



# Annual Security and Fire Safety Report

2025

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## MESSAGE FROM LEADERSHIP

University of Tennessee Southern Annual Security and Fire Safety Report contains important information for the campus community and is published to comply with the provisions of the Jeanne Clery Campus Safety Act. The Clery Act requires all colleges and universities that receive federal student financial aid to annually report crime data and to disclose important campus safety and security policies.

At the University, we are committed to creating and maintaining a safe and welcoming learning, living and working environment. This report describes the policies, procedures, and shared efforts to provide a safe learning, living and working environment for the UT Southern community. It includes data on reportable Clery crimes, crime prevention and awareness programming, fire safety, timely warnings, emergency notifications, emergency response, disciplinary procedures, and other matters of importance related to security and safety on campus. The report also contains information for the three previous calendar years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University, and on public property within or immediately adjacent to and accessible from the campus.

We hope that you will read it carefully and use the information to help foster a safe environment for yourself and others on the University campus.

You can request a hard copy at the Office of Safety and Security located at 514 West Madison Street, Pulaski, TN 38478 or have a hard copy mailed to you by emailing [utssecurity@utsouthern.edu](mailto:utssecurity@utsouthern.edu).

## ANNUAL DISCLOSURE OF CRIME STATISTICS

This report covers crime safety policies and statistics on campus, including residential fire safety policies and statistics of certain fires.

### *Preparation for this Report*

UT Southern Office of Safety and Security is responsible for preparing and distributing this Annual Security and Fire Safety Report to comply with the Clery Act. Within the Office of Safety and Security, the responsibility for preparing the Annual Security and Fire Safety Report is assigned to the Clery 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 campus security; the university's Office of Title IX; the university's Division of Student Life; university Campus Security Authorities (CSAs); and local law enforcement agencies, including the Pulaski Police Department. The Clery Coordinator works to reconcile statistics from the Office of

Title IX and the Office of Student Conduct to reduce the instance of missing or double counting incidents. For statistical purposes, crime statistics reported to any CSA are recorded in the calendar year in which the crime was reported. The statistics represent offenses that were reported to any of those sources, regardless of whether the alleged offense was investigated or whether there was a finding of guilt or responsibility. In order to collect reported crime information occurring at non-campus properties during student school-sponsored travel, all employees overseeing school-sponsored travel are required to submit a Clery Travel Compliance Form by visiting the campus security webpage at <https://utsouthern.edu/student-life/campus-residential-life/campus-security-and-parking/#travel-policy>. The form must be submitted to the Clery Coordinator within two weeks of the completion of the travel. This information is used to request reported crime information from local law enforcement agencies with jurisdiction over the areas considered to be non-campus property.

The university does not directly collect statistics from the campus clinic or counseling services provided on campus due to the confidentiality of licensed professional counselors and certified medical professionals. Any requested statistics from those entities would lack enough information to reconcile the statistics with our incidents already reported and puts the university at risk of double counting Clery reportable crimes.

The Clery Coordinator submits the crime statistics published in the Annual Security and Fire Safety Report to the United States Department of Education (ED), who make 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 website, [UT Southern Campus Security](#). The daily crime log is available for review 24 hours a day by contacting the Office of Safety and Security. 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 its annual crime statistics contained in **Appendix A**. All statistics enclosed in the Annual Security and Fire Safety Report are anonymous.

### *Clery Geography*

The university maintains security and collects crime statistics for **Southern's** main campus, and a non-campus athletic complex located 2.1 miles from main campus. The main campus is located at 433 West Madison Street, Pulaski, TN 38478 and is outlined by Richland Drive to the west, West Jefferson Street to the north, South Third Street to the east and West Flower Street to the south. The East Campus Athletic Complex is located at 1238 East College Street, Pulaski, TN 38478 and is outlined by East Jefferson Street to the north and East Madison Street to the south. There are residential houses and land that is not University of Tennessee Southern property to the west and east. Crime statistics are also collected from Columbia State Community College Lawrence Campus, a noncampus property, located at 169 Southern Tennessee Lane, Lawrenceburg, TN 38464. The campus is not University of Tennessee Southern property and is not reasonably contiguous to main campus, but it is frequented by students for academic purposes.

To view a detailed map of University of Tennessee Southern Clery geography, you may visit [UT Southern Campus Security](#).



# JURISDICTION AND LAW ENFORCEMENT AUTHORITY

*UT Southern Office of Safety and Security*

*115 S. 4th Street*

*Pulaski, TN 38478*

*Security Number: 931-309-7502*

*Emergency Number: 9-1-1*

UT Southern Office of Safety and Security cannot execute law enforcement functions and does not have arrest authority. Security officers have the authority to enforce the safety and security policies and procedures of the campus. Their duties consist of patrolling the campus jurisdiction to recognize and minimize damage and loss, assisting students, employees, and visitors with any incidents or concerns they may have, monitoring and enforcing parking regulations to maintain a safe and orderly campus, and responding to emergency situations to render aid and facilitate first responders' response to the campus.

## *Working Relationships with State and Local Law Enforcement Agencies*

UT Southern Office of Safety and Security maintains a close working relationship with all law enforcement agencies with jurisdiction over the campus. Pulaski Police Department, Giles County Sheriff's Department, Tennessee Bureau of Investigation, Homeland Security and the Federal Bureau of Investigations all have arrest powers within the campus geography. A Memorandum of Understanding (MOU) is established with the Tennessee Bureau of Investigation. UT Southern also benefits from a close working relationship with Giles County Emergency Management, Pulaski Fire Department, Giles County Dispatch, and Giles County Emergency Service.

The Clery Act requires the Institution to include in this report a statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students are engaged in at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities. With respect to criminal activity in which students engage at off-campus locations of registered student organizations, UT Southern does not assist with responding to or investigating student-related incidents in a law enforcement capacity as UT Southern has no law enforcement authority. If UT Southern is contacted by law enforcement about criminal activity occurring off-campus involving students, they may face disciplinary action per university policy.

*Pulaski Police Department*

*203 S. 1st Street*

*Pulaski, TN 38478*

*931-424-4404*

*Giles County Sheriff's Department*

*200 Thomas Gatlin Drive*

*Pulaski, TN 38478*

*931-363-3505*

*Tennessee Highway Patrol*

District Seven – Lawrenceburg  
1209 N, Locust Avenue  
Lawrenceburg, TN 38464  
931-766-1425

## REPORTING CRIMES OR OTHER EMERGENCIES

UT Southern encourages anyone who is a victim of crime, witnesses or learns about a crime, or who would like information on whether what they witnessed or learned about is a crime to contact the Office of Safety and Security and provide accurate and prompt information about all crimes. The office may be reached 24/7, and security staff are trained in this specific work, and work closely with other offices across UT Southern to respond to crimes.

### *Emergencies*

In case of an emergency, your first call should be to Giles County E-911. Once emergency services have been contacted, you should then call the UT Southern Office of Safety and Security. To contact first responders, dial 911 and a dispatcher will contact the appropriate first responder agency needed.

### *Reporting Crimes*

Community members, students, faculty, staff, and visitors are encouraged to promptly and accurately report all crimes and public safety related incidents to UT Southern Office 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 so they may be evaluated for the purposes of making timely warning or emergency notification reports to the community, and for inclusion in the annual statistical disclosure. Crimes and emergencies can be reported by contacting the following departments:

Giles E-911  
931-363-0911 or 9-1-1

UT Southern Office of Safety and Security  
931-309-7502

When reporting a non-emergency:

- Call UT Southern Security at 931-309-7502.
- Give the location of the incident first.
- Describe the type of incident and if required, the suspect's appearance, clothing, height, weight 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.



When reporting an emergency:

- Call 9–1–1.
- Give the location of the incident first.
- Describe the type of incident and if required, the suspect’s appearance, clothing, height, weight, 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 UT Southern Security at 931-309-7502 after calling emergency services.

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

### *Reporting to Other Officials*

As an alternative to reporting a criminal incident to the Office of Safety and Security, an individual may report criminal incidents, suspicious activity, or other incidents that are not emergencies to the following university offices for the purpose of making timely warning reports and the annual statistical disclosure:

University Office	Campus Address	Phone Number
Office of Title IX	420 West Madison Street	931-424-4073
Clery Coordinator (Office of Safety and Security)	115 S. 4 <sup>th</sup> Street	931-309-7502

### *Campus Security Authorities*

The term Campus Security Authority (CSA) describes university officials required to report Clery Act crimes that occur within UT Southern’s Clery geography. Not every university employee is a CSA. Some are confidential employees (such as pastoral and professional counselors) exempt from providing this information. Community members who do not qualify as CSA under the Clery Act are not considered CSAs. Reportable Clery crimes are collected, categorized, and documented in the university’s annual crime statistics included in **Appendix A**. Clery Act statistics do not disclose any personally identifiable information.

While the University encourages victims of crime to seek assistance with the Office of Campus Safety and Security, UT Southern employees will notify law enforcement when the victim of the crime elects to or is unable to notify. Per the Clery Act and University Policy, the victim of a crime has the right to:

- Notify University and/or local law enforcement;
- be assisted by the University in notifying law enforcement if they choose to do so; or
- decline to notify law enforcement.

### *Confidentiality*

The university does not have policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

The university does not publish personally identifiable information of crime victims in its Annual Security and Fire Safety Report, nor does it disclose personally identifiable information regarding victims in the campus security department's Daily Crime Log.

### *Resources Exempt from Reporting Under the Clery Act*

The Clery Act exempts pastoral and professional counselors from bringing forward information about Clery Act crimes reported to them in their role as a pastoral or professional counselor and not otherwise subject to an exception (such as a threat of a future crime of violence). A pastoral counselor is an employee associated with a religious order or denomination and recognized by that religious order or denomination as someone who provides confidential counseling. The university does not employ any pastoral counselors. A professional counselor is an employee whose official responsibilities include providing psychological counseling to members of the UT Southern community. The university does contract services with professional counselors.

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.

## MISSING STUDENT NOTIFICATION PROCEDURES

### *Missing Student Policy*

Students, employees, or other individuals who want to report that an on campus residential student has been missing for 24 hours should contact the Office of Safety and Security immediately at 931-309-7502. They may also dial 911. Missing students may be reported at any time, there is no requirement to wait 24 hours.

Most missing student reports in a campus environment result from students changing their routines without informing friends. If a member of the University community has reason to believe that a student is missing, all efforts will be made to locate the student to determine their state of health and well-being.

The Office of Safety and Security is responsible for investigating each report of a missing student and for determining whether the student is missing in accordance with the Policy.

### *Confidential Contact*

As part of the process of moving into a university residence hall, every student is asked to identify a confidential contact to be notified if that student is determined to be missing by the Office of Safety



and Security or the local law enforcement agency.

Students residing on campus may update their missing person information annually through the housing application process. Students should provide an emergency person and contact 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 situation. The designation, or emergency contact, will remain in effect until changed 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 UT Southern Security that the student is missing.

### *Confidentiality of Emergency Contact*

Contact information is registered confidentially, and the information is accessible only to authorized University officials and law enforcement. The contact information may not be disclosed outside of a missing person's investigation.

### *Students Under Age 18*

Parents or guardians of persons under the age of 18 who are not emancipated will be notified in addition to any additional contact person designated by the student, within 24 hours of determining that they are missing.

### *Notifications to Law Enforcement*

UT Southern notifies local law enforcement, Pulaski Police Department, within 24 hours of determining a student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. This occurs regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.

### *Procedure if a Student is Determined Missing*

If a student residing in an on-campus housing facility is reported missing, Office of Safety and Security will initiate an inquiry into the status of the missing student.

Upon confirming a student residing in an on-campus housing facility has been missing for 24 hours, the following procedures will be followed:

- Notification of university personnel:

Office of Safety and Security	931-309-7502
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- Office of Safety and Security initiates whatever action is deemed appropriate under the circumstances in the best interest of the missing student.
- Office of Safety and Security, or designee, will make the following notifications within 24 hours after determining the student is missing:
  - The Emergency Contact Person, regardless of age, provided by the student
    - If the missing student is under the age of 18 and not emancipated, the custodial parent or guardian will also be contacted
  - Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the local law enforcement agency that has jurisdiction in the area that the student is missing will be notified

## TIMELY WARNINGS

UT Southern will send timely warnings of Clery Act crimes occurring in Clery Act geography and reported to a Campus Security Authority or local law enforcement that represent an ongoing threat to students and employees. Warnings will be issued in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar circumstances.

The University is not required to issue a timely warning for crimes that are disclosed to a professional or pastoral counselor within the scope of their responsibility.

### *Timely Warnings Notifications*

Timely warnings are notifications about Clery Act crimes that may have already occurred but represent an ongoing threat and apply to crimes that occur within UT Southern's Clery Act geography. Clery Act geography is described in this Report. Such warnings may include, but are not limited to the following information:

- Type of crime or incident
- Date, time, and location of crime
- Description of suspect(s) [if a sufficient amount of detail is known](#)
- Public safety reminders

### **Circumstance for which a Warning will be Issued**

The university will issue a timely warning for any Clery Act crime that occurs within Clery geography that is reported to campus security authorities or local police agencies; and is considered by the institution to represent a threat to students and employees.

A timely warning will not include information that, in the judgment of the Director of Safety and Security or their designee, would compromise law enforcement efforts. There is no requirement for issuing a timely warning for a report made to a professional or pastoral counselor.



### **Timely Warning Reports to Members of the Campus Community**

Although the Clery Act does not define “timely,” the intent of a warning is to enable our university community to protect itself. Timely Warnings will be issued in a manner that is timely, that protects the confidentiality of the reporting party and can be used as a preventive tool and not solely constitute a description of the incident.

Timely Warning notices will be made to the entire campus community through the use of the campus wide email system or RAVE emergency alert text message system.

### **Issuing a Timely Warning**

The Director of Safety and Security and/or the Vice Chancellor of Finance and Administration, or in their absence or unavailability, their designee, is responsible for determining whether to issue a Timely Warning and has the discretion to issue the warning via email or other tools as necessary. The university is not required to issue Timely Warnings for crimes reported to internal or external professional or pastoral counselors.

The Director of Safety and Security and/or the Vice Chancellor of Finance and Administration, or their designee may, in their discretion, issue special messaging for incidents the Clery Act does not require the university to issue a timely warning.

## **EMERGENCY NOTIFICATIONS – RAVE EMERGENCY ALERTS**

The University of Tennessee Southern will immediately notify the campus community upon confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of students or employees on campus. An emergency notification will be issued utilizing the RAVE Emergency Alert System.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the university will follow its emergency notification procedures and adequate follow-up information will be provided to the community, as needed.

### ***Emergency Notification Procedures***

An emergency notification informs recipients about an event that is currently occurring or imminently threatening the campus. Such warnings may include, but are not limited to the following information:

- Type of emergency
- Date, time, and location of crime/incident
- Immediate action being recommended
- Public safety reminders

### **Confirming a Significant Emergency or Dangerous Situation**

The initial and primary responder to emergencies is the Pulaski Police Department. It is possible that the initial and primary responder may be a UT Southern 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 their absence, the security officer on duty.

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, UT Southern 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 Community to Receive an Emergency Notification**

The Director of Safety and Security, or their 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.

### **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 Director of Safety and Security, or their designee, maintains and ensures the RAVE emergency alert 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.

### **Initiating the Emergency Notification System**

The Director of Safety and Security, or their designee, authorizes the message and 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. Families of UT Southern students and employees and the general public may also register to receive alerts.

Updates to major emergencies are also posted on the UT Southern Website and posted on social media.

### **Distributing Emergency Notifications**

RAVE Emergency Alert is the system used to disseminate an alert via phone, email, or desktop notification. 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 campus. On an annual basis, the university notifies the Pulaski Police Department 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.

Students and employees must visit [UT Southern Campus Security](#) to sign up for RAVE text messages and phone calls. All university issued email addresses will automatically be enrolled to receive emergency alerts. Families of UT Southern students and employees and the general public may also register to receive alerts by texting "SOUTHERN" to "226787".

Emergency notifications may be sent to the entire community or to a segment or specific persons, as required by law and as appropriate to the specific emergency. The University will, without delay, and taking into account the safety of the community, determine the content of an emergency notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If a crime is covered by both emergency notification and timely warning requirements and an emergency notification is issued, UT Southern may not also issue a timely warning but will provide follow up information as necessary. Follow-up information will be provided to the community through posts on the UT Southern Website and posts on social media. Follow-up information may also be disseminated through the RAVE emergency alert system via text and phone call.

Timely warnings and emergency notifications may, where appropriate, be distributed to or shared with the larger community by social media and posts to the UT Southern website.

Special messaging may be issued in other circumstances when an emergency notification is not required, but the university deems the information important for the safety and well-being of the campus community.

# EMERGENCY RESPONSE AND EVACUATION PROCEDURES

## *Emergency Response*

In case of an emergency, your first call should be to Giles County E-911. Once emergency services have been contacted, you should then call UT Southern Office of Safety and Security. To contact first responders, dial 911 and a dispatcher will contact the appropriate first responder agency needed.

UT Southern 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, and scope. RAVE Emergency Alert is the system used to disseminate an alert via phone, email, or desktop notification. 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 campus. On an annual basis, the university notifies the Pulaski Police Department 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. The UT Southern community is strongly encouraged to respond immediately to the threat to ensure their safety and the safety of others.

## *Evacuation Procedures*

In the event of an emergency that requires evacuation, the Director of Campus Safety and Security and/or Vice Chancellor of Finance and Administration, or their designee, will determine what locations should evacuate and when to implement the evacuation. Additionally, each building on campus has a posted evacuation route map with all fire exits identified.

Initial incident notifications, directives and updates pertaining to the evacuation will be sent to all impacted segments of the campus community using the RAVE Emergency Alerts system.

## *Disseminating Emergency Information to the Larger Community*

Emergency notifications to the larger community may be sent using some or all of the following methods, based upon the situation and availability:

<b>TITLE/NAME</b>	<b>PURPOSE</b>	<b>NOTIFICATION TYPE</b>	<b>ADMINISTRATORS</b>
RAVE Emergency Alerts	Disseminate immediate emergency information, directives, and updates to the larger community	Call, Text, Email, Desktop Display	<ul style="list-style-type: none"> <li>• Director of Safety and Security</li> <li>• Vice Chancellor of Finance and Administration</li> <li>• Vice Chancellor for Strategic Communications &amp; Marketing</li> </ul>
UT Southern Website	Disseminate information updates to the larger community	Website Posting	Vice Chancellor for Strategic Communications & Marketing
UTS App	Disseminate information updates to the larger community	News Feed Posting	<ul style="list-style-type: none"> <li>• Director of Safety and Security</li> <li>• Vice Chancellor of Finance and Administration</li> <li>• Vice Chancellor for Strategic Communications &amp; Marketing</li> </ul>
UTS Email	Disseminate information updates to the larger community	Email	Vice Chancellor for Strategic Communications & Marketing

## *Annual Tests*

To ensure the university is sufficiently prepared for emergency situations on campus, tests on emergency procedures are conducted to identify and improve any weaknesses. Procedures to test emergency response and evacuation procedures on an annual basis will be publicized in conjunction with at least one test per calendar year. Tests may be announced or unannounced. Each test will be documented including a description of the exercise, the date, time, and whether it was announced or unannounced.

These tests are scheduled and include both exercises and drills. In conjunction with at least one emergency management test each year, UT Southern Security notifies the appropriate campus community of the test and reminds the community of the university's alert 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.

## *Other Emergency Procedures*

In some emergency situations, such as severe weather, utility failures, etc., an evacuation of the campus may be ordered. A campus evacuation or closure is an organized withdrawal from campus facilities where the time of return is determined by the circumstances of the emergency event. When such action is warranted, the campus community will be appropriately advised.

### **Things to Watch For**

- Watch for people who need help, particularly people with limited mobility or physical disabilities.
- Activate an alarm if told to do so by police or emergency workers.
- Remain at an emergency assembly point. A head count may be taken, and emergency workers may have additional instructions.
- Do not go back into a building until firefighters, police or university officials say it is safe.

### **How to Prepare for an Emergency**

- Know your building's floor plan. Remember where the stairs, fire extinguishers and emergency exits are located.
- If you regularly visit the same location within a building, know exactly how many doors you will pass along your evacuation route before you reach the nearest exit.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.

### **Severe Weather**

- Choose a location with as few windows as possible.
- Try to locate to the lowest level of the building.
- Keep a radio or television on to listen for news updates.

### **Chemical Contamination**

- Select an interior space above the ground floor with the fewest windows or vents. The room should have adequate space for everyone to be able to sit. Use more rooms to avoid overcrowding.
- Seal cracks around the door with material that will block air flow.
- Shut off ventilation systems and fans.
- Keep a radio or television on to listen for news updates.

### **Active or Armed Intruder**

- Close and lock exterior doors and turn off lights. Be quiet.
- If your room cannot be locked, determine if there is a nearby location that can be reached safely and securely.
- Block windows or stay out of view from the outside. Get down on the floor or hide behind furniture.
- Put cell phones in silent mode.



- If you know the shooter is nearby call 911. Tell the dispatcher what is happening and report your location. Do not hang up until instructed.
- Do not set off fire alarms as this will draw people who are unaware of the situation into hallways and into danger.

## SECURITY AND ACCESS TO CAMPUS FACILITIES

Providing a safe learning and working environment for intellectual and personal growth is top priority to UT Southern Office of Safety and Security. UT Southern recognizes that safety on our campus is a natural source of concern for parents, students, and university employees. In response to this concern, UT Southern 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 UT Southern a safe place to study, work and live by staying informed, aware, and alert.

UT Southern Office of Safety and 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/swipe card, if issued, or by admittance by Campus Security or Residence Life staff. Residence halls are locked 24 hours a day and accessible by key/swipe card.

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. UT Southern Security is responsible for reporting any lights that are not functioning.

### *Special Considerations for Residence Halls*

UT Southern campus has five residence complexes consisting of Criswell Hall, Upperman Hall, Apartment A, Apartment B, and Oakwood Apartments. The university takes extra precautions for the safety and security of its residents including trained staff, restricted key access, fire safety, security cameras, maintenance assistance, and health & safety inspections. Specifically, there are three Resident Directors (RD) who are full-time employees and multiple Resident Assistants (RA) who are full-time students living in residential complexes on campus that may respond to any of the complexes to assist students. Although the remaining four residential locations do not have desk operations, residents can contact other RD's and RA's for support. All residential students can contact UT Southern Security at (931) 309-7502 24 hours a day, 7 days a week for assistance as well.

Each resident is given a UT Southern ID card and issued the required keys to gain entry to their assigned residential location. Criswell and Upperman Hall utilize keyed access. Criswell and

Upperman Hall are dormitories with communal bathrooms on each floor and a communal laundry room and kitchen on the first floor. Upperman Hall first floor requires additional keyed access due to separate men's and women's living areas. 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 UT Southern 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.

### *Noncampus Locations*

UT Southern does not have noncampus locations of registered or recognized student organizations and does not have noncampus housing facilities.

## 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. UT Southern 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://utsouthern.edu/student-life/campus-residential-life/campus-services/#work-orders>. 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.

## PROGRAMMING: PREVENTING CAMPUS CRIME

We all have a part to play in keeping our campuses safe. All students and employees of UT Southern are encouraged to review and keep up to date on safety and security information and to take responsibility for their own security and the security of others. Crime prevention programs are designed to inform students and employees about crime and prevention strategies. Security awareness programs are offered to inform the campus community about campus security procedures and practices and encourage the campus community to be responsible for their security and the safety of others.

## Security Awareness and Crime Prevention Programs

PROGRAM	DESCRIPTION	FREQUENCY	GROUP
Fire Drills	Evacuation drills to safely leave buildings and discuss first response.	Every semester	Students/Employees
Severe Weather Drills	Severe Weather drills to show storm shelter locations and discuss Tennessee Weather.	Every semester	Students/Employees
Active Threat Drill	Lockdown drills to practice Active Threat Response using RAVE Alerts	Annually	Students/Employees/Visitors
Active Threat Presentation	Homeland Security presents run, hide, fight recommendations and Active Shooter facts.	Annually	Students/Employees
Assessing the Threat a First Responder's Story	9/11 Event Discussing the Tragic Incident and facts/threats surrounding the incident	Annually	Students/Employees/Visitors
Computer Safety Tips and Tricks	Information about online threats to systems and persons	Every Semester	Students
Spring Break Safe Pack	Spring Break safety tips for traveling.	Every Semester	Students
The Tricks and Truths about Vaping: Strategies to Quit	Information about drugs and risks to safety and health using vapes.	Every Semester	Students
Mandatory Residential Meetings	Residential Policy/Procedures and Safety information	Annually	Students
Tell Me About It: Party Safety	Information about drinking responsibly and situational awareness.	Every Semester	Students

## DRUG AND ALCOHOL LAWS

### 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.

## Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	

All Schedule V drugs	Any amount	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>
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### *Federal Trafficking Penalties- Marijuana*

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> Offense
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

## *Drugs – State Law*

§ 39-17-418- Simple possession or casual exchange.

It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.

Depending on the circumstances, this offense is either a Class A misdemeanor or a Felony. In Tennessee, Class A misdemeanors carry up to 11 months, 29 days in jail, and or fines up to \$2,500.00.

Almost all other violations of drug laws are felonies under § 39-17-417, including the following:

- Manufacturing a controlled substance
- Delivering a controlled substance
- Selling a controlled substance
- Possessing a controlled substance with intent to manufacture, deliver, or sell it

Criminal penalties for a controlled substance conviction will depend on numerous factors, including one's prior convictions for drug offenses or other crimes. Possible penalties include:

- Jail or prison time
- Fines
- Probation
- Forfeiture of property
- Suspension of one's driver's license
- Community service

## *Alcohol – State Law*

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. The Office of Safety and Security strictly enforces those policies.

## *Tennessee State Law*

§ 1-3-113- Underage purchasing, possession, transportation or consumption of alcoholic beverages, wine or beer is a Class A misdemeanor

§ 39-15-404- It is a Class A misdemeanor offense for a person to give or buy alcoholic beverages or beer for or on behalf of a minor or to cause alcohol to be given or bought for or on behalf of a minor for any purpose.

Additionally, it is unlawful in Tennessee for:

- 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;
- 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 these laws could result in criminal prosecution, fines, imprisonment, and/or disciplinary sanctions by the university.

## UT SOUTHERN POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

### *Drug and Alcohol Policies for Students*

#### **Alcohol**

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.

If a student accepts responsibility or is found responsible for violating a Standard of Conduct involving drugs or alcohol, and that student is under twenty-one years of age, UT Southern shall inform the parent or legal guardian of that student of the violation, as required by state law. Typically, UT Southern fulfills the parental notification requirement by mailing written notification to the parent or legal guardian's address listed with the Office of the University Registrar. Parental notification is not considered a disciplinary sanction.

Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on university-controlled property or in connection with a University-affiliated activity unless expressly permitted by university rules or policy is a violation of Section 1720-07-01-.04 18 of the Student Code of Conduct. Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law is a violation of Section 1720-07-01-.04 19 of the Student Code of Conduct. Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law is a violation of Section 1720-07-01-.04 20 of the Student Code of Conduct.

## **Drug**

Drugs and Drug Paraphernalia. Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs, if prohibited by federal, state, or local law; using, manufacturing, possessing, distributing, or selling drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.

It is the policy of the University of Tennessee Southern to maintain a safe and healthy 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 UT Southern from federal grants or contracts must notify the University of any Criminal Drug Statute Conviction for a violation occurring in the workplace within five days after such conviction. The university is, in turn, required to inform the granting or contracting agency of such violation within ten days of the university's receipt of notification. To maintain a safe and drug-free environment, University of Tennessee campuses and institutes may establish procedures to perform screenings for controlled substances and alcohol within areas or positions of employment that affect the public welfare or safety, or where such screenings are required by federal regulations, such as those developed by the Federal Highway Administration and Federal Aviation Administration.

In addition, screenings are permissible where there is reasonable suspicion of drug or alcohol use. Each University of Tennessee campus or institute conducting such screenings shall develop and document the necessary screening procedures. The procedures shall identify specifically the positions and locations that will require testing, the conditions under which the screenings will be conducted, and the specific plans for conducting the tests. Before implementation, all plans and

procedures for such screenings must be approved by the Senior Vice President and Chief Financial Officer and the General Counsel. Costs of all required screenings will be borne by the individual campus or institute of the University of Tennessee.

A complete set of 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.

### **Student Disciplinary Sanctions**

UT Southern will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law) up to and including expulsion or termination of employment and referral for prosecution, for the unlawful possession, use, or distribution of illicit drugs and alcohol. Employees are required to self-report drug convictions to the Associate Vice Chancellor for Finance and Administration.

Disciplinary sanctions are primarily intended to educate students and student organizations about appropriate behavior, encourage students and student organizations to take responsibility for misconduct, promote the personal and professional development of students, discourage other students and student organizations from violating the Standards of Conduct, and protect members of the University community. The sanctions imposed should be appropriate for the particular case based on the gravity of the offense (including without limitation how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the student's or student organization's conduct record; the student's or student organization's responsiveness to the conduct process; whether the student acted in self-defense, and, if so, whether the amount of force used was reasonable under the circumstances; student academic classification; and other aggravating or mitigating factors.

The following sanctions may be imposed on any student found to have violated the Standards of Conduct:

- **Warning.** A warning is a notice that the student has violated the Standards of Conduct, that the misconduct must cease and/or not reoccur, and that further misconduct will likely result in the imposition of more serious sanctions.
- **Loss of Privilege.** Specified student privileges are lost or restricted. Such privileges include, without limitation, representing the University in any official manner, the use of or access to University-controlled property, University parking privileges, or participation in University affiliated activities (e.g., extracurricular activities).
- **Educational Activities.** Educational activities are designed to educate the student about why certain conduct was inappropriate. Examples of such activities include, without limitation, offering a formal apology (in writing and/or in person); attending an educational class, training, or workshop; giving or attending a presentation; preparing and submitting a research project or paper on a designated topic; or offering a written reflection responding to a prompt given by OSC. The student may be held responsible for the payment of reasonable expenses relating to the educational activity.

- Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.
- Disciplinary Probation. Disciplinary probation is imposed for a specified designated period of time during which the student may continue to be enrolled but must demonstrate conduct that conforms to the Standards of Conduct. Conditions may be placed on the student's continued enrollment. A student may be placed on disciplinary probation for moderate misconduct or in the case of repeated minor misconduct. Also, a student allowed to re-enroll following a suspension will be placed on disciplinary probation. Subsequent violations of the Standards of Conduct during a period of disciplinary probation may result in more serious sanctions such as suspension or expulsion from the University
- Suspension. A suspension is an official separation of a student from the University for a specific designated period of time and/or until certain conditions are met. A suspension may be imposed for serious misconduct. Suspension may include conditions that must be satisfied prior to a student being allowed to re-enroll and/or conditions that will be in place if the student is allowed to re-enroll. The effective date of a suspension may be imposed retroactively to the date that the misconduct occurred. While suspended, the student loses all University rights and privileges (e.g., enrollment privileges), shall not represent the University in any official manner, and shall not be present on University-controlled property without the prior approval of the Vice Chancellor for Student Affairs. The student may be required to meet with an assigned University staff member periodically while suspended to ensure the student is making satisfactory progress regarding the developmental sanctions issued. The Vice Chancellor for Student Affairs will determine whether the student is eligible for consideration for re-enrollment by the University's admissions office(s). Prior to reenrollment, the student must satisfy the terms and conditions of all sanction(s) that are required to be completed prior to re-enrollment. Students who are permitted to return to the University following a period of suspension will automatically be placed on disciplinary probation for a designated period of time, which is designed to facilitate a smooth transition back to the University community. A student on post-suspension disciplinary probation must abide by the Standards of Conduct and all terms and conditions placed on the student's re-enrollment.
- Expulsion. Expulsion is a sanction that permanently bars a person from re-enrolling as a student at the University. This sanction generally is imposed when the student's misconduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; and/or when, by the student's repeated misconduct, a student has exhibited a blatant disregard for the health, safety, or welfare of other members of the University community or the University's right to establish rules of conduct. A person who has been expelled shall not be present on University-controlled property without the prior approval of the Vice Chancellor for Student Affairs.
- Revocation of Degree. The sanction of the revocation of a degree may be imposed if a student has obtained a degree at least in part through cheating, plagiarism, other academic dishonesty, or through research misconduct. Revocation of a degree shall be approved by the Chancellor before the revocation is effective. If approved by the Chancellor, this sanction will be noted on the student's academic transcript on a permanent basis

A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any sanctions imposed. A student who, at the time of commencement, is subject to a continuing disciplinary sanction or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all sanctions and/or resolution of all disciplinary charges. In addition to the sanctions in Section .11(2), the following sanctions may be imposed on a student organization found to have violated the Standards of Conduct:

- **Social Probation.** Social probation prohibits a student organization from sponsoring or participating in specified social activities. While on social probation, a student organization may not host social events or participate in University-affiliated activities. Any exceptions to social probation must be approved, in advance, by the Vice Chancellor for Student Affairs or his/her designee.
- **Disciplinary Probation.** Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious sanctions, including revocation of University registration.
- **Revocation or Suspension of University Registration.** In cases of serious or repeated misconduct, a student organization's University registration may be suspended or revoked.
- More than one (1) of the sanctions listed above may be imposed for any single violation of the Standards of Conduct.
- Voluntary intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not diminish or excuse a violation of the Standards of Conduct.
- Except for interim restrictions, disciplinary sanctions shall not become effective until after opportunities for appeal have been exhausted. Sanctions may be applied retroactively to the date of the offense. Coursework performed while disciplinary charges are pending or disciplinary proceedings are underway shall be considered conditional. Coursework may be affected or disregarded based on a final finding of misconduct or the sanction imposed, which may result in loss of course credit, a loss of tuition and/or fees, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the disciplinary proceeding.
- **Parental Notifications.** If a student accepts responsibility or is found responsible for violating a Standard of Conduct involving drugs or alcohol, and that student is under twenty-one (21) years of age, OSC shall inform the parent or legal guardian of that student of the violation, as required by state law. Typically, OSC fulfills the parental notification requirement by mailing written notification to the parent or legal guardian's address listed with the Office of the University Registrar. OSC may also notify parents or legal guardians through other means when necessary or appropriate. Parental notification is not considered a disciplinary sanction.

## *Drug and Alcohol Policies for Employees*

### **Alcohol**

In accordance with UT Policy HR0580- Code of Conduct, the Code of Conduct was developed to supplement and clarify existing university policies, procedures, and rules. It does not replace, limit,

or otherwise alter any existing policies. Employees are expected to familiarize themselves with the Code and to abide by it. Employees who violate the Code will be subject to appropriate disciplinary action. Employees should direct specific ethical or compliance questions to their supervisor or the university's director of compliance.

Standards of safety prohibits 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.

## **Drug**

It is the policy of the University of Tennessee Southern (UT 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 UT Southern from federal grants or contracts must notify the University of any Criminal Drug Statute Conviction for a violation occurring in the workplace within five days after such conviction. The university is, in turn, required to inform the granting or contracting agency of such violation within ten days of the university's receipt of notification. To maintain a safe and drug-free environment, University of Tennessee campuses and institutes may establish procedures to perform screenings for controlled substances and alcohol within areas or positions of employment that affect the public welfare or safety, or where such screenings are required by federal regulations, such as those developed by the Federal Highway Administration and Federal Aviation Administration.

In addition, screenings are permissible where there is reasonable suspicion of drug or alcohol use. Each University of Tennessee campus or institute conducting such screenings shall develop and document the necessary screening procedures. The procedures shall identify specifically the positions and locations that will require testing, the conditions under which the screenings will be conducted, and the specific plans for conducting the tests. Before implementation, all plans and procedures for such screenings must be approved by the Senior Vice President and Chief Financial Officer and the General Counsel. Costs of all required screenings will be borne by the individual campus or institute of the University of Tennessee.



A complete set of 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.

### **Employee Disciplinary Sanctions**

UT Southern will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law) up to and including expulsion or termination of employment and referral for prosecution, for the unlawful possession, use, or distribution of illicit drugs and alcohol. Employees are required to self-report drug convictions to the Associate Vice Chancellor for Finance and Administration.

Violations of the Employee Code of Conduct are grounds for disciplinary action, up to and including termination of employment, pursuant to UT Policy HR0525. Illegally using, manufacturing, possessing, distributing, purchasing or dispensing of controlled substances or alcohol as well as reporting for duty under the influence of intoxicants, constitutes gross misconduct under university policy. In a case of gross misconduct, immediate disciplinary action up to and including discharge may be taken. During the investigation of alleged gross misconduct, an employee may be placed on administrative leave with pay.

### ***Alcohol and Drug Education Programs and Resources***

Programs and resources required by the Drug Free Schools and Campuses Regulations.

Units in the university's Division of Student Affairs are committed to promoting responsible decision-making regarding alcohol and drugs through educational programming, resources, and referrals.

The university's Employee Assistance Program may be reached directly at 855-437-3486, or [www.Here4TN.com](http://www.Here4TN.com) and manages the alcohol & drug abuse and rehabilitation program for benefits-eligible employees. The Employee Assistance Program also provides counseling and a variety of other referral services. For more information, visit <http://hr.utk.edu/employee-relations/employee-assistance/>

We utilize campus surveys, national statistics, and current research to inform our evidence-based prevention and intervention strategies.

*Alcohol and Other Drug (AOD) Risk Reduction* participants engaging with the AOD area/initiative will be able to:

- Make decisions that promote safe, healthy behaviors and reduce risk related to AOD use
- Appraise oneself accurately regarding their current AOD use
- Identify and utilize campus/community resources
- Demonstrate AOD misuse/use disorder awareness, understanding, and advocacy

*eCHECKUP To Go* is a self-assessment tool available for use by students to examine their own alcohol use. The program provides immediate personalized feedback about:

- Drinking patterns
- Risk patterns
- Aspirations and goals
- Targeted risk reduction strategies
- Helpful on and off-campus resources

*Marijuana Awareness and Risk Education Course* topics covered in this course include:

- Assessment of marijuana use
- Substances and the brain
- Tolerance and overdose
- Risk reduction strategies

Students are typically sanctioned to complete these sessions as a part of a drug violation. However, any student may request to complete this course voluntarily or meet with staff due to concerns or questions regarding their personal use of substances.

*STAR* stands for Stand Together and Recover is a collegiate recovery group at UT Southern dedicated to supporting students in recovery. Through fellowship, they provide a healthy environment for students in recovery or interested in recovery. We promote personal development, and academic success, University of Tennessee community and beyond.

The Drug-Free Schools and Communities Act requires institutions of higher education that receive federal funding to execute a drug and alcohol abuse prevention program for the campus community. The following link provides information about the various prevention and education programs, resources, policies, and laws: <https://utsouthern.edu/wp-content/uploads/2024/about/UTS-DFSCA-Documents-4.2024.pdf>

If you or someone else needs medical attention from using alcohol or drugs, contact Office of Safety and Security, Residential Life, or 911 immediately. Stay with them until help arrives.

The University does not condone underage drinking or the use of illegal drugs. UT Southern encourages students to reach out to professional staff for help, regardless of whether they, or their friend, have been using alcohol or other drugs.

### *Health Risks Associated with Alcohol and Other drugs*

The following information on health risks is from the Centers for Disease Control and Prevention:

#### **Alcohol**

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink. The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason. Excessive alcohol use has immediate effects that

increase the risk of many harmful health conditions. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including: High blood pressure, heart disease, stroke, liver disease, and digestive problems; cancer of the breast, mouth, throat, esophagus, liver, and colon; learning and memory problems, including dementia and poor school performance; mental health challenges, including depression and anxiety; social problems, including lost productivity, family problems, and unemployment; alcohol dependence, or alcoholism. By not drinking too much, you can reduce the risk of these short- and long-term health risks.

### **Cannabis/Marijuana**

Marijuana is the most used drug in the United States, and marijuana use may have a wide range of health effects on the body and brain. About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user. In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit. Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't there). Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

## **UNIVERSITY OF TENNESSEE'S RESPONSE TO SEXUAL AND INTERPERSONAL MISCONDUCT**

UT Southern maintains a Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking ([Prohibited Conduct](#)) that may be accessed in this report in **Appendix D** or at <https://utsouthern.edu/wp-content/uploads/2025/08/Title-IX-Policy-2025-2026.pdf>. Questions about the Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (Policy), or whether a specific fact pattern is covered by the Policy may be forwarded to the Title IX Office at any time:

UT Southern Title IX Office  
Student Life House

420 W. Madison Street  
Pulaski, TN 38478  
931-424-4073  
[scrigh@utsouthern.edu](mailto:scrigh@utsouthern.edu)

The Violence Against Women Act amendments to the Clery Act requires that each institution include certain policy statements that are reflective of the university Policy. The Policy provides information on the university's procedures and response to reports of prohibited conduct, including:

### *Confidentiality*

The Policy for handling a situation in which a person reports an incident of prohibited conduct, 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.

The University will maintain the confidentiality of accommodation or supportive measures provided to those who report these incidents, to the extent that maintaining such confidentiality will not impair the ability of the University to provide the supportive measures. Further, while the University will include statistics of certain crimes in Clery Act geography within its Annual Security Report and analyze violations for potential warnings, it will complete this publicly available recordkeeping without the inclusion of personally identifying information about harmed persons.

### *What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking*

After an incident of sexual assault, domestic violence, or dating violence, the harmed person should consider seeking medical attention as soon as possible. It is crucial that a harmed person seek medical attention as soon as possible, to assess any injuries, pregnancy, sexually transmitted infections, and any other medical harm. The sooner one seeks medical attention, the better medical professionals can address their needs.

It is important to preserve evidence that may assist law enforcement personnel. If possible, place each item of clothing you were wearing at the time of the assault in a separate paper bag and do not shower, bathe, douche, wash, or clean any part of your body, including brushing your teeth, until you have had a forensic medical exam. If possible, do not clean the area or move anything around where the assault has occurred, in case law enforcement and detectives need access to the area. Especially in instances of stalking, individuals are encouraged to also preserve evidence by saving text messages, direct messages, social networking pages, and other communications, as well as keeping pictures, logs or other copies of documents, if they have any, as such evidence may be useful to the university process and the criminal justice process. Although the University strongly encourages all members of its community to report violations to law enforcement, it is the individual's choice whether to make such a report and they have the right to decline involvement with the police.

## *Reporting Sexual Assault, Dating and Domestic Violence, and Stalking*

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. Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or to neither.

Information concerning options for reporting sexual assault, dating violence, domestic violence, and stalking can be found in the university's Policy. The policy also provides information on confidential resources that are alternatives to reporting an incident to the university.

### *Reporting to Police*

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

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.

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

<b>INCIDENT LOCATION</b>	<b>CONTACT</b>
Regardless of where the incident occurred	Call 911 in an emergency
On Campus UT Southern Security	UT Southern Office of Safety and Security 115 South 4 <sup>th</sup> Street Pulaski, TN 38478 931-309-7502 utssecurity@utsouthern.edu
Pulaski City Police	Pulaski Police Department 203 South 1 <sup>st</sup> Street Pulaski, TN 38478 931-424-4404
Giles County Police	Giles County Sheriff's Department 200 Thomas Gatlin Drive Pulaski, TN 38478 931-363-3505
Off Campus Crimes	The jurisdictional law enforcement agency for the location
Columbia State Community College – Lawrence Campus	Columbia State Community College – Lawrence Campus 169 Southern Tennessee Lane Lawrenceburg, TN 38464

	931-766-1600
Lawrence County Police	Lawrence County Sheriff's Department 240 West Gaines Street Lawrenceburg, TN 38464

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

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. This is a legal order issued by a court and differs from a no contact directive, which is an administrative order of the University.

### *Retaliation*

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

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, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The Policy prohibits retaliation.

### *Disclosure to Victims of Crimes of Violence or Non-Forcible Sex Offenses*

The University will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States code), incest, or statutory rape, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the victim. The University also notifies victims in accordance with its Policy.

### *Preservation of Evidence*

Preserving evidence is crucial for successful criminal investigation and prosecution, especially in incidents related to sexual misconduct, intimate partner violence, and stalking. Preserving evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Harmed persons and witnesses of a crime are encouraged to preserve evidence by not altering the crime scene, not washing or changing clothes, and maintaining any electronic communications related to the incident.



The Title IX Office, UT Southern Safety and Security, or local law enforcement is available to assist with the preservation of evidence and provide guidance on the steps to take. Reporting to law enforcement is not mandatory; however, it is strongly encouraged, as doing so can help with the preservation of evidence and ensure access to protective measures and support services.

### *Institutional Disciplinary Procedures*

The University is committed to providing a prompt, fair, and impartial process from the initial investigation to the final result. The procedures will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and how to investigate and conduct a hearing process that protects the safety of victims and promotes accountability.

Proceedings will include a process that allows for the extension of timeframes for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay.

All proceedings will be conducted in a manner that is consistent with the University's policies and transparent to the parties; this includes timely notice of meetings at which the parties individually, or collectively, may be present; and provides timely and equal access for the Complainant, the Respondent, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

The University will provide the Complainant and Respondent with the same opportunities to have others present during any University disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.

Parties will be permitted to have an advisor of choice through the proceedings. The University will not limit the choice of advisor or presence in any meeting or disciplinary proceeding for any party. Any restriction regarding the extent to which advisors may participate will be applied equally to both parties.

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 used to resolve the Formal Complaint. The role of the advisor is described in the Code. In general, an advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, or participate directly in any other manner during any phase of the student conduct process, except in a Title IX Hearing. In a Title IX Hearing, the advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

Further procedures the institution will follow when dating violence, domestic violence, sexual assault, or stalking is reported can be found in the Title IX policy in **Appendix D**.

# PREVENTION OF SEXUAL AND INTERPERSONAL MISCONDUCT

## *Sex Offender Registry Information*

Section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) provides for the tracking of registered sex offenders and instructs states to post sex offender data on the internet.

In Tennessee, convicted sex offenders must register with the Tennessee Sex Offender Registry maintained by the Tennessee Bureau of Investigation (TBI). TBI is responsible for maintaining the Tennessee Sex Offender Registry. The following link will provide access to the Tennessee Sex Offender Registry: **<https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>**.

## *Definition of Terms*

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.

## *Local Jurisdiction*

**Stalking** (TCA Code § 39-17-315): 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.

By 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:

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

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

**Rape** TCA 39-13-503: 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.

**Sexual Battery** TCA 39-13-505: Unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

- (1) Force or coercion is used to accomplish the act;
- (2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;
- (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
- (4) The sexual contact is accomplished by fraud.

**Statutory Rape** TCA 39-13-506: defines Unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

- (1) The victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or

(2) The victim is at least fifteen but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim.

**Incest** TCA 39-15-302: A person who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:

(1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or

(2) The person's brother or sister of the whole or half-blood or by adoption.

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

**Domestic Violence:** TCA does not 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) 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, (1) “Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor; (2) “Adult” means any person eighteen (18) years of age or older, or who is otherwise emancipated.

**Dating Violence:** TCA does not define dating violence. In Tennessee, dating violence is defined as domestic assault committed when the relationship falls within TCA 39-13-111 for Domestic Assault.

**Consent:** 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 which is located in **Appendix D** of this report.

### *UT Southern's Definition of Consent*

The institution's definition of consent can be found within the Policy in **Appendix D**.

# CLERY ACT TERMS

The Clery Act specifically defines the geography of the University which is used to report crimes and in certain cases arrests and referrals for discipline.

## **On Campus**

(i) 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

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, 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).

## **On Campus Residential**

Crimes that occur in on campus residence halls are counted in the On Campus category as well as the On Campus residential category. On Campus Residential is a sub-set of On Campus, and the crime counts should not be added together.

## **Noncampus**

(i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(ii) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## **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.

*The following are definitions of crimes that are reportable under the Clery Act reporting requirements.*

## **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.

**Sex Offenses**

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.

**Fondling**

The touching of the private 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 their age or because of their 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.

**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.

**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 which could and probably would result in serious personal injury if the crime were successfully completed.)

### **Burglary**

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

### **Motor vehicle theft**

The theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.

### **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.

### **Liquor law violations**

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

### **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.

### **Weapon law violations**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.



## *Offense Definitions Relating to Hate/Bias-Related Crime*

A hate crime is a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their actual or perceived race, gender, gender identity, religion, disability, sexual orientation, or ethnicity/national origin.

In addition to the Primary Crime offenses defined above, there are also four additional criminal offenses related to Hate Crimes, they are: larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. The following are definitions of Hate/Bias crimes that are reportable under the Clery Reporting Requirements:

### **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.

### **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.

### **Intimidation**

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

### **Destruction/damage/vandalism of property**

To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## *Violence Against Women Act Crimes*

### **Domestic violence**

A felony or misdemeanor crime of violence committed—

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

4. 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 of violence occurred; or
5. By any other person against whom 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 of violence occurred.

### **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.

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition—
  - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b. Dating violence does not include acts covered under the definition of domestic violence.

### **Stalking**

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - a. Fear for the person's safety or the safety of others; or
  - b. Suffer substantial emotional distress.

For the purposes of this definition—

1. Course of conduct means two or more acts, including, but not limited to, acts that 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.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

UT Southern is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from sexual assault, domestic violence, dating violence, and stalking (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. Prohibited Conduct is defined in the university's Policy.

The programs UT Southern provides to prevent Prohibited Conduct include both *primary prevention and awareness programs* directed at incoming students and new employees, and *ongoing prevention and awareness campaigns* directed at students and employees.

University programming is comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end Prohibited Conduct that:

- are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Primary prevention and awareness programs for all incoming students and employees collectively address the university's prohibition of Prohibited Conduct, the definition of Prohibited Conduct and consent for our local jurisdiction, the university's definition of consent, safe and positive options for bystander intervention, information on risk reduction, and procedures that the institution will follow when one of these crimes is reported.

These programs include:

#### **FYE Consent Program**

Outside group "The C-Word: Consent" presented on consent, impact of alcohol, and healthy relationships.

#### **Title IX for FYE**

Introductory presentation for FYE Classes on Prohibited Conduct and reporting.

#### **Bystander Intervention Training**

In-person training from Cindy Sims (Center of Hope) for FYE classes; virtual recording required for absent students.

Ongoing prevention and awareness campaigns include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

These programs include:

### **Title IX for Student Leaders**

Presentation for student leaders (RA, OL, PAL, clubs) on Mandatory Reporting, Prohibited Conduct, and Consent.

### **Healthy Relationship Bingo**

A game offered to the students, faculty and staff used to provide information about Domestic Violence and Dating Violence

### **The Yellow Dress Play**

A theatrical play for the students, faculty, and staff that is performed to bring Sexual Assault Awareness.

### **Hike The Hill**

An event for students, faculty, staff and the public that involves hiking up the hill on campus (hiking in heels is optional) to bring awareness and provide information on sexual assault and safety.

## **BYSTANDER INTERVENTION**

### *Bystander Intervention*

Bystander intervention is crucial in keeping the campus community safe and preventing sexual violence, dating violence, domestic violence, and stalking. Bystanders witness violence or its contributing factors and choose to act or speak up. UT Southern aims to foster a culture of community accountability and encourages bystanders to intervene if the situation is safe to do so. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

### *Safe and Positive Options for Bystander Intervention*

If you or someone else is in immediate danger and it is not safe for you to intervene, call 911. If you do feel safe intervening, there are ways you can step in. Here are three key steps to being an active bystander:

#### **1. Acknowledge the situation.**

Trust the voice within yourself that senses when something is wrong. Pay attention to your surroundings. If you feel like a situation you witness is off, wrong, or harmful, listen to that feeling.

#### **2. Consider your options.**

Consider your options for intervening. Think about what you could do. What factors do you need to consider? Some include:

- Time of day
- Location

- Safety
- Situational power

### 3. Take action.

After acknowledging that you should intervene and considering your options and safety concerns, it's time to take action! You can act using the 3 D's: Direct, Distract, Delegate.

#### What are the 3 D's and how can I use them?

The 3 D's are strategies that you can use to intervene in a situation.

##### **Direct**

Step in and address the situation directly.

Example: "What you are doing is wrong." "Hey, that's not cool. You shouldn't be doing that." "Are you okay?"

##### **Distract**

Provide a distraction that shifts the focus of the situation. This can include doing something to separate the victim from the situation or causing a physical distraction, like spilling a drink and asking for help cleaning it up. Example: "Can you show me where the bathroom is?"

##### **Delegate**

Find others who can help you to intervene in the situation. There is power in numbers. This can include asking a friend to intervene with you or getting help from security or staff. Example: "Hey, I'm NAME, will you help me?"

#### **Your safety is important**

When deciding how to act, it is important to keep yourself safe. It may not be safe to directly intervene sometimes, so distracting or delegating may be the better option. In other situations, you might decide to use all 3 D's.

## RISK AWARENESS AND REDUCTION

Risk Recognition, Risk Avoidance, and Risk Reduction is 90% of self-defense: Be present in your situation and aware of your surroundings:

- General Awareness
  - Vehicle
    - Keep valuables in a secure place and out of sight
    - Don't leave your vehicle running unattended
    - Lock your doors when exiting your vehicle, even if you will only be away for a short time. Many modern cars retract the side mirrors when locked. A modern car parked with mirrors extended is a sign that doors are unlocked.

- Don't leave your key fob or spare key in your vehicle when unattended – this can enable anyone to access your vehicle by simply touching the door handle (a thief will look for this specifically)
    - Lock your vehicle immediately after entering your vehicle
  - Building
    - Check your locks
    - Ensure outdoor lighting is in working order
    - Look for and repair any broken doors or windows
    - Keep shrubs and bushes trimmed to avoid potential areas where someone could hide out of sight
    - Know the visitor policy for where you live
    - Have an emergency contact text list
  - When possible, stay off your phone and keep your eyes up while walking, and only use one headphone
  - No attacker wants to be seen, heard, or discovered
    - Make eye contact
    - Acknowledging their presence with clear verbal statements
- Using Self-Defense
  - Use when required for escape
  - Defense should be objectively reasonable, and proportionate to the situation
  - Apply yourself 100%
- Reporting Suspicious Activity
  - Get a detailed description and direction of travel
  - Avoid confrontation
- If you are a victim of a crime
  - Get to a safe location
  - Preserve any evidence
  - For emergencies call 911 – especially if you are injured
- Weapons
  - Potential weapons could be pepper spray, Taser, keys, sound devices, flashlight (However, ensure you follow UT Southern Policy and understand what you can and can't use or carry on campus)
  - Personal Weapons
  - Voice – This is your number one personal weapon! Use clear verbal statements (don't just yell). A loud, articulated "No!" can be very effective.
- Reporting incidents
  - Avoid panic
  - Get to a safe location
  - Use 911
  - Articulate each use of force

All child abuse or neglect should be reported to the Tennessee Department of Children's Services – this report can be confidential or anonymous.

# STOP CAMPUS HAZING ACT (SCHA)

On December 23, 2024, the Stop Campus Hazing Act (SCHA) was signed into law. The SCHA amends the Clery Act and requires institutions to disclose statistics on hazing (to be included in the 2026 report), as well as other policies and procedures to support campus-wide anti-hazing efforts.

## *The University's Policy on Hazing*

The University of Tennessee Southern is committed to fostering a safe, respectful, and inclusive community where all students can thrive. Hazing is a dangerous and destructive practice that fundamentally contradicts our values of personal dignity, mutual respect, and academic excellence. For this reason, the University of Tennessee Southern has zero-tolerance for hazing.

No student or organization of the University shall engage in hazing or committing an act that injures, frightens, degrades, or disgraces a person attending the university. Students and/or organizations involved in hazing shall be subject to disciplinary action per the Student Code.

All members of the University of Tennessee Southern community, including students, faculty, and staff are responsible for upholding this policy standard. Hazing is strictly prohibited whether it occurs on or off campus, within officially recognized organizations or unofficial groups. The willingness of an individual to participate does not excuse the action or absolve those who perpetrate it from responsibility.

## **UT Southern's Definition of Hazing**

The UT Southern Student Code of Conduct defines hazing as the intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health, safety, or welfare of that student, or which induces or coerces a student to endanger his or her mental or physical health, safety, or welfare. Hazing does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization, regardless of the student's willingness to participate.

## **How to Report Incidents of Hazing**

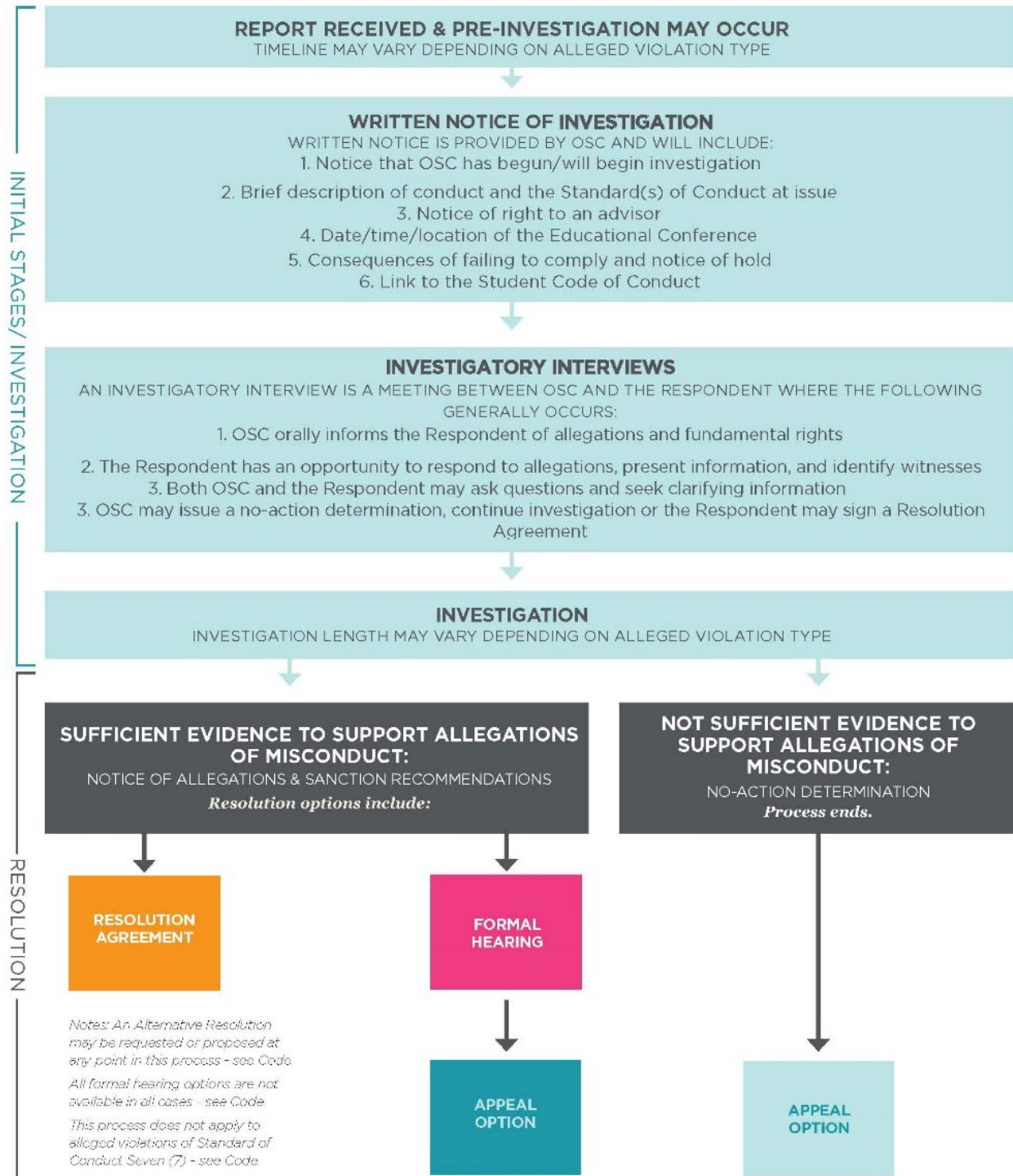
All students, faculty, and staff have options to anonymously report suspected or known hazing online at: [https://cm.maxient.com/reportingform.php?UTSouthern&layout\\_id=0](https://cm.maxient.com/reportingform.php?UTSouthern&layout_id=0).

## **Process Used to Investigate Hazing Incidents**

When a student of registered student organization faces an alleged violation of hazing, the student conduct process is followed by the Office of Student Conduct. The flowcharts on the following pages are graphical summaries, meant to illustrate the process and procedures for simplification. For complete details see the Student Code of Conduct at <https://utsouthern.smartcatalogiq.com/en/2024-2025/student-handbook/code-of-conduct>

# STUDENT CONDUCT PROCESS

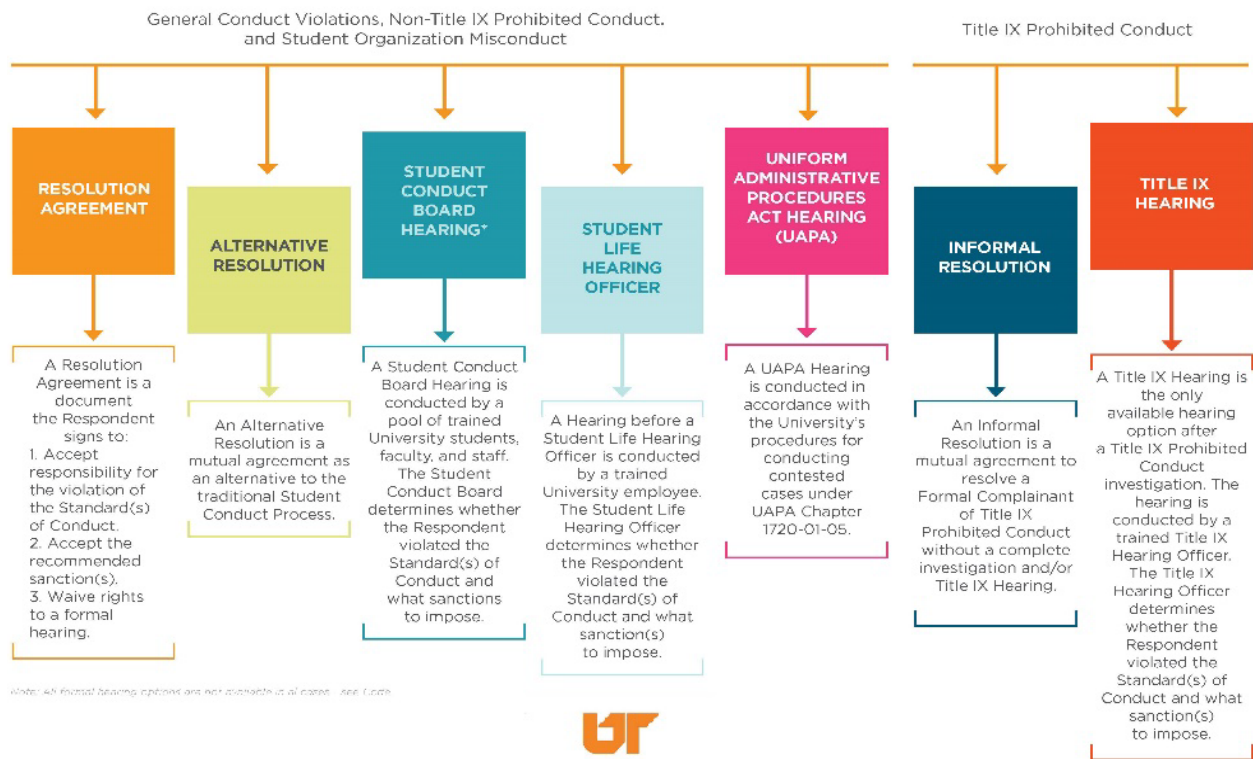
When a student or registered student organization faces an alleged violation, the process below is followed.



This document is a summary of the student conduct process. In the event of a conflict between the summary and the Student Code of Conduct, the Code governs.



## RESOLUTION OPTIONS



## STUDENT CONDUCT BOARD OR HEARING OFFICER

*If a student elects a hearing before a Student Conduct Board or a Hearing Officer, the process below is followed.*



## **Applicable Local, State, and Tribal Laws on Hazing**

Tennessee Code Annotated 49-7-123 (2024)

- **(a)** As used in this section, unless the context otherwise requires:
  - **(1)** "Hazing" means any intentional or reckless act in this state on or off the property of any higher education institution by one (1) student acting alone or with others that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger the student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization; and
  - **(2)** "Higher education institution" means a public or private college, community college or university.
- **(b)** Each higher education institution shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the institution. The policy shall be distributed or made available to each student at the beginning of each school year. Time shall be set aside during orientation to specifically discuss the policy and its ramifications as a criminal offense and the institutional penalties that may be imposed by the higher education institution.

## ***Prevention and Awareness Programs Related to Hazing***

In an effort to provide the campus community with reliable information and prevention strategies to stop hazing before it occurs, the university has developed prevention and awareness programs related to hazing. The following information is a description of research-informed campus-wide prevention programs designed to reach students, staff, and faculty. For more information on these programs, contact Sarah Catherine Richardson by calling 931-424-4073 Ext: 3306 or emailing [scrich@utsouthern.edu](mailto:scrich@utsouthern.edu).

### **Student Orientation**

All student orientations include a hazing call out that provides information on UT Southern's hazing statement, how to spot hazing and how to report hazing anonymously.

### **Welcome Week Presentation**

Welcome week includes a presentation for all incoming freshmen which contains a hazing call out providing information on UT Southern's hazing statement, how to spot hazing and how to report hazing anonymously.

### **Athletics Start of Season Meetings**

Every start of season athletics holds a meeting to provide important information to all coaches and players which includes a hazing call out that provides information on UT Southern's hazing statement, how to spot hazing and how to report hazing anonymously.

**Right to Know Email**

The start of each semester a Right to Know email is sent to all students to provide important information which includes a hazing call out that provides information on UT Southern's hazing statement, how to spot hazing and how to report hazing anonymously.

**Bystander Education**

All first-time freshmen are required to take a Bystander Education training to learn how to report incidents when they are observed on campus. This includes a call out for UT Southern's Hazing statement.

**CSA Training**

Many faculty and staff are designated as a Campus Security Authority and must complete CSA Training annually. This training now includes a portion explaining UT Southern's Hazing statements and requirements to report any and all incidents to the Clery Coordinator.

# THE ANNUAL FIRE SAFETY REPORT

Federal law requires UT Southern to produce an annual fire safety report outlining fire safety policies, fire safety systems, fire statistics, and other information relating to on-campus student housing. The following information satisfies that requirement.

## *Reporting Fires*

UT Southern 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 non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. In these instances, please contact one of the following:

DEPARTMENT	PHONE NUMBER
UT Southern Office of Safety and Security	931-309-7502
Giles County E-911	911

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

In the event of an emergency, call 911 and then the UT Southern Office of Safety and Security.

## *Policies or rules for portable electrical appliances, smoking; and open flames in a student housing facility*

### **Portable Electrical Appliances**

The housing handbook provides a list of prohibited items for Residence Halls and Student Apartments to ensure fire safety and assist in eliminating fire hazards. The items on this list pertaining to portable electrical appliances include: wax warmers, space heaters, halogen lamps, toasters, slow cookers, air fryers, electric grills, griddles, and humidifiers.

### **Smoking**

The University is a Smoke-Free Campus, and smoking will not be permitted on any campus property, including e-cigarettes or vapes. There are no designated smoking areas on campus.

### **Open Flames**

The housing handbook provides a list of prohibited items for Residence Halls and Student Apartments to ensure fire safety and assist in eliminating fire hazards. The items on this list pertaining to open flames includes: candles, incense, or any other open flame, outdoor grills, and lighters.

## *Evacuation Procedures for Student Housing in Case of a Fire*

Each community will have at least one fire drill per semester. Anytime a smoke detector/fire alarm is sounded in a university building, every occupant must evacuate immediately. No one will be allowed to reenter the building until a police officer, fire department official, or University official

gives the all clear. Tampering with fire safety equipment is a violation of the state and local fire safety codes. Anyone responsible for a false alarm may be subject to disciplinary sanctions, arrest, or other penalties.

Failure to follow fire evacuation procedures and directives from safety officers or Residential Life staff is a violation.

In the event a student discovers a fire emergency they are instructed to do the following:

1. Call 911 and then Campus Security
2. Give the location of the fire
3. Identify yourself

In the event a fire alarm sounds, students are instructed to do the following and evacuate to the following areas:

1. When notified of fire, walk quickly to the nearest exit and alert others to do the same.
2. Everyone is expected to evacuate campus buildings in all alarm situations.
3. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic
4. Evacuate:
  - a. Upperman Hall Campus Green/Colonial Hall Parking Lot
  - b. Criswell Hall Campus Green/Adjacent Lot
  - c. Student Apartments Curry Athletic Center Parking Lot
  - d. Oakwood Apartments Johnston Center Parking Lot
5. Once outside, move to a clear area at least 500 feet away and move toward your evacuation location. Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews.
6. Follow all instructions of emergency personnel and University officials
7. The signal that the staff and students can return to an evacuated building will be initiated by emergency personnel

### *Fire Safety Education and Training Programs Provided to the Students and Employees*

Faculty and staff receive fire safety information and evacuation maps placed in every building during employee orientations held in the fall every year.

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 including: housekeeping and maintenance expectations, prohibited items, student ID card policies and safety information, and overview of emergency policies (fire, alarm, tornado, emergency response plan).

### *Procedures Students and Employees Should Follow in Case of a Fire*

In the event of a fire emergency, students and employees are instructed to do the following:

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 UT Southern 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 Emotional Support Animals (ESA) 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, they 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.

### *Plans for Future Improvements in Fire Safety*

UT Southern is in the process of adding several fire safety improvements which consist of the following:

- New fire alarm system in Martin Hall, Andrew Science, and Johnston Center.
- New sprinkler system and fire alarm system in Upperman Hall.
- New stairwell handrails in Johnston Center fire exits.
- A fire exit in the Johnston Center Library that has been inaccessible due to the building settling and preventing the door from being able to open is being fixed

## 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 the previous year.





# APPENDIX A

# CRIME STATISTICS



## CAMPUS CRIME STATISTICS

Jeanne Clery Campus Safety Act

Criminal Offenses or Primary Crimes	Calendar Year	On Campus (Including Residential)	Non-Campus	Public Property	Total	On Campus (Residential Only)
Murder & Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	1	0	0	1	1
Burglary	2024	0	0	0	0	0
	2023	0	0	1	1	0
	2022	1	0	0	1	1
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	2	0	0	2	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Previous reports did not include statistics from UT Southern's contract to use classroom space on Columbia State Lawrence Campus which has been in effect since July 1, 2022 to the present. No information dating back to July 1, 2022 has been changed due to this Caveat.						

<b>VAWA Offenses, Arrests, and Referrals</b>	<b>Calendar Year</b>	<b>On Campus (Including Residential)</b>	<b>Non- Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>On Campus (Residential Only)</b>
<b>Domestic Violence</b>	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	1	0	0	1	1
<b>Dating Violence</b>	2024	1	0	0	1	1
	2023	0	0	0	0	0
	2022	0	0	0	0	0
<b>Stalking</b>	2024	4	0	0	4	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
<b>Liquor Law Violation Arrests</b>	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
<b>Drug Law Violation Arrests</b>	2024	2	0	0	2	2
	2023	0	0	1	1	0
	2022	0	0	2	2	0
<b>Weapons Law Violation Arrests</b>	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
<b>Liquor Law Violations Referred for Disciplinary Action</b>	2024	0	0	0	0	0
	2023	5	0	0	5	5
	2022	1	0	0	1	1
<b>Drug Law Violations Referred for Disciplinary Action</b>	2024	3	0	0	3	3
	2023	2	0	0	2	2
	2022	0	0	0	0	0
<b>Weapons Law Violations Referred for Disciplinary Action</b>	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Previous reports did not include statistics from UT Southern's contract to use classroom space on Columbia State Lawrence Campus which has been in effect since July 1, 2022 to the present. No information dating back to July 1, 2022 has been changed due to this Caveat.						

Hate Crime Statistics	
2024	There were no reportable hate crimes
2023	There were no reportable hate crimes
2022	There were no reportable hate crimes

Unfounded Crimes	
2024	0
2023	0
2022	0



# APPENDIX B

## FIRES IN ON-CAMPUS STUDENT HOUSING FACILITIES

# 2024

## Fires in On-campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Student Apartments A (619 West Madison St.)	1	Unintentional - Lit Candle and Fake Plant	0	0	\$0
Student Apartments B (617 West Madison St.)	0	N/A	N/A	N/A	N/A
Upperman Hall (328 West Madison St.)	0	N/A	N/A	N/A	N/A
Criswell Hall (113-25 N. 5 <sup>th</sup> St.)	0	N/A	N/A	N/A	N/A
Oakwood Apartments (204 South 3 <sup>rd</sup> St.)	0	N/A	N/A	N/A	N/A

# 2023

## Fires in On-campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Student Apartments A (619 West Madison St.)	0	N/A	N/A	N/A	N/A
Student Apartments B (617 West Madison St.)	0	N/A	N/A	N/A	N/A
Upperman Hall (328 West Madison St.)	0	N/A	N/A	N/A	N/A
Criswell Hall (113-25 N. 5 <sup>th</sup> St.)	0	N/A	N/A	N/A	N/A
Oakwood Apartments (204 South 3 <sup>rd</sup> St.)	0	N/A	N/A	N/A	N/A

# 2022

## Fires in On-campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Upperman Hall (328 West Madison St.)	1	Unintentional – Student Cooking In Microwave	0	0	\$0
Student Apartments A (619 West Madison St.)	0	N/A	N/A	N/A	N/A
Student Apartments B (617 West Madison St.)	0	N/A	N/A	N/A	N/A
Criswell Hall (113-25 N. 5 <sup>th</sup> St.)	0	N/A	N/A	N/A	N/A
Oakwood Apartments (204 South 3 <sup>rd</sup> St.)	0	N/A	N/A	N/A	N/A





# APPENDIX C

## FIRE SAFETY SYSTEMS IN ON-CAMPUS STUDENT HOUSING FACILITIES

2024

## Fires Safety Systems in On-campus Student Housing Facilities

Housing Facility	Fire Alarm Systems	Sprinkler System	Fire Extinguisher Devices	Smoke Detection	Evacuation Plans and Placards	Number of Evacuation (Fire) Drills Conducted in [2024]
Upperman Hall (328 West Madison St.)	☒		☒	☒	☒	2
Criswell Hall (113-125 North 5th St.)	☒		☒	☒	☒	2
Student Apartments A & B ( 619-617 West Madison St.)	☒	☒	☒	☒	☒	2
Oakwood Apartments ( 204 South 3rd St.)			☒	☒	☒	2





## APPENDIX D

# POLICY ON SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING



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

August 18, 2025

[utsouthern.edu/titleix](https://utsouthern.edu/titleix)

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## SECTION 1 INTRODUCTION

### 1.1 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.<sup>1</sup> Additional information about UTS’s procedures and training and prevention programs relating to Prohibited Conduct can be found online at [utsouthern.edu/titleix](https://utsouthern.edu/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>2</sup>; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

This Policy applies to all members of the campus community, regardless of identity or personal characteristics. Prohibited Conduct may occur between any individuals, regardless of their relationship status or personal characteristics.

- 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.

#### 1.2.2 Jurisdiction

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<sup>1</sup> Changes to state law, federal law, and/or binding legal precedent may impact the applicability of certain provisions of this policy. The University will provide written notice during the grievance process if a legal change or revision impacts a student’s rights or process under the policy.

<sup>2</sup> “University” in this Policy means the University of Tennessee Southern.

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 18, 2025. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 18, 2025. If the Prohibited Conduct reportedly occurred prior August 18, 2025, 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/policy/hr0220-equal-employment-opportunity/](https://policy.tennessee.edu/policy/hr0220-equal-employment-opportunity/)), 0280 ("Sexual Harassment and Other Discriminatory Harassment") ([policy.tennessee.edu/policy/hr0280-sexual-harassment-other-discriminatory-harassment/](https://policy.tennessee.edu/policy/hr0280-sexual-harassment-other-discriminatory-harassment/)), and 0580 ("Code of Conduct") ([policy.tennessee.edu/policy/hr0580-code-of-conduct/](https://policy.tennessee.edu/policy/hr0580-code-of-conduct/)).

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. 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>3</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>4</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;
- (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.

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<sup>3</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/titleix](https://utsouthern.edu/titleix).

<sup>4</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/policy/hr0280-sexual-harassment-other-discriminatory-harassment/](https://policy.tennessee.edu/policy/hr0280-sexual-harassment-other-discriminatory-harassment/)). Conduct by employees that does not necessarily violate this Policy may be a violation of University of Tennessee System Human Resources Policy 0280. Complaints 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/titleix](https://utsouthern.edu/titleix).

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 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 (Appendix A, Section 2.3.2). 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**

Guthrie Student Life Center, 420 W. Madison Street, Pulaski, TN 38478

931-424-4073

[scrich@utsouthern.edu](mailto:scrich@utsouthern.edu)

[utsouthern.edu/titleix](http://utsouthern.edu/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/titleix](http://utsouthern.edu/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 /titleix](http://utsouthern.edu/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>5</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, Section 1.2.1.1 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, Section 1.2.2.

#### **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.

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<sup>5</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, 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, who 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 Security 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 Security. **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 Brown, the University's Clery Compliance Coordinator, at [jbrown@utsouthern.edu](mailto:jbrown@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 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>6</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, Section 1. 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.

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<sup>6</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)(1)(v).



## 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 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>7</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

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<sup>7</sup> Capitalized terms have the same meaning in the Policy and Appendix A.

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 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
<b>UT Southern Clinic</b> (for students only)  (SANE is not available)	8:30 a.m. – 4:00 p.m., Monday-Friday, except on University holidays, breaks, or closures	931-424-7338 625 West Madison St Pulaski, TN 38478 <a href="https://utsouthern.edu/student-life/student-resources/health-and-wellness/campus-clinic/">utsouthern.edu/student-life/student-resources/health-and-wellness/campus-clinic/</a>
<b>Southern Tennessee Regional Health System, Pulaski</b>  (SANE may not be available)	24 hours, seven days a week	931-363-7531 1265 East College Street Pulaski, Tennessee 38478 <a href="https://southerntnpulaski.com">southerntnpulaski.com</a>
<b>Center of Hope</b>	24 hours, seven days a week	931-381-8580 Columbia, TN <a href="https://centerofhopetn.org/get-help/">centerofhopetn.org/get-help/</a>
<b>Maury Regional Hospital</b>  (SANE may not be available)	24 hours, seven days a week	931-381-1111 1224 Trotwood Avenue Columbia, TN 38401 <a href="https://mauryregional.com/locations/maury-regional-medical-center/">mauryregional.com/locations/maury-regional-medical-center/</a>
<b>SAFE Clinic</b>	24 hours, seven days a week	615-258-5888 101 French Landing Drive Nashville, TN 37228 <a href="https://sacenter.org/heal/safe-clinic.aspx">sacenter.org/heal/safe-clinic.aspx</a>
<b>Metro Nashville General Hospital</b>	24 hours, seven days a week	615-341-4000 1818 Albion St, Nashville, TN 3720 <a href="https://nashvillegeneral.org/services/emergency-department">nashvillegeneral.org/services/emergency-department</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 Clinic	Students	931-424-7338 625 West Madison St Pulaski, TN 38478 <a href="https://utsouthern.edu/student-life/student-resources/health-and-wellness/campus-clinic/">utsouthern.edu/student-life/student-resources/health-and-wellness/campus-clinic/</a>
A licensed physician, registered nurse, or nurse practitioner in the Clinic	Students	931-424-7338 625 West Madison St Pulaski, TN 38478 <a href="https://utsouthern.edu/student-life/student-resources/health-and-wellness/campus-clinic/">utsouthern.edu/student-life/student-resources/health-and-wellness/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.
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, 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	Students and Employees	Varies by employee

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  
[centerofhopetn.org/get-help](http://centerofhopetn.org/get-help)
- The Shelter  
Lawrenceburg, TN  
800-762-4115  
[theshelterinc.com](http://theshelterinc.com)
- The Sexual Assault Center and SAFE Clinic  
101 French Landing Drive  
Nashville, TN 37228  
Center: 615-259-9055  
Clinic: 615-258-5888
- Center for Women's Health  
Lawrenceburg, TN  
931-381-3030
- Giles County Outreach Center  
Pulaski, TN  
931-424-8883

### 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](https://rainn.org/get-help/national-sexual-assault-hotline)
- National Domestic Violence Hotline  
800-799-SAFE (7233)  
[thehotline.org](https://thehotline.org)
- Love is Respect – National Dating Abuse Hotline  
866-331-9474  
[loveisrespect.org](https://loveisrespect.org)
- Anti-Violence Project/24-Hour Bilingual Hotline: For LGBTQ+ and HIV+ survivors of violence  
212-714-1141  
[avp.org](https://avp.org)

#### **Other confidential, non-University resources for Complainants and Respondents**

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

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

### **1.3 Legal Resources for Complainants and Respondents**

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

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/](https://americanbar.org/groups/legal_services/flh-home/flh-free-legal-help/)

The Tennessee Coalition to End Domestic and Sexual Violence ([tncoalition.org](https://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)) lists resources for legal advice and representation to immigrant and trafficked victims of domestic or sexual violence throughout Tennessee ([tncoalition.org/legal-clinics](http://tncoalition.org/legal-clinics)).

U.S. Citizenship and Immigration Services (USCIS) ([uscis.gov/about-us/find-uscis-office](http://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](http://uscis.gov/citizenship/learners/find-help-your-community)
- USCIS Find Legal Services Webpage: [uscis.gov/avoid-scams/find-legal-services](http://uscis.gov/avoid-scams/find-legal-services)

The Board of Immigration Appeals ([justice.gov/eoir/board-of-immigration-appeals](http://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](http://justice.gov/eoir/list-pro-bono-legal-service-providers).

The American Immigration Lawyers Association ([aila.org](http://aila.org)) offers an online immigration lawyer referral service ([ailalawyer.org](http://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 ([utsouthern.edu/admissions/financial-aid/](http://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>8</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 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.

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<sup>8</sup> Student-employees who are Mandatory Reporters (Policy, Section 4.5.2.1) are required to report information they receive about Prohibited Conduct.

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

The University's list of Title IX Officials can be found at: [utsouthern.edu/titleix](https://utsouthern.edu/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>9</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 4.5.2.6 of the Policy.

### **2.3.5 The University's Disclosure Obligations under Federal and Tennessee Law Relating to Reports of Prohibited Conduct**

#### **Clery Act**

Certain University employees, called Campus Security Authorities, have a duty to report certain incidents 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

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<sup>9</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.

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 Brown, [jbrown@utsouthern.edu](mailto:jbrown@utsouthern.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>10</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>11</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 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

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<sup>10</sup> Capitalized terms have the same meaning in the Policy and Appendix B.

<sup>11</sup> Including contested case proceedings under the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. ("UAPA").

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>12</sup>

Disciplinary proceedings<sup>13</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.

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<sup>12</sup> Capitalized terms have the same meaning in the Policy and Appendix C.

<sup>13</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.

- **Non-Title IX Prohibited Conduct Complaint:** Second, the Complainant may file a Non-Title IX Prohibited Conduct Complaint in a case in which the Prohibited Conduct did not occur in the 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>14</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 Section 7.3. 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, 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.

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<sup>14</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.

## **RIGHT TO A SUPPORT PERSON**

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

## **INVESTIGATIONS OF PROHIBITED CONDUCT**

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

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

Prior to preparing a written investigative report, the University will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. The parties will have ten (10) business days to submit a written response, which the investigator will consider prior to 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 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 the Office of Student Conduct (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 Vice Chancellor for Student Affairs, in writing, within seven (7) calendar days of the date that OSC transmitted notice of the no action determination to the Complainant. Upon receipt of the appeal, OSC will send a copy of the appeal to the Respondent. The Respondent may respond to the appeal by filing a written response within three (3) calendar days after receipt of the Complainant's appeal. The Vice Chancellor for Student Affairs may affirm the decision of OSC, reverse the decision and direct OSC to charge the Respondent with violating the Standards of Conduct, or remand the matter for additional investigation or consideration. The Vice Chancellor for Student Affairs shall issue a decision in writing, sent to the Complainant and the Respondent simultaneously, within ten (10) calendar days of receipt of the Complainant's appeal or the Respondent's response. 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 7 through 9 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>15</sup> Section 8 of the Code describes the process for a hearing before the Student

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<sup>15</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

Conduct Board. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

<b>Student Conduct Board (SCB) Hearing</b>		
<b>Step</b>	<b>Code Reference</b>	<b>Anticipated Timeline</b>
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 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>		
<b>Step</b>	<b>Code Reference</b>	<b>Anticipated Timeline</b>
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

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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.



## APPEALS

The Complainant and the Respondent have equal rights to appeal the decision after a Formal Hearing. Code Section 10 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)(e)	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 11 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 Section 10 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, OSC 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 OSC in the discussion of an alternative resolution, then OSC will provide the Complainant with an opportunity to provide a timely objection to the proposed alternative resolution. In appropriate cases, OSC 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 information resolution process without both parties' agreement, and will obtain their voluntary, written consent. OSC 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**

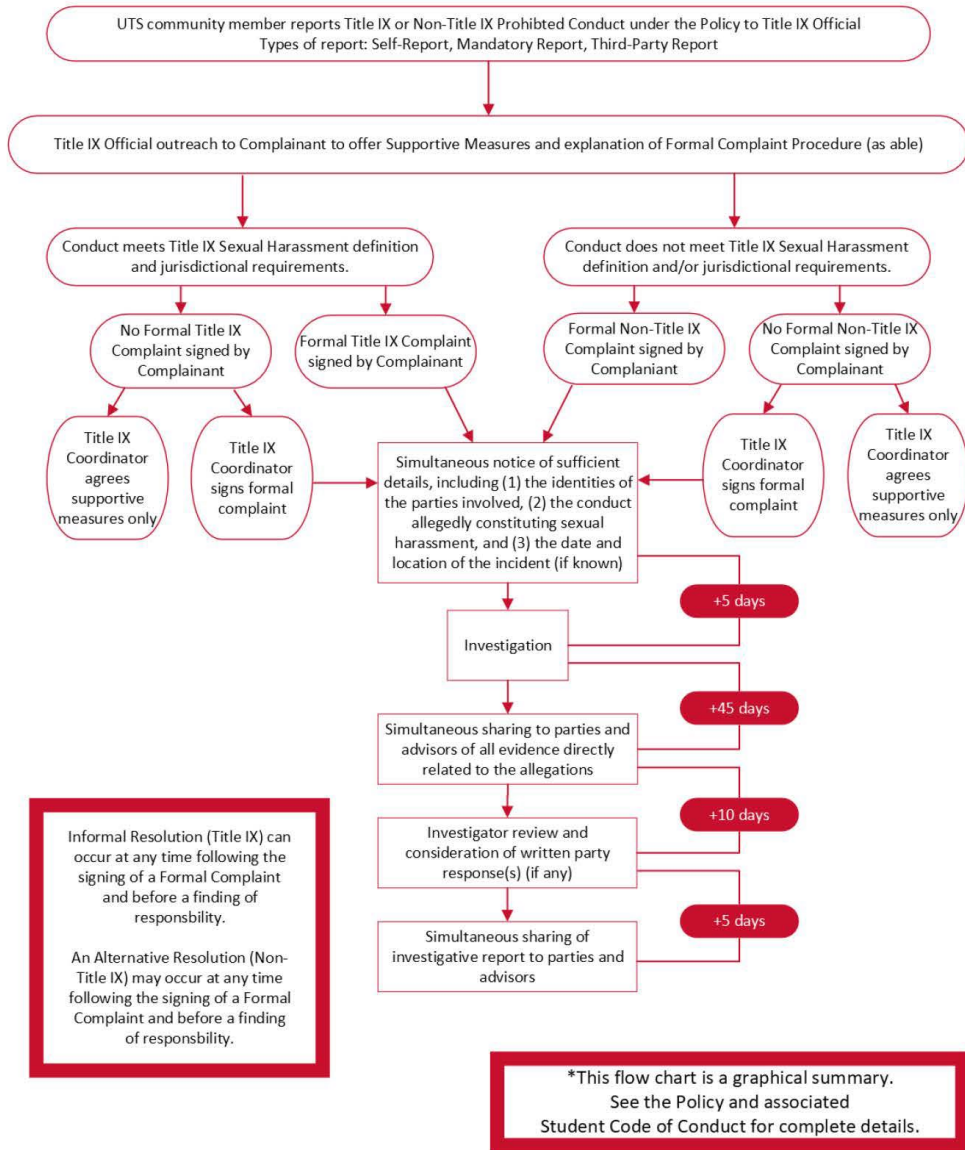
Chapter 1720-1-5 of the Rules of the University of Tennessee ([publications.tnsosfiles.com/rules/1720/1720-01/1720-01-05.20180524.pdf](https://publications.tnsosfiles.com/rules/1720/1720-01/1720-01-05.20180524.pdf)) sets forth the University's procedures for conducting a contested case hearing pursuant 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/titleix](https://utsouthern.edu/titleix).

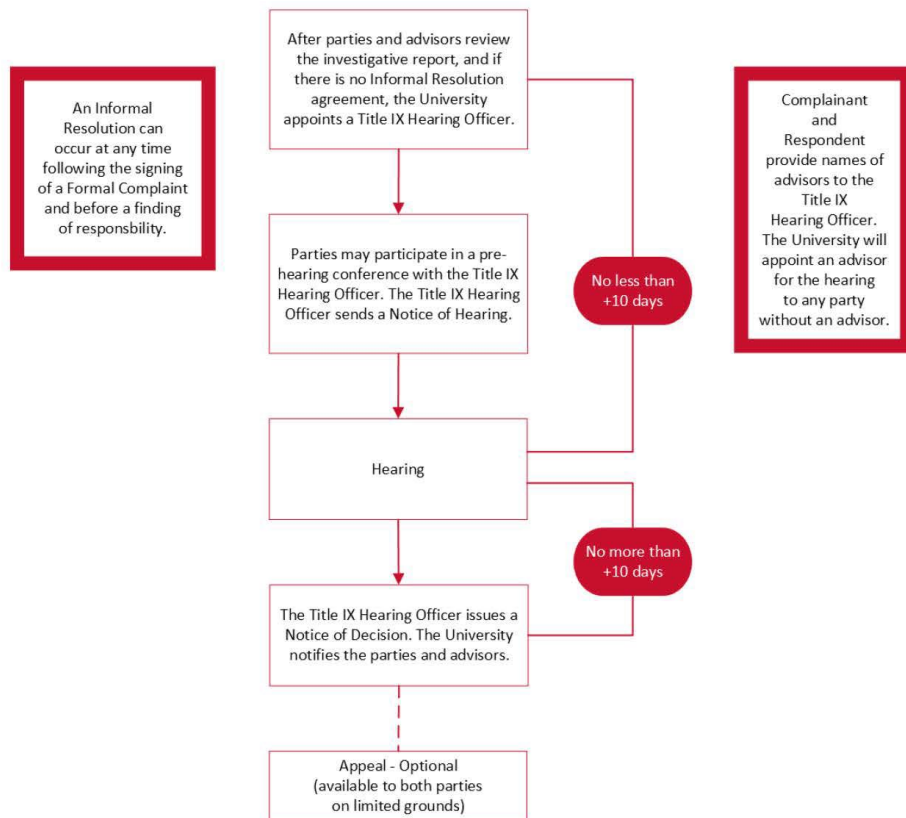
## TITLE IX AND NON-TITLE IX PROHIBITED CONDUCT Complaints and Investigations



## TITLE IX PROHIBITED CONDUCT

### Hearings and Appeals

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process unless the parties agree to an Informal Resolution. Section 1720-07-01-.09 of the Student Code of Conduct 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.



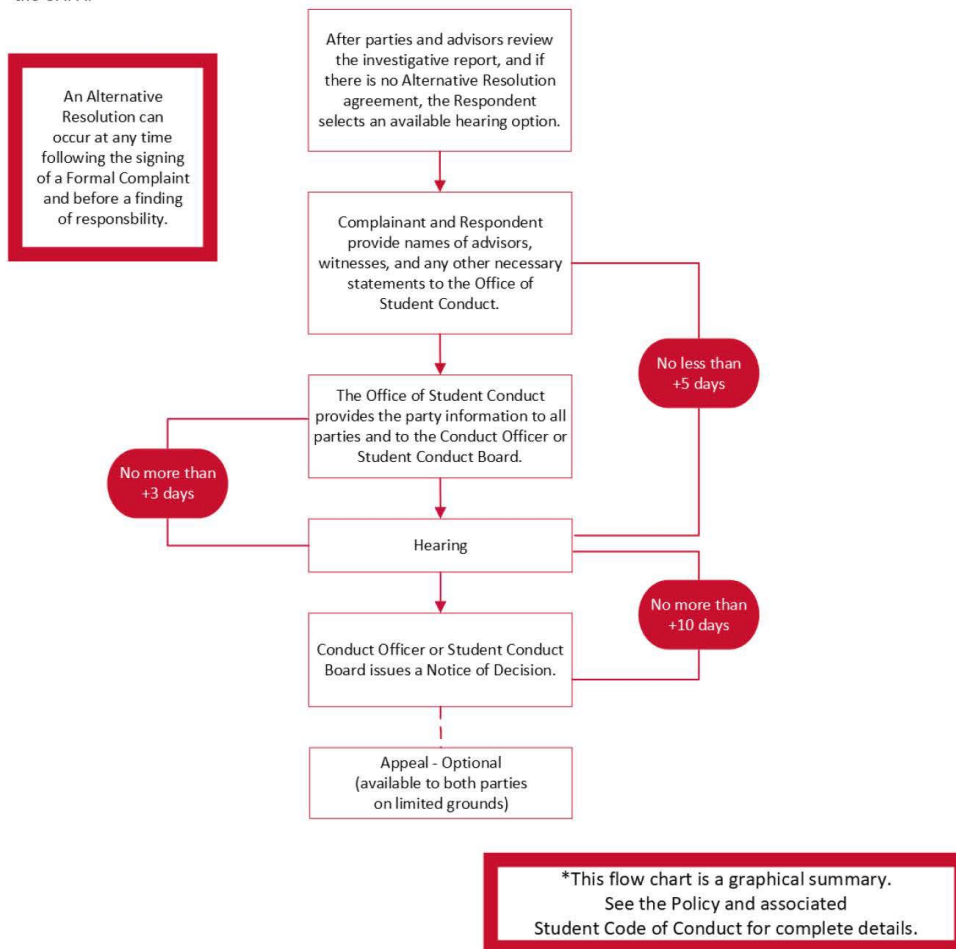
\*This flow chart is a graphical summary.  
See the Policy and associated  
Student Code of Conduct for complete details.

## NON-TITLE IX PROHIBITED CONDUCT

### Hearings and Appeals

A Non-Title IX Prohibited Conduct Complaint may be resolved by an administrative hearing before a Conduct Officer, a hearing before a Student Conduct Board, or, in some cases, a hearing under state law (the Uniform Administrative Procedures Act), unless the University agrees to an Alternative Resolution. Sections 1720-07-01-.07 and 1720-07-01-.08 of the Student Code of Conduct describe the processes for the hearings. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

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



## 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>16</sup>

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 (BTO006) (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>17</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),

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<sup>16</sup> Capitalized terms have the same meaning in the Policy and Appendix D and D-1.

<sup>17</sup> The procedures set forth in Appendix D and D-1 will discuss employee Respondents, and will be modified, as needed, for third parties.



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, the Office of Title IX 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: [policy.tennessee.edu/policy/hr0580-code-of-conduct/](http://policy.tennessee.edu/policy/hr0580-code-of-conduct/).

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): [policy.tennessee.edu/policy/hr0280-sexual-harassment-other-discriminatory-harassment/](http://policy.tennessee.edu/policy/hr0280-sexual-harassment-other-discriminatory-harassment/). HR0280 prohibits sexual harassment (and other discrimination) in employment. The requirements for investigating and resolving a matter under HR0280 differ from the requirements under this policy, and the University may be obligated to investigate an allegation of harassment under HR0280 regardless of whether a Formal Complaint is filed. Employees wishing to file a complaint under HR0280 must do so within 300 days of the alleged violation.

#### **ADMINISTRATIVE LEAVE**

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

## **CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS**

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

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

## **STANDARD OF PROOF**

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

## **RIGHT TO AN ADVISOR**

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

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

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

## **RIGHT TO A SUPPORT PERSON**

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



## **INVESTIGATIONS**

Within three (3) business days of receiving a Formal Complaint, the Title IX Coordinator will refer the Formal Complaint to an investigator, who will investigate the allegations.<sup>18</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.

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 the Director of Human Resources 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

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<sup>18</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.

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 times frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the complexity of the disciplinary proceeding; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, Advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening University holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances. In the event that the need arises to adjust the timelines described above or those previously communicated to the Complainant and the Respondent for good cause, the University will notify the Complainant and the Respondent in writing of the reason for the delay and the expected adjustment in timelines.

#### **POSSIBLE SANCTIONS**

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

Any sanction imposed may be appealed as set forth above and in Appendix D-1. Once a sanction decision is final, the University will ensure the effective implementation of the final sanctions. The Title IX Coordinator is responsible for 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/title-ix/\*](https://utsouthern.edu/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 Title IX Coordinator, in consultation with HR, 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 the Title IX Coordinator. 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 Title IX Coordinator, in consultation with HR, will decide whether an objection is justified, and that decision is final. If a Title IX Hearing Officer is removed based on an objection, Title IX Coordinator, in consultation with HR, 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 Title IX Coordinator, and the Title IX Coordinator 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 Title IX 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 the Title IX Coordinator 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 Director 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 Title IX 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 Title IX, staff appeals will be submitted to the Director 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 Director 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 Director 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>19</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 the 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.

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<sup>19</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>20</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 Josie Brown, the University’s Clery Compliance Coordinator, at [jbrown@utsouthern.edu](mailto:jbrown@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

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<sup>20</sup> The names and contact information for Title IX Officials are listed in Section 4 of the Policy.

- (2) Report the incident to the University:
  - Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours<sup>21</sup> after receiving the report). 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;
- (3) Share personally identifiable information about the incident with law enforcement (including Security) without the Complainant's consent; and/or

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<sup>21</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.

(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.