knowing safe and effective ways to intervene, and then acting.

UTC's Center for Wellbeing offers training to help students recognize signs of healthy and unhealthy or abusive behaviors. The training also teaches students how to intervene when friends support or take part in abusive behavior and how to best support friends who are going through abuse.

Safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of Prohibited Conduct. Bystander Intervention includes recognizing situations of potential harm; understanding institutional structures and cultural conditions that facilitate violence; overcoming barriers to intervening; identifying safe and effective intervention options; and taking action to intervene.

ALCOHOL AND ILLEGAL DRUGS

This section of the report provides information on the University's policies regarding the possession, use, and sale of alcoholic beverages and enforcement of Tennessee's underage drinking laws. This section also provides information on the University's policies regarding the possession, use, and sale of illegal drugs and

enforcement of federal and Tennessee drug laws and a description of the University's drug and alcohol abuse prevention programs.

DRUG FREE CAMPUS AND WORKPLACE

The University of Tennessee system [Drug Free Campus and Workplace Policy](#) is designed to encourage and maintain a safe, healthful, and drug-free environment within the University of Tennessee.

Moreover, it is the policy of the UTC to maintain a safe and healthful environment for its students and employees. Therefore, University policy prohibits the unlawful use, manufacture, possession, distribution, or dispensing of drugs ("controlled substances" as defined in the Controlled Substances Act, 21 U.S.C. 812) and alcohol on University property or during University activities.

Violation of this policy is grounds for disciplinary action -- up to and including immediate discharge for an employee and permanent dismissal of a student. Federal and state laws provide additional penalties for such unlawful activities, including fines and imprisonment (21 U.S.C. 841 et seq.; T.C.A. 39-6-401 et seq.). Local ordinances also provide various penalties for drug- and alcohol-related offenses. The University is bound to take all appropriate actions against violators, which may include referral for legal prosecution or requiring the individual to participate satisfactorily in an approved drug use or alcohol abuse assistance or rehabilitation program.

Individuals who are paid by the University of Tennessee from federal grants or contracts must notify the University of any Criminal Drug Statute Conviction for a violation occurring in the workplace within five days after such conviction. The University is, in turn, required to inform the granting or contracting agency of such violation within ten days of the University's receipt of notification.

To maintain a safe and drug-free environment, University of Tennessee campuses and institutes may establish procedures to perform screenings for controlled substances and alcohol within areas or positions of employment that affect the public welfare or safety, or where such screenings are required by federal regulations, such as those developed by the Federal Highway Administration and Federal Aviation Administration. In addition, screenings are permissible where there is reasonable suspicion of drug or alcohol use.

Each University of Tennessee campus or institute conducting such screenings shall develop and document the necessary screening procedures. The procedures shall identify specifically the positions and locations that will require testing, the conditions under which the screenings will be conducted, and the specific plans for conducting the tests. Before implementation, all plans and procedures for such screenings must be approved by the Senior Vice President and Chief

Financial Officer and the General Counsel. Costs of all required screenings will be borne by the individual campus or institute of the University of Tennessee.

A complete set of the drug screening procedures for employees in positions requiring the use of a commercial driver's license (CDL) is available for those employees and their supervisors from their campus or institute human resources office. The procedures discuss the types of screenings, when and how they are to be conducted, and the actions that will be taken by the University should the employee receive a confirmed positive alcohol or drug test.

ALCOHOL

All members of the University community and guests are required to comply with University policies and federal, state and local laws regarding the distribution, possession and consumption of alcoholic beverages. UTCPD strictly enforces those laws and policies. University policies relating to alcoholic beverages are outlined below under the [Student Code of Conduct](#) for students and [Employee Code of Conduct](#) for employees.

It is unlawful in Tennessee for:

- any person under 21 years of age to buy, possess, transport (unless in the course of employment), or consume alcoholic beverages, wine, or beer;
- any person to purchase an alcoholic beverage for or at the request of a person under 21 years of age;
- any person who is younger than 21 years of age to purchase or attempt to purchase any alcoholic beverage;
- any person under 21 years of age to knowingly make a false statement or exhibit false identification to the effect that the person is 21 years of age or older to any person engaged in the sale of alcoholic beverages for the purpose of purchasing or obtaining the same;
- any person to give or buy alcoholic beverages or beer for or on behalf of any minor or to cause alcohol to be given or bought for or on behalf of any minor for any purpose;
- a driver to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state
- any person to persuade, entice or send a minor to any place where alcoholic beverages or beer, are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person; and/or
- any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on the property; provided, that the owner, occupant or other person knows that, at the time of the offense, the person consuming is an underage adult.

Consequences for violating those laws and/or University policies could result in criminal prosecution, fines, imprisonment, and/or disciplinary sanctions by the University.

ILLEGAL DRUGS

Various federal and Tennessee laws make it unlawful to manufacture, distribute, dispense, deliver, or sell or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances. The penalty imposed for violating one or more of those laws depends upon many factors, which include the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial monetary fines. Consequences for violating those laws and/or University policies prohibiting the similar misconduct could result in criminal prosecution, fines, imprisonment, and/or disciplinary sanctions by the University. UTCPD strictly enforces those laws and policies.

STUDENT CODE OF CONDUCT

The Student Code of Conduct's "Standards of Conduct" for students state that a student may be disciplined for:

- Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity unless expressly permitted by University policy.
- Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.
- Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.
- Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs, if prohibited by federal, state, or local law; using, manufacturing, possessing, distributing, or selling drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.
- Committing an act that is prohibited by local, state, or federal law.

These and other policies for students, in addition to the possible sanctions for violating the "Standards of Conduct," can be found in the [Student Code of Conduct](#).

EMPLOYEE CODE OF CONDUCT

The University of Tennessee [Employee Code of Conduct](#) prohibits: "The unauthorized manufacture, distribution, dispensation, possession, or use of alcohol (whether lawful or not), illegal drugs, intoxicants, or controlled substances; abuse of prescription drugs while on duty; use of alcohol or controlled substances in a University vehicle; or possession or use of alcohol or controlled substances while on duty (except at University-sponsored events and other events an employee is expected to attend as part of his or her duties where alcohol is served)" and "Reporting to work under the influence of intoxicants, including alcohol, non-prescribed drugs, or illicit drugs. This includes marijuana even if pursuant to an otherwise valid out-of-state prescription. Note: CBD products may contain sufficient quantities of THC to trigger a positive drug test."

Violation of the [Employee Code of Conduct](#), and subsequent guidance document, is grounds for disciplinary action, up to and including termination of employment, pursuant to University of Tennessee [Human Resources Policy HR0525 \(Disciplinary Action\)](#). The unauthorized manufacture, distribution, dispensation, possession, or use of alcohol (whether lawful or not), illegal drugs, intoxicants, or controlled substances as well as reporting for duty under the influence of intoxicants, constitutes gross misconduct under University policy. In a case of gross misconduct, immediate disciplinary action up to and including termination may be taken. An employee may be placed on administrative leave while the University is investigating or addressing allegations of misconduct, or as otherwise permitted by University policies.

DRUG AND ALCOHOL ABUSE PREVENTION

The University's Division of Enrollment Management & Student Affairs (e.g., [Center for Wellbeing](#), [University Health Services](#), [Counseling Center](#), and [Office of Student Outreach & Support](#)) are committed to promoting responsible decision-making regarding alcohol and drugs through educational programming, resources, and referrals.

The University's Division of Finance and Administration, through the Office of Human Resources, provides an employee assistance program. Known as the [Employee Wellness Program](#), services are provided via the State of Tennessee and be reached by (855) 437-3486 or by visiting [Here4TN.com](#). This service manages the alcohol and drug abuse education and support, as well as rehabilitation programming, for benefits-eligible employees. The Employee Wellness Program also provides counseling and a variety of other referral services.

HEALTH RISKS

Aside from any legal or University policy considerations, the use of illicit drugs and/or the misuse of alcohol may be harmful to one's health. Some of the health risks associated with such use/misuse are:

- **Alcohol-misuse health risks:** Liver damage—cirrhosis, alcoholic hepatitis; heart disease—enlarged heart, congestive heart failure; ulcers and gastritis; malnutrition; cancer—of the mouth, esophagus, stomach, liver; brain damage—memory loss, hallucinations, psychosis; damage to fetus if pregnant mother drinks; death—Over 30 percent of fatal auto accidents involve alcohol. Suicide is known to be highly prevalent among those who suffer from alcohol disorders.
- **Drug-use health risks:** Overdosing—psychosis, convulsions, coma, death; long-term use—organ damage, mental illness, malnutrition, death; casual use—heart attack, stroke, brain damage, death; needles—infections, hepatitis, AIDS, death; if a pregnant mother uses drugs, her baby can be stillborn or born with Neonatal Abstinence Syndrome.

DRUG FREE SCHOOLS AND COMMUNITIES ACT

The Drug-Free Schools and Communities requires institutions of higher education that receive federal funding to execute a drug and alcohol abuse prevention program for the campus community. [This link](#) provides information about the various prevention and education programs, resources, policies, and laws.

WEAPONS

With respect to the possession of firearms and other weapons on University property, it is important to differentiate between Tennessee criminal law and University policies.

TENNESSEE CRIMINAL LAW

Generally, it is a criminal offense for a person to carry or possess a firearm or other weapon, whether openly or concealed, on any property owned, used, or operated by the University of Tennessee ([Tennessee Code Annotated § 39-17-1309](#)).

Tennessee law allows a full-time University employee who is the holder of a valid handgun carry permit to carry a concealed handgun on University property if the employee satisfies certain requirements, which are described in more detail in University of Tennessee [Safety Policy SA0875 \(Firearms\)](#).

Those requirements include, without limitation:

1. The employee shall have the handgun carry permit in the employee's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.
2. Prior to carrying the handgun, the employee shall provide written notification to UTCPD in accordance with UTCPD's policy and procedure for notification. Notification forms are available at UTCPD at 400 Palmetto Street. The eligible employee shall meet with a UTCPD police officer and provide a valid University of Tennessee identification card, driver's license, and valid Tennessee Handgun Carry permit. Other identifying information that must be provided includes - name, office address, phone number, job title, Employee ID number, and date of birth. The eligible employee will be required to sign a form acknowledging the terms and conditions for carrying a handgun on University property, including without limitation acknowledging that they will not be carrying a handgun in any official University capacity, are not entitled to workers' compensation claims resulting from the use of misuse of a handgun, that they are not currently enrolled as a student, that they agree to carry the handgun in a concealed manner, and that they will notify UTCPD of any change in employment or student status. All information gathered will be kept confidential by UTCPD and will not be shared with another person or entity other than a law enforcement agency for law enforcement purposes or except as otherwise permitted by law.

PARKING

Under [Tennessee Code Annotated § 39-17-1313](#), the holder of a valid handgun carry permit recognized in Tennessee may, unless expressly prohibited by federal law, transport and store a firearm or firearm ammunition in the permit holder's motor vehicle, as defined in [Tennessee Code Annotated § 55-1-103](#), while on or utilizing any public or private parking area if:

1. The permit holder's motor vehicle is parked in a location where it is permitted to be; and
2. The firearm or ammunition being transported or stored in the motor vehicle;
 - a. Is kept from ordinary observation if the permit holder is in the motor vehicle; or
 - b. Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to such motor vehicle if the permit holder is not in the motor vehicle.

UNIVERSITY WEAPONS POLICY FOR STUDENTS

The University's [Student Code of Conduct](#) states that a student may be disciplined for "Possessing, carrying, using, storing, or manufacturing any weapon if

prohibited by federal, state, or local law; or possessing, carrying, using, storing, or manufacturing any weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee or unless federal or state law affirmatively gives a student a right, irrespective of the Code, to possess or carry a weapon on University-controlled property or in connection with a University-affiliated activity.” Weapons that are brought to campus by students for sporting purposes must be checked in and stored at UTC PD.

UNIVERSITY WEAPONS POLICY FOR EMPLOYEES

The University permits employees to carry or possess firearms on University property only as authorized by state law ([T.C.A. § 39-17-1309](#)). Unless authorized by University of Tennessee [Safety Policy SA0875 \(Firearms\)](#), section three, Authorized Possession and Carrying of Firearms, an employee shall not possess or carry a firearm on University property or while acting within the course and scope of their University employment.

Voluntary Training:

UTC PD will offer voluntary training that will cover firearm safety, reiteration of statutory requirements and limitations, a review of prohibited locations, personal liabilities, and other pertinent topics. Information on this training will be provided to registrants. For more information, *please contact UTC PD at (423) 425-HELP/4357 or visit [this link](#).*

TENNESSEE SEX OFFENDER REGISTRY

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act and the Family Educational Rights and Privacy Act of 1974, UTC PD is providing the link below to the Tennessee Sex Offender Registry. The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student.

In Tennessee, convicted sex offenders must register with the Tennessee Sex Offender Registry maintained by the Tennessee Bureau of Investigation (TBI). [Tennessee Code Annotated § 40-39-206](#) requires persons who are required to register pursuant to the Tennessee Sexual Offender and Violent Offender Registration, Verification and Tracking Act of 2004 ([T.C.A. § 40-39-201](#)) to disclose the name and address of any institution of higher education in Tennessee at

which the offender is employed, carries on a vocation or is a student. TBI is responsible for maintaining the Tennessee Sex Offender Registry.

[Click here](#) to access the Tennessee Sex Offender Registry.

In accordance with [Tennessee Code Annotated § 40-39-201](#), members of the public should not use information from the Tennessee Sex Offender Registry to inflict retribution or additional punishment on offenders. Though much of the information in the registry is of record, some of the information contained on the registry is obtained directly from offenders. Neither Tennessee Bureau of Investigation nor UTC PD guarantees the accuracy or completeness of the information in the registry. The information contained in an offender's record does not imply that the offender will commit a specific type of crime in the future, nor does it imply that if a future crime is committed by an offender what the nature of that crime may be. Neither TBI nor UTC PD makes any representation as to any offender's likelihood of re-offending. If you believe that information concerning a specific offender is incorrect, please contact TBI at 888-837-4170.

DISCLOSURE TO VICTIMS OF CRIMES OF VIOLENCE AND NON-FORCIBLE SEX OFFENSES

The University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States code), or non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim. The University also notifies victims in accordance with its [Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking](#).

ANNUAL DISCLOSURE OF CRIME STATISTICS

The Department of Public Safety (DPS) is primarily responsible for preparing and distributing this Annual Security and Fire Safety Report (ASFSR) to comply with the Clery Act. Within DPS, the University of Tennessee at Chattanooga Police Department (UTC PD) has the responsibility to identify reportable crimes, collect and report crime statistics to the Department of Education (DOE), Federal Bureau of Investigation (FBI), Tennessee Bureau of Investigation (TBI), and to the general public. Reporting requirements involving types of crimes, definitions, and geographic locations vary depending upon the governmental recipient. For example, TBI reporting requirements are different from that of the DOE. DOE requires the reporting of student disciplinary referrals that are not required by either state or federal agencies. DOE also mandates the collection of crime data from non-law enforcement personnel, identified as Campus Security Authorities.

The ASFSR is published and distributed every year by October 1st. The ASFSR includes statistics for the previous three years concerning reported crimes that occurred on the University's Clery geography. Statistics for Clery Act offenses that did not occur within Clery geography are not included in the University's Clery Act crime statistics even if University students or employees were involved.

The Clery Compliance Coordinator prepares the ASFSR, including the annual disclosure of crime, arrest, and referral statistics, with input from various sources, including: UTC PD; various units within the Division of Enrollment Management and Student Affairs, including but not limited to, the Office of Student Conduct and Office of Title IX Compliance; Campus Security Authorities (CSAs); and local law enforcement agencies, including the City of Chattanooga Police Department and Hamilton County Sheriff's Office. The Clery Compliance Coordinator works to reconcile statistics from the Office of Title IX and the Office of Student Conduct to reduce the instance of missing or double counting incidents. For statistical purposes, crime statistics reported to any CSA are recorded in the calendar year in which the crime was reported. The statistics represent offenses that were reported to any of those sources, regardless of whether the alleged offense was investigated or whether there was a finding of guilt or responsibility. In order to collect reported crime information occurring at non-campus properties during student school sponsored travel, a travel form is listed on the Clery website for travel leaders to complete and submit. This information is used to request reported crime information from local law enforcement agencies with jurisdiction over the areas considered to be non-campus property. The University does not directly collect statistics from University Health Services or the Counseling Center on campus due to the confidentiality of licensed professional counselors and licensed medical professionals. Any requested statistics from those entities would lack enough information to reconcile the statistics with our incidents already reported and puts the University at risk of double counting Clery reportable crimes.

The statistics reflect reports of specified crimes that occur on a University campus, on public property adjacent to and accessible from a University campus, and certain properties associated with the campus. This statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals and must indicate if a specified crime is a hate crime.

The Clery Compliance Coordinator submits the crime statistics published in the Annual Security and Fire Safety Report to the United States Department of Education (DOE), who make crime statistics available to the public through the DOE website. In addition, a copy of ASFSR and a daily crime log are available for review 24 hours a day on the University's [Clery Act website](#) or by request to the Clery Compliance Coordinator by calling (423) 425-45961 or e-mailing clery@utc.edu.

The University provides an electronic notice of availability of the ASFSR to: (1) all current University faculty, staff, and students; and (2) prospective University students, faculty, and staff. In compliance with the Clery Act, the University shares the crime statistics below. Visit the University's [Clery Act website](#) for more information on the University's Clery geography, and for a detailed map and geography descriptions.

DPS sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the ASFSR. The email includes a brief summary of the contents of this report.

CRIME STATISTICS FOR 2021-2023

Statistics for Crime for 2021-2023						
Type of Offense	Year	On-Campus	Non-Campus Property	Public Property	TOTAL	On-Campus Residential Facility*
Murder and Non-Negligent Manslaughter	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2021	8	0	0	8	8
	2022	6	1**	0	7	5
	2023	3	1	0	4	3
Incest	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Fondling	2021	6	5	1	12	5
	2022	6	3	0	4	0
	2023	6	0	0	6	1
Robbery	2021	1	0	0	1	0
	2022	1	0	0	1	0
	2023	1	0	0	1	0
Aggravated Assault	2021	3	4	4	11	1
	2022	4	9	1	14	2
	2023	0	1	2	3	0
Burglary	2021	15	1	0	16	6
	2022	7	2	0	9	3
	2023	15***	1	0	16	6
Arson	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	2	1	0	3	2
Motor Vehicle Theft	2021	3	0	2	5	0
	2022	6	3	0	9	0
	2023	3	3	0	6	0

*Statistics for On-Campus Residential Facilities are also counted under the On-Campus category.

**2022 non-campus rape was reported to have happened in 2014.

***Eight (8) offenses occurred in the Stophel Apartments Garage.

VAWA OFFENSES: DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Statistics for VAWA Offenses: Domestic Violence, Dating Violence, and Stalking for 2021-2023						
Type of Offense	Year	On-Campus	Non-Campus Property	Public Property	TOTAL	On-Campus Residential Facility*
Domestic Violence	2021	0	0	0	0	0
	2022	6	0	0	6	6
	2023	2	1	0	3	1
Dating Violence	2021	5	0	0	5	4
	2022	5	0	0	5	5
	2023	7	0	0	7	7
Stalking	2021	8	2	2	12	4
	2022	18**	0	0	18	6
	2023	22	1	0	23	12

**Statistics for On-Campus Residential Facilities are also counted under the On-Campus category.
 **One offender, with a prior to arrest, was determined to be stalking five (5) students.
 NOTE: Roommates are included for our jurisdiction's family protection laws and their relationship is included for domestic violence incidents.*

ARRESTS FOR ALCOHOL, DRUGS, AND WEAPONS VIOLATIONS

Statistics for Arrests for Alcohol, Drugs, and Weapons Violations for 2021-2023						
Type of Offense	Year	On-Campus	Non-Campus Property	Public Property	TOTAL	On-Campus Residential Facility*
Liquor Law Violations	2021	0	0	2	2	0
	2022	2	0	0	2	2
	2023	2	0	0	2	2
Drug Law Violations	2021	4	0	5	9	3
	2022	3	0	3	6	1
	2023	9	0	8	17	0
Weapons Law Violations	2021	1	0	1	2	1
	2022	1	0	2	3	1
	2023	0	0	0	0	0

**Statistics for On-Campus Residential Facilities are also counted under the On-Campus category.*

Notes:

- For reporting purposes, arrest statistics for alcohol, drug/narcotics or weapons violations reflect the number of persons arrested, not the number of reported incidents.
- When a person is arrested for multiple violations involving alcohol, drugs/narcotics, and/or weapons because of a single incident, the "hierarchy rule" will apply and only the most serious violation shall be counted for statistical purposes. At UTC, the hierarchy of the most serious violations in descending order are as follows: 1-weapons, 2-drugs/narcotics, and 3-alcohol violations.
- The statistics listed include citations issued in lieu of physical arrest.

DISCIPLINARY REFERRALS FOR ALCOHOL, DRUGS, AND WEAPONS VIOLATIONS

Statistics for Disciplinary Referrals for Alcohol, Drugs, and Weapons Violations for 2021-2023

Type of Offense	Year	On-Campus	Non-Campus Property	Public Property	TOTAL	On-Campus Residential Facility*
Liquor Law Violations	2021	441	3	0	444	437
	2022	328	10	0	338	305
	2023	239	11	2	252	227
Drug Law Violations	2021	103	0	11	104	94
	2022	49	0	0	49	48
	2023	52	0	0	52	46
Weapons Law Violations	2021	0	0	0	0	0
	2022	1	0	0	1	1
	2023	1	0	0	1	1

*Statistics for On-Campus Residential Facilities are also counted under the On-Campus category.
 Note: An alcohol, drug, or weapon disciplinary referral is the referral of any person (student or employee) to an official who initiates a disciplinary action (informal or formal) of which a record is kept, and which may result in the imposition of a sanction (e.g., warnings, probation) or where no sanction was imposed.

HATE CRIMES

There were no reports of hate crime in 2021, 2022, or 2023.

UNFOUNDED CRIMES

UTCPD may withhold, or subsequently remove, a reported crime from the crime statistics in the rare situation where sworn law enforcement personnel have fully investigated the reported crime and based on the results of this investigation and evidence have made a formal determination that the crime report is false or baseless, thus making them “unfounded”. Crime reports can only be determined to be false if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

Statistics for Unfounded Crimes for 2021-2023					
Year	On-Campus	On-Campus Residential Facility	Non-Campus Property	Public Property	TOTAL
2021*	5	3	0	0	5
2022**	1	0	0	0	1
2023***	1	0	0	0	1

*2021: All crimes were investigated by UTCPD and found to be false or baseless.

- Burglary (1): Investigation determined that maintenance repaint doors caused cracks that victims feared were the cause of a burglary.
- Burglary (1): Investigation and review of cameras determined that maintenance entered the apartment closing doors and turning off lights while checking for water leak damage from apartment above.
- Burglary (1): Investigation and review of cameras determined that damage to door to an apartment was caused at move-in and never noticed until continued wear and tear caused burglary to be reported.
- Motor Vehicle Theft (1): Investigation determined that theft of a rental car did not occur, and the vehicle was in fact returned to the rental car company by an associate of the individual who rented the car.
- Motor Vehicle Theft (1): Investigation determined that theft of a vehicle was misplaced by the owner (parked in another lot).

**2022: All crimes were investigated by UTCPD and found to be false or baseless.

- Stalking (1): Investigation and review of surveillance camera footage determined that this was a incident of false reporting rather than stalking.

***2023: All crimes were investigated by UTCPD and found to be false or baseless.

- Motor Vehicle Theft (1): Vehicle was found to be repossessed by lien holder.

DEFINITION OF TERMS

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed).

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

Campus Security Authority (CSA): The Department of Education defines a campus security authority (CSA) as the following: (i) A campus police department or a campus security department of an institution. (ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property. (iii) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. (iv) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Clery Geography: Property for which the University is required to report crime statistics pursuant to the Clery Act (i.e., On-Campus buildings or property, Non-Campus buildings or property, and Public Property).

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons

involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (5) 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 occurred.

Destruction/Damage/Vandalism of Property (except Arson): To willfully or maliciously damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Disciplinary Referral(s): Those individuals referred to the University's Office of Student Conduct (OSC) or Human Resources (HR), for liquor law, drug law, and illegal weapon law violations. The numbers include incidents that are reported via UTCPD incident reports and reports provided to OSC or HR from other members of the University community.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (enzedrines, enzedrine).

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender; e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender

identity; e.g., bias against transgender or gender non-conforming individuals.

- **Religion:** A preformed negative opinion or attitude toward a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny / Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities (public Intoxication and driving under the influence are not included in this definition).

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding).

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is being used in direct support of, or in relation to, the institution's educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). *Note: Crime statistics for University housing facilities are recorded and included in both the "On-Campus Property" category and the "On-Campus Residential Facility" category.*

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. *Note: The Clery Act does not require disclosure of crime statistics for public property that surrounds Non-Campus buildings or property.*

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** 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. This offense includes the rape of both males and females.
- **Fondling:** 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:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition: (A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property; (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

University or UTC: The University of Tennessee at Chattanooga.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

DEFINITION OF TERMS FOR LOCAL JURISDICTION

The University prohibits sexual assault (i.e., rape, fondling, incest, and statutory rape), dating violence, domestic violence and stalking. For the community's education and awareness, the terms stalking, sexual assault, domestic violence, dating violence and consent (with reference to sexual activity) are defined by the University's local jurisdiction. The local jurisdiction uses the Tennessee Code Annotated (TCA) to define criminal offenses. These definitions may differ from those within the Clery Act and are not used for the purposes of reporting Clery Act statistics.

Sexual Assault: TCA does not define Sexual Assault specifically but categorizes several crimes under Sexual Offenses (T.C.A. § 39-13-501 - 39-13-535) including:

Rape: Unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual penetration is accomplished by fraud (T.C.A. § 39-13-503).

Sexual Battery: Unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual contact is accomplished by fraud (T.C.A. § 39-13-505).

Statutory Rape: The unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or (2) The victim is at least fifteen but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim (T.C.A. § 39-13-506).

Incest: A person who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy: (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or (2) The person's brother or sister of the whole or half-blood or by adoption (T.C.A. § 39-15-302).

Several other offenses are included under TCA Sexual Offenses. For a list of offenses and their definitions, see TCA codes 39-13-501 through 39-13-511.

Domestic Violence: TCA does not have a criminal offense for Domestic Violence. However, it does define Domestic Assault (T.C.A. § 39-13-111) and a Domestic Abuse Victim as follows:

Any person who falls within the following categories: (1) Adults or minors who are current or former spouses; (2) Adults or minors who live together or who have lived together; (3) Adults or minors who are dating or who have dated or who have or

had a sexual relationship, but does not include fraternization between two individuals in a business or social context; (4) Adults or minors related by blood or adoption; (5) Adults or minors who are related or were formerly related by marriage; or (6) Adult or minor children of a person in a relationship that is described in subdivisions (1)-(5).

For purposes of this definition, TCA 39-13-101 defines "assault" as (a) A person commits assault who: (1) Intentionally, knowingly or recklessly causes bodily injury to another; (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative. Per TCA 36-3-601, "Abuse" means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor; (2) "Adult" means any person eighteen (18) years of age or older, or who is otherwise emancipated.

Dating Violence: TCA does not define Dating Violence. Anyone in a dating relationship would fall within the state's definition for Domestic Assault (T.C.A. § 39-13-111).

Stalking: A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested (T.C.A. § 39-17-315).

Course of Conduct (for Stalking): Means a pattern of conduct composed of a series of two (2) or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property; "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling; "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose; "Unconsented contact" means any contact with another person that is initiated or continued without that person's consent, or in

disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: (A) Following or appearing within the sight of that person; (B) Approaching or confronting that person in a public place or on private property; (C) Appearing at that person's workplace or residence; (D) Entering onto or remaining on property owned, leased, or occupied by that person; (E) Contacting that person by telephone; (F) Sending to that person mail or any electronic communications, including, but not limited to, electronic mail, text messages, or any other type of electronic message sent using the Internet, web sites, or a social media platform; or (G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person; and "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment (T.C.A. § 39-17-315).

Consent: With respect to most criminal offenses relating to sexual activity, sexual activity is criminal if: (1) the activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent; (2) force or coercion is used to accomplish the activity; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless; or (4) the sexual activity is accomplished by fraud. However, "consent" is not explicitly defined in Tennessee statutory law for purposes of criminal offenses relating to sexual activity.

Coercion: Means a threat of kidnapping, extortion, force, or violence to be performed immediately or in the future. (T.C.A. § 39-13-501(1)).

Mentally Defective: Means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct. (T.C.A. § 39-13-501(3)).

Mentally Incapacitated: Means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent. (T.C.A. § 39-13-501(4)).

Physically Helpless: Means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act (T.C.A. § 39-13-501(5)).

Age of Consent: With respect to criminal offenses relating to sexual activity with a person under the age of eighteen (18) years of age, consent is irrelevant because Tennessee law deems a minor as incapable of consenting to sexual activity. However, Tennessee law provides a close-in-

age exception to that general rule that allows minors who are at least the age of thirteen (13) and less than the age of eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor ((T.C.A. § 39-13-506.

The University also defines consent and the purposes for which that definition is used. It can be found within the University's [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#), found in Appendix F.

ANNUAL FIRE SAFETY REPORT

As required under the Higher Education Act of 2008 (34 CFR 668.49), an institution with on-campus student housing facilities is required to:

- Maintain a log of all reported fires that occur in those on-campus student housing facilities,
- Publish an annual fire safety report that contains fire safety policies and fire statistics for those facilities, and
- Submit fire statistics from the fire safety report annually to the Department of Education.

For the purposes of the Clery Act and the Higher Education Act of 2008 (HEA), any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

The following report outlines the University's fire safety systems, fire safety policies, and fire statistics.

FIRE LOG AND REPORTING NON-EMERGENCY FIRES

DPS maintains a 60-day log (as part of the Crime, Fire, and Arrest log) of all reported crimes and actual fires reported or discovered within University-owned residence halls. A hard copy of the Crime, Fire, and Arrest Log is available for review 24 hours a day, 365 days a year at the UTC PD Communications Center, located within the main entrance to the Administration Building (400 Palmetto Street, Chattanooga, TN 37403), as well as on the [DPS website](#). Entries older than 60 days will be made available, upon request, within two (2) business days, free of charge, during normal business hours. If you would like to review records beyond 60 days, you must contact the Coordinator of Clery Compliance at (423) 425-5961 or clery@utc.edu.

In case of a fire emergency, call 911 or UTC PD Communication Center at (423) 425-HELP/4357.

For purposes of including a fire, which has previously occurred, in the statistics of the Annual Fire Safety Report, students and employees should report that information to UTC PD at (423) 425-4357 or Department Housing and Residential Life (HRL) at (423) 425-4304. Note: These are fires for which you are unsure whether DPS and HRL may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of those departments. When calling, please include as much information as possible, including location, date, time, and cause of the fire.

2021 FIRE STATISTICS

2021 Fire Statistics						
Residential Facility	Facility Address	# of Fires	Cause of Fire	# of Injuries	# of Deaths	Property Damage
Boling Apartments	541 Vine Street	1	Unattended Cooking	None	None	\$0 to \$99
Decosimo Apartments	815 University Street	0	None	None	None	None
Guerry Apartments	805 Douglas Street	0	None	None	None	None
Johnson-Obear Apartments	501 Oak Street	0	None	None	None	None

Lockmiller I Apartments	720 Oak Street	1	Unattended Cooking	None	None	\$0 to \$99
Lockmiller II Apartments	742 Oak St.	0	None	None	None	None
Stagmaier Hall	705 McCallie Avenue	0	None	None	None	None
Stophel Apartments	818 University Street	2	Cooking Fire	None	None	\$0 to \$99
			Cooking Fire	None	None	\$0 to \$99
UC Foundation Apartments	718 McCallie Avenue	0	None	None	None	None
Walker Apartments	801 East 8 th Street	1	HVAC Circuit Board	None	None	\$0 to \$99
West Campus Housing	515 Vine Street	0	None	None	None	None

Value Ranges for Estimated Property Damage Due to Fire	
\$0 – \$99	\$50,000 – \$99,999
\$100 – \$999	\$100,000 – \$249,999
\$1,000 – \$9,999	\$250,000 – \$499,999
\$10,000 – \$24,999	\$500,000 – \$999,999
\$25,000 – \$49,999	\$>1,000,000

2022 FIRE STATISTICS

2022 Fire Statistics						
Residential Facility	Facility Address	# of Fires	Cause of Fire	# of Injuries	# of Deaths	Property Damage
Boling Apartments	541 Vine Street	1	Dryer Belt	None	None	\$0 to \$99
Decosimo Apartments	815 University Street	1	Kitchen towel	None	None	\$0 to \$99
Guerry Apartments	805 Douglas Street	0	None	None	None	None
Johnson-Obear Apartments	501 Oak Street	3	Dryer Belt	None	None	\$0 to \$99
			Pizza Box in Oven	None	None	\$0 to \$99
			Cooking Fire	None	None	\$0 to \$99
Lockmiller I Apartments	720 Oak Street	0	None	None	None	None
Lockmiller II Apartments	742 Oak Street	0	None	None	None	None
Stagmaier Hall	705 McCallie Avenue	0	None	None	None	None
Stophel Apartments	818 University Street	1	Stovetop Cooking	None	None	\$0 to \$99
UC Foundation Apartments	718 McCallie Avenue	0	None	None	None	None
Walker Apartments	801 East 8 th Street	1	HVAC Circuit Board	None	None	\$0 to \$99
West Campus Housing	515 Vine Street	0	None	None	None	None

Value Ranges for Estimated Property Damage Due to Fire	
\$0 – \$99	\$50,000 – \$99,999
\$100 – \$999	\$100,000 – \$249,999
\$1,000 – \$9,999	\$250,000 – \$499,999
\$10,000 – \$24,999	\$500,000 – \$999,999
\$25,000 – \$49,999	>\$1,000,000

2023 FIRE STATISTICS

2023 Fire Statistics						
Residential Facility	Facility Address	# of Fires	Cause of Fire	# of Injuries	# of Deaths	Property Damage
Boling Apartments	541 Vine Street	2	Appliance Fire	None	None	\$0 to \$99
			Oven Fire	None	None	\$0 to \$99
Decosimo Apartments	815 University Street	2	Cooking Fire	None	None	\$0 to \$99
			Oven Fire	None	None	\$0 to \$99
Guerry Apartments	805 Douglas Street	0	None	None	None	None
Johnson-Obear Apartments	501 Oak Street	1	Arson (Shoe laces set on fire)	None	None	\$0 to \$99
Lockmiller I Apartments	720 Oak Street	0	None	None	None	None
Lockmiller II Apartments	742 Oak Street	0	None	None	None	None
Palmetto Place Apartments	910 E. 8 th Street	0	None	None	None	None
Stagmaier Hall	705 McCallie Avenue	0	None	None	None	None
Stophel Apartments	818 University Street	1	Cooking Fire	None	None	\$0 to \$99
UC Foundation Apartments	718 McCallie Avenue	0	None	None	None	None
Walker Apartments	801 East 8 th Street	0	None	None	None	None
West Campus Housing	515 Vine Street	1	Arson (Hand sanitizer dispenser set on fire)	None	None	\$1,000 – \$9,999

Value Ranges for Estimated Property Damage Due to Fire	
\$0 – \$99	\$50,000 – \$99,999
\$100 – \$999	\$100,000 – \$249,999
\$1,000 – \$9,999	\$250,000 – \$499,999
\$10,000 – \$24,999	\$500,000 – \$999,999
\$25,000 – \$49,999	>\$1,000,000

FIRE SAFETY SYSTEMS

All University-owned housing facilities have fire alarm systems that report to the UTCPD Communications Center, where they are monitored 24 hours a day, 365 days a year. All University-controlled housing facilities have fire alarm systems that report to an alarm reporting contractor, Hamilton County 911 Emergency Communications District, or UTCPD Communications Center.

University-owned Housing Facilities:

Boling Apartments (541 Vine Street, Chattanooga, TN 37403): Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horn strobes and sprinkler systems.

Decosimo Apartments (815 University Street, Chattanooga, TN 37403): Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

Guerry Apartments (805 Douglas Street, Chattanooga, TN 37403): Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

Johnson-Obear Apartments (501 Oak Street, Chattanooga, TN 37403): Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horns strobes, sprinkler systems, and pull stations.

Lockmiller I Apartments (720 Oak Street, Chattanooga, TN 37403): Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horn strobes, and sprinkler systems.

Lockmiller II Apartments (742 Oak Street, Chattanooga, TN 37403): Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horn strobes, and sprinkler systems.

Stagmaier Hall (705 McCallie Avenue, Chattanooga, TN 37403): Masonry construction, fire wall separation between apartments, interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems and pull stations.

Stophel Apartments (818 University Street, Chattanooga, TN 37403): Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

UC Foundation Apartments (718 McCallie Avenue, Chattanooga, TN 37403): Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

Walker Apartments (801 East 8th Street, Chattanooga, TN 37403): Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

West Campus Housing (515 Vine Street, Chattanooga, TN 37403): Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

University-controlled Housing Facilities:

Palmetto Place (910 East 8th Street, Chattanooga, TN 37403): Masonry construction, interior entrance to all apartments, smoke detectors, horn strobes, sprinkler system, and pull stations. Fire alarm system reports to monitoring company for relay to first responders.

FALSE REPORTS AND INTERFERENCE WITH FIRE SAFETY SYSTEMS

Per the [Student Code of Conduct](#), all students are prohibited from engaging in the following: Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment. Students who are found to be in violation of this Standard of Conduct will be subject to discipline in accordance with the procedures outlined in the [Student Code of Conduct](#).

Additionally, any person who willfully causes a false fire alarm, in a residential housing facility, and is criminally convicted will be fined no less than \$10 and no more than \$500 and is subject to imprisonment for a period of no more than six months, or both.

EDUCATION AND TRAINING PROGRAMS

Fire education is provided to Department of Housing and Residence Life (HRL) staff at least once a year by the DPS. The training includes presented material and hands-on fire extinguisher use, and situation-based follow-up discussions during the year.

DPS sends brochures, posters, and other printed material on fire prevention and response to Housing for distribution to the residents. DPS hosts education and

training presentations on fire and other emergency topics throughout the year open to all students, faculty, and staff.

FIRE DRILLS

Fire drills are conducted at all housing facilities. Two fire drills are conducted in both the fall and spring semesters, for a total of four fire drills per year at each housing facility.

The number of fire drills exceeded the requirements of one drill per semester, as described in the Department of Housing and Residence Life policy and the State of Tennessee fire code. Fire Drills are conducted so that each resident can vacate the building quickly and safely in case of emergency. The unannounced drills are planned and supervised by DPS in coordination with HRL.

Anytime that the fire alarm sounds in a University building, every occupant of the building is required to evacuate immediately. UTC PD will assist with the evacuation to see that the building is completely vacated, and no one will be allowed to re-enter prior to the expressed consent of a UTC PD officer.

EVACUATION PROCEDURES AND GUIDELINES

All University-owned buildings are equipped with fire evacuation alarm systems that include smoke and heat detectors, sprinkler water flow alarms, horn strobes, and wall mounted pull stations.

If an occupant hears a fire alarm horn sounding or sees a fire alarm strobe flashing, they should evacuate the building immediately. Buildings are equipped with emergency egress lighting and exit signs to direct occupants to get out of the building.

Many buildings have areas of refuge for occupants who, for whatever reason, cannot evacuate the building on their own. The areas of refuge have call boxes that connect directly to the UTC PD Communications Center, which is staffed 24 hours a day.

Fire extinguishers are located throughout campus buildings and are available for use against incipient fires. Emergency Services and Housing personnel are regularly trained in the use of a fire extinguisher. All students, employees, and visitors should follow the protocols listed in the following section.

Additional information can be found on the [DPS website](#).

Procedures for Housing Facilities:

Students in housing facilities should follow these protocols:

- Fire extinguishers are located under the kitchen sink in apartments that have kitchens and are available for student use against an incipient fire.
- When an alarm sounds, housing staff should immediately evacuate. Never assume a fire alarm is false.
- Once outside, move approximately 500 feet from the building. Stay clear of streets and driveways. In case of inclement weather, move to the nearest building lobby.
- Evacuation locations for each residential complex are described in the housing handbook maintained by the Housing office.
- Do not re-enter the building until you are instructed to do so by a UTCPD officer.

Employees in housing facilities should follow these protocols:

- When a fire alarm sounds, immediately evacuate your residents (whether on duty or not). Knock on each door as you pass by, moving quickly to alert residents to the fire alarm and to evacuate.
- In going through the building, do not open doors that feel warm or have smoke coming from under them. Use the back of your hand to feel the temperature of doors. If you open any doors, do so slowly, staying behind the door.
- Do not stay in the building. It is the responsibility of each resident to evacuate the building when the alarm sounds. Close doors as you leave. Closed doors can greatly slow the spread of fire and smoke.
- Once evacuated, move your residents approximately 500 feet from the building. Stay clear of streets and driveways. In case of inclement weather, move to the nearest building lobby.
- Resident Directors will strategically place Resident Assistants to restrict students from re-entering the building.
- If you think you know the source of the fire alarm, notify UTCPD or the fire department.
- Do not re-enter the building until you are instructed to do so by a UTCPD officer.

Students and Employees with Access and/or Functional Needs:

All Housing and Residence Life staff endeavor to ensure the safe evacuation of all residents. Housing staff who have residents with access and functional needs residing in their area of responsibility, should notify UTCPD of the apartment number for these residents so that assistance can be provided to them.

PROHIBITED ITEMS WITHIN HOUSING FACILITIES

In group living situations, special care must be exercised so as not to threaten the life or property of any one individual. Each employee and student are expected to be safety conscious and do what is necessary to avoid hazardous conditions.

Health and Safety inspections are conducted by the Department of Housing and Residence Life numerous times per semester. Issues identified during inspections are immediately addressed, as well as a report submitted regarding the concern.

Department of Housing and Residence Life staff has the following regulations regarding items within housing facilities. Staff will confiscate any prohibited items found inside housing facilities:

- Candles (with or without wicks), candle warmers, oil burners, open flames, or incense burning.
- Extension cords must be Underwriter Laboratories (UL) approved or equal. The cord's protective covers must be in good condition. Plugs and cords must be the same size or larger than appliance wire and not hidden under rugs, debris, paper, clothing, books, or near heat sources.
- Smoking is prohibited in all buildings owned or operated by UTC.
- Heaters/heating units, hookahs, fog machines, percolators, hotplates, immersion heaters, grills, popcorn poppers, flammable liquids, outside antennae, and halogen lamps.
- Portable electronic appliances, such as hot plates, microwaves, and other cooking appliances may not be used in bedrooms. Students should instead use the kitchen area provided.
- Small amounts of paint thinner, rubber cement or other art supplies may be kept in rooms, but only in metal containers away from heat sources.
- Irons are permitted in student rooms. Irons must always be used on ironing boards that have a fire-resistant cover. Irons with automatic cut-off, mechanisms are required. Irons are not permitted to be left plugged into a socket when not in use.
- Items that require an open flame to operate or which produce heat are not permitted. This included, but is not limited to, hookahs, halogen lamps, fog machines, space heaters, candles (with or without wicks), outside antennae, flammable fluids, candle warmers, oil burners, or incense.

FUTURE FIRE SAFETY IMPROVEMENTS

The University regularly evaluates its fire safety systems. Topics for review include information shared with students, training for employees and students, documentation, maintenance workflow, and drills, as well as building systems which contribute to the prevention, mitigation, and reporting of fire emergencies. DPS continually reviews its prevention strategies (education, inspections, fire drills, and device maintenance), and will continue to access and upgrade fire safety systems throughout the campus as necessary.

APPENDIX A: RESOURCES

<p>Department of Public Safety Administrative Services Building 400 Palmetto Street, Chattanooga, TN 37403 (423) 425-HELP/4357 dps@utc.edu utc.edu/public-safety</p>	<p>Areas of Refuse Map Blue Light Callboxes Map Emergency (Red) Phones Map Elevator Emergency Phones Map</p>
<p>UTC Police Department Administrative Services Building 400 Palmetto Street, Chattanooga, TN 37403 (423) 425-HELP/4357 police@utc.edu utc.edu/police</p>	<p>Automated External Defibrillator Map Bleeding Control Kit Map Narcan Kit Map (Coming Soon)</p>
<p>Coordinator of Clery Compliance Administrative Services Building 400 Palmetto Street, Chattanooga, TN 37403 clery@utc.edu utc.edu/clery</p>	<p>Daily Crime, Fire, and Arrest Log</p>
<p>Office of the Dean of Students University Center, Suite 399 (423) 423-4761 dos@utc.edu utc.edu/dos</p>	<p>Clery Geography Map</p>
<p>Office of Student Conduct University Center, Suite 399 (423) 425-4301 conduct@utc.edu utc.edu/conduct</p>	<p>U.S. Department of Education, Campus Safety and Security Crime Data Analysis Tool</p>
<p>Office of Title IX Compliance University Center, Suite 399 (423) 425-4255 titleix@utc.edu utc.edu/titleix</p>	<p>Student Code of Conduct utc.edu/studentcode</p>
<p>Department of Housing and Residence Life Pfeiffer Hall (423) 425-4304 housing@utc.edu utc.edu/housing</p>	<p>Employee Code of Conduct conduct.tennessee.edu</p>
<p>Department of Human Resources Human Resources Center 720 McCallie Ave, Chattanooga, TN 37403 (423) 425-4221 human-resoruces@utc.edu utc.edu/hr</p>	<p>UT System Policies policy.tennessee.edu</p>

<p>Office of Equal Opportunity and Accessibility Human Resources Center 720 McCallie Ave, Chattanooga, TN 37403 (423) 425-5824 eoq@utc.edu utc.edu/eoq</p>	<p>Employee Assistance Program (855) Here4TN/437-3486 here4tn.com</p>
<p>Center for Wellbeing University Center, Suite 350 (423) 425-4640 wellbeing@utc.edu utc.edu/wellbeing</p>	<p>Counseling Center University Center, Suite 338 (423) 425-4438 counseling@utc.edu utc.edu/counseling</p>
<p>Disability Resource Center University Center, Suite 352 (423) 425-4006 drc@utc.edu utc.edu/drc</p>	<p>Office of Student Outreach & Support University Center, Suite 399 (423) 425-2299 sos@utc.edu utc.edu/sos</p>
<p>Survivor Advocacy Services Lupton Hall, Room 118 (423) 425-5648</p>	<p>University Health Services Maclellan Gym, Room 205 (423) 425-2266 uhs@utc.edu utc.edu/uhs</p>

APPENDIX B: AMESTY POLICY FOR GOOD SAMARITANS AND IMPAIRED STUDENTS

The University holds paramount the health, safety, and welfare of students. Accordingly, all students are expected to alert appropriate officials in the event of a health, safety, or welfare emergency, including, without limitation, a situation involving the abuse of alcohol or drugs.

Expectations:

When a student knows or reasonably should know that another student is in need of emergency medical attention, the student is expected to: (i) contact appropriate persons (including, but not limited to, University faculty or staff members, law enforcement officials, etc.) to report the incident and request assistance, including providing his or her name and contact information and the name and contact information of the impaired student; and (ii) demonstrate cooperation and care by remaining with the impaired student and providing reasonable assistance during and after the incident. A student who complies with the expectations described in this Section 17 is referred to as a "Good Samaritan." A student in need of emergency medical attention is referred to as an "impaired student" under this Section 17.

Amnesty for Good Samaritans:

Unless a Good Samaritan has engaged in repeated or serious violations of the Code (including, but not limited to, physical or sexual assault, property destruction, disorderly behavior, theft, multiple alcohol or drug violations), a Good Samaritan will not be subject to formal University disciplinary action for any Code violation(s) discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, a Good Samaritan may be required to meet with the Office of Student Conduct to discuss the Good Samaritan's Code violation(s) and adhere to appropriate remedial and/or educational recommendations.

Amnesty for Impaired Students:

Unless an impaired student has engaged in repeated or serious violations of the Code (including, but not limited to, physical or sexual assault, property destruction, disorderly behavior, theft, multiple alcohol or drug violations), an impaired student will not be subject to formal University disciplinary action for any Code violation(s) discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, the impaired student may be required to meet with the Office of Student Conduct to discuss the impaired student's Code violation(s), participate in educational activities, and/or establish that he or she has addressed the issues that contributed to the Code violation(s).

Application to Student Organizations:

Student organizations, through their officers and members, are also expected to take responsible action in emergency situations in accordance with the expectations under Section 17(2) of this Chapter. A student organization may receive amnesty for any Code violation(s) discovered by the University as a result of the Good Samaritan reports of its officers and/or members, but if not granted amnesty, the responsible actions of its officers and/or members will be considered a mitigating factor when determining disciplinary sanctions, if any, for any Code violation(s) for which the student organization is found responsible. Conversely, the failure of a student organization's officers and/or members to take responsible action in emergency situations in accordance with the expectations under Section 17(2) of this Chapter may be considered an aggravating factor when determining disciplinary sanctions, if any, for any Code violation(s) for which the student organization is found responsible.

[\(Student Code of Conduct, Section 17\)](#)

APPENDIX C: SECURITY OF UNIVERSITY FACILITIES

Policies and Procedures:

The University of Tennessee at Chattanooga (UTC) has policies and procedures relating to security of University facilities, which are described below:

Security Cameras:

UTC has more than 900 security cameras throughout the campus, which includes most residence halls. Many streets and all parking garages currently have security cameras in place. The Department of Public Safety is responsible for overseeing the implementation and revisions of operational camera procedures including approval of camera placement, and has the authority to select, coordinate, operate, manage, and monitor all campus video surveillance equipment pursuant to this procedure. All residence halls have camera coverage. Camera coverage in other buildings, garages, or areas are based upon physical security standards or requested security assessment.

Panic Alarms:

There are numerous panic alarms at various University facilities. These alarms are provided at locations at which monetary transactions are conducted, have a high potential for disturbances or threatening activity, or large numbers of students and/or employees are present. These alarms are transmitted directly to UTCPD, and campus police officers respond appropriately.

Security Assessment:

Upon request, the Department of Public Safety will conduct a security analysis of University workplace environments and residence halls, which may include suggestions for creating safer and more secure environments. UTCPD also provides crime prevention training to University employees who work in high-risk areas, such as areas that handle money and/or sales of merchandise.

Guest Use of Facilities:

Guests using a facility must be accompanied by their University host and must be registered by the host with the person in charge of the facility. Guests will be issued a guest identification card which they must have with them when they are on campus. This card is normally issued on a one-day basis. The person in charge of each campus facility is required to check the identification of persons using the facility whenever necessary to insure implementation of the University's policy regarding guests.

Trespassing:

Pursuant to Tennessee Statutory Law, trespassing on University property is strictly prohibited. UTCPD officers routinely inquire as to the visitation status of individuals suspected of violating the trespass law. Non-University personnel who are not

bona fide guests will be asked to leave the campus. Failure to comply with the request to leave will constitute trespass as defined by law. Additionally, UTC PD officers complete a Field Interview form on the violator, and the information is retained for future use. Subsequent violations may subject the violator to arrest and prosecution.

Residence Halls:

The University currently employs Resident Directors, Resident Assistants and Building Assistants. During periods of visitation, all members of the opposite sex must be escorted by their hosts at all times in nonpublic areas of the residence hall. Residence hall students may have overnight guests of the same sex only if prior arrangements have been made with the roommate(s). The maximum length of any visit is three days and three nights. All guests are governed by University, as well as Department of Housing and Residence Life policies, and it is the host's responsibility to make guests aware of those rules. In cases where the guest is in violation of University regulations, disciplinary action may be brought against the host.

During the course of their stay, guests may be asked to provide identification. All exterior doors in residence halls, excluding the lobby entrance, are locked to limit entrance to the hall past the 24-hour staffed lobby only. During nightly hall walks, all exterior doors are checked to ensure that they are secure. In addition, security cameras have been installed in all of the residence halls, allowing the desk staff to monitor the exterior doors. All residence halls have a security camera system that monitors all exterior doors. Door access card readers have been installed at all exterior access points and interior access points leading to residential portions within all halls.

All apartment doors have deadbolt locks. Residents are urged to always keep them closed and dead-bolted. Windows are screened, and those windows that are accessible from the ground or roofs are equipped with security bars and/or screen.

The card readers control access from the public areas to the residential areas reserved for residents of each facility. Students use their University IDs to gain access to the building or living area.

If a key is lost or misplaced, the room's lock is re-coded, and new keys are issued. Residents are urged to keep their doors locked at all times. During periodic inspections, residence hall staff remind students to lock their doors. All windows are equipped with locking devices, or in the newer residence halls are non-operable. Door viewers have been installed in all student room doors.

At the beginning of each semester, floor meetings are held to discuss safety and security issues. Educational programs are presented periodically in the halls to

increase residents' awareness of safety and the steps they may take to improve their personal safety. Such program topics include self-defense, operation ID, and sexual assault. Select campus residences remain open over University breaks. The halls that remain open may vary from year to year. All other halls are closed. Staff members conduct regular tours and inspections of these halls.

Access to University Facilities:

Administrative and Academic Facilities:

The UTC campus is part of the city of Chattanooga and, as such, is open to the public. Administrative and academic buildings are open to the public, at a minimum, during normal business hours, Monday to Friday, from 8:00 a.m. to 5:00 p.m. UTC facilities are limited to University, academic and administrative activities and programs sponsored by University groups. Access to all University facilities after business hours, is by key or key card (MOCS Card), if issued, or by admittance via UTCPD or Residence Life staff. Students, faculty, and staff should have their University identification with them when they are on campus.

As a rule, visitors are not authorized in buildings after normal business hours unless faculty, staff, or a University official escorts them. Students are admitted into buildings after normal business hours only when they are listed on an authorized access list issued by the department head or his designee. UTCPD requests that all persons notify the police department if they will be working in academic or administrative buildings after 10:00 p.m., for their personal safety while here at the University.

Most facilities may have individual hours, and the hours may vary at different times of the year. Examples are the Aquatics and Recreation Center (ARC), the Library, and the University Center. The facilities will be secured according to schedules developed by the department responsible for the facility. Emergency situations may necessitate changes or alterations to any schedule that has been posted. Access to some of these buildings is controlled by card access after normal business hours, and all these buildings have varied levels of access.

Most academic and administrative buildings do not have a UTCPD officer assigned to them. However, UTCPD officers and/or security officers patrol the academic and administrative buildings on a regular basis, 24 hours per day.

Housing Facilities:

Residents can gain access to the building, to their floor, and to their individual rooms only by a key or keycard issued to them by the Housing Office. Misuse or loss of keys may jeopardize the safety of others and constitutes grounds for disciplinary action. There is a charge for lost keys and other security measures that must be taken due to the loss of such keys.

Access to residence halls is restricted to residents, their approved guests, and other approved members of the University community. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their access cards.

During holidays, spring break, or other low-occupancy periods students in apartments are allowed to remain in their designated housing areas. However, Resident Directors must be notified of their intention of staying. Both the Housing Staff and the UTCPD make periodic exterior door checks during these low occupancy periods.

Physical Security Considerations:

University facilities and landscaping are maintained to minimize hazardous conditions. Malfunctioning lights and other unsafe conditions should be reported immediately to Facilities Planning & Management by calling (423) 425-4521 or, after business hours, by calling the UTCPD, (423) 425-4357.

Additionally, UTCPD regularly patrols the campus, to observe, correct, and/or report any safety or other unsafe conditions that would impact safety or convenience of the University community, daily. Environmental Health & Safety staff also conduct scheduled evaluations of campus access. Any issues or problems are reported to the Facilities Planning & Management Department for correction. Security surveys are conducted for any areas that are revealed as problematic. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Administrators from the Dean's Office, Facilities, Planning & Management Services, Housing and Residence Life, and other departments review the survey results to determine appropriate actions that may need to be taken.

APPENDIX D: CENTER FOR WELLBEING PREVENTION AND AWARENESS PROGRAMMING

- **All Recovery Pizza Nights:** Looking for something to do on a Friday night? Join our All Recovery Pizza Night; it is free for anyone to join. Meetings will occur in the Mocs Recovery Lounge from 5:00 pm to 7:00 pm. Join us for free conversation and free pizza.
- **Faculty/Staff Meditation:** Join us weekly in person or via zoom for a Faculty/Staff Meditation. Guided meditation to start your day will be from 8:30 am until 9:00 am. Every Wednesday!
- **Palentines:** Stop by the Center for Wellbeing for supplies to create a card for a pal telling them how much their friendship means to you. Today is a great day to remind people that they matter in your life. Desserts and drinks will be served!
- **Boundaries & Breakfast:** We'll be chatting about boundaries in relationships while chomping on some yummy breakfast.
- **I can love me better:** The Office of Student and Family Engagement, the Center for Wellbeing, and the Office of Women and Gender Equity invite you to "I Can Love Me Better" this Valentine's Day, February 14 from 1PM - 3PM Lupton First Floor. Come by for Plate Smashing, Aromatherapy make & takes, Paint by Numbers, and Valentine's Day treats. This event is open to ALL currently enrolled UTC students. Please bring either your Mocs ID or event pass to check in.
- **Can we Talk? Setting the Standard is Sweet:** Cookies, icing, sprinkles, healthy relationships...YUM!! We're decorating cookies with healthy relationship behaviors and chatting about setting our healthy standards. Oh, and we're giving out t-shirts!
- **Homesickness Group:** Feeling homesick and missing our loved ones (and pets!) is normal. However, if you find yourself feeling this way often and it is making you feel more alone, this new group may be a great opportunity for you. Over six weeks, the group will explore symptoms associated with homesickness and coping skills for reducing their impact, differences between stress and distress, opportunities to connect at UTC, and campus resources available to support.
- **National Eating Disorder Awareness Week Tabling:** National Eating Disorders Awareness Week. Event on Chamberlain Field. Free NoBake cookie dough to those who stop by. Creating a chalk mandala of terms to

raise awareness around disordered eating and how to acknowledge and speak to those terms and phrases. In attendance is Focus Treatment Center in Chattanooga, UTC Counseling Center, and No Bake Chattanooga.

- **Healthy Minds Matter with Nika King from Euphoria:** Actress and activist, Nika King, will be visiting UTC on Monday, February 27th. Nika is best known for her role as Leslie Bennett on the Emmy winning HBO series *Euphoria* opposite her television daughters Zendaya and Storm Reid. In her lecture presentation, King tackles the subject of mental health, looking at depression, anxiety, and turning to alcohol and drugs for coping. She will share personal stories of how she has introduced exercise, a healthy diet and meditation to her daily activities, and discuss with brutal honesty what we all can do to achieve mental happiness. Lunch will be provided!
- **Bloodanooga:** Join Blood Assurance, UTC MPH program, Be Well, & The Center for Wellbeing for our semi-annual Bloodanooga Blood Drive! Free food and prizes!
- **Glow-Yoga:** Join the Office of Student and Family Engagement, Center for Wellbeing, and Office of Student and Family Engagement for an exciting evening of GLOW YOGA (Glowga)! Glowga will include upbeat music, black-lights, glow sticks, and glow paint on March 1st, Lupton Lobby 120 from 6PM - 7PM. Throughout the class, an instructor will guide you through basic yoga postures if you aren't already busting a move! Students are encouraged to bring their own mat or towel. Body paint will be provided so be mindful of clothes/bags you may not want to get dirty! Snacks will also be provided, as supplies last. Glow Yoga will have limited spaces available, so make sure you sign up NOW to secure your spot! *This event is open to currently enrolled UTC students only. Please bring your Event Pass check-in to the event.
- **Consent and Sexual Health Pop Up:** Come and learn about topics of consent and sexual health.
- **Spring Break Narcan Training and Consent Education:** Visit our table in the UC and grab a free consent t-shirt, fentanyl testing strips, and get training in how to administer Narcan.
- **Be Well Mental Health Fair:** As you return from Spring Break, stop by the UC Tennessee Room on Monday, March 20th from 11am-1pm for a mental health resource fair. On-campus offices and community partners will be showcasing resources to support our mental health and wellbeing. We'll have counseling resources, recovery program info, meditation, yoga,

chair massages, dogs and MORE! The event is open to all students, faculty, and staff. Lunch will be available.

- **Beginner Yoga:** Join a 30 minute beginner yoga session during the Be Well Health Fair. Meditations are happening at 11am, 11:45am, and 12:30pm. Yoga mats will be provided, but feel free to bring your own. The sessions are led by Daniel Brown of Deb & Flow Wellness.
 - **Guided Meditation:** Join a 15 minutes guided meditation session during the Be Well Health Fair. Meditations are happening at 11:15am, 11:45am, and 12:15pm. Meditation pillows, mats, and chairs will be provided.
 - **Chair Massage:** Free chair massages are being provided by a masseuse. Come sign up and treat yourself to an 8 minute massage.
- **Scrappy's Mid-day Slumber:** As you return from Spring Break, stop by the UC Tennessee Room on Tuesday, March 21st, from 9 am – 4 pm for a nap. Everyone needs a break during the day, and we aim to provide that. The event is open to all students, faculty, and staff. Everything you need for your nap (i.e., pillows, mats, and blankets) will be available.
 - **Kickball Tournament:** The Center for Wellbeing and THSO is having a kickball tournament with trivia to promote driving sober on March 28th from 2 pm to 4 pm on Chamberlain Field. Our theme is "Kick the habit, Drive sober." We will have free food and swag items! Please join us in making this a fantastic tournament. There will be a drawing for a FREE FireStick. Trophies will also be given out. We will also have vendors tabling, giving information about their organizations and services. Please sign your team up at <https://forms.gle/1ZC37urYe9qDBozv5> by March 24th.
 - **Sexual Assault Awareness Month Kick-Off:** Join the SAAM Kick-off event on Vine Street! For those who join us in Chalking messages of support and resources for survivors, we will have an ice cream sundae bar and consent shirt giveaway! We will also have posters with all of the SAAM events for April.
 - **Recovery Golf Cart Trivia:** Join us on a ride to your destination and interact with trivia questions about recovery. All around campus on 4/10/23 from 10 am to 1 pm.
 - **Dear Survivor Letter Writing:** Stop by our table to write letters of support to survivors of gender-based violence. These letters will be added to the display of letters around campus for Sexual Assault Awareness Month. Starbucks drink vouchers will also be provided to those who participate.
 - **Mocs Recovery Alumni Instagram Live:** Join us live on Instagram @mocsrecovery to hear from our Alumni, Jason Cartwright, on his journey through recovery.

- **BIPOC Mental Health & the Power of Breath with Jasmine Marie of Black Girls Breathing:** As the semester comes to a close, join the Center for Wellbeing & the Office of Multicultural Affairs for a talk on the importance of centering BIPOC mental health needs and learn about the power of breath in caring for our mental health. Snacks will be provided. Jasmine Marie Clark is joining us from Atlanta, GA to share this message with us. Jasmine Marie is a speaker, breathwork practitioner, author (her book with a major publisher will be released in 2024) and the CEO & Founder of black girls breathing®. Her work is innovating the wellness, healthcare and research industry by making mental health services accessible to Black women while filling in the gaps of data and research available on this underserved and underrepresented demographic. Marie plans to impact 1 Million Black women and girls with her work by 2025.

- **All Recovery Hike @ Stringers Ridge:** Anyone Welcome! Come hike with us at Stringers Ridge, Friday: April 14, 4:00-6:00 pm, Pizza and drinks afterward, Meet at the Spears Ave entrance parking lot.

- **Wear Purple Day:** Monday, April 10th to Friday, April 14th is Collegiate Recovery Week, so on April 14th, we are asking if all our students, faculty, and staff could wear the color purple to support our people in recovery. When wearing your purple, please take a photo and tag us on Instagram @mocsrecovery to show your support!

- **Sound Bath Meditation for Survivors (and Those who support them):** As a part of Sexual Assault Awareness Month, we invite survivors of gender-based violence and those who support them to take some time for self-care. Join Jennifer of Theta Therapy for a unique sound bath experience! You will hear many healing instruments including ocean drums, tone bars, tuning forks and dream drums to take each listener on an epic inner journey of serenity and healing. Jennifer Kearns is a certified sound therapist, certified Reikimaster, BM/MM in music, 20+ years of classical music performance as well as 20+ years experience as a music educator. *We acknowledge and thank the indigenous communities from many parts of the world whose healing practices are used for sound therapy today.

- **Finals Activities:**
 - **Self-Care Bag Scavenger Hunt:** Follow utc_cw on Instagram to find out where the bags are hidden each day!
 - **Chair Massages:** Come sign up and treat yourself to a free, 8 minute chair massage with a licensed masseuse.

- **Dogs & Coloring:** It's time for a break from finals! Come relieve stress with therapy dogs joining us from Love on a Leash and plenty of coloring pages.
- **Scrappy's Midday Slumber Nap Event:** IT'S NAP TIME! Naps are a great way to recharge during finals and leave you better prepared to ace your test! The event is open to all students, faculty, and staff. Everything you need for your nap (i.e., pillows, mats, and blankets) will be provided. Off to slumberland!
- **Wellbeing Golf Cart Trivia:** All aboard the cart for trivia and prizes! The Center for Wellbeing will be providing rides around campus to kick off Welcome Week. Hop on and test your knowledge about the wellbeing & resources available on campus. All participants will win prizes!
- **Goat Yoga:** The Center for Wellbeing and the Office of Student and Family Engagement are bringing GOAT YOGA to UTC! Goat Yoga is exactly how it sounds- yoga with goats! Join us, and these sweet little goats, on Chamberlain Field to de-stress with this fun, refreshing and energizing experience. We hope to see you there! Sign-up will be required for participation.
- **Opioid Overdose Prevention & Narcan Training:** Opioid overdoses in our community, particularly due to fentanyl, are on the rise. This training presented by Debra Clark from the Hamilton County Coalition will provide data on opioid overdoses in our state and county, discuss addiction stigma, warning signs for opioid overdose, and how to administer naloxone nasal spray (Narcan) to save a life. Attendees will be able to receive Narcan from Debra. Please reach out to Megan McKnight in the Center for Wellbeing with any questions.
- **International Overdose Awareness Day:** The Center for Wellbeing & Mocs Recovery are participating in Hamilton County's International Overdose Awareness Day (IOAD) event from 9am-12pm at the Downtown Family YMCA (301 W 6th St). IOAD is world's largest annual campaign to end overdose, remember without stigma those who have died from overdose, and acknowledge the grief of the family and friends left behind. There will be guest speakers, recognition of loved ones, giveaways, educational resources, support groups, and more!
- **Suicide Prevention Awareness Month Tabling:** September is Suicide Prevention Awareness Month. At UTC, this is a time to shine a light on suicide, eradicate stigma surrounding mental health, learn prevention strategies, increase knowledge of resources and support the wellbeing of our fellow Mocs. Suicide prevention takes all of us! We will be tabling to

provide awareness materials, education on warning signs for suicide ideation, and information about resources available on- and off-campus. We will also have a full line up of events happening this month. Stop by to learn how you can get involved.

- **Step Up! For Mental Health:** When people struggle with their mental health, they often turn to friends, family, and partners first for help. In these moments, YOU can make a huge difference and provide meaningful support. Step Up! for Mental Health trains students how to respond in these moments, how to recognize signs of distress, and how to connect peers to the appropriate resources. Come with questions and leave with tools to be a strong advocate. Following this training, we will be making posters to display messages of support, hope, and resources throughout West Campus. Supplies will be provided.
- **All Recovery Meeting:** Open to all. Come share and be in community with others. All Recovery is a weekly group of the Mocs Recovery Program. It is open to those in all stages, pathways, and types of recovery including substance use, mental health, disordered eating/eating disorders, process addictions (gambling, social media, shopping, exercise, etc.) and those with loved ones navigating these concerns. This is a supportive space for all and a great starting place to get involved in other groups, social events, and initiatives of Mocs Recovery.
- **Suicide Prevention Training for Faculty, Staff, & Student Staff:** Impactful suicide prevention strategies must involve everyone and provide opportunities to strengthen helping skills. This training provides an overview of national, state, & UTC suicide-related data, warning signs for suicide ideation, resource options and referrals, UTC's suicide prevention policy, and how to administer the Columbia Suicide Severity Rating Scale. All UTC employees are encouraged to attend a training, as community members who are struggling are most likely to turn to those they know and trust first before speaking to a counselor. Your response can make a difference! This training is best suited for Faculty/Staff and Student Workers/Leaders.
- **Suicide Prevention Awareness Month:** September is Suicide Prevention Awareness Month. At UTC, this is a time to shine a light on suicide, eradicate stigma surrounding mental health, learn prevention strategies, increase knowledge of resources and support the wellbeing of our fellow Mocs. Suicide prevention takes all of us! We will be tabling to provide awareness materials, education on warning signs for suicide ideation, and information about resources available on- and off-campus. We will also have a full line up of events happening this month. Stop by to learn how you can get involved.

- **Lunch Break, let's create:** Do you need a break? Do you relax by letting your creative side wild? If you answered yes to either question, come join us during the lunch hour to create something cool and zen out! All supplies will be provided!
- **Red Zone Carpet:** We are currently in the Red Zone, a time period from freshman move-in until Thanksgiving break where national data shows that more than fifty percent of campus sexual assaults occur. Stop by Chamberlain Field to sign the red carpet with fabric paint and make a pledge to be an active bystander when you believe someone may be at risk for sexual assault. Consent t-shirts will be provided to those who complete a pledge stating ways they can work to end campus sexual assault.
- **SMART Recovery Meeting:** SMART Recovery is open to those who are sober, sober-curious, or interested in reducing harm related to their substance use. All recovery pathways are honored here.
- **Healing through Harmony Music Discussion Group:** Join us as we listen to songs and discuss how the lyrics mirror the struggles we often encounter today, and what we can do to recover from and overcome them. FYI: You don't need to be able to play an instrument/sing to come! All that's really required is that you like listening to music! We will sometimes have various other art/media based activities, but of course there's no skill required! This is just a place to talk, learn, and meet others you can relate to.
- **LGBTQ+ All Recovery Group:** This group focuses on LGBTQ+ identities and the intersections of identity with mental health and the recovery process. Come share and be in community with others. All Recovery is a weekly group of the Mocs Recovery Program. It is open to those in all stages, pathways, and types of recovery including substance use, mental health, disordered eating/eating disorders, process addictions (gambling, social media, shopping, exercise, etc.) and those with loved ones navigating these concerns. This is a supportive space for all and a great starting place to get involved in other groups, social events, and initiatives of Mocs Recovery.
- **Hope Lives @ UTC:** Hope Lives @ UTC is all about spreading hope and light. September is Suicide Prevention Awareness Month and this event seeks to bring the UTC community together to learn about on- and off-campus resources available and canvas the campus with messages of hope for those who may be struggling. We will have live music by In the Company of Wolves, food, rock painting, resources, and more! Oh, there are also FREE SWEATSHIRTS while they last.

- **Care Practice Marathon Event:**
 - **Gratitude & Plants:** We're chalking Vine St with the things/people/spaces/communities you are grateful for! Practicing gratitude has positive impacts on our mental health and we'll provide suggestions of ways you can integrate it into your routine. Participants will also get a lavender plant to take home! The scent of lavender can provide a feeling of calm for some. Event # 1 of the Care Practice Marathon! It's a MARATHON all about finding a practice that works for you to relieve stress, cope with overwhelming emotions, and center emotional wellbeing. Join one or multiple events throughout the day to try new things and establish your new care practice!
 - **Movement Workshop:** Your mind and body are interconnected. When we move our bodies, it actually positively impacts our mental health. This workshop will focus on putting our bodies in motion in ways that feel comfortable to us and discovering how movement can even be expressive. This is not a class focused on exercise. Everyone is welcome. Event # 2 of the Care Practice Marathon!
 - **Art for Mental Health:** Engage in a paint project focused on exploring the benefits art has on our mental health. Materials will be provided. Event # 3 of the Care Practice Marathon!
 - **Picnic Time:** Spending time outside and near nature can improve our mood and support our mental health. Join us for a picnic to spend some time outside and in community with others. The first 24 attendees will receive a free lunch. Snacks will be available for others. Event # 4 of the Care Practice Marathon!
 - **Beginner Yoga:** It's time for some yoga outside! Yoga is a great way to move our bodies and practice mindfulness. It has been shown to support our mental health and wellbeing. Yoga mats will be provided. No experience with yoga is required. Event # 5 of the Care Practice Marathon!
 - **Group Meditation:** Never tried meditation before? No problem! You are welcome to partake in this session which will provide an introduction to meditation as a care practice and lead a group meditation. Meditation chairs and pillows will be provided. Event # 6 of the Care Practice Marathon!
 - **Journal Making:** Journaling can be a helpful way to process our feelings and experiences. During this session, we will be making our own journals. Materials will be provided to decorate a journal, add your pages, and tie it together. Event # 7 of the Care Practice Marathon!
- **Mental Health Movie Night – Pajama Party Edition:** It's pajama time! Come join us in your comfiest PJ's for a screening of SOUL (Disney & Pixar)! We will have comfy seating, snacks, a PJ contest, and interactive activities during the viewing. Following the movie, we will have guided small group discussions about the mental health themes present in the film. PJ Contest Categories: Comfiest PJs, Best Foodie PJs, Best Movie Character PJs.

- **Be Well Health & Wellness Resource Fair:** UTC is once again hosting the Be Well Health & Wellness Fair! Be Well is a collaborative initiative that supports holistic wellbeing programs across campus, and the Health & Wellness Fair will promote wellness across all dimensions and highlight the many resources available to our community. This event will be open to all faculty, staff, and students. Educational information, wellbeing resources, health screenings, interactive activities, free chair massages, THERAPY DOGS, FREE LUNCH, and more! Receive 10 stamps from vendors to earn a t-shirt and entry to win a Center for Wellbeing yoga mat!
- **#RecoverOutLoud:** Come learn about the recovery groups on campus and how you can get involved! We will also have popcorn, YUM!
- **Body Acceptance Week:**
 - **Food & Fitness MythBusters:** Come join us in the Center for Wellbeing lounge for a discussion and games dispelling food and fitness myths for Body Acceptance Week! Free snacks!
 - **Reflecting Acceptance:** Come decorate a mirror with affirmations to celebrate Body Acceptance Week!
 - **Reclaiming Media for Every Body:** Come join us for a discussion and art activity around media and body image!
 - **Body Neutrality, Not Norms:** Join us on Chamberlain Pavilion to learn about body neutrality and decorate a banner celebrating body neutrality!
- **Scrappy's Spooky Midday Slumber:** Come join us in the Tennessee Room for naptime! All napping supplies will be provided, and you'll get a free goodie bag with sleep resources at the end!
- **Gratitude Boxes:** Do you need a break? Do you relax by letting your creative side wild? Come make gratitude boxes with us! Guaranteed to be a relaxing and FUN time! All supplies will be provided!
- **Coffee Hour:** Come enjoy free coffee and conversation in the Recovery Lounge.
- **Wellness Week:**
 - **Warriors Med Kit Monday:** Each day is a different event that focuses on a different part of wellness. Med Kit Monday is where students will be putting together their own emergency kit fitted to their needs.
 - **Taco-Bout it Tuesday:** Wellness Week Taco-Bout It Tuesday is where students can come learn about physical health with the center for wellbeing. There will also be a tacos and the volleyball court for folks who attend.

- **Workout Wednesday:** Students will have the opportunity to workout with Dr. Liz Hathaway focusing on a physical activity that gets their heart pumping.
- **Medication Take Back Event:** Stop by our table to drop off unused or expired medication and let us dispose of it for you. We will also be providing Detera medication disposal packs for home disposal and free prescription lockboxes. Prescription lockboxes keep your medications safe and ensures only the person prescribed the medication has access to it.
- **SMART Recovery Meeting – Cookie Decorating:** For the last meeting of the semester, we will be decorating sugar cookies! SMART Recovery is open to those who are sober, sober-curious, or interested in reducing harm related to their substance use. All recovery pathways are honored here.
- **Hot Cocoa & Chair Massages:** Feeling drained from finals? Come relax with chair massages and hot cocoa! It will be a real fun time!
- **Gingerbread House Decorating:** Join us in the Center for Wellbeing lounge to decorate gingerbread houses! We supply everything, you just bring your creativity!
- **Nap Room:** Finals week is tough. Come recharge and take a nap! Pure relaxation and Zzzzz's!
- **Mocs Recovery Open House with Sleepyhead Pop-Up & Tarot Readings:** Sleepyhead Coffee, tarot readings, waffles, and peer support? Count us in! Come check out the Mocs Recovery Program! We'll have our lounge and group rooms open to check out, as well as information about our upcoming spring groups and programs. Stay awhile and join in on some games and discussion.

APPENDIX E: OTHER PREVENTION AND AWARENESS PROGRAMMING

- **Red Flag Movie Night: New Moon:** Participants will be given Red Flags to raise whenever the characters participate in "Red Flag" behavior. What is a Red Flag? Something when they see warning signs ("red flags") for sexual assault, dating violence, or stalking in a relationship. This is an ongoing student awareness program and there were 47 attendees.
- **RelationCHIPS:** Chat about healthy queer relationships and enjoy chips, dips, and other snacks! This is an ongoing student awareness program and there were 10 attendees.
- **Survivor Self Care: First Survivor Self Care event,** where we'll be making lip balms and body scrubs, and discussing how to build a relationship with yourself and others after a trauma. This is an ongoing student awareness program and there were 21 attendees.
- **IPV Considerations in Nursing:** Presenters discussed with nursing graduate programs how to screen patients for DV, signs to look for, and how to navigate disclosures. This was a class presentation with 25 attendees.
- **FSL Presentations:** This was a training conducted as part of the new membership education curriculum for students involved in fraternity and sorority life. This was a prevention program for Student Organizations with 270 attendees.
- **Don't Cancel Your Class - GBV in the LGBTQ+ Community:** This was part of the Don't Cancel Your Class initiative hosted by Survivor Advocacy Services. Faculty can request a presentation for their class by topic. The presentation discusses that topic, supporting survivors, and resources available on and off campus. This was an ongoing awareness class presentation with 26 attendees. The second presentation had 40 attendees.
- **Don't Cancel Your Class - Rape Culture in Media:** This was part of the Don't Cancel Your Class initiative hosted by Survivor Advocacy Services. Faculty can request a presentation for their class by topic. The presentation discusses that topic, supporting survivors, and resources available on and off campus. This is an ongoing awareness class presentation with 22 attendees. The second presentation had 20 attendees.
- **Red Flag Movie Night: Eclipse:** Participants will be given Red Flags to raise whenever the characters participate in "Red Flag" behavior. What is a Red Flag? Something when they see warning signs ("red flags") for sexual assault, dating violence, or stalking in a relationship. This is an ongoing student awareness program and there were 47 attendees.
- **SAAM Zine Gallery Night:** Join us for the launch of the fourth annual Sexual Assault Awareness Month Zine! All of the art featured in the Zine was submitted by UTC students, and features pieces made by survivors of gender-based violence related to their healing journey. This is an ongoing student awareness program and there were 32 attendees.

- **SAAM Lunch Chat: Consent:** Come grab lunch with us and discuss what consent looks like! This was an ongoing prevention student program with 17 attendees.
- **Don't Cancel Your Class - Global Perspectives of GBV:** This was part of the Don't Cancel Your Class initiative hosted by Survivor Advocacy Services. Faculty can request a presentation for their class by topic. The presentation discusses that topic, supporting survivors, and resources available on and off campus. This is an ongoing awareness student program class presentation with 18 attendees.
- **SAAM Lunch Chat: Rape Culture:** Come grab lunch with us to discuss what rape culture is and how we can be a part of dismantling it. This is an ongoing student awareness program with 16 attendees.
- **Joan McNeil Murray Lecture Series:** Join us for the Joan R. McNeill Murray Speaker Lecture Series. This year we will be featuring Bethany Bray as our speaker! This is an ongoing student awareness program with 28 attendees.
- **Red Flag Movie Night Double Feature: Breaking Dawn Part I & II:** Our final installment of our Red Flag Movie nights will be the final and best two movies in the Twilight Franchise: Breaking Dawn Part I and Breaking Dawn Part II. This is an ongoing awareness student program with 41 attendees.
- **Consent-a-thon: Join the consensual conversation on the lawn!** We'll be out on Chamberlain Field with interactive activities to learn about consent and win great PRIZES! Lunch will also be available while it lasts for those who complete an activity passport. Together, we can make talking about consent the norm at UTC! This is a new student prevention program.
- **Don't Cancel Your Class - Supporting Survivors:** This was part of the Don't Cancel Your Class initiative hosted by Survivor Advocacy Services. Faculty can request a presentation for their class by topic. The presentation discusses that topic, supporting survivors, and resources available on and off campus. This is an ongoing student awareness program with 28 attendees.
- **Don't Cancel Your Class - Overview of GBV:** This was part of the Don't Cancel Your Class initiative hosted by Survivor Advocacy Services. Faculty can request a presentation for their class by topic. The presentation discusses that topic, supporting survivors, and resources available on and off campus. This is an ongoing awareness student program with 35 attendees. The second presentation had 26 attendees.
- **Disclosure training:** This was training for staff of MCC, WaGE, Prism, and VMA staff. This is an awareness workplace training with 10 attendees.
- **Title IX, Consent, & Bystander Intervention Training:** This was a discussion hosted for the leadership LLC about healthy relationships and boundaries. This was an ongoing awareness class presentation with 20 attendees.
- **Survivor Self Care: Smashing Pumpkins:** Write down insecurities or things you want to let go of on one of our pumpkins, and then smash them away! This is an ongoing awareness student program with 63 attendees.

- **Don't Cancel Your Class - Rape Culture:** This was part of the Don't Cancel Your Class initiative hosted by Survivor Advocacy Services. Faculty can request a presentation for their class by topic. The presentation discusses that topic, supporting survivors, and resources available on and off campus. This is an ongoing awareness class presentation with 35 attendees. The second presentation had 7 attendees. The third presentation had 34 attendees.
- **Take Back the Night:** Take Back the Night Chattanooga is an internationally recognized event that is a visible stand against gender-based violence, specifically violence against women. Take Back the Night on October 25th will begin at 7:30pm at UTC's Chamberlain Field. Following a call to action, a march through campus will commence to raise awareness about these issues in our community. There will be a candlelight vigil to remember those who have fallen from violence immediately following the march. This is an ongoing awareness program with 166 employees.
- **Red Flag Movie Night – Scream:** Participants will be given Red Flags to raise whenever the characters participate in "Red Flag" behavior. What is a Red Flag? Something when they see warning signs ("red flags") for sexual assault, dating violence, or stalking in a relationship. This is an ongoing student awareness program with 70 attendees.
- **Healthy Relationships & Boundaries Workshop:** This was part of the Don't Cancel Your Class initiative hosted by Survivor Advocacy Services. Faculty can request a presentation for their class by topic. The presentation discusses that topic, supporting survivors, and resources available on and off campus. This is an ongoing prevention student class presentation with 20 attendees.
- **Joan McNeil Murray Lecture Series - Body Art as Healing:** This event will feature Eunice Lunsford, owner of Empress Tattoo and Piercing to talk about how body art can be used as healing after a trauma. This is an ongoing student awareness program with 25 attendees.

APPENDIX F: TITLE IX POLICY



**POLICY ON
SEXUAL HARASSMENT, SEXUAL ASSAULT,
DATING AND DOMESTIC VIOLENCE, AND
STALKING**

EFFECTIVE: AUGUST 16, 2024

UTC.EDU/TITLEIX

Table of Contents

SECTION 1.....	4
INTRODUCTION.....	4
1.1 OVERVIEW.....	4
1.2 SCOPE AND APPLICABILITY.....	4
1.3 ACADEMIC FREEDOM AND FIRST AMENDMENT RIGHTS.....	6
SECTION 2.....	7
PROHIBITED CONDUCT.....	7
2.1 INTRODUCTION.....	7
2.2 DEFINITIONS OF PROHIBITED CONDUCT.....	7
2.3 RELATED DEFINITIONS: CONSENT; FORCE; INCAPACITATION.....	11
SECTION 3.....	133
GRIEVANCE PROCEDURES USED TO ADDRESS PROHIBITED CONDUCT.....	133
3.1 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A STUDENT.....	133
3.2 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS AN EMPLOYEE.....	133
3.3 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS BOTH A STUDENT AND AN EMPLOYEE.....	133
3.4 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A THIRD PARTY.....	133
SECTION 4.....	144
SUPPORTIVE MEASURES AND REPORTING OPTIONS.....	144
4.1 OVERVIEW.....	144
4.2 TITLE IX COORDINATOR/TITLE IX OFFICIALS.....	144
4.3 DISTINCTION BETWEEN PRIVACY AND CONFIDENTIALITY.....	155
4.4 CONFIDENTIAL CARE AND SUPPORT.....	155
4.5 REPORTING OPTIONS.....	155
4.6 SUPPORTIVE AND REMEDIAL MEASURES.....	200
APPENDIX A.....	222
GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS.....	222
SECTION 1. CARE AND SUPPORT RESOURCES.....	222
1.1 GENERAL MEDICAL CARE.....	222
1.2 CONFIDENTIAL SUPPORT AND COUNSELING FOR COMPLAINANTS AND RESPONDENTS.....	244
1.3 LEGAL RESOURCES FOR COMPLAINANTS AND RESPONDENTS.....	277
1.4 STUDENT FINANCIAL AID RESOURCES FOR COMPLAINANTS AND RESPONDENTS.....	29
1.5 SUPPORTIVE MEASURES IMPLEMENTED BY THE UNIVERSITY FOR COMPLAINANTS AND RESPONDENTS.....	290

SECTION 2. REPORTING PROHIBITED CONDUCT.....	300
2.1 PRESERVATION OF EVIDENCE.....	311
2.2 REPORTING TO THE POLICE.....	311
2.3 REPORTING TO THE UNIVERSITY.....	333
APPENDIX B.....	39
CONSENT.....	39
APPENDIX C.....	42
PROCEDURES FOR INVESTIGATING AND RESOLVING ALLEGATIONS OF PROHIBITED CONDUCT WHEN THE RESPONDENT IS A STUDENT.....	422
APPENDIX D.....	54
PROCEDURES FOR INVESTIGATING AND RESOLVING ALLEGATIONS OF PROHIBITED CONDUCT WHEN THE RESPONDENT IS AN EMPLOYEE OR THIRD PARTY.....	54
EOA TITLE IX HEARINGS AND APPEALS.....	61
APPENDIX E.....	66
GUIDE FOR MANDATORY REPORTERS.....	66

SECTION 1 INTRODUCTION

1.1 OVERVIEW

The University of Tennessee at Chattanooga 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.¹ Additional information about UTC’s procedures, training, and prevention programs relating to Prohibited Conduct can be found online at utc.edu/sexual-misconduct/.

1.2 SCOPE AND APPLICABILITY

1.2.1 Individuals Covered by This Policy

This Policy applies to the conduct of and protects:

- Students of the University of Tennessee at Chattanooga;
- Employees and affiliates of the University²; 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.

¹ Changes to applicable law, and/or binding legal precedent may impact the applicability of certain provisions of this policy. The University will provide written notice during the grievance process to the parties if a legally-required change or revision impacts a party’s rights or process under the policy.

² “University” in this Policy means the University of Tennessee at Chattanooga.

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.

[1.2.2 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 the conduct of a student that occurs on University-controlled property. With respect to conduct that does not occur on University-owned property, the University has the discretion to discipline a student for conduct in violation of the Code if the student's conduct adversely affects the interests of the University, including, without limitation, when the conduct:

- a) occurs during or in connection with a University-affiliated activity, including, without limitation, an overseas study program, clinical or field placement, internship, or in-service experience;
- b) consists of academic dishonesty or research misconduct;
- c) is prohibited by local, state, or federal law;
- d) involves another member of the University community; or
- e) threatens, or indicates that the student may pose a threat to, the health or safety of the student or other person, or the security of any person's property, including, without limitation, alcohol-related misconduct, drug-related misconduct, arson, battery, fraud, hazing, participation in group violence, sexual misconduct, relationship violence, stalking, and theft.

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.

[1.2.3 Effective Date](#)

The effective date of this Policy is August 16, 2024. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 16, 2024. If the Prohibited Conduct reportedly occurred prior to August 16, 2024, 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.

[1.2.4 Other University System Policies](#)

Except for [University of Tennessee System Safety Policy 0575](#) (Programs for Minors) (and as otherwise provided in this Policy, this Policy takes precedence over other University policies and procedures concerning Prohibited Conduct in the event of a conflict.

In addition, for employees, conduct that is not Prohibited Conduct under this Policy may also violate other federal or state antidiscrimination laws, including Title VII, and other University policies, including, without limitation: University of Tennessee System Human Resources Policies HR0220 ("[Equal Employment Opportunity Affirmative Action and Diversity](#)"), HR0280 ("[Sexual Harassment and Other Discriminatory Harassment](#)"), and HR0580 ("[Code of Conduct](#)").

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. For example, the University's Policy on Prohibited Relationships with Students can be found in Section 2.4.2.3 of the University of Tennessee at Chattanooga [Faculty Handbook](#). Even if an amorous or sexual relationship between members of the University community begins as consensual and welcome, it can evolve into situations that lead to allegations of Prohibited Conduct.

1.3 ACADEMIC FREEDOM AND FIRST AMENDMENT RIGHTS

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.

SECTION 2 PROHIBITED CONDUCT

2.1 INTRODUCTION

This Policy prohibits the following conduct:³

- Sexual Harassment
 - Sexual Assault
 - Rape
 - Fondling
 - Incest
 - Statutory Rape
 - Dating Violence
 - Domestic Violence
 - Stalking
- Sexual Exploitation
- Retaliation

Section 2.2 contains definitions of Prohibited Conduct, and Section 2.3 contains definitions of other terms used in the definitions of Prohibited Conduct.

2.2 DEFINITIONS OF PROHIBITED CONDUCT

[2.2.1 Sexual Harassment](#)⁴

“Sexual Harassment” is 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 The University’s [Nondiscrimination Statement](#) prohibits Sex Discrimination in any University education program or activity, including employment and admissions. Sex Discrimination means conduct directed at a specific person or a group of identifiable persons that subjects the person or group to treatment that adversely affects their employment, education, or ability to participate in or benefit equally in any University program or activity, on the basis of sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Complaints of Sex Discrimination should be reported to the Title IX Coordinator and will be handled in accordance with the procedures outlined here: [Procedures for Filing a Complaint](#).

⁴ With respect to conduct by employees, the University also prohibits sexual harassment in accordance with University of Tennessee System Human Resources Policy HR0280 (“[Sexual Harassment and Other Discriminatory Harassment](#)”). Conduct by employees that does not necessarily violate this Policy may be a violation of University of Tennessee System Human Resources Policy HR0280. Complaint of sexual harassment prohibited by University of Tennessee System Human Resources Policy HR0280 should be reported to the Title IX Coordinator and will be handled following procedures outlined here: [Procedure for Filing a Complaint](#).

(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).

[2.2.2 Sexual Assault](#)

“**Sexual Assault**” is an umbrella term for 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.

[2.2.3 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.

[2.2.4 Fondling](#)

“**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.

[2.2.5 Incest](#)

“**Incest**” means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

[2.2.6 Statutory Rape](#)

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

[2.2.7 Dating Violence](#)

“**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.

[2.2.8 Domestic Violence](#)

“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 purposes of evaluating Domestic Violence.

[2.2.9 Stalking](#)

“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.

[2.2.10 Sexual Exploitation](#)

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

- (1) 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
- (2) 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 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 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 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 a 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 sexual act(s);
- Forcing a person to take an 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; or
- Causing or requesting an incapacitated person to expose the person's breasts, buttocks, groin, or genitals or to participate in a sexual act(s) with a person other than oneself.

[2.2.11 Retaliation](#)

“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, 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.

(1) The exercise of rights protected under the First Amendment does not constitute retaliation.

(2) 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.

2.3 RELATED DEFINITIONS: CONSENT; FORCE; INCAPACITATION

2.3.1 Consent

“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 the 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 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 rape under state law, based on the ages of the Respondent and the other person.

Appendix B explains how the University determines whether Consent was obtained. Persons subject to this Policy are responsible for understanding and conforming their conduct to the standards described in this Section 2 and Appendix B.

2.3.2 Force

“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;
- Loss or impairment of an academic benefit, employment benefit, or money;
- Disclosure of sensitive personal information or information that would harm a person's reputation;
- Disclosure of video, audio, or an image that depicts the person's nudity or depicts the person engaging in a sexual act(s); or
- Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third person.

2.3.3 Incapacitation

"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 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.

SECTION 3

GRIEVANCE PROCEDURES USED TO ADDRESS PROHIBITED CONDUCT

The University has specific grievance procedures for addressing reports of Prohibited Conduct after the report to the Title IX Coordinator (Section 4.5.2.3). The procedures the University uses are based on the nature of the allegations and the relationship of the Respondent to the University.

3.1 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A STUDENT

Appendix C describes the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is a student.

3.2 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS AN EMPLOYEE

Appendix D and D.1 describe the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is an employee.

3.3 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS BOTH A STUDENT AND AN EMPLOYEE

When the Respondent is both a student and an employee, the Title IX Coordinator will determine the appropriate procedures to use to address the report of Prohibited Conduct based on the facts and circumstances of the situation.

3.4 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A THIRD PARTY

Appendix D describes the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is a third party, such as a visitor or vendor. The University's ability to take disciplinary, remedial, and/or protective measures with respect to a third party will depend on the nature of the relationship between the third party and the University. The Title IX Coordinator (or designee) has the authority to alter the manner of resolving a report of Prohibited Conduct alleged to be committed by a third party if the procedures in Appendix D are not appropriate.

SECTION 4

SUPPORTIVE MEASURES AND REPORTING OPTIONS

4.1 OVERVIEW

Complainants and Respondents have a wide range of options for care, support, and reporting options in response to Prohibited Conduct. For comprehensive information about those options, students and employees should refer to Appendix A. Third parties should contact the University's Title IX Coordinator.

4.2 TITLE IX COORDINATOR/TITLE IX OFFICIALS

The University is subject to the requirements of Title IX of the Education Amendments of 1972, which states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The University's Title IX Coordinator is responsible for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX.

The University's Title IX Coordinator is:

Anitra Barrett, JD

Director of Title IX Compliance & Title IX Coordinator

Enrollment Management and Student Affairs

399 University Center, Dept. 1951

615 McCallie Avenue

Chattanooga, TN 37403

Phone: 423-425-4255

Fax: 423-425-5357

anitra-barrett@utc.edu

titleix@utc.edu

utc.edu/sexual-misconduct

Reports or complaints of Prohibited Conduct or questions about the University's policies, procedures, resources, or programs concerning Prohibited Conduct, may be directed to the University's Title IX Coordinator or other Title IX Officials, who are trained and accessible to members of the University community for consultation and assistance.

The term "Title IX Official" in this Policy means the Title IX Coordinator, a Deputy Title IX Coordinator, or one of their designees.

The identity and responsibilities of Title IX Officials are described in more detail at here: [Title IX Team & Committees](#). The Title IX Coordinator is available to meet with any student, employee, or third party to answer questions about this Policy.

Inquiries or complaints concerning Title IX also may be referred to the United States Department of Education, Office for Civil Rights, Atlanta Office, 61 Forsyth Street, S.W., Suite 19T10, Atlanta, GA 30303-8927, Phone: (404) 974-9406, Fax: (404) 974-9471, Email: OCR.Atlanta@ed.gov.

4.3 DISTINCTION BETWEEN PRIVACY AND CONFIDENTIALITY

Under this Policy, privacy should be distinguished from confidentiality.

- **Confidentiality:** If a Complainant desires to communicate with someone who, by law or by University policy, can keep information confidential, then the Complainant should contact one of the resources outlined in Section 4.4.
- **Privacy:** Information communicated to a Title IX Official (Section 4.2) or a Mandatory Reporter (Section 4.5.2.1) will be kept as private as possible, which means that the information will be shared only with the University employees whom a Title IX Official determines need to be involved in responding to the incident, except as required or permitted by law⁵. When speaking with a Title IX Official, Complainants are free to limit the details they share while they decide whether to report an incident to the University.

4.4 CONFIDENTIAL CARE AND SUPPORT

The persons identified below can keep information communicated to them confidential and will not communicate such information to a Title IX Official, the University, the police, or any other third party, unless required or permitted by law. Complainants may pursue these confidential care, support, and reporting options regardless of whether they choose to report the incident to the University or the police (Section 4.5).

[4.4.1 Confidential Employees](#)

A student or employee may speak with a Confidential Employee if they do not desire action by the University but desire to confide in a university employee confidentially. Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional's client or patient, or because the University has deemed the employee as someone who can keep information confidential. Appendix A identifies the University's Confidential Employees and explains the limited situations in which Confidential Employees are required or permitted by law to disclose confidential information.

[4.4.2 Confidential Care and Support Outside of the University Community](#)

Students and employees also have options to receive confidential care and support from someone who is not affiliated with the University. These confidential options also are described in Appendix A.

4.5 REPORTING OPTIONS

A Complainant has multiple options for reporting Prohibited Conduct. A Complainant may report Prohibited Conduct to the University, to the police, to both, or neither.

⁵ An employee of the UTC PD participates in the University's [Sexual Misconduct, Relationship Violence and Stalking Response Team](#). However, UTC PD will not write a police report unless the Complainant decides to report the incident to the police.

[4.5.1 Report to the Police](#)

Prohibited Conduct may constitute both a violation of this Policy and criminal law. Therefore, the University encourages Complainants to report incidents of Prohibited Conduct to the police. Prompt reporting of an incident to the police is especially critical because the collection and preservation of evidence is essential for police investigations and criminal prosecutions. A Complainant has the right to decline to report the incident to the police. Even if a Complainant does not report the incident to the police, the Complainant may still request Supportive Measures (Section 4.6) by reporting the incident to a Title IX Official. Appendix A provides contact information for campus and local police and information about what to expect after reporting an incident to the police. Appendix A, Sections 1.1 and 2.1, also provide suggestions about the preservation of evidence relating to Prohibited Conduct.

[4.5.2 Report to the University](#)

A **Report** means notification to the Title IX Coordinator or designee of Prohibited Conduct, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Prohibited Conduct). A Report may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written notification. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

A person who wants to report Prohibited Conduct to the University should contact a Title IX Official (Section 4.2). If a person reports Prohibited Conduct to a University employee who is not a Title IX Official, then the employee's responsibility to report that information to the University depends on whether the employee is a Mandatory Reporter.

[4.5.2.1 Mandatory Reporters](#)

A Mandatory Reporter is a university employee who is required to report information about known or suspected Prohibited Conduct to a Title IX Official, whether the employee received the information by means of a complaint, report, personal observation, or otherwise, including information learned from third parties. **A University employee is almost always a Mandatory Reporter when either the Complainant or Respondent is a student.** Employees who have questions about their reporting responsibilities, or students who have questions about an employee's reporting responsibilities, should contact the Title IX Coordinator.

A University employee is a Mandatory Reporter if either of the following apply:

- (1) The Prohibited Conduct **involves either a Complainant who is a student or a Respondent who is a student.**

OR

- (2) The employee is the **supervisor of either a Complainant who is an employee or a Respondent who is an employee**, or otherwise has the authority to redress the Prohibited Conduct (e.g., human resources administrators, EOA employees, Title IX Officials, department heads, deans, vice chancellors, chancellors, vice presidents, campus police).

Exceptions – No Duty to Report:

- The employee is a Confidential Employee (Section 4.4.1) and receives the information while acting in a professional, confidential capacity;
- The employee receives the information during a public awareness event such as “Take Back the Night,” candlelight vigils, protests, “survivor speak outs” or other public forums including online forums such as social networking sites and blogs;
- The employee receives the information through a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
- The employee receives information through an in-class discussion, a class paper, or other academic assignment; or
- The employee is a student employee (e.g., graduate assistant) and did not receive notice of the incident in the student employee’s University employment capacity.

Mandatory Reporters are required to inform a Title IX Official about all information known to them about the Prohibited Conduct. Failure to adhere to one’s duty to report Prohibited Conduct to a Title IX Official may result in disciplinary action, up to and including termination of employment.

The Title IX Coordinator or designee will evaluate allegations that a Mandatory Reporter failed to report Prohibited Conduct to a Title IX Official. In evaluating those allegations, the Title IX Coordinator or designee may meet with the Complainant, the Mandatory Reporter, the Mandatory Reporter’s supervisor or campus unit, and other witnesses who can provide information. The Title IX Coordinator or designee will determine whether further investigation is warranted on a case-by-case basis, including but not limited to, the Mandatory Reporter’s role within the University; the nature and scope of the suspected Prohibited Conduct; and the risk to the University community if the report of Prohibited Conduct were substantiated. The Title IX Coordinator may recommend additional education and training and other remedial or corrective actions.

In some cases, the Title IX Coordinator or designee may refer the allegations that a Mandatory Reporter failed to report Prohibited Conduct to the Office of Equal Opportunity and Accessibility, which will conduct an investigation. The Office of Equal Opportunity and Accessibility will make findings of fact and will determine whether, by a preponderance of the evidence, a Mandatory Reporter failed to report Prohibited Conduct. The Title IX Coordinator and the appropriate University administrator will review the findings. The administrator will determine in writing whether to accept the Office of Equal Opportunity and Accessibility’s findings and conclusion and may include a description of remedial or corrective actions the University will implement. The Title IX Coordinator may also recommend remedial or corrective actions.

Appendix E explains other actions that a Mandatory Reporter must take, should take, and must not take in response to notice of Prohibited Conduct. Complainants who are Mandatory Reporters are not required to report or take any other action identified in this section with respect to Prohibited Conduct to which they personally have been subjected.

University employees also may have reporting responsibilities under other University policies, such as:

- **Child Abuse:** Employees who receive information about suspected child abuse or child sexual abuse must comply with the [University of Tennessee System Safety Policy 0575](#) (Programs for Minors). Safety Policy 0575 takes precedence over this Policy with respect to reporting suspected child abuse and child sexual abuse. Note that under Tennessee law, the obligation to report child abuse or child sexual abuse is not limited to situations involving University-related activities and programs.
- **Campus Security Authorities - Clery Act:** Mandatory Reporters who have been designated by UTC PD as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) satisfy their reporting duties with respect to this Policy and the Clery Act if they report the incident to a Title IX Official. The Title IX Official is responsible for timely communicating the appropriate non-personally identifying information to UTC PD. **Employees who have been designated as Campus Security Authorities may have an obligation to report an incident to UTC PD even when they do not have an obligation to report the incident under this Policy.** Questions about the reporting obligations of Campus Security Authorities should be directed to Rebekah Epperson, the University’s Clery Compliance Coordinator, at rebekah-epperson@utc.edu or (423) 425-5961.

4.5.2.2 Benefits of Reporting Prohibited Conduct to the University

Reporting Prohibited Conduct enables the University to provide Supportive Measures and information regarding the University’s grievance process. If an incident is not reported to the University, then the University will not be able to discuss the availability of Supportive Measures or the grievance process with the Complainant. Complainants are not required to report Prohibited Conduct if they do not want the University to respond to the incident or assist with Supportive Measures (Section 4.6). A Complainant may opt to report an incident of Prohibited Conduct but decline to disclose the identity of the Respondent; in that case, a Title IX Official will offer Supportive Measures to the Complainant, but the University’s ability to investigate the incident and pursue disciplinary action against the Respondent or take other remedial action will be limited.

4.5.2.3 Initial Response and Assessment by the Title IX Coordinator

Appendix A, Section 2.3.2 describes the steps the Title IX Coordinator will take after receiving a report of Prohibited Conduct.

4.5.2.4 Limited Action

When the University receives notice of a potential incident of Prohibited Conduct, the Title IX Coordinator will communicate with the Complainant about the following:

- How the Complainant can file a formal complaint;
- Supportive measures that the University can take in order to support the Complainant; and
- On and off campus resources that the Complainant can access for assistance.

If the Complainant declines to respond to outreach or states that they do not wish to file a formal complaint or participate in an investigation, the University will generally take Limited Action. Limited Action includes providing supportive measures like academic support, safety escorts, no-contact directives, and campus support services. For more information about supportive measures, please visit section 4.6.

There are limited circumstances in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant's participation or assent, 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. For example, if the University has credible information that the Respondent is alleged to have committed one or more other acts of Prohibited Conduct, then the balance of factors might compel the University to investigate the allegation, and, if appropriate, pursue disciplinary action.

When evaluating whether the University must conduct a University-initiated investigation, the Title IX Coordinator will consider a range of factors, including, without limitation, the following:

- The risk that the Respondent will commit additional acts of Prohibited Conduct, such as:
 - Whether there have been other reports of Prohibited Conduct or other relevant misconduct concerning the same Respondent, whether or not the incidents occurred while the Respondent was a University student or employee;
 - Whether the Respondent threatened further Prohibited Conduct or other misconduct against the Complainant or others; and
 - Whether the Prohibited Conduct was committed by multiple perpetrators;
- The nature and scope of the Prohibited Conduct, including whether the Prohibited Conduct was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether the University can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the Prohibited Conduct such as security cameras or physical evidence);
- Whether the Complainant's report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group;
- The University's commitment to providing a safe, non-discriminatory environment, including the risk posed to any individual or to the campus community by not proceeding with an investigation; and
- Complainant safety.

If the Title IX Coordinator determines the University must conduct an investigation, then the Title IX Coordinator will inform the Complainant of the decision prior to starting/continuing the grievance process and will, to the extent possible, and unless otherwise required by law, only share information with people responsible for handling the University's response. The University will honor a request by the Complainant that the University inform the Respondent that the Complainant asked the University not to investigate or seek discipline. The University will take ongoing steps that it determines are reasonable and appropriate to protect the Complainant from Retaliation or harm and may work with the Complainant to create a safety plan. The University will also assist the Complainant to access the support resources identified in Appendix A and inform the Complainant of the right to report a crime to campus or local law enforcement (and provide the Complainant with assistance in reporting if the Complainant requests it). The University will not tolerate Retaliation against any person, including the Complainant.

Because the University is under a continuing obligation to address the issues of Prohibited Conduct campus-wide, reports of Prohibited Conduct (including non-identifying reports and reports for which the University only takes Limited Action) may also prompt the University to consider broader remedial

action – such as increased monitoring, supervision or security at locations where the reported Prohibited Conduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting additional climate assessments/victimization surveys; and/or revisiting its policies and practices.

4.5.2.5 Complainant's Participation in an Investigation or Disciplinary Proceeding

The University will not require a Complainant to participate in any investigation or hearing before a University Hearing Officer or board. A Complainant may be required to participate in a hearing held by an administrative judge pursuant to the Uniform Administrative Procedures Act if the Complainant receives a subpoena from a party other than the University. If a Complainant chooses not to participate in an investigation or disciplinary hearing, the University's ability to discipline the Respondent may be affected.

4.5.2.6 Amnesty

The University recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident of Prohibited Conduct may be hesitant to report the incident to the University because of a fear of university disciplinary sanctions for the person's own violation of the University standards of conduct. Unless an impaired student has engaged in repeated or serious violations of the Code (including, but not limited to, physical or sexual assault, property destruction, disorderly behavior, theft, and multiple alcohol or drug violations), an impaired student will not be subject to formal University disciplinary action for any Code violation(s) discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, the impaired student may be required to meet with the Office of Student Conduct to discuss the impaired student's Code violation(s), participate in educational activities, and/or establish that he or she has addressed the issues that contributed to the Code violation(s).

The Title IX Coordinator has the discretion to grant Amnesty to persons other than the person who reported Prohibited Conduct (e.g., Complainant, Respondent, witnesses). The Student Code of Conduct also contains a policy on amnesty for individuals acting as Good Samaritans and amnesty for student organizations. This Section 4.5.2.6 does not apply to reports to the police; rather, it applies only to discipline for violations of the University's Student Code of Conduct.

4.5.2.7 False Reports

A person who makes a report of Prohibited Conduct to the University that is later found to have made materially false statement(s) in bad faith may be subject to university disciplinary action. This provision does not apply to reports made in good faith, even if an investigation of the incident does not find a Policy violation. Similarly, a person who intentionally provides materially false statement(s) in bad faith to the University during a University investigation or disciplinary proceeding action may be subject to disciplinary action.

4.6 SUPPORTIVE AND REMEDIAL MEASURES

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement supportive protective and remedial measures ("Supportive Measures") while the University assesses, investigates, and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator's initiative.

The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent.⁶ In fairly assessing the need for an individual to receive Supportive Measures, the Title IX Coordinator does not rely on fixed rules or operating assumptions in favor of one party over another.

Examples of Supportive Measures are listed in Appendix A, Supportive Measures are available to Complainants and Respondents.

Supportive Measures are available:

- Even if the Complainant does not want to report the incident to the police;
- Even if the Complainant does not make a formal report (The University may be limited in the Supportive Measures it can implement while keeping the identity of the Complainant private, such as: providing support services to the Complainant; changing living arrangements or course schedules, assignments, or tests; and providing increased monitoring, supervision, or security at locations or activities where the Prohibited Conduct occurred);
- To the Complainant, the Respondent, and witnesses, when determined to be appropriate by the Title IX Coordinator or designee; and
- Prior to, during, or after the investigation or resolution of a report of Prohibited Conduct.

Individuals are encouraged to report to the Title IX Coordinator concerns about the failure of another person to abide by the terms of a Supportive Measure; however, in the event of an immediate health or safety concern individuals should call 911. The University will take immediate and responsive action to enforce a previously implemented Supportive Measure and alleged violations will be investigated and addressed by the appropriate office. The Title IX Coordinator or designee will strive to communicate with the Complainant and the Respondent throughout the grievance process to ensure that the Supportive Measures in place are necessary and effective based on the evolving needs of the parties. The Title IX Coordinator has the discretion to issue, modify, or remove any Supportive Measure at any time.

With respect to non-student employees and third parties, the Title IX Coordinator may delegate the authority to determine and implement appropriate Supportive Measures.

⁶ The Clery Act requires the University to provide certain interim measures upon the request of a Complainant if such measures are reasonably available. 34 C.F.R. § 668.46(b)(11)(v).

APPENDIX A

GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS

The University of Tennessee at Chattanooga 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 is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”)⁷.

The purpose of this appendix is to provide an overview of the available Supportive Measures; the right to file a formal complaint; and how to file a formal complaint. The resources available include confidential resources and options for filing a formal complaint with the University or reporting Prohibited Conduct to the police. **Complainants do not have to file a formal complaint with the University or report to law enforcement to receive Supportive Measures.**

The University has developed resources that highlight some of the areas addressed in this appendix, but this appendix serves as a comprehensive resource.

Section 4 of the Policy identifies the University’s Title IX Coordinator and others who are trained and accessible for consultation and assistance about the available Supportive Measures, the right to file a formal complaint, and how to file a formal complaint. The Title IX Coordinator, the Deputy Title IX Coordinators, and their designees are referred to collectively in the Policy and this guide as “Title IX Officials.”

SECTION 1. CARE AND SUPPORT RESOURCES

This section describes a variety of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services available, both within the University and in the community.

1.1 GENERAL MEDICAL CARE

In cases of Sexual Assault, it is important to seek immediate medical attention to determine the presence of physical injury, address pregnancy concerns, determine the possibility of exposure to sexually transmitted diseases, and, if the Complainant later decides to pursue legal options, to obtain evidence to assist in criminal prosecution, a civil action, or in obtaining a civil protection order.

The key to success in collecting physical evidence of a Sexual Assault is to collect the evidence as soon as possible; however, the Partnership for Families, Children, and Adults’ Rape Crisis Center states that evidence can be collected up to 120 hours after a Sexual Assault. Assaults do not have to be reported to law enforcement to receive Sexual Assault Nurse Examiner (SANE) services. Prior to seeking medical care following a Sexual Assault, a Complainant should avoid changing their clothing, bathing, showering, using a douche, using the bathroom, brushing their teeth, drinking liquids, washing their hands or face, or combing their hair. If the Complainant changes their clothes, then the best way to

⁷ Capitalized terms have the same meaning in the Policy and Appendix A.

preserve evidence relating to clothing is to put the clothing in a paper (not plastic) bag. Other tips on the preservation of evidence are described in Appendix A, Section 2.1.

The collection of evidence for use in a criminal prosecution or an order of protection hearing relating to Sexual Assault can only be performed by trained personnel at the Partnership for Families, Children and Adults' Rape Crisis Center; physical examinations by other healthcare providers are likely to impede potential future legal remedies. In cases of Sexual Assault, a medical professional typically will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault, such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of sexually transmitted infections and pregnancy. This examination preserves evidence for forensic analysis in case a Complainant wishes to pursue a criminal prosecution or an order of protection. The examination likely will be performed by a Sexual Assault Nurse Examiner (SANE) who is specially trained to collect evidence in cases of Sexual Assault. If the Complainant chooses not to report the incident to the police at the time of the SANE examination, then the medical provider will provide the examination materials to local police with a unique identifying number that will also be provided to the Complainant. The police department with jurisdiction will store the examination materials for up to three (3) years. If in that time the Complainant decides to make a police report, then the Complainant may report to the police department with jurisdiction and refer to the unique identifying number so that the Complainant's examination materials may be matched with the Complainant's police report for evidentiary purposes.

PLACE	WHEN	CONTACT INFORMATION
The Partnership for Families, Children and Adults - Rape Crisis Center	24 hours a day, 7 days a week	(423) 755-2700

The University strongly encourages Complainants who experience any form of interpersonal violence to seek medical care immediately if applicable even if they choose not to report the incident. Medical care providers can keep information communicated to them confidential and will not communicate such information to the University, the police, or any other third party, unless required or permitted by law. **Complainants are not required to report an incident to the University or the police to receive medical care.**

Medical care may be obtained from the following:

PLACE	WHEN	CONTACT INFORMATION
UTC's University Health Services	8:00 a.m. – 4:30 p.m., Monday – Friday, except on University holidays or closures	(423) 425-2266 Maclellan Gym
Erlanger Baroness Hospital	24 hours a day, 7 days a week	975 East Third Street Chattanooga, TN 37403 (423) 778-7000
Parkridge Medical Center	24 hours a day, 7 days a week	2333 McCallie Avenue Chattanooga, TN 37404 (423) 698-6061
CHI Memorial Hospital Chattanooga	24 hours a day, 7 days a week	2525 De Sales Avenue Chattanooga, TN 37404 (423) 495-2525

1.2 CONFIDENTIAL SUPPORT AND COUNSELING FOR COMPLAINANTS AND RESPONDENTS

Emotional and mental health support are critical resources in addressing Prohibited Conduct. The persons identified in this Section 1.2 can keep information communicated to them confidential, which means that they will not communicate such information to the University, the police, or any other third party unless required or permitted by law⁸, court order, or subpoena. Complainants may pursue the confidential support and counseling options identified in Section 1.2 regardless of whether they choose to report the incident to the University or the police.

1.2.1 University “Confidential Employees”

Confidential Employees are University employees who can keep the information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional’s client or patient or because the University has deemed the employee as a confidential resource for students and employees.

A Confidential Employee can provide emotional support, help explore options for care, and provide information on reporting options and Supportive Measures.

Information communicated to a Confidential Employee does not constitute notice or a report to the University of an incident of Prohibited Conduct. Except in the limited circumstances described in Section 1.2.1.2 of Appendix A, personally identifiable information communicated to a Confidential Employee will not be shared with a Title IX Official, and the University therefore will be unable to use such information to investigate alleged Prohibited Conduct or to pursue disciplinary action against the Respondent. Confidential Employees include the persons identified below, University employees working under their supervision (except for athletic trainers and Sports Medicine staff), and University employees providing administrative, operational, and/or related support for such persons.

1.2.1.1 Identification of Confidential Employees

PLACE	WHO MAY ACCESS SERVICES	CONTACT INFORMATION
Counseling Center	Students	8:00 a.m. – 5:00 p.m. Monday – Friday, except on University holidays or closures* (423) 425-4438* University Center Room 338 * For after-hours assistance, please use the UTC CARE line (423) 425-CARE/2273

⁸ Survivor Advocates within UTC’s Survivor Advocacy Services are Campus Security Authorities under the Clery Act and are required to report information about incidents to the Clery Compliance Coordinator. The report will not include identifying information. For more information, please see Appendix A, Section 2.3.5.

1.2.1.1 Identification of Confidential Employees (Continued)

PLACE	WHO MAY ACCESS SERVICES	CONTACT INFORMATION
University Health Services	Students, faculty, and staff	8:00 a.m. – 4:30 p.m., Monday – Friday, except on University holidays or closures (423) 425-2266 MacLellan Gym
Survivor Advocacy Services	Students, faculty, and staff	8:00 a.m. – 5:00 p.m. Monday-Friday, except on University holidays or closures (423) 425-5648 118 Lupton Hall
UTC Ombuds	Faculty and Staff	(423) 425-5729 UTCombud@utc.edu

A University employee identified above is a Confidential Employee only if the individual is communicating with the employee as a patient or client of the employee, as opposed to communicating with the employee in another context (e.g., faculty members in law, counseling education, psychology, social work, and nursing not acting in a licensed capacity).

1.2.1.2 Confidentiality Exceptions

In a limited number of circumstances, Confidential Employees are required or permitted by law to disclose confidential information:

- The patient or client signs a written consent permitting the information disclosure;
- Confidential Employees may be required to comply with subpoenas and court orders to testify in legal proceedings;
- Confidential Employees may periodically report non-personally identifiable information about Prohibited Conduct to the Title IX Coordinator or a Deputy Title IX Coordinator to keep that person informed about the general extent and nature of Prohibited Conduct on and off campus;
- Confidential Employees who are “Campus Security Authorities” for purposes of Clery Act compliance are required to report non-personally identifiable information to the University’s Clery Compliance Coordinator unless they received the information when acting as a pastoral or professional counselor as defined by the Clery Act regulations, 34 C.F.R. § 668.46(a);
- Confidential Employees are required by Tennessee law to report suspected child abuse or child sexual abuse (Tennessee Code Annotated §§ 37-1-401 et seq.; 37-1-601 et seq.);
- Confidential Employees are required to report certain injuries to law enforcement (Tennessee Code Annotated § 38-1-101);
- Confidential Employees are required to report threats of serious bodily harm or death against a reasonably identifiable victim or victims (Tennessee Code Annotated §§ 33-3-206; 33-3-210);
- Confidential Employees may be required to report information about a person knowingly exposing another person to sexually transmitted diseases. (Tennessee Code Annotated §§ 68-10-102; 68-10-115); and
- Confidential Employees are required by law to report information that a person age 60 or older, or a person with certain physical and mental disabilities, has been subject to abuse, neglect, or exploitation (Tennessee Code Annotated § 71-6-101 et seq.).

1.2.2 Confidential Support and Counseling Outside of the University

Individuals who desire to receive confidential support and counseling from someone not affiliated with the University may contact one of the following:

Chattanooga-Area Resource

- [Partnership for Families, Children, and Adults'-Rape Crisis Center](#)
(423) 755-2700 (24-7 crisis hotline)

To better serve its students and employees, the University has entered into a Memorandum of Understanding with the Partnership for Families, Children and Adults'-Rape Crisis Center (RCC). The primary mission of the RCC is to provide excellent and compassionate services for survivors of Sexual Assault and to empower communities through education and social change. **A Complainant does not have to report a Sexual Assault to the police to receive services from the RCC.**

The RCC has four program areas: Sexual Assault Nurse Examinations; Advocacy; Therapy; and Education and Outreach. Three of those program areas are described in more detail below.

- Sexual Assault Nurse Examinations. A Sexual Assault Nurse Examiner (SANE) is available 24/7, 365 days a year to provide forensic nursing to Sexual Assault crime victims ages 13 and older. SANE exams are performed at the Partnership's Rape Crisis Center. All services provided are free, including no-cost SANE exams, pregnancy prevention, and testing and preventative treatment for sexually transmitted infections.
- Advocacy. The advocacy program provides victims of Sexual Assault with the support, information, and resources needed throughout the recovery process. Advocates work to ensure that victims' legal rights are protected, while also empowering victims to make their own decisions. Advocacy assistance includes accompaniment during SANE exams, police interviews, legal appointments, and University and court proceedings; and assistance filing victim's compensation applications and petitions for orders of protection.
- Therapy. In addition to crisis counseling, a licensed professional counselor is available to provide individual trauma-informed therapy for victims seeking additional support.

National and state crisis lines available 24 hours/7 days a week for Complainants

- Tennessee Coalition to End Domestic & Sexual Violence
800-289-9018
800-356-6767 – 24-hour statewide domestic violence hotline
tncoalition.org

The Tennessee Coalition to End Domestic and Sexual Violence (TN Coalition) is a private nonprofit organization composed of diverse community leaders and program members who share a common vision of ending violence in the lives of Tennesseans through public policy, advocacy, education, and activities that increase the capacity of programs and communities to address violence. The TN Coalition is a statewide organization that serves: Domestic Violence and Sexual Assault programs; community groups and organizations; criminal justice agencies;

allied professionals (e.g., medical, legal, and mental health professionals); individuals seeking information and resources; and immigrant victims of domestic or sexual violence, Stalking or trafficking.

- RAINN National Sexual Assault Crisis Hotline
800-656-HOPE (4673)
rainn.org/get-help/national-sexual-assault-hotline
- National Domestic Violence Hotline
800-799-SAFE (7233)
Text “START” to 88788
thehotline.org
- Love is Respect – National Dating Abuse Hotline
866-331-9474
Text “LOVEIS” to 22522
loveisrespect.org
- Anti-Violence Project/24-Hour Bilingual Hotline: For LGBTQ+ and HIV+ survivors of violence
Call or Text: 212-714-1141
avp.org/

Other confidential, non-University resources for Complainants and Respondents

- A personal attorney
- A clergy member
- A physician or licensed mental health professional who is not an employee or contractor of the University
- A licensed marital or family therapist, licensed professional counselor, or certified clinical pastoral therapist who is not an employee or contractor of the University

Non-university counselors, advocates, and health care providers will maintain confidentiality unless state law requires or permits the disclosure of information.

1.3 LEGAL RESOURCES FOR COMPLAINANTS AND RESPONDENTS

1.3.1 Orders of Protection, Victim Advocacy Services, and Private Legal Assistance

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

Family Justice Center
5705 Uptain Rd.
Chattanooga, TN 37411
423-643-7600

Hamilton County Circuit Court Clerk

500 Courthouse
625 Georgia Ave.
Chattanooga, TN 37402
423-209-6700

[Legal Aid of East Tennessee](#)

1100 W. Martin Luther King Blvd., Ste. 402
Chattanooga, TN 37402
423-756-4013
800-572-7457

A member of UTC's Survivor Advocacy Services can assist a Complainant with pursuing an order of protection and other legal remedies.

Additional information on orders of protection can be found here:

The Hamilton County Circuit Court provides information about [orders of protection](#). The [Partnership for Families, Children, and Adults](#) provides a list of community resources for victims of dating and domestic violence.

The University does not provide private legal assistance to Complainants or Respondents. The [Chattanooga Bar Association](#) assists with finding an attorney in the greater Chattanooga area. The [American Bar Association](#) also provides information on finding legal services by state.

The [Tennessee Coalition to End Domestic and Sexual Violence](#) (tncoalition.org) operates a Sexual Assault Legal Clinic, that offers direct legal services to sexual assault victims who may have legal questions and needs related to their victimization. The Sexual Assault Legal Clinic provides assistance with family law matters; orders of protection; victim's compensation; housing; employment; administrative hearings; referrals for civil cases; and other legal matters relating to sexual assault. The Sexual Assault Legal Clinic can be reached at (615) 386-9406 or 800-289-9018 for a FREE appointment or complete the [Sexual Assault Legal Clinic Online Intake Form](#).

1.3.2 Visa and Immigration

International students and employees who are Complainants receive the same rights under Title IX and the Clery Act as other Complainants, regardless of their immigration and visa status. For victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking, there may be other visa options, including U and T Visas.

The University's Center for Global Education can provide useful information regarding immigration status, although the office does not provide legal advice:

Center for Global Education

117 Lupton Hall
Chattanooga, TN 37403
Phone: (423) 425-4735

International students and employees with questions about their immigration and visa status should seek the assistance of an immigration attorney. Immigration lawyers are licensed attorneys who

specialize in the field of immigration law. They function as the client's advocate and can represent them before immigration agencies, both in immigration court as well as in filing applications for immigration benefits. The attorney can give general advice and can discuss immigration options. Like all attorneys, immigration attorneys are bound by professional ethical, and legal requirements to keep client discussions confidential.

The [Tennessee Coalition to End Domestic and Sexual Violence \(tncoalition.org\)](http://tncoalition.org) operates an [Immigrant Legal Clinic](#), that provides legal advice and representation to immigrant survivors of domestic violence, sexual assault, stalking, or human trafficking throughout Tennessee. Abuse need not be physical, and may include coercion, withholding of documents or privileges, threats, verbal abuse, and stalking. The Immigrant Legal Clinic was created to address the unique problems faced by immigrant survivors. Additionally, they work with community partners to help collectively defend and advocate for immigrant survivors and ensure their access to life-saving protections that all survivors of violence deserve. There are no restrictions on what type of immigration case the Clinic takes, nor are there strict income guidelines. However, all the clients must be victims of domestic or sexual violence and unable to afford an attorney on their own. Case acceptance is handled on a case-by-case basis and determined on the merits of the case and whether relief is available. To inquire about receiving the services of the Immigrant Legal Clinic, an individual may call (615) 386-9406 or 800-289-9018 for a FREE appointment or complete the [Online Intake Form](#).

[U.S. Citizenship and Immigration Services \(USCIS\)](#), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation:

- USCIS [Find Help in Your Community](#)
- USCIS [Find Legal Services](#)

The [Board of Immigration Appeals](#) provides a listing of attorneys by state who provide free or [low-cost immigration services](#).

The [American Immigration Lawyers Association \(aila.org\)](http://aila.org) offers an [online immigration lawyer referral service \(ailalawyer.org\)](#) that can help a student or employee find an immigration lawyer.

Bridge Refugee Services, Inc. assists refugees and asylees with orientation and case management to help individuals learn how to live in the United States, including how to obtain early employment. Prior to a family's arrival, case managers and staff may arrange for housing, household items, food, job interviews, etc. to help families begin making Chattanooga their home. Bridge can be contacted at 4791/A Hal Drive, Chattanooga, TN 37416 Telephone: (423) 954-1911.

1.4 STUDENT FINANCIAL AID RESOURCES FOR COMPLAINANTS AND RESPONDENTS

Students who need assistance with financial aid issues may contact the Title IX Coordinator, a Deputy Title IX Coordinator, or the [Mocs One Center](#).

1.5 SUPPORTIVE MEASURES IMPLEMENTED BY THE UNIVERSITY FOR COMPLAINANTS AND RESPONDENTS

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement interim protective and remedial measures ("Supportive Measures") while the University assesses, investigates,

and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator's initiative. Section 4.6 of the Policy explains the availability of Supportive Measures and how they are determined, implemented, and enforced.

The following are examples of Supportive Measures:

- Issuing a no-contact directive, which provides mutual restrictions between parties from having verbal, physical, written, and/or electronic contact and/or from being present on designated University-controlled property for a definite or indefinite period of time.
- Issuing an Emergency Removal (i.e. Interim Suspension) of the Respondent (student or employee) based on an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The Respondent will have the ability to challenge the decision immediately (within 3 business days) following the removal;
- Informing the Complainant of the right to report the incident to the police for criminal investigation and prosecution and offering to assist the Complainant in reporting an incident to the police;
- Putting a Respondent (if an employee) on leave, in accordance with other applicable University policies, prior to the conclusion of the investigation and resolution of a report or formal complaint of Prohibited Conduct;
- Assisting an individual in obtaining medical, advocacy, and counseling services;
- Exploring changes in living, transportation, dining, and working arrangements;
- Arranging appointments for an individual for follow-up on-campus support services or off-campus support services, such as those identified in this Section 1 (e.g., arranging an appointment with the Chattanooga Family Justice Center to discuss options for pursuing an order of protection in Hamilton County Circuit Court);
- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes;
- Assisting an individual in communicating with faculty;
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Office of Records;
- Accessing academic support for an individual, including tutoring;
- Assisting with requesting academic accommodations such as rescheduling exams, obtaining extensions of time for assignments, re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty.

SECTION 2. REPORTING PROHIBITED CONDUCT

The University encourages students who have experienced, have knowledge of, or have witnessed Prohibited Conduct to promptly report the incident to the police or the University.⁹ Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or neither. Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report Prohibited Conduct.

⁹ Student-employees who are Mandatory Reporters (Policy, Section 4.5.2.1) are required to report information they receive about Prohibited Conduct.

2.1 PRESERVATION OF EVIDENCE

The University recognizes that a Complainant may need time to decide whether to report an incident of Prohibited Conduct to the police and/or the University. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

The University strongly encourages Complainants, as soon as possible after experiencing Prohibited Conduct, to take steps to preserve evidence of the Prohibited Conduct, such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 120 hours after the incident (Appendix A, Section 1.1);
- When possible, before having a forensic sexual assault nurse examination performed, avoid changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts, or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

2.2 REPORTING TO THE POLICE

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 the 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.

A Complainant has the right to decline to report the incident to the police. Even if a Complainant does not report the incident to the police, the Complainant may still request Supportive Measures from the University by reporting the incident to a Title IX Official.

2.2.1 Contact Information for Police

A Complainant may report Prohibited Conduct to the police 24 hours a day, seven days a week:

INCIDENT LOCATION	CONTACT
Regardless of where the incident occurred/On-campus	Call 911 in an emergency or UTCPD 400 Palmetto Street Chattanooga, TN 37403 423-425-4357
In the City of Chattanooga	Chattanooga Police Department (CPD) 3410 Amnicola Hwy. Chattanooga, TN 37406 (423-698-2525) or UTCPD
In Hamilton County but outside of the City of Chattanooga	Hamilton County Sheriff 600 Market St. G10 Chattanooga, TN 37402 423-209-7000 or UTCPD
Outside of Hamilton County	Contact the law enforcement agency that has jurisdiction over the location where the incident occurred or Contact UTCPD for assistance in contacting another jurisdiction's law enforcement agency

Upon the Complainant's request, a Title IX Official or advocate will assist the Complainant in contacting UTCPD or another appropriate local police department.

Employees of UTCPD are Mandatory Reporters for reports of Prohibited Conduct involving students. Accordingly, if a person reports an incident to UTCPD, and the incident has not been previously reported to a Mandatory Reporter outside of UTCPD, then UTCPD will contact the Title IX Coordinator. The Title IX Coordinator will contact the Complainant regarding the University's response to the report. In contrast, if a Complainant reports the incident to another police department other than UTCPD, then the Complainant also will need to report the incident to a Title IX Official (Appendix A, Section 2.3) if the Complainant wants the University to take any action under the Policy.

2.2.2 What to Expect After Reporting Prohibited Conduct to the Police

Even if a Complainant is unsure whether to pursue criminal prosecution or an order of protection, the University recommends that the Complainant report the incident to the police as soon as possible. In most cases, after addressing a Complainant's immediate safety needs and/or needs for medical care, a police officer will meet with the Complainant and take a statement about what occurred. In cases of Prohibited Conduct, in addition to taking a statement, the police officer may ask to examine the scene of the incident and collect bedding, clothing, or other items of evidentiary value. A police officer also

will conduct a thorough interview to record as many details as possible and as precisely as possible, which may take as long as several hours, depending on the circumstances of the case. Due to the traumatic effects of sexual assault, multiple interviews may be required to get all of the pertinent details of the assault. When UTCPD conducts the police interview, the UTCPD police officer typically will ask the Complainant whether they want UTCPD to call a survivor advocate from Survivor Advocacy Services, or if after hours, a survivor advocate from the Partnership's Rape Crisis Center.

If the police determine that a crime occurred after concluding its investigation, then the police will refer the matter to the district attorney. **The district attorney will decide whether to pursue criminal prosecution; however, it is unusual for cases to proceed without the cooperation of the Complainant. Reporting the incident to the police does not obligate the Complainant to cooperate with the district attorney's criminal prosecution.** If criminal prosecution is pursued, however, the likelihood of success will be much higher if the Complainant reported and allowed evidence to be collected immediately after the incident of Prohibited Conduct.

[2.2.3 How University Policies/Procedures Relate to Criminal Law/Procedures](#)

The University will cooperate with law enforcement if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, the University's Policy and procedures may differ in significant respects from criminal law. A Complainant may seek resolution through the University's grievance process outlined in the Policy, may pursue criminal action, may choose one but not the other, may choose both, or may choose neither. Procedures under the Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Although the University may delay temporarily the fact-finding portion of its investigation while law enforcement is gathering evidence, the University will implement appropriate Supportive Measures during such a delay. Decisions made or penalties imposed by the University are not based on a result of criminal charges or civil claims against a Respondent arising from the same incident being dismissed, reduced, rejected, sustained, or not prosecuted; however, a Respondent's plea or a finding against a Respondent in a criminal or civil proceeding may be used by the University in a University disciplinary proceeding.

[2.2.4 Anonymous Reporting to the Police](#)

Persons may report a crime anonymously to UTCPD via the [Confidential Crime Reporting Form](#). Anonymous reporting is not an alternative to calling 911; in an emergency, call 911.

2.3 REPORTING TO THE UNIVERSITY

Reporting Prohibited Conduct enables the University to provide Supportive Measures and information regarding the University's grievance process. If an incident is not reported to the University, then the University will not be able to discuss the availability of Supportive Measures or the grievance process with the Complainant. Complainants are not required to report Prohibited Conduct if they do not want the University to respond to the incident or assist with Supportive Measures (Section 4.6). A Complainant may opt to report an incident of Prohibited Conduct but decline to disclose the identity of the Respondent; in that case, a Title IX Official will offer Supportive Measures to the Complainant, but the University's ability to investigate the incident and pursue disciplinary action against the Respondent or take other remedial action will be limited.

If a person reports an incident of Prohibited Conduct to the University, there is no requirement that the Complainant pursue criminal prosecution or University discipline against a Respondent. The University recognizes that a Complainant's decision on how to proceed after a report is filed is a process that may unfold over time; thus, at the time a report is made to the University, a Complainant does not have to decide whether to request any particular course of action.

[2.3.1 Who to Contact at the University](#)

Students are encouraged to report Prohibited Conduct to Title IX Officials, who are trained to respond to Complainants. The University's Title IX Coordinator is:

Anitra Barrett

Director of Title IX Compliance & Title IX Coordinator
Enrollment Management and Student Affairs
399 University Center
615 McCallie Avenue, Dept. 1951
Chattanooga, TN 37403
Phone: 423-425-4255
Fax: 423-5357
anitra-barrett@utc.edu
titleix@utc.edu
utc.edu/titleix

The University's Title IX Officials can be found here [Team & Committees](#) on the University's Title IX page.

As explained in Section 4.3 of the Policy, privacy under this Policy is different than confidentiality. If a Complainant desires to communicate with someone who, by law, or by university policy, can keep information confidential, then the Complainant should contact one of the resources outlined in Appendix A, Section 1.2.

If a student discloses information about Prohibited Conduct to a University employee who is not a Title IX Official, then the University employee's duty to report the information to a Title IX Official will depend on whether the University employee is a Mandatory Reporter. All Mandatory Reporters are required to report information about Prohibited Conduct to a Title IX Official. Section 4.5.2.1 of the Policy identifies the University employees who are Mandatory Reporters.

[2.3.2 Initial Response and Assessment by the Title IX Coordinator](#)

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) 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 Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,¹⁰ 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.

The Title IX Coordinator may delegate the authority to take some or all the steps described above to another Title IX Official.

[2.3.3 Limited Action](#)

If the Complainant declines to respond to outreach or states that they do not wish to file a formal complaint or participate in an investigation, the University will generally take Limited Action. Limited Action includes providing supportive measures like academic support, safety escorts, no-contact directives, and campus support services. If a Complainant chooses not to make a formal complaint, the University will normally take Limited Action. There are limited circumstances; however, in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant's participation or assent, because of the University's commitment to providing a safe and non-discriminatory learning, living, and working environment free from Prohibited Conduct. Section 4.5.2.3 of the Policy explains Limited Action the limited circumstances where the University will initiate an investigation without the complainant's participation or assent.

¹⁰ If the formal complaint is received as a Title IX Sexual Harassment Complaint, and the conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment as defined in this Policy, did not occur in the University's education program or activity, or did not occur against a person in the United States, the Title IX Coordinator is required by federal law to dismiss the formal complaint. However, that dismissal does not preclude the University from taking action under this Policy, including by treating the alleged conduct as Prohibited Conduct to which this Policy applies.

[2.3.4 Amnesty for Students Who Report Prohibited Conduct to the University](#)

Because of the importance to the University of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to the University or provides information in a University investigation into alleged Prohibited Conduct will not be subject to University disciplinary action by the Office of Student Conduct for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk (“Amnesty”). More information on the University’s Amnesty policy can be found in Section 4.5.2.5 of the Policy.

[2.3.5 The University’s Disclosure Obligations under Federal and Tennessee Law Relating to Reports of Prohibited Conduct](#)

Clery Act

Certain University employees, called Campus Security Authorities, have a duty to report certain incidents of Sexual Assault, Domestic Violence, Dating Violence, and Stalking to the University’s Clery Compliance Coordinator to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information to the Clery Compliance Coordinator for Clery Act purposes, but statistical information must be sent to the Clery Compliance Coordinator regarding the type of incident that occurred and its general location (e.g., on or non-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security and Fire Safety Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, **but the statistics do not personally identify Complainants or Respondents**. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

In addition to the Annual Fire Safety and Security Report and in compliance with the Clery Act, the University’s Clery Compliance Coordinator maintains a daily crime log that includes entries for all crimes and alleged crimes that occurred within the University’s Clery Geography or the patrol jurisdiction of UTCPD.

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to: issue timely warnings for crimes reported to UTCPD or Campus Security Authorities that pose a serious or continuing threat to members of the campus community. The University will undertake reasonable efforts to avoid disclosing a Complainant’s name and other identifying information, while still providing enough information for community members to make safety decisions in light of the potential danger.

The University’s Clery Compliance Coordinator is Rebekah Epperson, (423) 425-5961, rebekah-epperson@utc.edu; clery@utc.edu.

FERPA

In accordance with FERPA, personally identifiable information about a Complainant or Respondent who is a student that has been communicated to a Mandatory Reporter regarding Prohibited Conduct will be shared within the University only with Title IX Officials and those University employees who “need to know” in order to assist with the University’s response to the Prohibited Conduct. Personally identifiable information concerning a Complainant or Respondent who is a student will not be disclosed

by the University to third parties unaffiliated with the University without the consent of the student except in response to a lawfully issued subpoena, court order, or as otherwise required or allowed by law. If a Respondent who is a student makes a request to review documents concerning the University's investigation or resolution of Prohibited Conduct, the University will be required by FERPA to grant the Respondent's request to inspect and review records that relate specifically to the Respondent. The University may be required, under FERPA regulations, to disclose information regarding a Complainant, where the records cannot be segregated or redacted.

Tennessee Public Records Act

Incident reports prepared by UTC PD for law enforcement purposes are generally considered public records under the Tennessee Public Records Act (Tennessee Code Annotated § 10-7-503 et seq.) and are not protected by FERPA, which means the University is obligated by law to make them available to any Tennessee citizen upon request unless the report is part of an ongoing criminal investigation. Local law enforcement agencies may also be required to make their records available under similar circumstances.

In addition, investigative reports prepared by other University officials that do not contain personally identifiable student information also are generally considered public records under the Tennessee Public Records Act. However, Tennessee law provides that information that is reasonably likely to identify a student accused of committing an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202 or any information that is reasonably likely to identify the victim of an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202, must be treated as confidential and not be open for inspection by members of the public under the Tennessee Public Records Act.

However, upon request by a citizen of Tennessee, the Tennessee Public Records Act requires the University to disclose the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense if the University determines as a result of that disciplinary proceeding that the student committed a violation of the University's rules or policies with respect to such crime or offense. "Final results" includes only the name of the student who committed the violation, the violation committed, and any sanction imposed by the University on the student. The names of other students, such as the Complainant, are not disclosed without the other students' consent.

Robert (Robbie) Nottingham Campus Crime Scene Investigation Act

The Robert (Robbie) Nottingham Campus Crime Scene Investigation Act (Nottingham Act), Tennessee Code Annotated § 49-7-129, requires UTC PD to notify the Chattanooga Police Department upon UTC PD's receipt of a report from a victim alleging that any degree of rape has occurred on university property. The Nottingham Act requires UTC PD and the Chattanooga Police Department to participate in a joint investigation of the rape, with UTC PD leading the investigation. The Nottingham Act also requires sexual assault programs and services on campus to report annually to UTC PD the number of requests for assistance received from persons who were raped on or in the vicinity of campus during the preceding calendar year. Personally identifiable information is not provided to UTC PD in connection with that report.

Disclosure to Respondents During the Disciplinary Process

After the University has formally initiated the grievance procedure a Respondent has rights under federal and state law, including the right to be informed of sufficient details including the identities of the parties involved, the conduct allegedly constituting Prohibited Conduct, the date and location of the incident (if known), and the right to equal access to all information that will be used in the disciplinary process.

APPENDIX B

CONSENT

The University of Tennessee Chattanooga 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 is defined in the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the "Policy").¹¹

The purpose of Appendix B is to inform students, employees, and third parties about how the University, in investigations and disciplinary hearings,¹² will determine whether Rape or Fondling occurred without Consent.

"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 the 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 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.
- During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During a university investigation or disciplinary hearing, the University has the burden of proving that a sexual act(s) occurred without Consent (and it is not a Respondent's burden to prove Consent).
- Whether a person has communicated Consent to participate in a sexual act generally is evaluated from the perspective of what a Reasonable Person who perceived the individual's words and/or non-verbal conduct would have understood; however, in the context of a relationship that has involved sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., What

¹¹ Capitalized terms have the same meaning in the Policy and Appendix B.

¹² Including contested case proceedings under the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. ("UAPA").

did the specific person who initiated the sexual act conclude based on the pattern of communication?).

- A verbal “no” (or words equivalent to “no”) or the nonverbal communication of “no,” even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously communicated has been withdrawn. The absence of a verbal “no” or the absence of a nonverbal communication of “no” does not necessarily mean that Consent has been communicated.
- Consent must exist from the beginning to the end of each sexual encounter and for each sexual act that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent to participate in a sexual act may be withdrawn at any time. A withdrawal of Consent is communicated through clear words and/or conduct that indicate that a person no longer agrees to participate in a sexual act. Once a person’s withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual act. Consent is automatically withdrawn when a person becomes Incapacitated or is Forced to participate in a sexual act.
- Consent to one sexual act (e.g., oral sex) does not constitute or imply Consent for another sexual act (e.g., vaginal intercourse), whether during a sexual encounter or based on a previous sexual encounter.
- The following do not communicate a person’s willingness to participate in sexual act(s):
 - Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in a sexual act(s);
 - Consent communicated by the person on a previous occasion;
 - Consent communicated to a third person;
 - The person’s failure to resist physical force (however, for purposes of the Policy, the person’s resistance to physical force will be viewed as a clear demonstration that the person has not communicated Consent);
 - A current or previous dating, romantic, intimate, or sexual relationship with the other person;
 - Currently or previously cohabitating with the other person;
 - The person’s attire, reputation, giving or acceptance of gifts, sexual arousal, or extension or acceptance of an invitation to go to a private residence, room, or other location.
- One’s own use of alcohol, drugs, or other substances does not diminish one’s responsibility to obtain Consent from the other person. Another person’s use of alcohol, drugs, or other substances does not diminish one’s responsibility to obtain Consent from that person.

Recommendations on Consent

- The University urges individuals to communicate with one another before and throughout a sexual encounter to ensure Consent exists for every sexual act. Because interpreting non-verbal conduct may lead to misunderstanding and a violation of the Policy, persons subject to the Policy are strongly encouraged to err on the side of caution and not rely solely on the non-verbal conduct of another person in concluding that the other person has communicated Consent.
- The University urges individuals to be cautious before engaging in sexual activity when either person has been consuming alcohol or using other drugs. Alcohol and other drugs impair a person's ability to give Consent and impair a person's ability to determine whether Consent has been given.

APPENDIX C

PROCEDURES FOR INVESTIGATING AND RESOLVING ALLEGATIONS OF PROHIBITED CONDUCT WHEN THE RESPONDENT IS A STUDENT

The University of Tennessee Chattanooga is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, "Prohibited Conduct"). Prohibited Conduct is defined in the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the "Policy").¹³

Disciplinary proceedings¹⁴ relating to Prohibited Conduct when the Respondent is a student will be handled by the University in accordance with the Student Code of Conduct ("Code"), as modified and/or clarified by Appendix C and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46. A graphical summary of the process can be found at the end of Appendix C. A copy of the Code of Conduct may be found here [Student Code of Conduct](#).

HOW TO FILE A FORMAL COMPLAINT

Prohibited Conduct may be reported to any Title IX Official identified in Section 4 of the Policy. Upon receiving a report of Prohibited Conduct, the Title IX Coordinator (or designee) will promptly contact the Complainant to explain the process for filing a Formal Complaint. The Complainant may also directly contact the Title IX Coordinator or another Title IX Official to file a Formal Complaint.

A Formal Complaint is a document filed by the Complainant (or, in some circumstances, signed by the Title IX Coordinator) alleging Prohibited Conduct against a Respondent and requesting that the University investigate the allegations.

Two types of Formal Complaints may be filed. The Title IX Coordinator or another Title IX Official can explain to a Complainant the options for Formal Complaints.

- **Title IX Prohibited Conduct Complaint:** First, a Complainant may file a Title IX Prohibited Conduct Complaint in a case involving allegations that a Respondent's conduct constitutes Sexual Harassment in the University's education program or activity in the United States as defined in 34 C.F.R. 106.30(a) ("Title IX Allegations") and the Complainant is participating or attempting to participate in an education program or activity. For Title IX Allegations, the University's "education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- **Non-Title IX Prohibited Conduct Complaint:** Second, the Complainant may file a Non-Title IX Prohibited Conduct Complaint in a case in which the Prohibited Conduct did not occur in the

¹³ Capitalized terms have the same meaning in the Policy and Appendix C.

¹⁴ "Disciplinary proceeding" means all activities related to the University's non-criminal resolution of a report to the University of Prohibited Conduct, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. "Disciplinary proceeding" does not include communications and meetings between Title IX Officials and a Complainant or a Respondent concerning supportive measures.

University's education program or activity, did not occur in the United States, or is not Sexual Harassment as defined in 34 C.F.R. 106.30(a), but would, if proven, violate the Code (i.e., allegations of misconduct in a study abroad program or off-campus misconduct committed against another member of the University community).

Within three (3) business days of receiving a Formal Complaint, the Title IX Coordinator will refer the Formal Complaint to an investigator, who will investigate the allegations.¹⁵

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

Disciplinary proceedings relating to Prohibited Conduct will be conducted by persons who do not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent.

Disciplinary proceedings will be conducted in a prompt, fair, and impartial manner from the investigation to the final result. Throughout the grievance process, investigators and decision-makers will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

STANDARD OF PROOF

The standard of proof used in disciplinary proceedings is the preponderance of the evidence standard, i.e., whether it is more likely than not that the Respondent violated the Code by engaging in Prohibited Conduct.

RIGHT TO AN ADVISOR

The Complainant and the Respondent have the right to be assisted by an advisor during all stages of a disciplinary proceeding, including all meetings, investigative interviews, and hearings. The advisor may be but is not required to be, an attorney. The role of the advisor in the Formal Hearing depends on the type of Formal Hearing (described below) used to resolve the Formal Complaint. The role of the advisor is described in the Code in Sections V and IX. In general, an advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, or participate directly in any other manner during any phase of the student conduct process, except in a Title IX Hearing. In a Title IX Hearing, the advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

¹⁵ Investigations of reports of Prohibited Conduct are usually performed by OSC. However, for good cause, the Title IX Coordinator may select an investigator(s) external to OSC, provided that the investigator has specific training and experience investigating allegations of Prohibited Conduct. Any investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest or bias. The investigator(s) may be a university employee, a team of University employees, an external investigator engaged to assist the University, or a team of external investigators engaged to assist the University.

RIGHT TO A SUPPORT PERSON

The Complainant and the Respondent also have the right to be assisted by a support person during all stages of a disciplinary proceeding, including all meetings, investigative interviews, and hearings. The support person is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, or participate directly in any other manner during any phase of the investigation or grievance process.

INVESTIGATIONS OF PROHIBITED CONDUCT

In all investigations of Prohibited Conduct, the University must ensure that the burden of proof of gathering evidence rests on the University and not on the parties. The University will provide an equal opportunity for the parties to identify and present witnesses for interview, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence. The University will provide written notice of the date, time, location, participants, and purpose of all investigative interviews and other meetings, with sufficient time to prepare to participate.

At the end of the investigation, the University will prepare an investigative report which may set forth a preliminary recommendation as to whether the Respondent shall be held responsible or not, and, if responsible, a non-binding proposed sanction. The investigative report will be provided to the parties and the disciplinary board or hearing officer in a Formal Hearing, but the preliminary recommendation and any non-binding proposed sanction will be removed from the report before it is provided to the disciplinary board or hearing officer.

Prior to preparing a written investigative report, the University will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. The parties will have ten (10) business days to submit a written response, which the investigator will consider prior to the completion of the investigative report. The investigation will generally be completed within sixty-five (65) business days.

The University will send the investigative report to each party and the party's advisor. Within ten (10) business days after being sent the reports, each party may make a written response to the investigative report, which will be provided to the other party. No hearing shall take place until the ten (10) days to respond have lapsed, even if a response from a party has been received earlier.

DISMISSAL OF COMPLAINTS

If a Complainant files a Title IX Prohibited Conduct Complaint, the University must investigate the allegations. Under federal law, the University must dismiss a Title IX complaint if the conduct alleged in the Title IX Complaint (i) would not be Sexual Harassment, even if proven; (ii) did not occur in the University's "education program or activity;" or (iii) did not occur within the United States. However, if the Title IX Prohibited Conduct Complaint is dismissed, the Complainant has the option of filing a Non-Title IX Prohibited Conduct Complaint requesting the University investigate allegations that may, if proven, violate the Code.

The University may dismiss, but is not required to dismiss, a Formal Complaint (both Title IX and Non-Title IX) if, at any time during the investigation and hearing: (1) the Complainant notifies the Title IX

Coordinator in writing that the Complainant would like to withdraw the Formal Complaint; (2) the Respondent is no longer enrolled; or (3) specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the Respondent's responsibility.

COMPLAINANT'S RIGHT TO APPEAL A NO ACTION DETERMINATION IN A NON-TITLE IX PROHIBITED CONDUCT COMPLAINT

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with OSC making a final determination that no action will be taken, then the Complainant may appeal that determination to the Vice Chancellor for Student Affairs, in writing, within seven (7) calendar days of the date that OSC transmitted notice of the no action determination to the Complainant. Upon receipt of the appeal, OSC will send a copy of the appeal to the Respondent. The Respondent may respond to the appeal by filing a written response within three (3) calendar days after receipt of the Complainant's appeal. The Vice Chancellor for Student Affairs may affirm the decision of OSC, reverse the decision and direct OSC to charge the Respondent with violating the Standards of Conduct, or remand the matter for additional investigation or consideration. The Vice Chancellor for Student Affairs shall issue a decision in writing, sent to the Complainant and the Respondent simultaneously, within ten (10) calendar days of receipt of the Complainant's appeal or the Respondent's response, whichever is later. The decision of the Vice Chancellor for Student Affairs is final and may not be appealed.

At the conclusion of an investigation of a Title IX Prohibited Conduct Complaint, however, OSC does not make any determination that no action will be taken. Therefore, no appeal is made at that time in the process.

FORMAL HEARINGS

NON-TITLE IX PROHIBITED CONDUCT

In Non-Title IX Prohibited Conduct cases that do not result in a determination that no action will be taken will proceed to a Formal Hearing. Sections 8 through 10 of the Code describe the types of Formal Hearings that will be used in cases of Prohibited Conduct.

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Student Conduct Board or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act.¹⁶ Sections VIII and IX of the Code describe the process for those hearings. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

The following chart shows the steps that generally apply in Student Conduct Board hearings. The parties are directed to the provisions of the Code for additional information.

¹⁶ The timelines described below do not apply if a Respondent exercises the right to have a hearing conducted under state law, the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. ("UAPA"). If a Respondent exercises a right to a UAPA hearing, then an administrative judge will be appointed by the University's Agency Head typically within five (5) business days of the Respondent's request for a UAPA hearing. The timelines for a UAPA hearing are governed by the UAPA.

Student Conduct Board Hearing		
<i>Step</i>	<i>Code Reference</i>	<i>Anticipated Timeline</i>
Complainant and Respondent provide names of advisors and witnesses, evidence, and any statements to OSC	Section 9.5	At least five (5) business days prior to the hearing
OSC provides all copies of the information submitted by the parties to the other party and the Student Conduct Board	Section 9.6	At least one (1) business day prior to the hearing
Notice of Decision issued by Student Conduct Board	Section 9.7	At the conclusion of the hearing

TITLE IX PROHIBITED CONDUCT

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process, unless the parties agree to an Informal Resolution. Section X of the Code describes the process for a Title IX Hearing. The University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.

The following chart shows the steps that generally apply in Title IX Hearings. The parties are directed to the provisions of the Code for additional information.

Title IX Hearing		
<i>Step</i>	<i>Code Reference</i>	<i>Anticipated Timeline</i>
Notice of Title IX Hearing sent to Complainant and Respondent	Section 10.3	At least ten (10) business days prior to the hearing
Complainant and Respondent provide names of advisors to Title IX Hearing Officer, or inform Title IX Hearing Officer that they have no advisor and an advisor will be appointed	Section 10.4	At least five (5) business days prior to the hearing
Notice of Decision issued by Title IX Hearing Officer	Section 10.7	Within ten (10) business days of the conclusion of the hearing

APPEALS

The Complainant and the Respondent have equal rights to appeal the decision after a Formal Hearing. Code Section XII describes the appeal process for appealing a decision by the Student Conduct Board, or Title IX Hearing Officer.

The following charts show the steps that generally apply in appeals. The parties are directed to the provisions of the Code for additional information.

Appeals from Student Conduct Board Decision (Non-Title IX Prohibited Conduct)		
<i>Step</i>	<i>Code Reference</i>	<i>Anticipated Timeline</i>
Notice of Appeal filed	Section 12.1	Within five (5) business days of the transmittal of the decision
Non-appealing party may submit written response to Vice Chancellor for Student Affairs	Section 12.1	Within three (3) business days of receipt of the Notice of Appeal
Vice Chancellor for Student Affairs issues decision	Section 12.1	Within ten (10) business days

Appeals from Title IX Hearing Officer Decision		
<i>Step</i>	<i>Code Reference</i>	<i>Anticipated Timeline</i>
Notice of Appeal filed	Section 12.3	Within five (5) business days of the transmittal of the decision
OSC notifies non-appealing party of appeal	Section 12.3	As soon as practicable
Both parties may submit written statement in support of or opposition to decision to the Vice Chancellor for Student Affairs	Section 12.3	Within five (5) business days of the date on which the non-appealing party received notice that the other party filed a Notice of Appeal
Notice of Decision issued by the Vice Chancellor for Student Affairs	Section 12.3	Within five (5) business days of receipt of written statements

ANTICIPATED TIMELINES

Although the University strives to adhere to the timelines described above, in each case, the University may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the complexity of the disciplinary proceeding; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence);

concurrent law enforcement activity; intervening University holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances. In the event that the need arises to adjust the timelines described above or those previously communicated to the Complainant and the Respondent for good cause, the University will notify the Complainant and the Respondent in writing of the reason for the delay and the expected adjustment in timelines.

POSSIBLE SANCTIONS

Following a determination under the Code that a student is responsible for engaging in Prohibited Conduct, the Student Conduct Board, or Title IX Hearing Officer will issue a sanction. Section XI of the Code identifies the possible sanctions that may be imposed if, after the conclusion of the student conduct process, a Respondent is found responsible for engaging in Prohibited Conduct. Possible sanctions include warning; disciplinary reprimand, disciplinary probation; suspension; permanent dismissal; withholding of degree; disciplinary probation for student organizations; social probation for student organizations; revocation or suspension of university registration for student organizations; educational activities; restitution; supervised work/service; loss or restriction of privileges; University housing reassignment or removal; and/or mandatory education. Any sanction imposed by the Student Conduct Board or Title IX Hearing Officer may be appealed as set forth in Section XII of the Code. Once a sanction decision is final, OSC will ensure the effective implementation of final sanctions. The Title IX Coordinator is responsible for the effective implementation of any remedies.

RESOLUTION WITHOUT A FORMAL HEARING

The Code provides processes by which Formal Complaints may be resolved without a Formal Hearing. These processes differ depending on whether the Formal Complaint is a Title IX Prohibited Conduct Complaint or a Non-Title IX Prohibited Conduct Complaint.

Alternative Resolution of Non-Title IX Prohibited Conduct Complaints. At any time during the student conduct process, allegations against a Respondent may be resolved through an alternative resolution. An alternative resolution is a resolution that is reached through a process and/or by a sanction or restriction not described in the Code. Before proposing an alternative resolution in a case involving Prohibited Conduct, OSC shall determine whether an alternative resolution would be appropriate based on the facts and circumstances of the case, and, if so, what type of alternative resolution process should be used.

Examples of alternative resolution processes that may be proposed include but are not limited to mediation, facilitated dialogue, conflict coaching, and restorative justice. The process of trying to reach an alternative resolution is voluntary (i.e., neither the Respondent nor the Complainant is required to participate). At any time during an alternative resolution process, either the Complainant or the Respondent may request that the process cease, and the investigation and resolution process continue.

An Alternative Resolution Agreement is a written agreement that confirms an agreement to resolve the allegations against the Respondent through an alternative resolution. To be valid, an Alternative Resolution Agreement shall in all cases be signed by OSC and the Respondent and shall include a waiver of the Respondent's right, if any, to have a Formal Hearing on the allegations. Prior to the execution of an Alternative Resolution Agreement, if a Complainant has not participated with OSC in

the discussion of an alternative resolution, then OSC will provide the Complainant with an opportunity to provide a timely objection to the proposed alternative resolution. In appropriate cases, the University may request the Complainant to sign an Alternative Resolution Agreement and determine that the Alternative Resolution Agreement is not effective without the Complainant's signature. Neither the Respondent nor the Complainant may revoke or appeal an Alternative Resolution Agreement.

If an Alternative Resolution Agreement is not reached, then the student conduct process will proceed, and the allegations against the Respondent will be resolved through one of the other resolution methods in the Code.

Informal Resolution of Title IX Prohibited Conduct Complaints. Section 7.4 applies to Title IX Prohibited Conduct Complaints. Section 7.4 of the Code provides that, at any time prior to reaching a determination regarding responsibility, OSC may facilitate an informal resolution process with the Complainant and the Respondent. OSC will not facilitate an informal resolution process without both parties' agreement and will obtain their voluntary, written consent. OSC will provide the parties a written notice disclosing the allegations, as well as the requirements of the informal resolution process, including the circumstances under which the parties cannot resume the investigation or Title IX Hearing process arising from the same allegations.

At any time prior to agreeing to an informal resolution, any party has the right to withdraw from the informal resolution process and resume the investigation and Title IX Hearing process.

UNIFORM ADMINISTRATIVE PROCEDURES ACT FOR NON-TITLE IX PROHIBITED CONDUCT COMPLAINTS

[Chapter 1720-1-5](#) of the Rules of the University of Tennessee sets forth the University's procedures for conducting a contested case hearing pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301 et seq. In a case involving a Non-Title IX Prohibited Conduct Complaint, the administrative judge or hearing officer must modify those procedures when required to comply with federal law, including without limitation, the Clery Act and FERPA. In Non-Title IX Prohibited Conduct cases, where the University recommends a sanction of deferred suspension, suspension, permanent dismissal, withholding of degree, or revocation of degree or greater, a Respondent may elect a contested case hearing. In Title IX Prohibited Conduct cases, the decision of the Title IX Hearing Officer is only subject to the appeals process provided in Section XII of the Code and mandated by the Title IX regulations. For Formal Complaints in Title IX Prohibited Conduct cases, the Title IX regulations preempt the Uniform Administrative Procedures Act. 34 C.F.R. § 106.6(h).

TRAINING FOR UNIVERSITY OFFICIALS

Disciplinary proceedings relating to Prohibited Conduct will be conducted by persons who receive annual training on the issues related to Prohibited Conduct. Title IX Officials, investigators, Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations, at a minimum, receive annual training on: (1) the definitions of Prohibited Conduct included in this Policy; (2) the scope of the University's "education program or activity"; (3) how to conduct the grievance process outlined in the Policy and Code (including investigations, hearings, appeals, and informal resolution processes); and (4) how to serve impartially (including avoiding conflicts of interest,

personal biases, and prejudgment of the facts of a matter. In addition, all investigators will receive training on issues of relevance and drafting an investigative report that fairly summarizes the evidence.

All Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations, will receive necessary training on technology to be used at a live hearing, as well as on issues of relevance of questions and evidence.

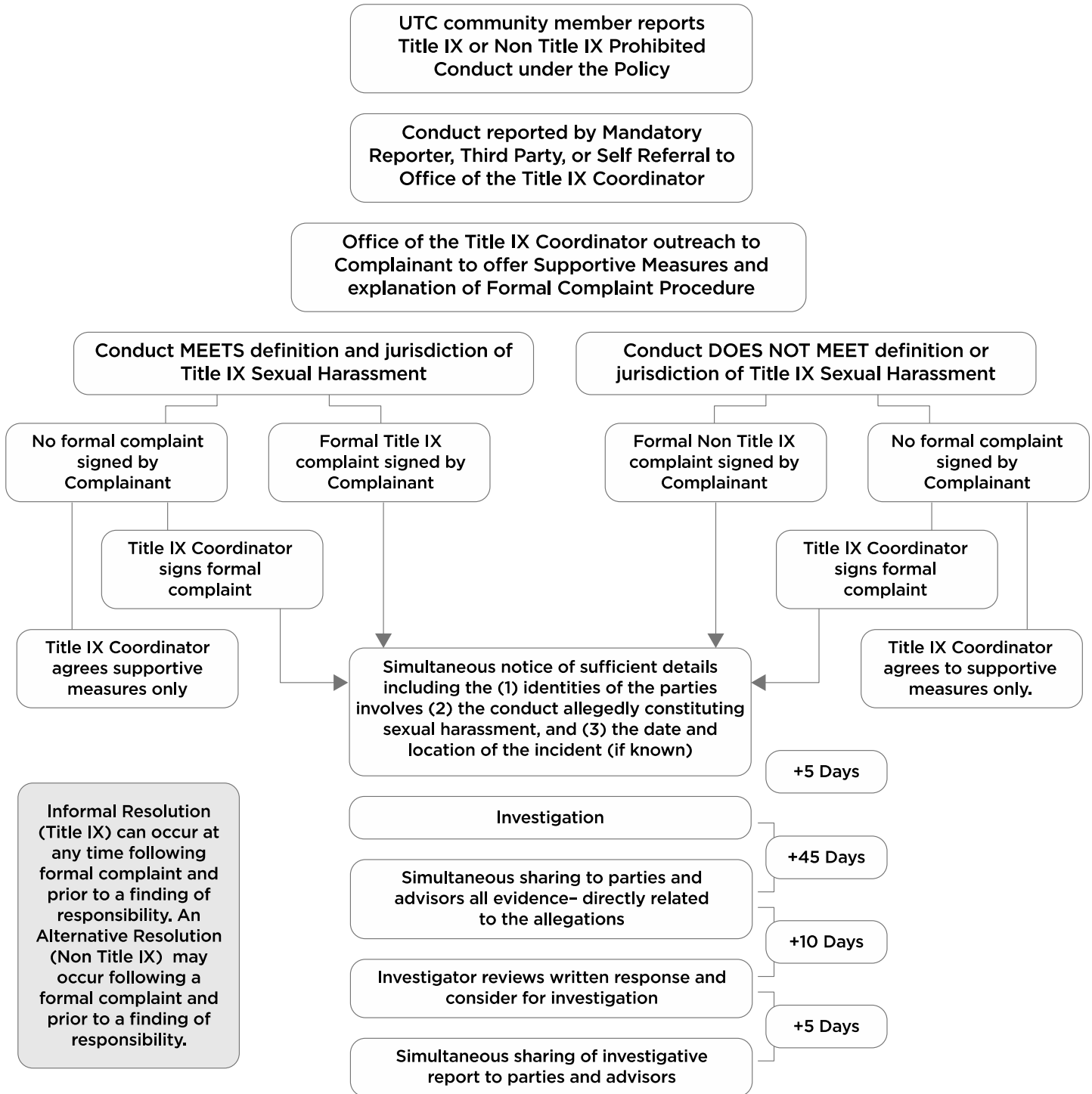
Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision-makers will be publicly maintained here [Title IX Team Training](#).

Appendix C (Student Respondents)

Title IX & Non Title IX

Prohibited Conduct Complaints & Investigations

(1 of 3)*



*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

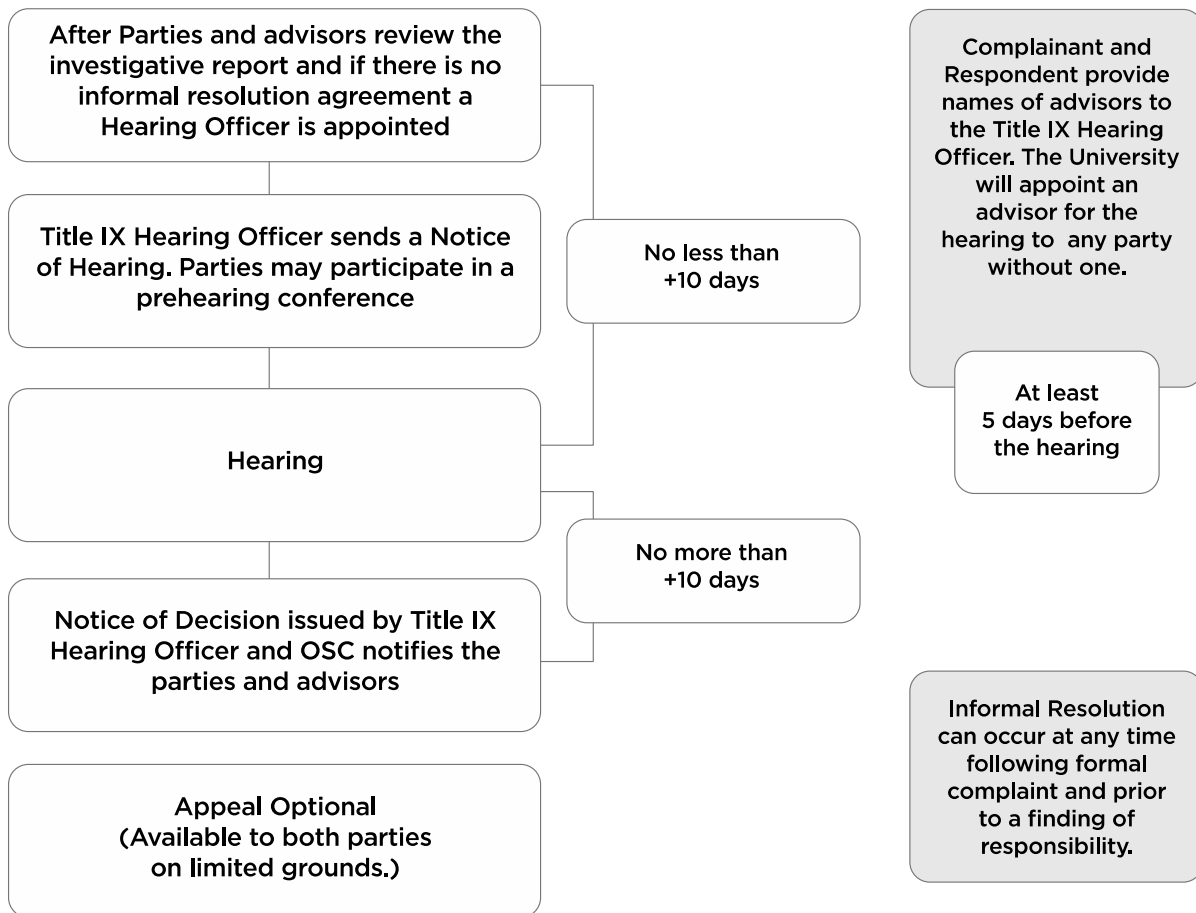
Appendix C (Student Respondents)

Title IX

Prohibited Conduct Hearing and Appeals

(2 of 3)*

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process, unless the parties agree to an Informal Resolution. Section X of the Code describes the process for a Title IX Hearing. The University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.



*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

Appendix C (Student Respondents)

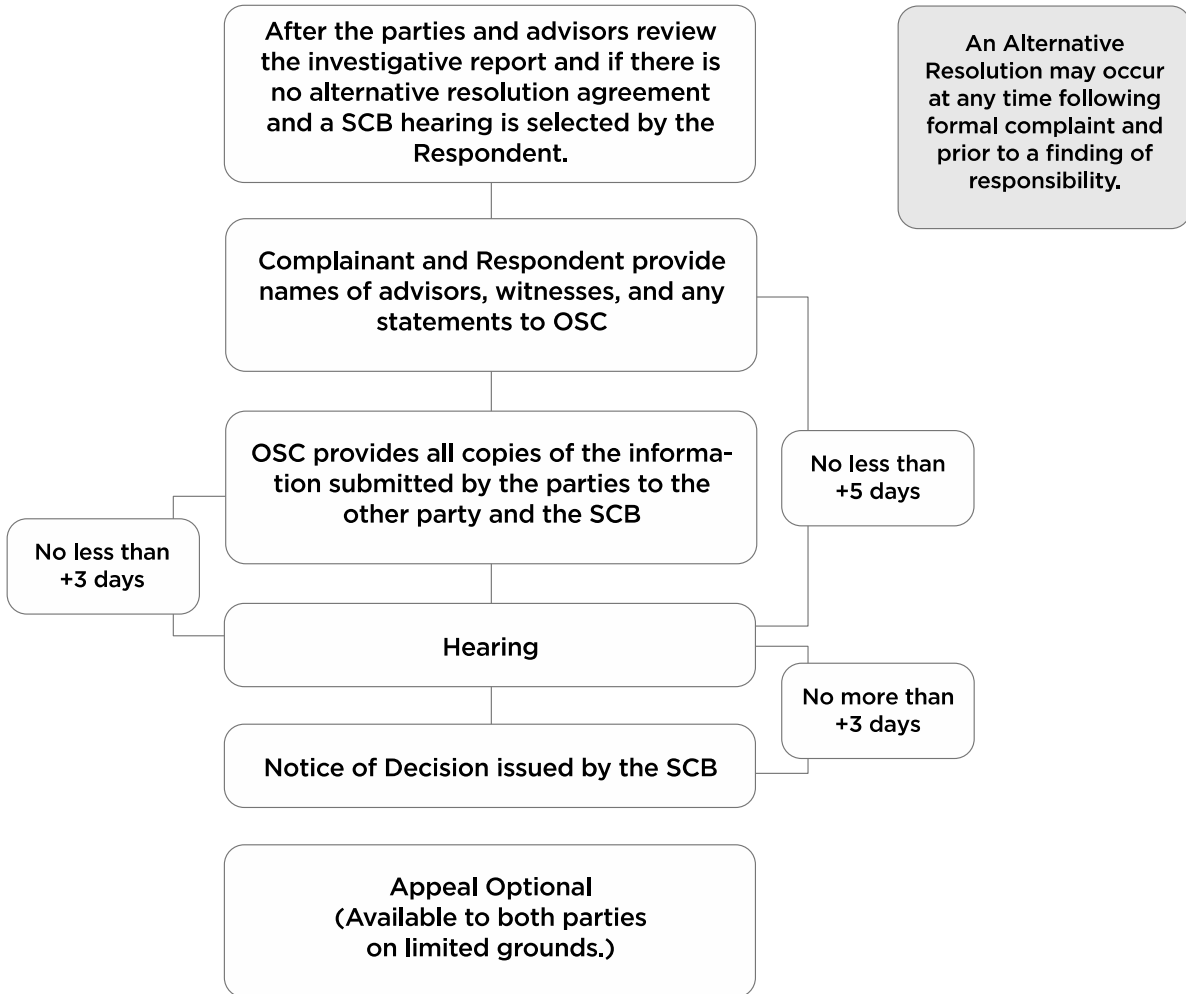
Non Title IX

Prohibited Conduct Hearing and Appeals

(3 of 3)*

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Student Conduct Board, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act. Sections VIII and IX of the Code describe the process for those hearings, unless the University agrees to an Alternative Resolution. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

The timelines described do not apply if a Respondent exercises the right to have a hearing conducted under state law, the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”). If a Respondent exercises a right to a UAPA hearing, then an administrative judge will be appointed by the University’s Agency Head typically within five (5) business days of the Respondent’s request for a UAPA hearing. The timelines for a UAPA hearing are governed by the UAPA.



*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

APPENDIX D

PROCEDURES FOR INVESTIGATING AND RESOLVING ALLEGATIONS OF PROHIBITED CONDUCT WHEN THE RESPONDENT IS AN EMPLOYEE OR THIRD PARTY

The University of Tennessee Chattanooga is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹⁷

The process for investigating and resolving Prohibited Conduct when the Respondent is an employee or third party (such as a visitor to campus or a contractor) will be handled by the University’s Office of Equal Opportunity and Accessibility (EOA) in accordance with University Human Resources Policies (applicable to all employees) and the Board of Trustees Policies Governing Academic Freedom, Responsibility, and Tenure (BT0006) (applicable to faculty), as modified and/or clarified by this Appendix D and Appendix D-1, and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46.¹⁸

HOW TO FILE A FORMAL COMPLAINT

Prohibited Conduct may be reported to any Title IX Official identified in Section 4 of the Policy. Upon receiving a report of Prohibited Conduct, the Title IX Coordinator (or designee) will promptly contact the Complainant to explain the process for filing a Formal Complaint.

A Formal Complaint is a document filed by the Complainant (or, in some circumstances, signed by the Title IX Coordinator) alleging Prohibited Conduct against a Respondent and requesting that the University investigate the allegations.

Two types of Formal Complaints may be filed. The Title IX Coordinator or other Title IX Official can explain to a Complainant the options for Formal Complaints.

First, a Complainant may file a **Title IX Prohibited Conduct Complaint** in a case involving allegations that a Respondent’s conduct constitutes Sexual Harassment in the University’s education program or activity in the United States as defined in 34 C.F.R. 106.30(a) (“Title IX Allegations”). For Title IX Allegations, the University’s “education program or activity” includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

¹⁷ Capitalized terms have the same meaning in the Policy and Appendix D and D-1.

¹⁸ The procedures set forth in Appendix D and D-1 will discuss employee Respondents, and will be modified, as needed, for third parties.

Second, the Complainant may file a **Non-Title IX Prohibited Conduct Complaint** in a case in which the Prohibited Conduct did not occur in the University's education program or activity, did not occur in the United States or is not Sexual Harassment as defined in 34 C.F.R. 106.30(a), but would, if proven, violate the Policy (i.e., allegations of misconduct in a study abroad program or off-campus misconduct committed against another member of the University community).

As soon as practicable after the filing of a Formal Complaint, EOA will provide a Notice of Receipt of Formal Complaint to the parties who are known. The Notice of Receipt of Formal Complaint shall include the following information:

- (1) notice of the process that applies to the allegations;
- (2) the identities of the parties involved in the incident;
- (3) the conduct allegedly constituting the violation;
- (4) the date and location of the incident, if known;
- (5) a statement that the Respondent is presumed not responsible for the alleged conduct;
- (6) a statement that a determination regarding responsibility is made at the conclusion of the process;
- (7) the parties' right to have an Advisor of their choice, who may be, but is not required to be, an attorney;
- (8) the parties' right to inspect and review evidence; and
- (9) notice that providing false information to a University official is a violation of the Code of Conduct, HR0580.

If a Complainant files a Title IX Prohibited Conduct Complaint, the University must investigate the allegations. Under federal law, the University must dismiss a Title IX Prohibited Conduct Complaint if the conduct alleged in the complaint (i) would not be Sexual Harassment, even if proven; (ii) did not occur in the University's "education program or activity;" or (iii) did not occur within the United States. However, if the Title IX Prohibited Conduct Complaint is dismissed, the Complainant has the option of filing a Non-Title IX Prohibited Conduct Complaint requesting the University investigate allegations that may, if proven, still violate the Policy.

The University may dismiss, but is not required to dismiss, a Formal Complaint (both Title IX and Non-Title IX) if, at any time during the investigation and hearing: (1) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint; (2) the Respondent is no longer employed; or (3) specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the Respondent's responsibility.

In addition to Formal Complaints under the Policy regarding Prohibited Conduct, anyone can file a complaint under the University's Human Resources Policy prohibiting sexual harassment (HR0280). HR0280 prohibits sexual harassment (and other discrimination) in employment. The

requirements for investigating and resolving a matter under HR0280 differ from the requirements under this policy, and the University may be obligated to investigate an allegation of harassment under HR0280 regardless of whether a Formal Complaint is filed. Employees wishing to file a complaint under HR0280 must do so within 300 days of the alleged violation.

ADMINISTRATIVE LEAVE

In any case, involving Prohibited Conduct, the University may place any employee on administrative leave during the pendency of the grievance process.

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

Investigations, hearings, and appeals relating to Prohibited Conduct will be conducted by persons who do not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent.

Investigations, hearings, and appeals will be conducted in a prompt, fair, and impartial manner from the investigation to the final result. Throughout the grievance process, investigators and decision-makers will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

STANDARD OF PROOF

The standard of proof used in deciding Prohibited Conduct complaints is the preponderance of the evidence standard, i.e., whether it is more likely than not that the Respondent engaged in Prohibited Conduct.

RIGHT TO AN ADVISOR

The Complainant and the Respondent have the right to be assisted by an Advisor during all stages of the Prohibited Conduct investigation and, if applicable, hearing process, including all meetings, investigative interviews, and hearings. The Advisor may be, but is not required to be, an attorney.

In general, an Advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, or participate directly in any other manner during any phase of the process, except in a Title IX Hearing. In a Title IX Hearing, the Advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

If a Complainant or Respondent does not have an Advisor at a Title IX Hearing, the University will provide one (selected by the University) without fee or charge to that party.

RIGHT TO A SUPPORT PERSON

The Complainant and the Respondent also have the right to be assisted by a support person during all stages of the Prohibited Conduct investigation, and if applicable, the hearing process, including all meetings, investigative interviews, and hearings.

The support person is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, or participate directly in any other manner during any phase of the investigation or grievance process.

INVESTIGATIONS

Within three (3) business days of receiving a Formal Complaint, the Title IX Coordinator will refer the Formal Complaint to an investigator, who will investigate the allegations.¹⁹

In all investigations of Prohibited Conduct, the University must ensure that the burden of proof and the burden of gathering evidence rests on the University and not on the parties. The University may interview and re-interview the Complainant, the Respondent, and/or any other person at any time during the investigation in order to obtain additional and/or clarifying information. The University will provide an equal opportunity for the parties to identify and present witnesses for interview, including fact witnesses and expert witnesses, and present other inculpatory and exculpatory evidence. The University will provide written notice of the date, time, location, participants, and purpose of all investigative interviews and other meetings, with sufficient time to prepare to participate.

At the end of the investigation, the University will prepare an investigative report setting forth a preliminary recommendation as to whether the Respondent shall be held responsible or not. The investigative report will be provided to the parties and the appropriate University administrator in Non-Title IX Prohibited Conduct Cases and provided to the parties and the Title IX Hearing Officer in Title IX Prohibited Conduct Cases. In Title IX Prohibited Conduct cases, the preliminary recommendation will be removed from the report before it is provided to the Title IX Hearing Officer.

Prior to preparing a written investigative report, the University will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. The parties will have ten (10) business days to submit a written response, which the investigator will consider prior to the

¹⁹ Investigations of reports of Prohibited Conduct are usually performed by EOA. However, for good cause, the Title IX Coordinator may select an investigator(s) external to EOA, provided that the investigator has specific training and experience investigating allegations of Prohibited Conduct. Any investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest or bias. The investigator(s) may be a University employee, a team of University employees, an external investigator engaged to assist the University, or a team of external investigators engaged to assist the University. Good cause may include circumstances in which EOA has a conflict of interest (e.g. an EOA employee or someone who has oversight over EOA is a party or witness), the complexity of the case requires expertise or resources external to EOA; and the workload of EOA require an investigator external to EOA to timely investigate a case.

completion of the investigative report. The investigation will generally be completed within sixty-five (65) business days.

The University will send the investigative report to each party and the party's Advisor. Within ten (10) business days after being sent the reports, each party may make a written response to the investigative report, which will be provided to the other party. No hearing, if required, shall take place until the ten (10) days to respond have lapsed, even if a response from a party has been received earlier.

DISPOSITION OF NON-TITLE IX MATTERS

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with the University making a determination that the evidence does not support the allegations, then the Complainant may request an administrative review of that decision by the Chancellor. Such a request must be made in writing to EOA within fifteen (15) business days after the investigative report is issued to the parties.

If the investigation results in a determination that the Respondent is responsible and/or a sanction, the Respondent's right to appeal the determination or any sanction imposed is governed by the University's Disciplinary Action policy (HR0525) (for staff) or the University's Faculty Handbook (for faculty). The Complainant may also request an administrative review of sanction decision by the Chancellor.

DISPOSITION OF TITLE IX MATTERS

At the conclusion of all investigations of Title IX Prohibited Conduct Complaints, the case will proceed to a Title IX Hearing, unless the parties agree to an Informal Resolution. Complaints by a student against an employee cannot be resolved through an Informal Resolution. The University generally concludes a Title IX Hearing with a decision within forty (40) business days of the end of the investigation. Appendix D-1 describes the Title IX Hearing process.

The Complainant and the Respondent have equal rights to appeal the decision after a Title IX Hearing, or a decision by the University to dismiss a Formal Complaint. Appendix D-1 describes the process for appealing a decision by the Title IX Hearing Officer, and the same process shall apply to appeals of the University's decision to dismiss a Formal Complaint of Title IX Allegations.

ANTICIPATED TIMELINES

Although the University strives to adhere to the timelines described above and in Appendix D-1, in each case, the University may extend the times frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the complexity of the disciplinary proceeding; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, Advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening University holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances. In the event that the need arises to adjust the timelines described above or those previously communicated to the Complainant and the

Respondent for good cause, the University will notify the Complainant and the Respondent in writing of the reason for the delay and the expected adjustment in timelines.

POSSIBLE SANCTIONS

Following a determination that an employee is responsible for engaging in Prohibited Conduct, the appropriate University administrator (in a Non-Title IX Prohibited Conduct Complaint) or the Title IX Hearing Officer (in a Title IX Prohibited Conduct Complaint) will issue a sanction. Possible sanctions range from a verbal warning to termination and include verbal or written warning, written reprimand or censure, a suspension with or without pay, probation, demotion, removal or alteration of job responsibilities (and a corresponding loss of pay), and termination. A sanction for faculty members could also include revocation of tenure and revocation of emeritus status.

Any sanction imposed may be appealed as set forth above and in Appendix D-1. Once a sanction decision is final, the University will ensure the effective implementation of the final sanctions. The Title IX Coordinator is responsible for the effective implementation of any remedies.

INFORMAL RESOLUTIONS

In some cases, Formal Complaints may be resolved prior to the conclusion of the EOA investigation. These resolution processes differ depending on whether the Formal Complaint is a Title IX Prohibited Conduct Complaint or a Non-Title IX Prohibited Conduct Complaint and may not be available in all cases.

Alternative Resolution of Non-Title IX Prohibited Conduct Complaints. Any time during the investigation process, allegations against a Respondent may be resolved through an alternative resolution. An alternative resolution is a resolution that is reached through a process and/or by a sanction or restriction outside of the normal process.

An Alternative Resolution Agreement is a written agreement that confirms an agreement to resolve the allegations against the Respondent through an alternative resolution. To be valid, an Alternative Resolution Agreement shall in all cases be signed by EOA and the Respondent. In appropriate cases, EOA may request the Complainant to sign an Alternative Resolution Agreement and determine that the Alternative Resolution Agreement is not effective without the Complainant's signature. Neither the Respondent nor the Complainant may revoke or appeal an Alternative Resolution Agreement.

Informal Resolution of Title IX Prohibited Conduct Complaints. At any time prior to reaching a determination regarding responsibility, EOA may facilitate an informal resolution process with the Complainant (who is not a student) and the Respondent. EOA will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. EOA will provide to the parties a written notice disclosing the allegations, as well as the requirements of the informal resolution process, including the circumstances under which the parties cannot resume the investigation or Title IX Hearing process arising from the same allegations. By law, when the Complainant is a student, the University is not permitted to resolve a Title IX Prohibited Conduct Complaint through an informal resolution.

At any time prior to agreeing to an informal resolution, any party has the right to withdraw from the informal resolution process and resume the investigation and Title IX Hearing process.

TRAINING FOR UNIVERSITY OFFICIALS

Proceedings relating to Prohibited Conduct will be conducted by persons who receive annual training on the issues related to Prohibited Conduct. Title IX Officials, investigators, Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations will, at a minimum, receive annual training on (1) the definitions of Prohibited Conduct included in this Policy; (2) the scope of the University's education program or activity; (3) how to conduct the grievance process outlined in the Policy and Appendix D-1 (including investigations, hearings, appeals, and informal resolution processes); and (4) how to serve impartially (including avoiding conflicts of interest, personal biases, and prejudgment of the facts of a matter). In addition, all investigators will receive training on issues of relevance and drafting an investigative report that fairly summarizes the evidence.

All Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations, will receive necessary training on technology to be used at a live hearing, as well as on issues of relevance of questions and evidence.

Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision-makers will be publicly maintained at [Title IX Team Training](#).

APPENDIX D-1

EOA TITLE IX HEARINGS AND APPEALS

- (1) **The Title IX Hearing.** Any case involving allegations that a Respondent's conduct constitutes Sexual Harassment in the University's education program or activity in the United States as defined in 34 C.F.R. 106.30(a) ("Title IX Allegations") will be resolved through a Title IX Hearing. The Title IX Hearing must be conducted in accordance with 34 C.F.R. 106.45.
- (2) **The Title IX Hearing Officer.** The Director of EOA will appoint a qualified Title IX Hearing Officer to conduct the Title IX Hearing and will notify the parties and their Advisors, if any, of the appointment. The Title IX Hearing Officer may be a university employee, a team of University employees, an external person engaged to conduct the Title IX Hearing or a team of external people engaged to conduct the Title IX Hearing. A party may object to the appointment of any Title IX Hearing Officer, in writing to EOA. Any objection must be received within three (3) business days of the notice of appointment, and it must state the party's grounds for objecting. The Director of EOA will decide whether an objection is justified, and that decision is final. If a Title IX Hearing Officer is removed based on an objection, the Director of EOA will appoint a new qualified Title IX Hearing Officer to conduct the Title IX Hearing
- (3) **Notice of Title IX Hearing.**
 - (a) **When a Notice of Title IX Hearing is Sent.** The Title IX Hearing Officer will send the Respondent and the Complainant a Notice of Title IX Hearing at least ten (10) business days in advance of the date of the hearing.
 - (b) **Information in the Notice of Title IX Hearing.** The Notice of Title IX Hearing will contain, or be accompanied by, the following information: (1) the date, time, and place of the Title IX Hearing; (2) notice of the right to have an Advisor of the party's choice, who may be, but is not required to be, an attorney, and that, if the party does not have an Advisor present at the hearing, the University will provide an Advisor of the University's choice, without fee or charge, to ask the other party and any witnesses all relevant questions and follow-up questions on behalf of that party; (3) notice that any cross-examination of any other party or witness must be conducted by the Advisor, and never by a party personally; and (4) notice that all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint will be available to the parties at the hearing. Other pre-hearing information may also be included in the Notice of Title IX Hearing. Any Title IX Hearing may be rescheduled by the Title IX Hearing Officer or upon request of any party and for good cause shown.
 - (c) **More than One Respondent.** In cases involving more than one (1) Respondent, Title IX Hearings concerning each Respondent's conduct may be conducted separately upon written request of a party submitted at least seven (7) business days in advance of the hearing. The University has the discretion to make the final determination of whether to grant such a request and will notify the parties of the decision.
 - (d) **Consequences of Failing to Attend a Title IX Hearing.** If a party fails to attend a Title IX Hearing, the Title IX Hearing Officer may proceed with the Title IX Hearing without that party's participation.

(4) **General Rules Governing Title IX Hearings.**

- (a) The Title IX Hearing will take place no sooner than ten (10) business days after the parties' receipt of the written investigative report.
- (b) The Title IX Hearing Officer may conduct pre-hearing meetings or conferences with the parties and their Advisors, if any, to discuss any pre-hearing issues, including but not limited to, the date of the hearing, the location of the hearing, any technology to be used at the hearing, the general rules governing the hearing, including any rules of decorum, the identification of witnesses, and the availability of evidence at the hearing,
- (c) Each party must notify the Title IX Hearing Officer at least five (5) business days before the hearing of the identity of the party's Advisor, if any, or that the party does not have an Advisor so that the University can provide an Advisor.
- (d) At the request of either party, the University will provide for the hearing to occur with the parties located in separate rooms with technology enabling the Title IX Hearing Officer and parties to simultaneously see and hear the party or the witness answering questions.
- (e) Upon the request and for good cause shown, a Title IX Hearing Officer may permit the participation of witnesses who were not identified by the party to the investigator or the inclusion of evidence not provided by the party to the investigator.

(5) **Procedural Rules for Title IX Hearings.**

- (a) **Authority of the Title IX Hearing Officer.** The Title IX Hearing Officer has the authority to maintain order and make all decisions necessary for the fair, orderly, and expeditious conduct of the Title IX Hearing. The Title IX Hearing Officer shall be the final decision maker concerning what, how, and in what order witnesses are questioned and evidence is examined.
- (b) **Exclusion of Information.**
 - 1. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
 - 2. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist,

psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.

3. The University cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- (c) **Preliminary Matters.** The Title IX Hearing Officer shall begin the hearing by explaining the substance of the allegations and the specific University policy or policies allegedly violated.
 - (d) **Attendance and Participation.** Attendance during a Title IX Hearing generally is limited to the Title IX Hearing Officer, a representative from the University, the Complainant, the Complainant's Advisor and the Complainant's Support Person, the Respondent, the Respondent's Advisor and the Respondent's Support Person, and witnesses. Witnesses may attend the Title IX Hearing only while they are presenting information to the Title IX Hearing Officer unless the witness is the Complainant or the Respondent. The Title IX Hearing Officer and the University have the discretion to allow other persons to attend the Title IX Hearing, in accordance with state and federal law.
 - (e) **Opening Statements.** The Complainant and then the Respondent may make a brief statement of no longer than ten (10) minutes to the Title IX Hearing Officer, and they may provide a written copy of their statements to the Title IX Hearing Officer at the hearing. The Title IX Hearing Officer will provide a copy of any written statement received to the other party.
 - (f) **Questioning the Witnesses.** Following any opening statements, the Title IX Hearing Officer will question the Complainant, the Respondent, and any witnesses requested by the parties. The Title IX Hearing Officer will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real-time by the party's Advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before the Complainant, the Respondent, or any witness answers a cross-examination or other question, the Title IX Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party or witness does not submit to cross-examination at the hearing, the Title IX Hearing Officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Title IX Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

- (g) **Closing Statements.** At the close of the Title IX Hearing, the Title IX Hearing Officer may allow the Complainant and the Respondent equal opportunities to make statements summarizing the information presented to the Title IX Hearing Officer and/or advocating the decision that the Title IX Hearing Officer should reach.
- (6) **Recording of the Title IX Hearing.** The University will create an audio or audiovisual recording or transcript of the hearing and make it available to the parties for inspection and review.
- (7) **Notice of Decision of Title IX Hearing Officer.** Within fifteen (15) business days of the hearing, the Title IX Hearing Officer must issue a written determination regarding responsibility (“Notice of Decision of Title IX Hearing Officer”). The written determination must include (i) identification of the allegations potentially constituting Sexual Harassment; (ii) a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (iii) findings of fact supporting the determination; (iv) conclusions regarding the application of the Policy to the facts; (v) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University’s education program or activity will be provided by the University to the Complainant; and (vi) the procedures and permissible bases for the Complainant and Respondent to appeal.

In deciding the appropriate sanctions for a Respondent’s misconduct, the Title IX Hearing Officer may consider information provided at the hearing by the Complainant, the Respondent, or any other witness with relevant information concerning the appropriate sanctions, if the Respondent is determined responsible.

The Title IX Hearing Officer shall transmit a copy of the Notice of Decision of Title IX Hearing Officer to the EOA, and EOA shall notify the Respondent, the Complainant, and their Advisors about the written determination and provide a copy of it simultaneously to the parties and their Advisors.

- (8) **Appealing Decisions of the Title IX Hearing Officer.**
 - (a) **Appealable Decisions.** The Complainant and the Respondent may appeal the decisions of the Title IX Hearing Officer that are contained in the Notice of Decision of Title IX Hearing Officer (as well as a decision by the University to dismiss a Formal Complaint), but the grounds for appeal are limited to those described in Section (8)(c).
 - (b) **Notice of Appeal.** An appeal is procedurally valid only if all of the following requirements are met: (1) an appeal shall be submitted to EOA in writing by fully completing a form approved by the University called a “Notice of Appeal;” (2) the Notice of Appeal shall be received by EOA within five (5) business days of the date that the University transmitted the Notice of Decision; and (3) the Notice of

Appeal shall not include information that is not included in the record of the Title IX Hearing, except the Notice of Appeal may contain a summary of the new information described in Section (8)(c)(2). The University will notify the other party in writing when an appeal is received.

- (c) **Grounds for Appeal.** The Notice of Appeal shall explain the grounds for the appeal, which shall be limited to one (1) or more of the following grounds:
1. Procedural irregularity that affected the outcome of the matter;
 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
 4. Any disciplinary sanctions imposed on the Respondent should not be imposed, or different disciplinary sanctions from those specified in the determination regarding responsibility should be imposed, or disciplinary sanctions should be imposed if none were imposed; or
 5. The Title IX Hearing Officer made a clear error in dismissing a Formal Complaint or in determining that the Respondent is or is not responsible for the Title IX Sexual Allegations.
- (d) **Effective Date of Sanction.** The sanction(s) imposed by the Title IX Hearing Officer shall not be effective during the period in which a Notice of Appeal may be submitted, or, if a procedurally valid Notice of Appeal has been submitted (as determined by Section (8)(c)), until a Notice of Title IX Final Decision is issued by the Chief Human Resources Officer (for staff) and the Chief Academic Officer (for faculty), whichever is later.
- (e) **Appeal Process.** Each party may submit a written statement in support of or challenging the outcome of the Title IX Hearing. The written statement must be received by EOA within five (5) business days of the date on which the Notice of Appeal was filed, or on which the non-appealing party received notice that the other party filed a Notice of Appeal. After all written statements are received by EOA, staff appeals will be submitted to the Chief Human Resources Officer and faculty appeals will be submitted to the Chief Academic Officer. Within thirty (30) business days of the receipt of the last written statement, the Chief Human Resources Officer (for staff) and the Chief Academic Officer (for faculty) will issue a written decision (Notice of Title IX Final Decision) describing the result of the appeal and the rationale for the result, which will be provided simultaneously to both parties. The decision of the Chief Human Resources Officer (for Staff) and the Chief Academic Officer (for Faculty) is final and not further appealable.

APPENDIX E

GUIDE FOR MANDATORY REPORTERS

The University of Tennessee at Chattanooga is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free of Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”)²⁰.

A Mandatory Reporter is a university employee who is required to report information about known or suspected Prohibited Conduct to a Title IX Official, whether the employee received the information by means of a complaint, report, personal observation, or otherwise, including information learned from third parties. **A University employee is almost always a Mandatory Reporter when either the Complainant or Respondent is a student.** Employees who have questions about their reporting responsibilities, or students who have questions about an employee’s reporting responsibilities, should contact the Title IX Coordinator.

The purposes of this guide are to: (1) assist employees in determining whether they are Mandatory Reporters with respect to information, they receive about Prohibited Conduct; and (2) assist Mandatory Reporters in determining how to respond to a report of Prohibited Conduct.

SECTION 1. QUESTIONS TO ASK TO DETERMINE WHETHER YOU ARE A MANDATORY REPORTER

- (1) Are you a Confidential Employee, or do you work under the supervision of a Confidential Employee? If you do not know the answer to this question, then you are most likely not a Confidential Employee. Confidential Employees are University employees who can keep the information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional’s client or patient or because the University has deemed the employee as a confidential resource for students, faculty, and staff. (Refer to Section 1.2.1 of Appendix A or contact a Title IX Coordinator if you are not sure whether you are a Confidential Employee)
 - If yes, and if you received the information about Prohibited Conduct in the context of a confidential relationship, then you are not a Mandatory Reporter. You should help a Complainant explore options for care and support, provide information on reporting options and interim measures, and provide emotional support.
 - If no, proceed with asking Question 2.
- (2) Is the Complainant a child (under age 18)?
 - If yes, and the incident involves suspected child abuse or child sexual abuse, then you must report the incident in accordance with University of Tennessee Safety Policy 0575.
 - If no, proceed with asking Question 3.

²⁰ Capitalized terms have the same meaning in the Policy and Appendix E.

- (3) Is either the Complainant or the Respondent a student?
- If yes, then you must report the incident to a Title IX Official²¹ unless:
 - You received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak-outs” or other public forums including online forums such as social networking sites or blogs
 - You received notice of the incident during the student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - You received notice through an in-class discussion, a class paper, or other academic assignment; or
 - You are a student employee (e.g., graduate assistant) and you did not receive notice of the incident in your university employment capacity.
 - If no, proceed with asking Question 4.
- (4) Are you the supervisor of either the Complainant or the Respondent, or do you otherwise have the authority to redress the Prohibited Conduct?
- If yes, then you must report the incident to a Title IX Official unless you received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak-outs” or other public forums including online forums such as social networking sites or blogs, or you received notice of the incident during a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - If no, then the University strongly encourages you to report the information to a Title IX Official even though you are not a Mandatory Reporter with respect to the incident. Employees who have been designated by campus law enforcement as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) should evaluate whether they have an independent obligation to report the incident to campus law enforcement. Questions about the reporting obligations of Campus Security Authorities should be directed to Rebekah Epperson, the University’s Clery Compliance Coordinator, at rebekah-epperson@utc.edu or (423) 425-5961.

SECTION 2. ACTIONS THAT MANDATORY REPORTERS MUST TAKE

A Mandatory Reporter who receives information concerning an incident of Prohibited Conduct must:

- (1) Support the Complainant by:
- Assisting the Complainant with obtaining medical assistance (if requested) or accessing other on- or off-campus resources (if requested); and
 - Encouraging the Complainant to report the incident to law enforcement and assist the Complainant in contacting law enforcement if requested by the Complainant (call 911 in an emergency); and

²¹ The names and contact information for Title IX Officials are listed in Section 4 of the Policy.

(2) Report the incident to the University:

- Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours²² after receiving the report).²³ The Mandatory Reporter must communicate all details known about the alleged incident; or
- If the incident involves suspected child abuse or child sexual abuse, comply with University of Tennessee Safety Policy 0575.

SECTION 3. ACTIONS THAT MANDATORY REPORTERS SHOULD TAKE

Before a Complainant reveals information to the Mandatory Reporter that the Complainant may wish to keep confidential, the University recommends that a Mandatory Reporter use his/her best efforts to ensure that the Complainant understands:

- (1) The employee's obligation to report the names of a Respondent and a Complainant involved in the alleged Prohibited Conduct, as well as other relevant facts regarding the alleged incident, to a Title IX Official;
- (2) A Complainant's ability to share the information confidentially with certain on- and off-campus resources (Appendix A of the Policy);
- (3) A Complainant's option under the Policy includes meeting with the Title IX Coordinator, accessing Supportive Measures, choosing to make a formal complaint; and
- (4) If the person indicates hesitancy to report an incident to the University, inform the person that the University prohibits Retaliation and will not only take steps to prevent Retaliation but also take responsive action if Retaliation occurs.

After a Complainant reveals information about Prohibited Conduct to the Mandatory Reporter, the University recommends that a Mandatory Reporter take the following actions (in addition to the actions in Section 2):

- (1) Provide emotional support to the Complainant;
- (2) Encourage the Complainant to preserve any evidence (see Appendix A of the Policy for tips on the preservation of evidence);
- (3) Inform the Complainant that the employee will be reporting the incident to a Title IX Official, who will contact the Complainant to provide further guidance and assistance; and
- (4) Provide a Complainant with a copy of Appendix A of the Policy or a resources and support brochure.

²² If the end of the 48-hour reporting window falls on a weekend or a University holiday, then the Mandatory Reporter should report the incident as soon as possible on the next University business day.

²³ A Mandatory Reporter may also inform his/her supervisor of the incident. With the prior approval of the Title IX Coordinator, a University unit may adopt a policy that requires a Mandatory Reporter in the unit to report an incident of Prohibited Conduct to his/her supervisor or other designee within the unit, who, in lieu of the Mandatory Reporter who received notice of the incident, must promptly report the incident to a Title IX Official.

SECTION 4. ACTIONS THAT MANDATORY REPORTERS MUST NOT TAKE

A Mandatory Reporter who receives notice of an incident of Prohibited Conduct must not:

- (1) Guarantee a Complainant that the employee will keep information confidential and not share the information with anyone else, including a Title IX Official;
- (2) Share information about the incident with a person who does not have a university-related need to know;
- (3) Share personally identifiable information about the incident with law enforcement (including UTC PD) without the Complainant's consent; and/or
- (4) Investigate or otherwise attempt to resolve reports of Prohibited Conduct without the approval of a Title IX Official (this provision does not apply to UTC PD), other than taking an action required or recommended in Section 2 or Section 3.