

2022

# Annual Security and Fire Safety Report



University of Tennessee  
Southern

Updated: September 2022

## TABLE OF CONTENTS

Message from Director of Safety and Security Josie Brown.....	3
UT Southern Department of Safety and Security Overview .....	4
MISSION STATEMENT.....	4
CONTACT INFORMATION.....	4
UTS CAMPUS SECURITY PERSONNEL AND JURISDICTION .....	4
RELATIONSHIP WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES .....	5
Reporting A Crime, Emergency, or Suspicious Activity .....	6
UTS ALERT SYSTEMS.....	6
ALTERNATIVE REPORTING.....	7
CONFIDENTIALITY.....	8
PASTORAL AND PROFESSIONAL COUNSELORS .....	8
RETALIATION .....	9
Timely Warning .....	10
Emergency Response and Evacuation Procedures .....	11
HOW TO REPORT AN EMERGENCY.....	12
EMERGENCY NOTIFICATION SYSTEM.....	12
CONFIRMING THE EXISTENCE OF AN EMERGENCY OR DANGEROUS SITUATION.....	12
DETERMINING THE APPROPRIATE SEGMENT(S) OF THE CAMPUS.....	13
INITIATING AND DETERMINING THE CONTENTS OF AN EMERGENCY NOTIFICATION .....	13
TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES.....	13
Missing Student Notification Policy .....	13
HOW TO REPORT A MISSING STUDENT .....	14
IDENTIFICATION OF EMERGENCY CONTACTS .....	14
INVESTIGATIONS OF A MISSING STUDENT REPORT .....	15
Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking .....	15
Security and Access.....	16
SECURITY CAMERAS .....	16
RESIDENCE HALLS.....	16
OTHER INSTITUTE FACILITIES .....	17
Security Considerations Used In The maintenance Of Campus Facilities .....	17
Crime Prevention And Security Awareness Programs .....	18
Alcohol and Illegal Drugs .....	21
DRUG FREE CAMPUS AND WORKPLACE POLICY .....	21
ALCOHOL.....	22
ILLEGAL DRUGS .....	23
STANDARDS OF CONDUCT FOR STUDENTS, ALCOHOL AND DRUG.....	23
CODE OF CONDUCT FOR EMPLOYEES, ALCOHOL AND DRUG .....	23
HEALTH RISKS.....	24
DRUG AND ALCOHOL ABUSE PREVENTION .....	24
Weapons.....	24
TENNESSEE CRIMINAL LAW.....	25
UNIVERSITY POLICIES FOR EMPLOYEES .....	25
UNIVERSITY POLICIES FOR STUDENTS.....	25
Tennessee Sex Offender Registry.....	26
Disclosure To Victims Of Crimes Of Violence Or Non-Forcible Sex Offenses.....	26

The Annual Disclosure of crime Statistics .....	27
Definitions .....	27
DEFINITIONS OF TERMS USED IN THIS REPORT .....	27
DEFINITIONS OF TERMS FOR LOCAL JURISDICTION.....	31
Annual Fire Safety Report.....	34
FIRE LOG AND REPORTING NON-EMERGENCY FIRES.....	34
FIRE STATISTICS.....	35
FIRE SAFETY SYSTEMS .....	35
POLICIES AND RULES FOR APPLIANCES, SMOKING AND OPEN FLAMES .....	35
SMOKING.....	35
PROHIBITED ITEMS DUE TO FIRE HAZARD.....	35
FALSE REPORTS AND INTERFERENCE WITH FIRE SAFETY SYSTEMS.....	35
EVACUATION PROCEDURES FOR STUDENT HOUSING IN CASE OF A FIRE.....	36
PROCEDURES THAT STUDENTS AND STAFF SHOULD FOLLOW IN CASE OF A FIRE.....	36
EVACUATION AND FIRE DRILL PROCEDURES FOR INDIVIDUALS WITH DISABILITIES.....	38
FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS AND STAFF .....	38
PLANS FOR FUTURE IMPROVEMENT IN FIRE SAFETY .....	39
Non-Discrimination EEO/AA Statement .....	39
Appendix A: Crime Statistics .....	40
Appendix B: Fires In On-Campus Student Housing Facilities .....	41
Appendix C: Fire Safety Systems In On-Campus Student Housing Facilities.....	42
Appendix D: Resources .....	43
Appendix E: Policy On Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking .....	44

---

## MESSAGE FROM DIRECTOR OF SAFETY AND SECURITY JOSIE BROWN



On behalf of the University of Tennessee Southern Safety and Security, we would like to welcome you to our great university. We are truly honored to be a part of the UTS family and the mission to make our campus a wonderful and safe place to continue your education and success. It is our hope that you will find the information in this report informative and helpful during your educational journey.

While we are thankful for our low crime rates, no campus is immune to crime. Safety is a shared responsibility that is best maintained when actively practiced by all members of the community. To be an active member of your own personal safety and the safety of all others in our community, we strongly urge you to review the policies and procedures, campus safety measures and guidance on crime reporting included in this report.

We ask you to take a moment to consider the following

safety tips:

- Report crime and situations that seem suspicious immediately.
- Don't leave property unattended or unsecured. Unattended items are an easy target, making theft the most common crime reported.
- Always lock your residence and car. Don't leave valuables, such as electronics, visible.
- Avoid walking alone at night. Always be aware of your surroundings.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Campus Fire Safety Right To Know Act, and the 2013 Violence Against Women Reauthorization Act (VAWA), University of Tennessee Southern provides the following information for your use. Before continuing on, it is important to point out that University of Tennessee Southern is an open campus and we welcome visitors. Crimes exist in our community and while the University has a variety of crime prevention programs and services, we count on every member of our community to be aware of their surroundings. Safety is a shared responsibility that lies with each of us. Each member of the UTS community assumes the personal responsibility for creating an environment free from physical and/or sexual violence, hate speech, harassment, vandalism, theft and other Code of Conduct/UTS Policy violations. Campus Safety and Security employs an approach that focuses on harm and risk-reduction, finding the learning moments possible in any given interaction, and promoting student growth and development. We strongly encourage everyone to promptly report all criminal activity and suspicious persons. We also recommend you avail yourself of the numerous existing programs and services to enhance your safety and awareness. We are here to serve our community and welcome your questions and comments.

---

## UT SOUTHERN DEPARTMENT OF SAFETY AND SECURITY OVERVIEW

University of Tennessee Southern provides a dedicated on-campus Department of Safety and Security. Although UTS does not have its own law enforcement agency, there is a Campus Security Office located in The Justice Center on campus. The UTS Security Office may be contacted by phone at any time 24 hours a day, 7 days a week.

### MISSION STATEMENT

The mission of University of Tennessee Southern Safety and Security is to provide the utmost professional security service to all members of our community. We strive to work hand in hand with faculty, staff, students, and visitors to maintain a safe learning environment that allows our diverse social, cultural, and academic values to thrive. We uphold the goal to reduce criminal opportunity by encouraging our community to practice the safety measures provided to them. We are committed to treating all people fairly by embracing crucial core values of professionalism, respect, integrity, dedication and excellence.

### CONTACT INFORMATION

#### **UT Southern Safety and Security Office**

The Criminal Justice Center  
115 S. Flower Street  
Pulaski, TN 38478  
Non-Emergency Contact Number: (931) 309-7502  
Emergency Contact Number: 9-1-1

### UTS CAMPUS SECURITY PERSONNEL AND JURISDICTION

UT Southern Safety and Security reports to the Director of Safety and Security, as well as, the Vice Chancellor of Finance and Administration and Chief of Staff. UTS Security has (11) security officers which includes two part-time security supervisors. Security personnel wear easily identifiable uniforms and are off-duty law enforcement officers or certified security officers. UTS Security officers are not expected to engage in, nor execute, law enforcement functions. They are charged with the security of the campus, its physical plant, employees, staff, students, and visitors. Security personnel are to guard the campus against damages and loss, assist students, faculty, staff, and visitors with any problems they may have, help people in need of medical or other assistance, and secure the physical plant of the university.

The main campus is roughly bordered by Richland Drive, North to West Madison Street, East to 4<sup>th</sup> Street via Jefferson St., South to West Flower Street, and West to Richland Drive. Safety and Security also reports 5<sup>th</sup> Street from West Madison to West Jefferson and West Madison and West Flowers from 4<sup>th</sup> street to 3<sup>rd</sup> street.

The University also operates a non-campus athletic facility located at East Campus. The University maintains security and provides crime statistics for this campus as well. The Athletic Facility is located 2.1 miles from UT Southern Main Campus at 1238 East University Street.



**PARKING**

Green=Apartments  
 Yellow=Faculty/Staff  
 Dark Blue=Overflow\*\*  
 Red=Criswell/Uppeman  
 Light Blue=Commuter  
 Purple=Fitness Club\*\*\*  
 Orange=Oakwood  
 Pink=Amnesty\*

\*Anyone can park in pink colored Amnesty lot.  
 \*\*Only valid UTS permits may park in dark blue colored Over flow lot.  
 \*\*\*The Fitness Club lot is reserved for Community Fitness Club Members

- |                                |                             |  |
|--------------------------------|-----------------------------|--|
| 1. Commuter Parking Lot        | 12. Academic Affairs        | 22. Revielle House                                   |
| 2. Residential Parking         | 13. Barton Entrance Gates   | 23. President's House                                |
| 3. Clinic                      | 14. Oakwood Apartments      | 24. Maintenance House                                |
| 4. Curry Athletic Center       | 15. Warden Memorial Library | 25. FireHawk Book Nook                               |
| 5. Student Apartments          | 16. Johnston Center         | 26. Flower Student House                             |
| 6. Turner Center               | 17. Gault Fine Arts Center  | 27. Flower Student House                             |
| 7. Criswell Hall               | 18. Andrews Science Bldg    | 28. UTS Makers Lab                                   |
| 8. Student Union Building      | 19. Martin Hall             | 29. Criminal Justice Center & Campus Security Office |
| 9. Guthrie Student Life Center | 20. "The Martin" Auditorium |  |
| 10. Uppeman Hall               | 21. Grissom Gazebo          |  |
| 11. Colonial Hall              |                             |  |

**RELATIONSHIP WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES**

UT Southern Department of Safety and Security maintains a close working relationship with the Pulaski Police Department (PPD), Giles County Sheriff's Department (GCSD), and the Giles County Emergency Management (GCEM). Meetings are held between the leaders of these agencies on both a formal and informal basis. The officers of Safety and Security and Pulaski Police Department communicate regularly on the scene of incidents that occur in and around the campus area. There is no written memorandum of understanding between Safety and Security and PPD, GCSD, or GCEM.

When necessary, UT Southern security personnel work closely with other local, county, state and federal law enforcement agencies. Safety and Security contact local law enforcement officers when a crime is committed or suspected.

---

## REPORTING A CRIME, EMERGENCY, OR SUSPICIOUS ACTIVITY

### Accurate and Prompt Reporting

Community members, students, faculty, staff, and visitors are encouraged to promptly and accurately report all crimes and public safety related incidents to UT Southern Department of Safety and Security or the appropriate local police agency, including when the victim elects to, or is unable to, make such a report. Crimes and incidents should be reported as soon as possible for the purposes of making timely warning or emergency notification reports to the community, and for inclusion in the annual statistical disclosure.

### Reporting a suspected crime

Crimes and emergencies can be reported by contacting the following departments:

Emergency Police, Fire, or Ambulance	Dial 9-1-1
UTS Safety and Security	(931) 309-7502
Local Law Enforcement Agencies	<u>Pulaski Police Department</u> (931) 424-4404 203 S 1st St #7, Pulaski, TN 38478  <u>Giles County Sheriff's Department</u> 200 Thomas Gatlin Dr, Pulaski, TN 38478 (931) 363-3505

The UTS Security Office may be contacted by phone at any time 24 hours a day, 7 days a week.

#### *Non-emergencies*

- Call UTS Security at 931-309-7502.
- Give the location of the incident first.
- Describe the suspect's appearance, clothing, height, weight, coloring, scars or other noticeable features.
- Describe the suspect's vehicle, license plate number and direction of travel.
- If you observe a crime or a suspicious incident, call immediately. Do not assume someone else has made the call.

#### *Emergencies*

- Call 9-1-1.
- Give the location of the incident first.
- Describe the suspect's appearance, clothing, height, weight, coloring, scars or other noticeable features.
- Describe the suspect's vehicle, license plate number and direction of travel.
- If you observe a crime or a suspicious incident, call immediately. Do not assume someone else has made the call.
- Call UTS Security at 931-309-7502 after calling emergency services.

When reporting a crime, try to explain your needs as calmly as you can.

**STAY ON THE LINE** until UTS Security, law enforcement, or the dispatcher says it is okay to hang up.

### **UTS ALERT SYSTEMS**

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods

of communication may be activated in the event of an emergency. These methods of communications include emergency text messaging, email, and/or phone calls via RAVE. The University may also use:

- Fire Alarm System
- The UTS Webpage (mainly for updates)
- The UTS mobile app
- Campus and local media entities
- Posters placed in Campus Buildings and/or Residential

Those attending UT Southern will receive Emergency Notifications, via their campus e-mail and text messaging system. Students attending UT Southern are automatically enrolled in the emergency alert messaging system RAVE. Employees are encouraged to update and/or add their personal cellphone numbers to RAVE. Once the incident is over, or the threat no longer exists, an all-clear notification will be disseminated to the community through the means used to issue the Emergency Notification(s).

#### **How to Sign Up for Emergency Text Messaging:**

We encourage all employees and students of the campus community to enroll in RAVE. To sign up (opt-in) to the emergency text messaging system, the procedure is as follows:

1. From the “UTS Home Page” click Campus Security under Campus Services.
2. Select “Sign Up For RAVE”
3. Enter requested information including cell phone number and provider.
4. Click “Update Cell Information.”

Note: Multiple numbers can be added from your profile on the Rave website once you are registered.

### **ALTERNATIVE REPORTING**

#### **Designated Campus Security Authorities**

A Campus Security Authority (CSA) is a UT Southern employee with significant responsibility for the general safety of campus and student activities. A CSA has responsibilities under the federal Clery Act to report information for timely warnings and crime statistics. Students, staff, and faculty are required to report all on-campus crimes or criminally suspicious activities to one or more of the UT Southern CSAs. The CSAs are then required to report the criminal activity for statistical purposes to the Clery Coordinator. The intent of including non-law enforcement personnel as CSA's is to acknowledge that many individuals, and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

A Campus Security Authority (CSA) is a Clery Act specific term that encompasses four groups of individuals and organizations associated with an institution:

1. *A campus police department or a Campus Security department of an institution.*
2. *Any individual or individuals who have responsibility for Campus Security, but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property).*
3. *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.*
4. *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. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of an institution.*

At University of Tennessee Southern, Campus Security Authorities include, but are not limited to:

- Members of the Chancellor’s Executive Council
- Title IX Officers
- Vice Chancellor of Student Affairs
- Director of Campus Safety and Security
- UTS Security Officers
- Director of Student Life
- Assistant Director of Residential Life
- Resident Directors
- Student Resident Assistants
- Student Life Staff
- Director of Athletics
- Head/Assistant Athletic Coaches
- Director/Assistant Director of Sport Medicine
- Director/Assistant of Student Resources Center
- Director/Assistant of Career Services
- Athlete Enhancement Director
- Faculty/Staff Advisors
- International Student Advisor

## CONFIDENTIALITY

UT Southern Safety and Security encourages anyone who is the victim of or witness to any crime to promptly report the incident to UTS Safety and Security or another law enforcement agency. However, UT Southern Security cannot ensure that a report will remain confidential. UT Southern Security Officers are Clery Act Campus Security Authorities (CSA’s) and Title IX Responsible Employees. CSA’s are required to report Clery Reportable crimes to the Clery Coordinator and Title IX Responsible Employees are required to share all relevant information about an alleged sexual misconduct case, including the identity of the involved individual(s), with the Title IX Coordinator.

The university’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, a copy of which can be found in **Appendix E**, 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.

***Once a police report has been filed, an incident can no longer be anonymous.***

## PASTORAL AND PROFESSIONAL COUNSELORS

In accordance with the Clery Act, professional counselors are not considered campus security authorities (i.e., they are not obligated to report crimes for Clery statistics). The term “professional counselor” means a University employee whose official responsibilities include providing mental health counseling to members of the University’s community and who is functioning within the scope of his/her license or certification. 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.

The University does not employ pastoral counselors. Pastoral counselors not employed by the university are not obligated to report crimes to UT Southern Safety and Security. 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.

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 want to consider making a confidential report. The University encourages individuals who have experienced what they believe could constitute sexual harassment or sexual violence to speak with someone about what happened so that support can be offered and the University can

respond appropriately. Different individuals associated with the University have different abilities to maintain confidentiality in this area.

Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”

Some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

It is also possible to report to a third-party counselor or advocate off campus who may maintain confidentiality and only inform the school that an incident has occurred. As reporting requirements vary, it is important to discuss confidentiality with the third party prior to speaking with that individual.

### **Privileged and Confidential Communications**

*Professional and Pastoral Counselors:* Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the university’s community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim’s permission. Following is the contact information for these individuals:

Desiree Stone, Campus Counselor: (931) 424-7338 Ext. 3338

### **Responsible Employees**

The following employees (or categories of employees) are the University’s responsible employees:

- Members of the Chancellor’s Executive Council
- Employees of the Human Resources Staff
- Employees of the Student Life Staff
- Athletic Coaches
- Resident Directors and Student Resident Advisors
- Faculty Advisors
- Safety and Security Staff
- Orientation Leaders
- Faculty

NOTE: While these professional and non-professional counselors and advocates may maintain a victim’s confidentiality vis-à-vis the University, they may have reporting or other obligations under state law. Such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case. If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, UTS Security, the Chancellor, or the Vice Chancellor of Finance and Administration and Chief of Staff may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **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 any provision of the Clery Act.

The university's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, found in **Appendix E**, 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.

---

## TIMELY WARNING

A timely warning will be disseminated utilizing method(s) likely to reach members of the affected campus community when the reported incident is a Clery Act crime which:

1. Is reported to UTS Security or Clery Coordinator directly or reported to UTS Security or Clery Coordinator indirectly through a university campus security authority or a local law enforcement authority;
2. Occurs on the university's Clery geography (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); and
3. Is considered by the institution to represent a serious or continuing threat to University students and employees, or their property.

### Clery Act crimes include:

- Murder/non-negligent manslaughter
- Manslaughter by negligence
- Rape
- Fondling
- Incest
- Statutory rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Certain Categories of Hate Crimes
- Domestic Violence
- Dating Violence
- Stalking
- Weapons Violations
- Drug Abuse Violations
- Liquor Law Violations

Notices may also be posted for other crime classifications as deemed necessary.

### Clery Act geography, in general, means:

On campus buildings or property, including residence complexes, noncampus property that University owns, leases, or controls (Includes locations such as fraternities, athletic travel or study trip where there is extended or repeated use), and certain public property within or immediately adjacent to campus.

The Clery Act does not require the university to issue a Timely Warning for:

1. A Clery Act crime that occurs outside of university Clery Geography; or
2. for a crime that is not a Clery Act crime, even if that crime occurs on the university's Clery Geography.

Whether an incident constitutes a serious or continuing threat to students and employees is a case-by-base determination. In general, this means that there is a risk of students or employees becoming victims

of a similar crimes. For example, if a robbery is reported on campus and the alleged perpetrator has not been caught, the risk is there. If the alleged perpetrator was apprehended, there may be no continuing risk if the perpetrator acted alone.

Other questions that may be asked are: Does a criminal incident appear to be a one-time occurrence, or does it fall into a pattern of reported crimes? For example, if students set some posters on fire after the basketball team lost the homecoming basketball game, the arsons are probably a one-night event. If an unknown person was randomly setting fires, this would pose a continuing threat.

### **Statement of Procedures**

#### ***Decisions Criteria for a Timely Warning:***

The Director of Safety and Security and/or the Vice Chancellor of Finance and Administration, or in her/his absence or unavailability, her/his designee, is responsible for determining whether to issue a Timely Warning Notice. If the Director/Vice Chancellor or their designee is not available, a member of the University's emergency response team will make the determination. The Director of Safety and Security and the Emergency Response Team, or their designees, may also issue a Timely Warning Notice for other crimes, as determined necessary.

#### ***Content for a Timely Warning:***

The amount and type of information presented in a timely warning will vary depending on the circumstances of the crime. If there is certain information that could compromise law enforcement efforts, it may be withheld from the timely warning notice. The Timely Warning Notice will include, to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement's immediate actions, a request and method for witnesses to contact law enforcement, and where applicable and appropriate, cautionary advice that would promote safety.

#### ***Timing for Timely Warning:***

Although the Clery Act does not define "timely," the intent of a warning is to enable our University community to protect itself. This means that a warning is issued as soon as pertinent information is available so that it can be used as a preventive tool, and not solely constitute a description of the incident.

#### ***How Timely Warning Notices are Issues/Disseminated:***

Timely warning notices will be made to the entire campus community through the use of the campus-wide system. The Director of Safety and Security and/or the Vice Chancellor of Finance and Administration, or in her/his absence or unavailability, her/his designee, also has the discretion to issue the warning via other tools as necessary (including the emergency text messaging system if practical).

---

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The Clery Act requires the University to have and disclose the following emergency response and evacuation procedures, which the University will follow in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Emergency Response Plan for UT Southern can be accessed through the Campus Safety and Security website or at: <https://utsouthern.edu/students/campus-safety-security/>

## HOW TO REPORT AN EMERGENCY

Crimes and emergencies can be reported by contacting the following departments:

Emergency Police, Fire, or Ambulance	Dial 9-1-1
UTS Safety and Security	(931) 309-7502
Local Law Enforcement Agencies	<u>Pulaski Police Department</u> (931) 424-4404 203 S 1st St #7, Pulaski, TN 38478  <u>Giles County Sheriff's Department</u> 200 Thomas Gatlin Dr, Pulaski, TN 38478 (931) 363-3505

The UTS Security Office may be contacted by phone at any time 24 hours a day, 7 days a week.

### EMERGENCY NOTIFICATION SYSTEM

In the event of a campus emergency, UT Southern follows guidelines set forth in its Emergency Response Plan. UTS Campus Safety and Security and Pulaski Police Department are typically the initial responders for emergencies on campus, with primary responsibility for assessing the nature, size, scope and activation of the Emergency Response Team. Individuals may use a variety of notification methods to alert public safety to an emergency, such as phone, email, or in person. The overarching drive of this plan is to enable various University administrators to promptly and effectively alert and inform the campus community and the public when there is a clear and credible danger to the University community. On an annual basis the University notifies the Pulaski Police of their requirement to also communicate any incident that takes place in the community that may warrant an emergency response. The plan coincides with the University's other safety and emergency plans that deal specifically with the operational implications of a crisis.

The University will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. "Immediate threat" as used here includes an imminent or impending threat. Examples of significant emergencies or dangerous situations may include but are not limited to: an outbreak of meningitis, norovirus or other serious illness; approaching tornado or other extreme weather conditions; earthquake; gas leak; terrorist incident; armed intruder; active shooter; bomb threat; civil unrest or rioting; explosion; and chemical or hazardous waste spill.

### CONFIRMING THE EXISTENCE OF AN EMERGENCY OR DANGEROUS SITUATION

The initial and primary responder to emergencies will normally be UTS Security. It is possible that the initial and primary responder may be another UTS employee, particularly for incidents such as an outbreak of serious illness; extreme weather conditions; earthquake; gas leak; or chemical or hazardous waste spill. In either situation, the ranking or senior officer/administrator on the scene will quickly assess the situation and notify the Director of Safety and Security, or in his/her absence, the security officer on duty.

The Director or security officer on duty will take immediate steps to confirm whether the incident constitutes a "significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees," such that an Emergency Notification is warranted. If time permits, the Director or security officer on duty may consult with the Vice Chancellor

for Finance and Administration. If the Vice Chancellor for Finance and Administration cannot be contacted, and if time permits, the Chancellor will be consulted. If it is not possible to contact the Vice Chancellor for Finance and Administration or the Chancellor, and if time permits, efforts will be made to consult with the Vice Chancellor for Academic Affairs, the Vice Chancellor for Student Affairs, or the Vice Chancellor for University Advancement (in that order).

Upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees, UTS 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 the first responders, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Director of Safety and Security (or designee) or the Vice Chancellor of Finance and Administration (or designee) will initiate the notification system to the campus.

#### **DETERMINING THE APPROPRIATE SEGMENT(S) OF THE CAMPUS**

The Director of Safety and Security (or a designee) and Vice Chancellor of Finance and Administration, in conjunction with first responders, will determine the appropriate segments to notify and the appropriate modes to use. Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The Director of Safety and Security (or a designee) and Vice Chancellor of Finance and Administration, together with the Chancellor (or a designee), will continually evaluate the situation and assess the need to notify additional segments of the campus population.

#### **INITIATING AND DETERMINING THE CONTENTS OF AN EMERGENCY NOTIFICATION**

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure that each message contains essential information, the mass notification system contains pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template. In those cases, where there are no predetermined templates in the system, the individual may use the “alert” template to craft a specific message. The goal is to ensure people are aware of the situation and they know the steps to take to stay safe.

#### **TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

To ensure the campus emergency management plans remain current and actionable, the main campus, along with each center, conducts at least one test annually. Tests may be announced or unannounced. Outreach to local state and federal responders and stakeholders is also conducted in order to solicit participation. These tests are scheduled and include both exercises and drills. In conjunction with at least one emergency management test each year, UTS Security notifies the appropriate campus community of the test and reminds the community of the University’s alerts system and emergency response procedures. They also document for each test: a description of the exercises, the date, the time, and whether it was announced or unannounced.

---

## **MISSING STUDENT NOTIFICATION POLICY**

The purpose of this policy is to establish procedures for the UT Southern community to respond to, and assist with, reports of missing students. This policy applies to students who reside on-campus and are

deemed missing or absent from the University for a period of more than 24 hours without any known reason or which may be contrary to usual patterns of behavior.

### HOW TO REPORT A MISSING STUDENT

All reports of missing students should be made to one of the following immediately:

UTS Safety and Security	(931) 309-7502
Office of Student Life	(931) 424-4073
Vice Chancellor of Student Affairs	(931) 424-7334

The UTS Security Office may be contacted by phone at any time 24 hours a day, 7 days a week.

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 UTS Security or the Vice Chancellor of Student Affairs (or their designee). Those individuals will contact other university officials who have a need to know about the missing student report.

Individuals may report a student missing at any time; there is no requirement for the individual to wait until they believe the student has been missing for 24 hours.

Unless there is evidence to the contrary, a student living in on-campus housing should not necessarily be considered missing if the student provided information about their intended whereabouts or if the student is absent during recognized university holidays or breaks.

### IDENTIFICATION OF EMERGENCY CONTACTS

Students residing on-campus will update their missing person information annually through the housing application process. Students should provide an emergency person/number to be contacted if they are believed to be missing for more than 24 hours and/or in potential danger. This information will only be utilized in the event that a missing person report is filed and will only be provided to authorized campus officials and law enforcement officers in furtherance of resolving the missing student's investigation/emergency situation. The designation, or emergency contact, will remain in effect until charged or revoked by the student.

This contact is for missing person purposes only and may be different from the person selected as the student's general emergency contact. General emergency contact information and missing persons contact information are kept separate, even if the student registers the same contact for both purposes. The University will contact this emergency contact no later than 24 hours after the determination by UTS Security that the student is missing.

If a missing student is under 18 years of age and not emancipated, UTS Security will notify a custodial parent or guardian of the missing student (in addition to notifying any additional contact person designated by the student) no later than 24 hours after the determination by UTS Security that the student is missing. UTS Security will also notify the Pulaski Police Department no later than 24 hours after it determines that the student is missing, unless the Pulaski Police Department was the entity that made the determination that the student was missing.

## INVESTIGATIONS OF A MISSING STUDENT REPORT

All reports of missing residential students shall be directed immediately to Campus Safety and Security or the Office of Student Life, which will institute an investigation to determine whether the student is missing in accordance with this policy. An investigation will be initiated to determine the validity and credibility of the missing person's report. UTS Security and Office of Student Life will gather all essential information about the student from the persons making the report and from students' acquaintances. The information to be obtained includes, but is not limited to:

- The name, campus address, physical description (including last known clothing), vehicle information, and any contact information relative to the missing student.
- The last time and location at which the missing student was seen.
- The circumstances leading to the belief that the student has gone missing.
- Any friends, other locations, or changes in routine involving the missing student.
- Persons or witnesses who may have information.
- Information of physical and mental well-being of student.
- Up-to-date photographs, class schedule, and any other pertinent information.

When a student is reported missing, UTS Security shall:

- Initiate an investigation to determine the validity of the missing person report, including but not limited to: initiating a search on campus for the missing student to include common areas, residence halls, parking areas for his/her vehicle, or other known areas frequented by them; attempting to contact the involved missing student directly through cell phones, room phones, or e-mail/social networking venues; contacting known associates of the missing student; checking the missing student's room for information that might lead to his/her location; checking the involved missing student's campus e-mail, UTS app, and phone records for recent usage. Class schedules and instructors may also be consulted to determine the latest attendance date.
- Make a determination as to the status of the missing student. The official determination that the student is missing can be made at any time by UTS Security or Vice Chancellor of Student Affairs.
- Notify the individual designated by the missing student as the missing person's contact within 24 hours of making the determination that the student is missing. If the student has identified multiple contacts, they will be contacted in an order determined by UTS Security.
- If the student registered multiple contact persons, and the first person contacted confirms that the student is not missing, UTS Security will contact each additional contact person in turn unless the student in question is reached by UTS Security or contacts UTS Security.
- UTS Security will document attempts to contact the individual(s) named as contact persons.
- If the missing student is under the age of 18 and is not emancipated, UTS Security will notify the student's custodial parent or guardian as contained in the records of the University within 24 hours of the determination that the student is missing.
- Immediately notify the Pulaski Police Department within 24 hours after determining that the student is missing. This notification will be made even if the missing student has not registered a designated contact person, is above the age of 18, or is an emancipated minor.
- Once the missing student is located, all previously notified individuals will be updated as appropriate.

Additional 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. The Policy also provides information on confidential resources that are alternatives to reporting an incident to the university.

A copy of the policy is contained in **Appendix E**. A copy of the policy can also be found at <https://utsouthern.edu/about/title-ix/>.

---

## SECURITY AND ACCESS

Providing a safe learning and working environment for intellectual and personal growth is top priority to UT Southern Safety and Security. UTS recognizes that safety on our campus is a natural source of concern for parents, students, and University employees. In response to this concern, UTS employs a number of security measures to protect the members of its community. Safety is a "campus" responsibility. We all share the responsibility of making UTS a safe place to study, work and live by staying informed, aware, and alert.

### SECURITY CAMERAS

The University has over one hundred cameras throughout the campus, including the residence halls, parking lots and academic buildings. UT Southern Safety and Security works in conjunction with UT Southern Tech Support to deploy and maintain cameras in the most ideal security checkpoints throughout the campus. The University has 60 IP (internet protocol) cameras scattered throughout campus. The University also maintains 26 analog cameras to further maintain coverage of the University. Both UTS Security and the Vice Chancellor of Student Affairs have the ability to review camera feeds at any time while Tech Support has the responsibility of maintaining and managing the cameras and the video storage.

### RESIDENCE HALLS

UT Southern Campus has seven residence complexes: Criswell Hall, Upperman Hall, Apartments A, Apartments B, Oakwood Apartments, and two student houses. The University takes extra precautions for the safety and security of its residents including: trained staff, restricted key access, fire safety, security cameras, front desk operations in dormitories, maintenance assistance, and health & safety inspections.

Specifically, each residence complex has a Resident Director (RD) who is a full-time professional living in each residential building, as well as Resident Assistants (RAs). Criswell and Upperman Hall operate front desks at various hours with work studies. Although the remaining four residential locations do not have desk operations, residents can contact other RD and RA's for support. All residential students can contact UTS Security at (931) 309-7502 24 hours a day, 7 days a week for assistance as well.

Each resident is given an UTS ID card and key to their residential building that also accesses their individual room/apartment. Criswell and Upperman Hall utilize keyed access. Criswell and Upperman Hall Residents receive a key that gives access to the front door and their individual room. Upperman Hall first floor does also require keyed access by those residents on the first floor. Upperman Hall first floor is all female students while second and third floors are all male students. Apartments A and B are apartments with four secured bedrooms rooms, two bathrooms, one kitchen, one laundry room, and one living room. Keyed access is utilized to the apartment front door that also gives the resident access to their individual

room. If a resident (or anyone) sees someone tampering with doors, they should contact their Resident Director or UTS Security. Letting anyone else use another person's keys or ID card is a violation of the Standards of Conduct outlined in the Student Handbook, and jeopardizes the security of the building, floor, room, or apartment. Floor doors are not allowed to be propped open by residents at any time. Some facilities also have security cameras located in strategic areas. Furthermore, each building conducts Health and Safety Inspections. These will be announced, via fliers, email, and/or banners at least 24 hours in advance, so that the residents can be at home, if possible.

### OTHER INSTITUTE FACILITIES

UTS Security conducts random foot patrols of non-residential university facilities (e.g., academic and administrative buildings) as time permits; however, buildings do not have officers exclusively assigned to them. During business hours, UT Southern (excluding Residential Life facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all University facilities is by key, if issued, or by admittance by Campus Security or Residence Life staff. Residence halls are locked 24 hours a day and accessible by key.

Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules. Campus Security checks each building on campus at scheduled closing times, monitors access to buildings, and contacts police and fire departments if/when necessary.

The campus has lighting outside and a number of areas in each building leave lighting on throughout the night. UTS Security is responsible for reporting any lights that are not functioning. The Director of Facilities monitors the distribution of all keys to campus buildings and rooms.

---

## SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner designed to minimize natural obstructions that could become safety concerns. UTS Security officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to Maintenance for correction. Members of the university community are encouraged to report any deficiency in lighting (e.g., dim, obstructed, or non-operational lighting) or other potentially unsafe physical conditions. Concerns can be reported by submitting a work order at <https://login.myschoolbuilding.com/msb>. Safety concerns can also be reported by contacting Safety and Security at (931) 309-7502. Such reports may be made 24 hours a day, seven days a week. Students residing in residential buildings on campus may also submit non-emergency requests for maintenance online at <https://login.myschoolbuilding.com/msb>.

### *Identification cards:*

Each student at the university is required to obtain and carry an official university identification card. ID cards are used to check out books from the library; to gain access to meal plans in the university dining hall; to gain admission to certain events sponsored by the university; to obtain discounts on items from certain local businesses; and to establish the owner's right to use university facilities. The ID Card is the property of the university and may be reclaimed if used by any person other than the person identified on the card. It must be shown when requested by any university official.

### *Registered Parking:*

All motor vehicles operated (utilized) by faculty, staff and students in connection with their employment or attendance at UTS must be registered at the UTS Department of Safety and Security in The Criminal Justice Center. Visitor parking permit requests can be made in advance by calling UTS Safety and Security.

---

## CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

UTS Campus Safety and Security operates under the philosophy that it is preferable to prevent crime from occurring than to react to it after the fact. The principal instrument for accomplishing this goal is the University's Crime Prevention and Awareness program. It is based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and educating community members to be responsible for their own security and the security of others. UTS Safety and Security promotes an approach which is focused on harm and risk reduction, finding the learning moments possible in any given interaction, and promoting student growth and development.

The following is a listing of the Crime Prevention and Awareness programs and projects employed by University of Tennessee Southern:

### **Summer Orientation**

Throughout Summer Orientation sessions UTS Security information and general crime prevention is offered to new students and their families.

### **New Employee Orientation**

UTS Security information and general crime prevention is provided to new employees and faculty through their orientation sessions offered by Human Resources.

### **First Year Experience**

In each FYE class the Director of Safety and Security discusses the following topics:

- Parking Regulations
- Personal Safety
- Emergency Procedures and Contacts
- Security Personnel
- Safe keeping of valuables

### **Title IX**

The University conducts regular Title IX training sessions for new students, faculty and staff. All new students are expected to attend a Title IX presentation that includes:

- Sexual Harassment and Violence Are Prohibited at UTS
- What Is Sexual Harassment?
- What Is Sexual Violence?
- What Is Stalking?
- What Is Dating Violence?
- What Is Consent? How Do You Know You Have Consent?
- Reporting Options
- Timing of Report
- What Happens When a Complaint Is Received?
- What Resources Are Available to Help Victims?
- What Happens in an Investigation?
- What Are the Consequences to the Accused?
- Retaliation
- Bystander Training

## **Sexual Misconduct Prevention**

Title IX Coordinator offers programming on sexual assault and sexual misconduct

## **Residential Life**

At the beginning of each term, security is discussed at required residence hall meetings with resident students and at required meetings for those students who commute. In these meetings the following topics are discussed:

- Safe-keeping of valuables
- Personal safety
- Proper locking of campus housing and vehicles
- Emergency procedures

## **Safety Drills**

Each semester Safety and Security conducts (1) Fire Drill and (1) Severe Weather Drill in every residential life location on campus.

## **Walk Along Service**

Security Officers are available to escort students, faculty or staff at any time, upon request. These escorts increase the UT Southern Safety and Security's awareness of community concerns and may influence the level of patrols along key walkways on campus. All community members are encouraged to report suspicious persons or incidents.

## **UTS Application**

The UTS Application provides students with Security Services which allows the student to call Campus Safety and Security. The UTS Application also allows the university to send notifications to students.

## **Alcohol Awareness and Drug Awareness**

UTS Safety and Security or Student Activities offers programming on alcohol awareness and education.

UTS Safety and Security also sends emails to UTS student with Alcohol and Drug Awareness information that assists students in being informed to make personal choices.

## **Safe Campus Environment**

UTS Safety and Security or Student Activities offers programming promoting a Safe Campus Environment.

UTS Safety and Security offers Self Defense programming

## **Emergency Alert and Safety Apps**

UTS offers two Emergency Alert and Safety Applications for the entire UTS community to utilize in order to maintain a safe campus on a daily basis and in the event of an emergency.

- RAVE Mobile Safety
- LiveSafe Safety

## **Ongoing Student Life and Security Training**

- Title IX Summit
- Clery Webinars
- Clery Conference
- Ongoing review of policies and procedures

## **Ongoing training for Faculty and Staff**

- CSA Training
- Responsible Employee Training

- Title IX Information Sessions at Faculty meeting
- IT Safety Training

Program Title	Program Date(s)	Program Details	Attendance	Type	Category
<b>Title IX Training for Student Leaders</b>	8/19/21	Presentation for student leaders (RA, OL, PAL, Thomas Martin, clubs) on Mandatory Reporting, Prohibited Conduct, consent	32	training	Sexual Misconduct
<b>Title IX Training for FYE</b>	8/22/21	Introductory presentation for FYE classes on Prohibited Conduct, reporting, consent	180	training	Sexual Misconduct
<b>Bathroom Campaign</b>	Sept. 2021	16 educational posters hung in each bathroom across campus; included T.IX website + T.IX Coord contact info	n/a	passive marketing/education	Sexual Misconduct
<b>Fire Drill - Criswell Hall</b>	9/27/21	Fire Drill - Evacuation to Campus Green	32	Drill	Safety
<b>Fire Drill - Apartments</b>	9/28/21	Fire Drill - Evacuation to CAC	28	Drill	Safety
<b>Severe Weather Drill - Criswell Hall</b>	10/4/21	Severe Weather Drill - Students to First Floor	31	Drill	Safety
<b>Fire Drill - Upperman Hall</b>	10/4/21	Fire Drill - Evacuation to Campus Green	28	Drill	Safety
<b>Severe Weather Drill - Upperman Hall</b>	10/6/21	Severe Weather Drill - Students to First Floor	28	Drill	Safety
<b>Severe/Weather Fire Drill - Oakwood</b>	10/7/21	Fire and Severe Weather Conversation with residents	10	Drill	Safety
<b>Domestic Violence Awareness Event</b>	10/13/21	Table with education, quotes, and resources; Center of Hope	66	Educational Events	Sexual Misconduct

		counselors present			
<b>Severe Weather Drill - Apartments</b>	10/20/21	Severe Weather Drill - Students to First Floor	17	Drill	Safety
<b>Bystander Intervention Course</b>	Fall 2021	Online training course from TN Coalition to End Domestic and Sexual Violence; distributed via FYE	113	Training	Sexual Misconduct
<b>Active Bystander at UTS Training</b>	11/3-4/21	Live training on consent, ACTive bystander, and TIX resources to FYE classes	190	Training	Sexual Misconduct
<b>A Shot of Information</b>	12/7/21	Alcohol Awareness - Drunk Goggles - Metz sample shots of coffee - Center of Hope as Guest	32	Internal Speaker Event	Alcohol

## 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 POLICY

A complete copy of the following **Drug Free Campus and Workplace HR0720** policy can be found at.

It is the policy of the University of Tennessee Southern 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 Chancellor 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. UT Southern Safety and Security and Residential Life strictly enforces those laws and policies. University policies relating to alcoholic beverages are outlined below under the description of the Standards of Conduct for students and the Code of Conduct for employees.

It is unlawful in Tennessee for:

- any person 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. UT Southern Safety and Security and Pulaski Police Department strictly enforces those laws and policies.

### **STANDARDS OF CONDUCT FOR STUDENTS, ALCOHOL AND DRUG**

The possession of and/or being under the influence of drugs and/or alcohol are prohibited on University owned or controlled property including the residential life facilities or student auxiliary affiliations. If students are found possessing drugs and/or alcohol, whether on or off campus, these incidents will be documented and referred to the Office of Student Affairs for disciplinary action.

University policy prohibits any student and/or student organization from serving or permitting the consumption, possession or display of any alcoholic beverage or containers at any time, or by anyone on University premises. Student organization officers are responsible for initiating risk management procedures and refusing admission to their social gatherings of persons under the influence of alcoholic beverages. Student organizations sponsoring any social affairs are responsible for the general decorum of the event. Any student and/or organization can be sanctioned for violations of the UT Southern Standards of Conduct, whether on or off campus, if the Office of Student Affairs is notified or contacted.

### **CODE OF CONDUCT FOR EMPLOYEES, ALCOHOL AND DRUG**

The possession of and/or being under the influence of drugs and/or alcohol are prohibited on University owned or controlled property. The Code of Conduct for Employees in concerns to alcohol and drugs is outlined within UT policy [HR0580](#).

The policy states that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, intoxicants, or controlled substances; abuse of prescription drugs while on duty; use of alcohol in a university vehicle on or off university property; possession or use of alcohol while on duty (except at university-sponsored events and other events an employee is expected to attend as part of his or her duties); or reporting to work under the influence of illegal drugs or alcohol or while unlawfully using controlled substances.

## 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.

Alcohol Poisoning symptoms: affects breathing and the “gag” reflex, extreme confusion, inability to be awakened, vomiting, seizures, low body temperature, blush or pale skin, impaired judgment.

Personal related risks: Emotional and mental anguish, guilt, embarrassment, loss of friendships or relationships, poor grades (may affect scholarships), disciplinary action from the university up to and including dismissal, negative impact on future education or employment opportunities.

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.

Personal related risks: Emotional and mental anguish, guilt, embarrassment, loss of friendships or relationships, poor grades (may affect scholarships), disciplinary action from the university up to and including dismissal, negative impact on future education or employment opportunities.

Where to seek help for drug related problems: The campus counseling center, student health, student affairs, public safety, the housing staff, or a trusted friend can assist/refer you to get help if needed.

## DRUG AND ALCOHOL ABUSE PREVENTION

The university's Student Life staff (e.g., UTS Safety and Security, Residential Life, Student Activities, and Student Affairs) are committed to promoting responsible decision-making regarding alcohol and drugs through educational programming, resources, and everyday interactions. As stated above, UTS Safety and Security provides annual Alcohol and Drug Awareness programs. UTS Safety and Security also send emails annually to UTS student with Alcohol and Drug Awareness information that promotes students being informed to make personal choices. Student Activities does often team with UTS Safety and Security to provide programming.

S'mores' Night with Alcohol Awareness - An evening of s'mores with the Director of Safety and Security to talk about Alcohol Safety and answer any questions concerning Alcohol.

A Shot of Information - The Center of Hope and Metz dining teamed up with UTS Security to offer information on alcohol, tasty shots of beverages offered in the Student Union, and field sobriety tests while wearing the drunk goggles to simulate impairment caused by alcohol consumption.

---

## WEAPONS

## TENNESSEE CRIMINAL LAW

The UT Southern Department of Safety and Security enforces Tennessee's criminal law concerning weapons. Among other prohibitions concerning weapons, Tennessee's criminal law generally prohibits persons from possessing or carrying, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, crossbow, bow and arrows, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, fireworks, firecrackers, stun guns, TASERs, or any other weapon of like kind, not used solely for University instructional or University-sanctioned ceremonial purposes, on any property owned, used or operated by the University. Anyone illegally possessing, carrying, or using any of those weapons will be subject to criminal sanctions. (T.C.A. § 39-17-1309 and 39-17-1359).

## UNIVERSITY POLICIES FOR EMPLOYEES

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, found at <https://policy.tennessee.edu/>. Those requirements include without limitation:

1. The employee shall always have the handgun carry permit in the employee's immediate possession 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 intent to carry notification to Pulaski Police Department in accordance with policy and procedure for notification. Intent to Carry forms are available at Pulaski Police Department. The eligible employee shall meet with a Pulaski Police Department police officer and provide a valid University of Tennessee Southern 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 or 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 Pulaski Police Department of any change in employment or student status. All information gathered will be kept confidential by Pulaski Police Department 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.

## UNIVERSITY POLICIES FOR STUDENTS

In addition to being subject to Tennessee's criminal law, University students are subject to the University's Code of Conduct for students. The Code of Conduct prohibits students from possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University controlled property or in connection with a University-affiliated activity, unless authorized in writing by the UT Southern Department of Safety and Security and/or the Vice Chancellor of Student Affairs. The Code of Conduct for students defines "weapon" to mean any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as TASERs and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks,

dirks, daggers, swords, and knives with fixed blades longer than four (4) inches. The term “weapon” does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene; preparation of food; maintenance; University related instruction/athletics; or University employment-related duties.

---

## 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, UT Southern Safety and Security 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 (Tennessee Code Annotated § 40-39-201 et seq.) 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 on the following link to access the Tennessee Sex Offender Registry:

<https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>

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 UT Southern Safety and Security 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 UTS Security 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 OR 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 a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such 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, a copy of which can be found in **Appendix E**.

---

## THE ANNUAL DISCLOSURE OF CRIME STATISTICS

UT Southern Safety and Security is responsible for preparing and distributing this Annual Security and Fire Safety Report to comply with the Clery Act. Within Safety and Security, the responsibility for preparing the Annual Security and Fire Safety Report is assigned to the Clery Compliance Coordinator. The Annual Security and Fire Safety Report is published and distributed every year by October 1st. The Annual Security and Fire Safety Report 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 Coordinator prepares the Annual Security and Fire Safety Report, including the annual disclosure of crime, arrest, and referral statistics, with input from various sources, including: Department of Safety and Security; the Office of Title IX; the Office of Student Life; university Campus Security Authorities (CSAs); and local law enforcement agencies, including Pulaski Police Department. The Clery Coordinator works to reconcile statistics from the Office of Title IX and the Office of Student Life 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 Clery Coordinator submits the crime statistics published in the Annual Security and Fire Safety Report to the United States Department of Education (ED), which makes crime statistics available to the public through the ED website. In addition, a copy of the Annual Security and Fire Safety Report is available for review 24 hours a day on the University's Campus Safety and Security website, <https://utsouthern.edu/students/campus-safety-security/>. The daily crime log is available for review 24 hours a day at the university's Security Office. The university provides an electronic notice of availability of the Annual Security and Fire Safety Report 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 contained in **Appendix A**.

---

## DEFINITIONS

### DEFINITIONS OF TERMS USED IN THIS REPORT

**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.

**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 or Human Resources (HR), for liquor law, drug law, and illegal weapon law violations. The numbers include incidents that are reported via UT Security incident reports and reports provided to 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 "All On-Campus Property" category and the "On-Campus Residential Only" 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 UTS:** The University of Tennessee Southern.

**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.

### DEFINITIONS 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.

TCA Code § 39-17-315 defines **Stalking** as 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.

Under TCA, **“Course of conduct”** 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:

1. Following or appearing within the sight of that person;
2. Approaching or confronting that person in a public place or on private property;
3. Appearing at that person's workplace or residence;
4. Entering onto or remaining on property owned, leased, or occupied by that person;

5. Contacting that person by telephone;
6. 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
7. Placing an object on, or delivering an object to, property owned, leased, or occupied by that person.

“**Victim**” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

TCA does not define **Sexual Assault** specifically but categorizes a number of crimes under *Sexual Offenses* including:

1. TCA 39-13-503 defines **Rape** as 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.
2. TCA 39-13-505 defines **Sexual battery** as unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
  - a. Force or coercion is used to accomplish the act;
  - b. 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;
  - c. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
  - d. The sexual contact is accomplished by fraud.
3. TCA 39-13-506 defines **Statutory rape** as the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
  - a. 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
  - b. 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.
4. TCA 39-15-302 defines **incest** by 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:
  - a. The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
  - b. The person's brother or sister of the whole or half-blood or by adoption.

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.

TCA does not define **Domestic Violence** specifically as there is no criminal offense code for Domestic Violence. However, TCA 39-13-111 defines **Domestic Assault** and a **Domestic Abuse Victim** as the following:

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 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; “**Adult**” means any person eighteen (18) years of age or older, or who is otherwise emancipated;

TCA does not define **Dating Violence**. Anyone in a dating relationship would fall within TCA 39-13-111 for Domestic Assault as seen in section three of the definition.

In Tennessee, **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. “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. (Tennessee Code Annotated § 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. (Tennessee Code Annotated § 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. (Tennessee Code Annotated § 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. (Tennessee Code Annotated § 39-13-501(5))

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.

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, a copy of which is located in **Appendix E** of this report.

---

## ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all reportable fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to the University of Tennessee Southern.

For reporting purposes, the following definition applies:

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire safety is important, regardless of whether students live on-campus or off-campus. Of the approximately 3,800 campus housing fires that occur in the US each year, the majority (88 percent) are cooking fires. Other causes include: Overloaded power strips, Candles (Prohibited in Campus Housing), Space Heaters (Prohibited in Campus Housing) and Arson.

Fire safety experts stress the importance of practicing escape plans in case of fire. **A fire alarm should never be ignored.** All students, faculty, and staff must evacuate the building immediately and stay out until given the direction to come back in. It is also important to know the location of fire extinguishers, fire exits, and alarm systems in your area.

### FIRE LOG AND REPORTING NON-EMERGENCY FIRES

The UTS Security maintains a log of all fires that occur in on-campus student housing facilities. The fire log is kept in conjunction with the Daily Crime Log and is available for review 24 hours a day from the Department of Safety and Security located in The Criminal Justice Center. In addition, the university is required by federal law to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the emergency numbers to report active fires and non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. If you witness, find evidence of such a fire or if you hear about such a fire, please contact one of the following:

Emergency Police, Fire, or Ambulance	Dial 9-1-1
UTS Safety and Security	(931) 309-7502

The UTS Security Office may be contacted by phone at any time 24 hours a day, 7 days a week.

When calling, please provide as much information as possible about the location, date, time, and cause of the fire.

## **FIRE STATISTICS**

Statistics for reported fires in on-campus student housing facilities are contained in **Appendix B** to this report.

## **FIRE SAFETY SYSTEMS**

**Appendix C** to this report contains a description of each on-campus student housing facility's fire safety system, including the number of fire drills held during 2020.

## **POLICIES AND RULES FOR APPLIANCES, SMOKING AND OPEN FLAMES**

### **SMOKING**

Smoking in any form is prohibited on UT Southern property. As used in this section, "smoke" or "smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette (including electronic cigarette), pipe or other lighted tobacco product in any manner or in any form. Smoking devices, including, but not limited to electronic cigarettes, pipes, bong and hookahs, are not permitted in residence halls.

### **PROHIBITED ITEMS DUE TO FIRE HAZARD**

Residential Life maintains a list of prohibited items that are not allowed within all on campus residential locations. These items are prohibited to ensure fire safety and assist in eliminating fire hazards. The list is as follows:

- Candles, incense, or any other open flame
- Wax Warmers
- Personal beds, including waterbeds
- Pets
- Space Heaters
- Outdoor grills
- String lights, such as Christmas lights (LEDs are allowed!)
- Halogen lamps
- Kitchen appliances **except** for those listed below:
  - Small refrigerator (no larger than 3.5 cubic feet) – Criswell and Upperman Only (refrigerator is supplied in Apartments)
  - Microwave (no larger than 1.0 cubic feet and 1000 watts) – Criswell and Upperman Only (microwave is supplied in Apartments)
  - Single-serve coffee maker (Keurig, etc.)
  - Toaster- Allowed in Apartments Only
  - Slow cookers- Allowed in Apartments Only
  - Electric grills (George Foreman, etc.)- Allowed in Apartments Only
- Wireless routers/access points
- Non-heavy-duty extension cords
- Hoverboards

## **FALSE REPORTS AND INTERFERENCE WITH FIRE SAFETY SYSTEMS**

The act of maliciously discharging or tampering with a fire extinguisher, lighting a fire, or misuse or tampering with the alarm/sprinkler/fire safety system endangers lives and will be considered a serious infraction that will subject the perpetrator to both criminal and/or University Administrative sanctions, up to and including arrest and/or dismissal from the University.

## EVACUATION PROCEDURES FOR STUDENT HOUSING IN CASE OF A FIRE

- Evacuate the building immediately.
- Do not use elevators.
- If requested, accompany and assist persons with disabilities who appear to need assistance, either by personally helping them or notifying responders of their location.
- Close and lock room doors as you exit to contain the fire, if feasible.
- Exit the building by the most direct route and proceed far enough from the building to be out of danger and so as not to interfere with emergency responders.
- Return to the building only when instructed to do so by police or fire department officials.

### Evacuation Areas for Fire:

• Reville House	Campus Green
• Ed Harmon Hall	Campus Green
• Campus Life House	Campus Green
• Colonial Hall	Campus Green/Colonial Hall Parking Lot
• Upperman Hall	Campus Green/Colonial Hall Parking Lot
• Johnston Center	Campus Green
• Gault Fine Arts Center	Campus Green
• Andrews Science Building	Campus Green
• Martin Hall	Campus Green
• Student Union Building	Campus Green
• Criswell Hall	Campus Green/Adjacent Lot
• Turner Center	Campus Green
• Student Apartments	Curry Athletic Center Parking Lot
• UT Southern Clinic	Curry Athletic Center Parking Lot
• Christian Life Center	Curry Athletic Center Parking Lot
• Bookstore	Curry Athletic Center Parking Lot
• Maintenance Office	Curry Athletic Center Parking Lot
• Oakwood Apartments	Johnston Center Parking Lot
• Campus Life House	Campus Green
• The Justice Center	Campus Green
• East Campus	East Campus Athletic Complex Parking Lot
• Student House A	Commuter Lot
• Student House B	Commuter Lot

Note: Each building on campus has a posted evacuation plan.

## PROCEDURES THAT STUDENTS AND STAFF SHOULD FOLLOW IN CASE OF A FIRE

### Responding to a Fire:

1. If a minor fire appears controllable, **call 9-1-1** and then use a fire extinguisher to put out the fire. Remember to direct the fire extinguisher's charge toward the base of the flame. After the fire is extinguished, notify UTS Security.
2. When discovering a fire that is not controllable, raise the alarm by shouting FIRE! To alert anyone in the immediate vicinity. Then activate the nearest designated fire alarm.
3. Move quickly and safely to the nearest exit. Crawl low under any smoke to your exit - heavy smoke and poisonous gases collect first along the ceiling.
4. Before opening a door, feel the doorknob and door. If either is hot, or if there is smoke coming around the door, leave the door closed and use a second way out.
5. If you open a door, open it slowly. Be ready to shut it quickly if heavy smoke or fire is present.

6. If you can't get to someone needing assistance, leave the building and **Call 9-1-1**. Tell the emergency operator where the person is located.
7. If ESA's are trapped inside the building, tell firefighters right away.
8. If you can't get out of the building, close the door and cover vents and cracks around doors with cloth or tape to keep smoke out. **Call 9-1-1**. Say where you are and signal for help at the window with a light-colored cloth or a flashlight.
9. If your clothes catch fire, stop, drop, and roll – stop immediately, drop to the ground, and cover your face with your hands. Roll over and over, or back and forth, until the fire is out. If you or someone else cannot stop, drop, and roll, smother the flames with a blanket or towel. Use cool water to treat the burn immediately for 3 to 5 minutes. Cover with a clean, dry cloth. Get medical help right away by **calling 9-1-1**.
10. Once outside, move to a clear area at least 500 feet away and move toward your accountability location. Keep streets, fire lanes, fire hydrants and walkways clear for emergency vehicles and crews.
11. An Emergency Command Post may be set up near the emergency site. To facilitate emergency operations, please stay away from the Command Post unless you have official business.
12. Do not return to an evacuated building unless you are given the "all clear" signal by the appropriate university personnel. The signal that the staff and students can return to an evacuated building will be initiated by the Emergency Response Team. Once the Emergency Director receives the "all clear" signal, he/she will communicate this to the appropriate university personnel, who will notify evacuated staff and students that they can return to the building.
13. Follow all instructions of the emergency preparedness teams.

### **When Calling for Help:**

1. **First response to a fire should always be call 9-1-1 first!**
2. Try to remain calm. Speak clearly and slowly so the 9-1-1 operator can understand you.
3. Give the location of the fire to the 9-1-1 operator first. This will allow them to know your location incase cellphone connection is lost.
4. Identify yourself to the 9-1-1 operator.
5. Tell the 9-1-1 operator if you or another person are trapped by the fire.
6. Tell the 9-1-1 operator if you or another person are injured.
7. Answer any questions the 9-1-1 operator has with as much detail as possible.
8. Notify Campus Security and the Emergency Director at the earliest and safest possible opportunity.
9. If the Emergency Director is unavailable, notify the Response Plan Coordinator at the earliest possible opportunity.

### **Important Fire Information**

It is important for all University of Tennessee Southern employees and students to be aware of the various types of fires and fire extinguishers.

Types of Fires: There are three types, or classes, of fires which are denoted by letter codes.

Class A: Used to denote wood, paper, cloth, trash, and other ordinary materials.

Class B: Used to denote gasoline, grease, oil, paint, and other flammable liquids.

Class C: Used to denote live electrical equipment.

Types of Fire Extinguishers: There are four basic types of fire extinguishers:

Water: Use on Class A fires only.

- Dry Chemical (BC): Discharges a sodium bicarbonate powder and should be used in Class B and C type fires.
- Carbon dioxide (CO<sub>2</sub>): Discharges liquid carbon dioxide and should only be used on Class B and C type fire.
- ABC: Multi-purpose dry chemical extinguisher which discharges ammonium-phosphate powder and can be used on any class of fire.

Most fire extinguishers on campus are the ABC type and can be used for any type of fire. To operate an extinguisher, hold upright, pull ring pin on handle, squeeze the lever and sweep side to side.

Any employee who uses a fire extinguisher should report it to the maintenance department so the fire extinguisher can be recharged.

### **EVACUATION AND FIRE DRILL PROCEDURES FOR INDIVIDUALS WITH DISABILITIES**

Typically, elevators are recalled to the ground level floor and remain inactive until emergency personnel determine the building is safe to reenter. Therefore, whenever possible, it is recommended that individuals with mobility impairments be assigned housing on a level from which they are able to exit without the use of the elevator and unassisted. Individuals with mobility impairments and who are assigned to floors that require the use of the elevator and/or assistance, should immediately dial 911 to report their current location and that they will move to the nearest stairwell to wait for assistance. Prior planning and practicing of emergency evacuation routes are important in assuring a safe evacuation:

- If the building alarm sounds, individuals with disabilities are to evacuate the building by the safest and nearest exit and follow the general procedures for emergency evacuation.
- If individuals with disabilities are unable to evacuate without assistance, they should call 911, report their current location and that they will move to the nearest stairwell to wait for assistance. They should also request that any available person notify UTS Security, Pulaski Police Department or the fire department upon their arrival to the building.
- Individuals with disabilities should provide the available person with any information that may be required to assist in the evacuation process (wheelchair use and/or lift required, etc.).
- In the event a fire alarm sounds, the first responding agency (UTS Security, Pulaski Police Department or the fire department) will seek out individuals with disabilities reported to be in the building and assist them with evacuating the building if necessary. Keep in mind, emergency personnel may be engaged in various activities that prevent assisting all individuals; each person should be responsible for their own evacuation whenever possible.
- In the event of an evacuation during a non-fire emergency, the steps described above will be followed. The procedures to be followed for fire drills are identical to the emergency evacuation plan in the steps described above, except that individuals with disabilities may be asked to remain in the building if the availability of evacuation personnel and/or special equipment is limited. Moving to the nearest stairwell is an acceptable safe space for individuals unable to exit the building.

### **FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS AND STAFF**

#### **Fire Safety and Training with Residence Life Staff**

Fire Drills for residential staff and students in all residential building was conducted in Fall 2021 and Spring 2022. This training did include a mock fire drill to ensure all staff and students in on-campus housing did know the procedures to respond to a fire.

## Fire Safety and Education of Residents

Housing staff conduct a mandatory meeting with all residents each year. During this meeting, housing staff discuss various topics including expectations and responsibilities of students living in residential facilities. Topics related to fire and safety include:

- Housekeeping and maintenance expectations
- Prohibited items
- Student ID card policies and safety information
- Overview of emergency policies (fire, alarm, tornado, emergency response plan)

## PLANS FOR FUTURE IMPROVEMENT IN FIRE SAFETY

The University of Tennessee Southern places great emphasis on the safety of our students, faculty, and staff. Through repetitive training and strategic reminders, we will maintain fire safety as a top priority of concern in our on-campus residential and other campus facilities.

---

## NON-DISCRIMINATION EEO/AA STATEMENT

All qualified applicants will receive equal consideration for employment and admissions without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Eligibility and other terms and conditions of employment benefits at The University of Tennessee Southern are governed by laws and regulations of the State of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, The University of Tennessee Southern affirmatively states that it does not discriminate on the basis of race, sex, or disability in its education programs and activities, and this policy extends to employment by the University.

Inquiries and charges of violation of Title VI (race, color, and national origin), Title IX (sex), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Office of Equity and Diversity (OED), 433 West Madison Street, Pulaski, TN 38478, telephone 931-424-4073. Requests for accommodation of a disability should be directed to the Chief Diversity Officer.

## APPENDIX A: CRIME STATISTICS

UT Southern Crime Statistics: January 1, 2019 - December 31, 2021

CRIMINAL OFFENSES REPORTING TABLE						
OFFENSE	YEAR	GEOGRAPHIC LOCATION				UNFOUNDED OFFENSES
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	
MURDER/NON-NEGLIGENT MANSLAUGHTER	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
RAPE	2019	2	2	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
FONDLING	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
INCEST	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
STATUTORY RAPE	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
ROBBERY	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
AGGRAVATED ASSAULT	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
BURGLARY	2019	0	0	0	0	0
	2020	0	0	1	0	0
	2021	0	0	0	0	0
MOTOR VEHICLE THEFT	2019	0	0	0	0	0
	2020	0	0	0	1	0
	2021	0	0	0	0	0
ARSON	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

VAWA REPORTING TABLE						
OFFENSE	YEAR	GEOGRAPHIC LOCATION				UNFOUNDED OFFENSES
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	
DOMESTIC VIOLENCE	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
DATING VIOLENCE	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
STALKING	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

  

ARRESTS REPORTING TABLE						
OFFENSE	YEAR	GEOGRAPHIC LOCATION				UNFOUNDED OFFENSES
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	
WEAPONS: CARRYING, POSSESSING, ETC.	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
DRUG ABUSE VIOLATION	2019	6	4	0	3	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
LIQUOR LAW VIOLATION	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	1	0	0	0	0

  

REFERRAL REPORTING TABLE						
OFFENSE	YEAR	GEOGRAPHIC LOCATION				UNFOUNDED OFFENSES
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	
WEAPONS: CARRYING, POSSESSING, ETC.	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
DRUG ABUSE VIOLATION	2019	0	2	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
LIQUOR LAW VIOLATION	2019	3	3	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

**Hate Crime Reporting**

2021: There were no reportable hate crimes

2020: There were no reportable hate crimes

2019: There were no reportable hate crimes

**APPENDIX B: FIRES IN ON-CAMPUS STUDENT HOUSING FACILITIES**

**2020 UTS ON-CAMPUS HOUSING FACILITY FIRE SAFETY STATISTICS**

HOUSING FACILITY	NUMBER OF FIRES 2019	NUMBER OF FIRES 2020	NUMBER OF FIRES 2021
UPPERMAN HALL	0	1	0
CRISWELL HALL	0	0	0
STUDENT APARTMENT A	0	0	0
STUDENT APARTMENT B	0	0	0
OAKWOOD APARTMENT	0	0	0
STUDENT HOUSE 5 <sup>TH</sup> /FLOWER ST	N/A	0	0
STUDENT HOUSE 6 <sup>TH</sup> /FLOWER ST	N/A	0	0

**Upperman Hall Fire**

Cause of Fire: Washing Machine Malfunction. Unplugged and fire extinguished on its own.

Number of Injuries: 0.

Value of Property Damage Caused by Fire: \$0.

**APPENDIX C: FIRE SAFETY SYSTEMS IN ON-CAMPUS STUDENT HOUSING FACILITIES**

**2020 UTS ON-CAMPUS HOUSING FACILITY FIRE SAFETY**

HOUSING FACILITY	ALARM MONITORING DONE BY STATE SYSTEMS	PARTIAL SPRINKLER SYSTEM	FULL SPRINKLER SYSTEM	SMOKE DETECTION	FIRE EXTINGUISHER DEVICES	EVACUATION PLAN & PLACARDS	NUMBER OF EVACUATION DRILLS
UPPERMAN HALL	X			X	X	X	2
CRISWELL HALL	X			X	X	X	2
STUDENT APARTMENT A	X		X	X	X	X	2
STUDENT APARTMENT B	X		X	X	X	X	2
OAKWOOD APARTMENT				X	X	X	2
STUDENT HOUSE 5 <sup>TH</sup> /FLOWER ST				X	X	X	0
STUDENT HOUSE 6 <sup>TH</sup> /FLOWER ST				X	X	X	0

## APPENDIX D: RESOURCES

<p><b>UTS Safety and Security</b>          115 S. Flower Street          Emergency: 911          Non-Emergency: (931) 309-7502          Email: <a href="mailto:jtrev@utsouthern.edu">jtrev@utsouthern.edu</a>  <a href="https://utsouthern.edu/students/campus-safety-security/">https://utsouthern.edu/students/campus-safety-security/</a></p>	<p><b>Office of Title IX</b>          420 West Madison Street          (931) 424-4073          Email: <a href="mailto:srich@utsouthern.edu">srich@utsouthern.edu</a>  <a href="https://utsouthern.edu/about/title-ix/">https://utsouthern.edu/about/title-ix/</a></p>
<p><b>Clery Compliance</b>          Email: <a href="mailto:jtrev@utsouthern.edu">jtrev@utsouthern.edu</a>  <a href="https://utsouthern.edu/students/campus-safety-security/">https://utsouthern.edu/students/campus-safety-security/</a></p>	<p><b>Human Resources</b>          318 West Madison Street          (931) 424-7379          Email: <a href="mailto:jhlubb@utsouthern.edu">jhlubb@utsouthern.edu</a></p>
<p><b>Vice Chancellor of Student Affairs</b>          420 West Madison Street          (931) 424-7334          Email: <a href="mailto:dmcmaste@utsouthern.edu">dmcmaste@utsouthern.edu</a></p>	<p><b>Office of Equity &amp; Diversity</b>          420 West Madison Street          (931) 424-4073          Email: <a href="mailto:srich@utsouthern.edu">srich@utsouthern.edu</a></p>
<p><b>Student Clinic &amp; Counseling Services</b>          625 West Madison St.          (931) 424-7338          Text: 844-986-6946          Email: <a href="mailto:utsclinic@utsouthern.edu">utsclinic@utsouthern.edu</a></p>	<p><b>Student Conduct</b>          420 West Madison Street          (931) 424-4086          Email: <a href="mailto:srich@utsouthern.edu">srich@utsouthern.edu</a></p>
<p><b>Housing and Residential Life</b>          420 West Madison Street          (931) 424-4073          Email: <a href="mailto:srich@utsouthern.edu">srich@utsouthern.edu</a>  <a href="https://utsouthern.edu/students/residential-life/">https://utsouthern.edu/students/residential-life/</a></p>	<p><b>Disability Services</b>          Academic: <a href="mailto:jbcheat@utsouthern.edu">jbcheat@utsouthern.edu</a>          Student Life: <a href="mailto:dmcmaste@utsouthern.edu">dmcmaste@utsouthern.edu</a></p>
<p><b>UTS Care Team</b>  <a href="https://utsouthern.edu/care-team/">https://utsouthern.edu/care-team/</a></p>	<p><b>US Department of Education Campus Crime Data</b>  <a href="https://ope.ed.gov/campussafety/#/">https://ope.ed.gov/campussafety/#/</a></p>
<p><b>Student Handbook</b>  <a href="https://utsouthern.edu/students/student-handbook/">https://utsouthern.edu/students/student-handbook/</a></p>	<p><b>Emergency Response Plan</b>  <a href="https://utsouthern.edu/students/campus-safety-security/">https://utsouthern.edu/students/campus-safety-security/</a></p>
<p><b>Family Educational Rights and Privacy Act</b>  <a href="https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html">https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html</a></p>	<p><b>Contact List and Directions</b>  <a href="https://utsouthern.edu/about/contact_directions/">https://utsouthern.edu/about/contact_directions/</a></p>



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

## SECTION 1 INTRODUCTION

### Overview

The University of Tennessee Southern 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. Additional information about each campus’s procedures and training and prevention programs relating to Prohibited Conduct can be found online at [utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix).

### 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 Southern; and
- Employees and affiliates of the University<sup>1</sup>; 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.

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.

---

<sup>1</sup> “University” in this Policy means the University of Tennessee Southern

### 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 Prohibited Conduct which occurs on University-controlled property. The Code also applies to Prohibited Conduct that occurs off of University-controlled property in certain situations, including Prohibited Conduct which: (1) occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience; (2) is prohibited by local, state, or federal law; (3) is fairly attributable to a student organization based on a consideration of the criteria in the Code; (4) involves another member of the University community; or (5) threatens, or indicates that the student poses a threat to, the health, safety, or welfare of others or the security of any person's property.

The University may address Prohibited Conduct that occurs off-campus regardless of whether the University has a duty under Title IX to address the conduct.

### 1.2.3 Effective Date

The effective date of this Policy is August 13, 2021. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 13, 2021. If the Prohibited Conduct reportedly occurred prior August 13, 2021, then: (1) the report will be evaluated using definitions 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., the 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) ([policy.tennessee.edu/safety\\_policy/sa0575/](https://policy.tennessee.edu/safety_policy/sa0575/)) 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 0220 ("Equal Employment Opportunity Affirmative Action and Diversity") ([policy.tennessee.edu/hr\\_policy/hr0220/](https://policy.tennessee.edu/hr_policy/hr0220/)), 0280 ("Sexual Harassment and Other Discriminatory Harassment") ([policy.tennessee.edu/hr\\_policy/hr0280/](https://policy.tennessee.edu/hr_policy/hr0280/)), and 0580 ("Code of Conduct") ([policy.tennessee.edu/hr\\_policy/hr0580/](https://policy.tennessee.edu/hr_policy/hr0580/)).

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. For example, the University's policy on amorous or sexual relationships between

faculty and students can be found in Section 2.2.6 of the UTK Faculty Handbook ([facultyhandbook.utk.edu](http://facultyhandbook.utk.edu)). 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:<sup>2</sup>

- 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<sup>3</sup>](#)

“**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;

---

<sup>2</sup> 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 on the Office of Title IX’s website [utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix).

<sup>3</sup> With respect to conduct by employees, the University also prohibits sexual harassment in accordance with University of Tennessee System Human Resources Policy 0280 (“Sexual Harassment and Other Discriminatory Harassment”) ([policy.tennessee.edu/hr\\_policy/hr0280](https://policy.tennessee.edu/hr_policy/hr0280)). Conduct by employees that does not necessarily violate this Policy may be a violation of University of Tennessee System Human Resources Policy 0280. Complaint of sexual harassment prohibited by University of Tennessee System Human Resources Policy 0280 should be reported to the Title IX Coordinator and will be handled in accordance with the procedures on the Office of Title IX’s website [utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix).

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or

(3) Sexual Assault, Dating Violence, Domestic Violence, 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 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 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, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this Policy constitutes retaliation.

(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 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:

**Sarah Catherine Richardson**

Student Life House  
420 W. Madison Street  
Pulaski, TN 38478  
931-424-4073

[scrich@utsouthern.edu](mailto:scrich@utsouthern.edu)  
[utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix)

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 responsibilities of Title IX Officials are described in more detail at [utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix). 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, 61 Forsyth Street, S.W., Suite 19T10, Atlanta, GA 30303-8927, (404) 974-9406 (phone), (404) 974-9471 (fax), [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov).

The University's list of Title IX Officials is located at: [utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix)

### 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 law. 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<sup>4</sup>. 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 to neither.

---

<sup>4</sup> An employee of UTS Safety and Security participates in the University's Sexual Misconduct, Relationship Violence and Stalking Response Team. However, UTS Security 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, OED 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 a trained investigator, which will conduct an investigation. The investigator 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 investigator’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 University of Tennessee System Safety Policy 0575 (Programs for Minors) ([policy.tennessee.edu/safety\\_policy/sa0575/](http://policy.tennessee.edu/safety_policy/sa0575/)). 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 UTPD 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 UTPD. **Employees who have been designated as Campus Security Authorities may have an obligation to report misconduct to UTS Security even when they do not have an obligation to report the misconduct under this Policy. Questions about the reporting obligations of Campus Security Authorities should be directed to Josie Trevarthen, the University’s Clery Compliance Coordinator, at [jtrev@utsouthern.edu](mailto:jtrev@utsouthern.edu) or (931) 424-2055.**

#### 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 factors:

- The risk that the Respondent will commit additional acts 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 posted 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. 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 disciplinary action by the Office of Student Conduct and Community Standards 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”). The University may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or drugs. 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, Section 13, also contains a policy on Amnesty for individuals acting as Good Samaritans and students in need of emergency medical attention. 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 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 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.<sup>5</sup> 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.

## APPENDIX A GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS

The University of Tennessee Southern is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including

---

<sup>5</sup> 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).

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”)<sup>6</sup>.

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.**

Section 4 of the Policy identifies the University’s Title IX Coordinator and Deputy Title IX Coordinators, 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. SUPPORTIVE MEASURES

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.

**According to the Sexual Assault Center of East Tennessee**, the key to success of the evidentiary exam is collecting physical evidence as soon as possible; however, evidence can be collected up to 72 hours after the 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 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 a hospital emergency room; 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

---

<sup>6</sup> Capitalized terms have the same meaning in the Policy and Appendix A.

and pregnancy. A medical examination preserves evidence for forensic analysis in case a Complainant wishes to pursue a criminal prosecution or an order of protection. The medical 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 medical 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.

The University strongly encourages Complainants who experience any form of interpersonal violence to seek medical care immediately 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
UT Southern Clinic (for students only)  (SANE is not available)	From 8:30 a.m. - 4:00 p.m., Monday-Thursday, except on University holidays, breaks, or closures	931-424-7338 625 West Madison St Pulaski, TN 38478 <a href="http://utsouthern.edu/students/campus_clinic/">utsouthern.edu/students/campus_clinic/</a>
Southern Tennessee Regional Health System, Pulaski  (SANE may not be available)	24 hours, seven days a week	931-363-7531 1265 East College Street Pulaski, Tennessee 38478 <a href="http://southern.tn.pulaski.com">southern.tn.pulaski.com</a>
Maury Regional Hospital  (SANE may not be available)	24 hours, seven days a week	931-381-1111 1224 Trotwood Avenue Columbia, TN 38401 <a href="http://mauryregional.com">mauryregional.com</a>
SAFE Clinic	24 hours, seven days a week	615-258-5888 101 French Landing Drive Nashville, TN 37228 <a href="http://sacenter.org/heal/safe-clinic.aspx">sacenter.org/heal/safe-clinic.aspx</a>
Metro Nashville General Hospital	24 hours, seven days a week	(615) 341-4000 1818 Albion St, Nashville, TN 3720 <a href="http://nashvillegeneral.org">nashvillegeneral.org</a>

## [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 law, court order, or subpoena. Complainants may pursue the confidential support and counseling options identified in this 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 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 and help explore options for care and provide information on reporting options and Support 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, 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

Confidential Employee	Who May Access Their Services	How to CONTACT
A licensed psychologist, psychiatrist, or nurse practitioner in the Student Counseling Center	Students	931-424-7338 625 West Madison St Pulaski, TN 38478 <a href="http://utsouthern.edu/students/campus_clinic/">utsouthern.edu/students/campus_clinic/</a>
A licensed physician, registered nurse, or nurse practitioner in the UTS Clinic	Students	931-424-7338 625 West Madison St Pulaski, TN 38478 <a href="http://utsouthern.edu/students/campus_clinic/">utsouthern.edu/students/campus_clinic/</a>
University employed Interpreters	Students and Employees	Applicable in cases where interpreters are relaying information between a Complainant and a person who is a confidential resource.

<p>A University employee who holds a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional's client or patient, <b>if the employee is acting within the course and scope of his/her University employment and Tennessee law would recognize the existence of a confidential relationship between the employee and the student in the particular situation</b></p>	<p>Students and Employees</p>	<p>Varies by employee</p>
--	-------------------------------	---------------------------

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, 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:

- **Center of Hope**

Columbia, TN  
931-381-8580

<http://centerofhopetn.org/get-help/>

- **The Shelter**

Lawrenceburg, TN  
800-762-4115

[theshelter@theshelterLburg.org](mailto:theshelter@theshelterLburg.org)

- **Center for Women's Health**

Lawrenceburg, TN  
931-381-3030

- **Giles County Outreach Center**

Pulaski, TN  
931-424-8883

- **The Sexual Assault Center and SAFE Clinic**

101 French Landing Drive  
Nashville, TN 37228

Center: 615-259-9055

Clinic: 615-258-5888

### 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](http://tncoalition.org)

The Tennessee Coalition to End Domestic and Sexual Violence (TCEDS) 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 TCEDS is a stateside organization that serves: Domestic Violence and Sexual Assault programs; community groups and organizations; criminal justice agencies; allied professionals (e.g., medical, legal, 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](http://rainn.org/get-help/national-sexual-assault-hotline)
- **National Domestic Violence Hotline**  
800-799-SAFE (7233)  
[thehotline.org](http://thehotline.org)
- **Love is Respect – National Dating Abuse Hotline**  
866-331-9474  
[loveisrespect.org](http://loveisrespect.org)
- **Anti-Violence Project/24-Hour Bilingual Hotline: For LGBTQ+ and HIV+ survivors of violence**  
212-714-1141

#### 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 Knox County Fourth Circuit Court and other legal remedies, a person may contact:

- Legal Aid Society of Middle Tennessee & the Cumberland  
1321 Murfreesboro Pike

Suite 400  
Nashville, TN 37217  
615-244-6610  
[las.org](http://las.org)

A Title IX Official or the police can assist with arranging an appointment to discuss options for pursuing an order of protection and other legal remedies. The Title IX Coordinator can explore the implementation of University Support Measures (Appendix A, Section 1.5) to assist with enforcing the terms of an order of protection.

The University does not provide advocacy services or private legal assistance to students or employees.

The American Bar Association also provides information on finding legal services by state: [americanbar.org/groups/legal\\_services/flh-home/flh-free-legal-help/](http://americanbar.org/groups/legal_services/flh-home/flh-free-legal-help/)

The Tennessee Coalition to End Domestic and Sexual Violence ([tncoalition.org](http://tncoalition.org)) operates a Sexual Assault Legal Clinic, which offers direct legal services to sexual assault victims who may have legal questions and needs related to their victimization. The Sexual Assault Legal Clinic assists 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.

### [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.

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 ([tncoalition.org/legal-clinics](http://tncoalition.org/legal-clinics)), which provides legal advice and representation to immigrant and trafficked victims of domestic or sexual violence throughout Tennessee. The Immigrant Legal Clinic was created to address the unique problems faced by immigrant victims of domestic or sexual violence. 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.

U.S. Citizenship and Immigration Services (USCIS) ([uscis.gov/about-us/find-uscis-office](https://uscis.gov/about-us/find-uscis-office)), 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 Webpage: [uscis.gov/citizenship/learners/find-help-your-community](https://uscis.gov/citizenship/learners/find-help-your-community)

USCIS Find Legal Services Webpage: [uscis.gov/avoid-scams/find-legal-services](https://uscis.gov/avoid-scams/find-legal-services)

The Board of Immigration Appeals ([justice.gov/eoir/board-of-immigration-appeals](https://justice.gov/eoir/board-of-immigration-appeals)) provides a listing of attorneys by state who provide free or low cost immigration services: [justice.gov/eoir/list-pro-bono-legal-service-providers](https://justice.gov/eoir/list-pro-bono-legal-service-providers).

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

#### [1.4 Student Financial Aid Resources for Complainants and Respondents](#)

Students who need assistance with financial aid issues may contact a Title IX Official or UT Southern Financial Aid (<https://utsouthern.edu/admissions/financial-aid/>).

#### [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 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) is issued 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;

- 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 Registrar;
- Accessing academic support for an individual, including tutoring;
- Assisting with requesting academic accommodations such as re-scheduling 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.<sup>7</sup> Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or to neither. This Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report 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 72 hours after the incident (Appendix A, Section 1.1);
- When possible, prior to 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

---

<sup>7</sup> Student-employees who are Mandatory Reporters (Policy, Section 4.5.2.1) are required to report information they receive about Prohibited Conduct.

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

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:

**Pulaski Police Department –**

911 for emergencies

1-931-363-3505 for non-emergencies and/or inquiries about medical treatment from a Sexual Assault Nurse Examiner (SANE)

1-800-356-6767 for the Domestic Violence hotline

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

Employees of UTS Security are Mandatory Reporters for reports of Prohibited Conduct involving students. Accordingly, if a person reports an incident to Security, and the incident has not been previously reported to a Mandatory Reporter outside of Security, then Security 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 Security, 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 Assaults, multiple interviews may be required to get all of the pertinent details of the assault. When UTPD conducts the police interview, the UTPD police officer typically will ask the Complainant whether they want UTPD to call an on-call victim advocate from the Sexual Assault Center of East Tennessee to be present during the Complainant's interview(s).

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, in some cases, be used by the University in a University disciplinary proceeding.

### [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 a Title IX Official, who are trained to support Complainants: The University's Title IX Coordinator is:

**Sarah Catherine Richardson**

Student Life House  
420 W. Madison Street  
Pulaski, TN 38478  
931-424-4073  
[scrich@utsouthern.edu](mailto:scrich@utsouthern.edu)  
[utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix)

The University's list of Title IX Officials can be found at: [utsouthern.edu/about/titleix](https://utsouthern.edu/about/titleix)

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 Non-Title IX Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,<sup>8</sup> 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 the 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 take Limited Action. 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. Section 4.5.2.4 of the Policy explains Limited Action and the limited circumstances where the University will initiate an investigation without the complainant's participation or assent.

### [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](#)

---

<sup>8</sup> If the formal complaint is received as a Sexual Harassment Complaint, and the conduct alleged in the formal complaint would not constitute 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.

## Clery Act

Certain University employees, called Campus Security Authorities, have a duty to report certain incidents including Sexual Assault, Domestic Violence, Dating Violence, and Stalking to the Clery Coordinator to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information to Security for Clery Act purposes, but statistical information must be sent to Security regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security and Fire Safety 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 Security and Fire Safety Report and in compliance with the Clery Act, Security maintains a crime log that includes entries for all crimes and alleged crimes that occurred within the University's Clery Geography or the patrol jurisdiction of Security.

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to: issue timely warnings for crimes reported to Security 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 Josie Trevarthen, [jtrev@outsouthern.edu](mailto:jtrev@outsouthern.edu), (931) 424-2055.

## 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 Security 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 non forcible 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 a 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 Security to notify the Pulaski Police Department upon Security's receipt of a report from a victim alleging that any degree of rape has occurred on University property. The Nottingham Act requires Security and the Pulaski Police Department to participate in a joint investigation of the rape, with Security leading the investigation. The Nottingham Act also requires sexual assault programs and services on campus to report annually to Security 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 Security in connection with that report.

### **Disclosure to Complainants and 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 identifies of the parties involved, the conduct allegedly constituting Prohibited Conduct, and 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 Southern 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 (collectively, “Sexual Harassment”), Sexual Exploitation, and Retaliation. Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).<sup>9</sup>

The purpose of this Appendix B is to inform students, employees, and third parties about how the University, in investigations and disciplinary hearings,<sup>10</sup> will determine whether sexual act(s) 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 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(s) generally is evaluated from the perspective of what a Reasonable Person who perceived the individual’s

---

<sup>9</sup> Capitalized terms have the same meaning in the Policy and Appendix B.

<sup>10</sup> Including contested case proceedings under the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”).

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 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 sexual act(s) 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 sexual act(s). 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 sexual act(s).
- 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 a sexual act(s):
  - Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in 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 Southern 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”).<sup>11</sup>

Disciplinary proceedings<sup>12</sup> 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 this 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. At the end of Appendix C, a graphical summary of this process is available for reference.

**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

---

<sup>11</sup> Capitalized terms have the same meaning in the Policy and Appendix C.

<sup>12</sup> “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.

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 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.<sup>13</sup>

### **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 5.3. 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, participate as a witness, 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.

### **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. A support person may be a friend, a family member, or any individual who is not otherwise a potential witness in the Prohibited Conduct investigation.

---

<sup>13</sup>OSCOSC 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.

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, participate as a witness, or participate directly in any other manner during any phase of the student conduct 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 setting 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 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 has 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 a student; 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 Student Conduct making a determination that no action will be taken with respect to a report of Prohibited Conduct, then the Complainant may appeal that determination. A Complainant who is informed by OSC of a no action determination may appeal the decision to OSC, in writing, within five (5) business days of the date that OSC transmitted notice of the no action determination to the Complainant. If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with OSC making a final determination that no action will be taken with respect to a report of Non-Title IX Prohibited Conduct, then the Complainant may appeal that determination to the Director of Student Conduct, 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 Director of Student Conduct 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 Director of Student Conduct 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. Following the appeal, the respondent will receive notice. The decision of OSC to affirm the no action determination is final and may not be appealed.

At the conclusion of an investigation of a Title IX Prohibited Conduct Complaint, however, OSC may not make a determination that no action will be taken. Therefore, this appeal process does not apply to a Title IX Complaint.

## **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 VII through IX 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.<sup>14</sup> Sections VIII of the Code describe the process for a hearing before the Student Conduct Board. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

---

<sup>14</sup> 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.

<b>Student Conduct Board (SCB) Hearing</b>		
Step	Code Reference	Anticipated Timeline
Complainant and Respondent provide names of advisors and witnesses, evidence, and any statements to OSC	Section 8(3)(a)(1)	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 SCB	Section 8(3)(b)	At least three (3) business days prior to the hearing
Notice of Decision issued by SLHO or SCB	Section 8(5)(d)	Within three (3) business days of 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 IX 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.

For ease of reference, 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.

<b>Title IX Hearing</b>		
Step	Code Reference	Anticipated Timeline
Notice of Title IX Hearing sent to Complainant and Respondent	Section 9(3)(a)	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 9(4)(c)	At least five (5) business days prior to the hearing
Notice of Decision issued by Title IX Hearing Officer	Section 9(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 X describes the appeal process for appealing a decision by a Student Conduct Board or decision by the Title IX Hearing Officer.

For ease of reference, the following chart shows the steps that generally apply in appeals. The parties are directed to the provisions of the Code for additional information.

<b>Appeals from Student Conduct Board Decision (Non-Title IX Prohibited Conduct) or Title IX Hearing Officer Decision</b>		
<b>Step</b>	<b>Code Reference</b>	<b>Anticipated Timeline</b>
Notice of Appeal filed	Section 10(1)(a)	Within five (5) business days of the transmittal of the decision
Appealing party may submit written statement to Vice Chancellor of Student Affairs	Section 10(1)(e)	Within five (5) business days of transmittal of Notice of Appeal
Non-appealing party may submit written statement to Vice Chancellor of Student Affairs	Section 10(1)(e)	Within five (5) business days of transmittal of appealing party's written statement
Vice Chancellor of Student Affairs Notice of Final Decision	Section 10(1)(f)	Within five (5) business days of receipt of last written statement

### **ANTICIPATED TIMELINES**

Although the University strives to adhere to the timelines described above, 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 under the Code that a student is responsible for engaging in Prohibited Conduct, the Student Life Hearing Officer, 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 probation; suspension; expulsion; revocation of degree; disciplinary probation for student organizations; social probation for student organizations; revocation or suspension of University registration for student organizations; educational activities; restitution; and loss or restriction of privileges. Any sanction imposed by the Conduct Officer, SCB, or Title IX Hearing Officer may be appealed as set forth in Sections XI 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 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.** Section 7.8 applies to Non-Title IX Prohibited Conduct Complaints. Section 7.8(a) of the Code provides that, 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, OCS shall consult with the Title IX Coordinator and 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 by OSC 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 a 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 Formal Hearing 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 OCS 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, OS 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 investigation and Formal Hearing 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 7.8(b) applies to Title IX Prohibited Conduct Complaints. Section 7.8(b) 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. OCS 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.

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 (<https://publications.tnsosfiles.com/rules/1720/1720-01/1720-01-05.20180524.pdf>) 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 suspension, expulsion, 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 XI 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 at [utsouthern.edu/about/title-ix](https://utsouthern.edu/about/title-ix).

### APPENDIX D

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

The University of Tennessee Southern 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").<sup>15</sup>

---

<sup>15</sup> Capitalized terms have the same meaning in the Policy and Appendix D and D-1.

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 Human Resources (HR) 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.<sup>16</sup>

## **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.

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, OED 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.

---

<sup>16</sup> The procedures set forth in Appendix D and D-1 will discuss employee Respondents, and will be modified, as needed, for third parties.

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, participate as a witness, 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 hearing process, including all meetings, investigative interviews, and hearings. A support person may be a friend, a family member, or any individual who is not otherwise a potential witness in the Prohibited Conduct investigation. 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, participate as a witness, 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.<sup>17</sup>

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.

---

<sup>17</sup> 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.

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 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. A hearing, if required, shall not take place until the ten (10) days to respond has 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 HR within fifteen (15) business days after the investigative report is issued to the parties.

If the investigation results in 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 a 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 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 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 effective implementation of any remedies.

## INFORMAL RESOLUTIONS

In some cases, Formal Complaints may be resolved prior to the conclusion of the 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 HR and the Respondent. In appropriate cases, HR 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, HR may facilitate an informal resolution process with the Complainant (who is not a student) and the Respondent. HR will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. HR 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, 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 [utsouthern.edu/about/title-ix/](https://utsouthern.edu/about/title-ix/).

APPENDIX D-1  
HR 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 OED/OEI 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 OED/OEI. Any objection must be received within three (3) days of the notice of appointment, and it must state the party’s grounds for objecting. The Director of OED/OEI 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 OED/OEI 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 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 and the Complainant's Advisor, the Respondent and the Respondent's Advisor, 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 OED/OEI, and OED/OEI 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 OED/OEI 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 OED/OEI 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 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 Asst. Vice Chancellor of Human Resources (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 OED/OEI 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 OED/OEI, staff appeals will be submitted to the Asst. Vice Chancellor of Human Resources 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 Asst. Vice Chancellor of Human Resources (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 Asst. Vice Chancellor

of Human Resources (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 Southern 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”).<sup>18</sup>

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 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 and provide information on reporting options and Supportive 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.

---

<sup>18</sup> 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 Official<sup>19</sup> 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 and 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 Jillian Paciello, the University’s Clery Compliance Coordinator, at [jtrev@utsouthern.edu](mailto:jtrev@utsouthern.edu) or 931-424-2055.

## 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
- (2) Report the incident to the University:

---

<sup>19</sup> The names and contact information for Title IX Officials are listed in Section 4 of the Policy.

- Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours<sup>20</sup> after receiving the report).<sup>21</sup> 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, and 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.

### 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;

---

<sup>20</sup> 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.

<sup>21</sup> 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.

- (3) Share personally identifiable information about the incident with law enforcement (including Security) 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 Security), other than taking an action required or recommended in Section 2 or Section 3.