



# 2022 ANNUAL SECURITY REPORT



THE UNIVERSITY OF  
TENNESSEE  
HEALTH SCIENCE CENTER.

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## MESSAGE FROM CHIEF OF POLICE ANTHONY BERRYHILL

The year 2021 brought about new challenges for us here at the University of Tennessee Health Science Center Police Department. And as the Chief of Police, I am committed to facing all challenges head on by being flexible enough to make adjustments necessary to maintain a safe campus environment for all those that study, work, or visit. This publication includes UTHS's crime data for years 2019, 2020, and 2021, reports, various policies, and recommendations to both maintain and improve our campus safety. It is my goal to provide a quality level of service by remaining focused, innovative, proactive, and transparent. This department is and shall always remain committed to working in the campus community as a public servant responsively addressing the campus needs. As always, let us be reminded that the overall safety the UTHSC campus will be better served if we all do our part in maintaining this quality level of service. If you see something, say something.

## UTHSC CAMPUS POLICE DEPARTMENT OVERVIEW

The University of Tennessee Health Science Center campus boasts a current population of over 8,000 faculty, staff, and students. As in all communities, public safety, crime, and the loss of property are a daily concern. This report reflects our commitment to providing services in a professional manner to the public that we serve. It is our hope that you

will find everything here that you need to know about safety, security, and police services. Our web page has been redesigned to facilitate easy access to our most requested information on programs and services, crime information, and our annual safety report, which contains various reports and links to comprehensive crime statistics for our campus.

The UTHSC Police Department (UTHSC-PD) is responsible for the safety and security of the campus and the University community. We believe everyone can play an important role in keeping the UTHSC campus a safe place to learn, work and live. By following a few safety guidelines--such as securing your personal property and reporting suspicious activity and suspicious persons right away — YOU can help the UTHSC-PD deter criminal activity. Please take an active ownership role in making the UTHSC a safer community.

The UTHSC-PD reports to the Office of the Executive Vice Chancellor. The contact information is as follows:

**Office Location:**  
Mooney Building  
875 Monroe Avenue, Suite 300  
Memphis, TN 38163  
901.448.4797

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## MISSION

The Mission of the Campus Police Department is to support the research and educational mission of the UTHSC by providing the university community and its visitors with a safe environment in which to learn, work, live, and grow.

## CORE VALUES

We will accomplish our Mission by maintaining a commitment to serve the community with excellence. We will also serve in a professional, courteous manner, while affording dignity and respect to all individuals.

## Contact Information:

UTHSC-PD address: UTHSC Police Department | 3 North Dunlap, Memphis, TN 38163  
E-mail: [utpolice@uthsc.edu](mailto:utpolice@uthsc.edu)  
Telephone: 901.448.4444  
Emergency: Dial 911

## OFFICERS AND TRAINING

Personnel functions of the Campus Police are handled by the Chief of Police. These include screening, selection, training, equipping, deploying, scheduling, and record keeping. All police officers undergo a variety of training activities. Basic police officer training currently requires 460 hours of instruction at a state or regional police training academy. All incoming officers must attend 4-8 weeks of orientation on departmental and University-wide policies, rules, and regulations. Police officers receive basic police training at The Tennessee Law Enforcement Academy (TLEA) located in Nashville, Tennessee, the Memphis Police Academy, or the Shelby County Sheriffs' Academy within their first six months of employment, and 40 hours of in-service training annually. Police officers undergo training in areas of first aid, cardiopulmonary resuscitation (CPR), active shooter, child abuse, police defensive tactics, officer stress, report writing, crime scene preservation, law, as well as other related topics.

## AUTHORITY, JURISDICTION AND WORKING RELATIONSHIP WITH SURROUNDING AGENCIES

The University of Tennessee and its Board of Trustees, through a State Police Commission authorized by T.C.A. 49-7-118, et seq., may establish a University police service. Police officers receive the Commission on Peace Officers Standard and Training (POST) certification. They have general police powers, including powers of arrest necessary to enforce Federal and State laws, as well as the university rules and regulations.

On all property owned, operated or controlled by UTHSC, its police officers have the responsibility for the detection and suppression of criminal activities. This is accomplished through the enforcement of federal laws, state laws, ordinances, and the University of Tennessee regulations. The enforcement process is carried out through a variety of discretionary alternatives, such as arrest and incarceration, detention and referral reporting, and investigations. The Chief of Police functions as the administrative head of the department.

The organizational structure of the UTHSC Campus Police is comprised of the Chief of Police, Deputy Chief, Lieutenant, Detective, Police Sergeants, Police Officers, Community Service Officers, Security Officers, Police dispatchers and clerical personnel.

UTHSC-PD's officers are empowered "to enforce all state laws as well as rules and regulations of the ... Board of Trustees." The authority granted" extends to all facilities or property owned, leased, or operated by the...Board of Trustees, including any public roads or right-of-way which are contiguous to or within the perimeter of such facilities or property."

As set forth by the statute and as a matter of policy, these officers are authorized and expected to exercise full police powers necessary while on UT property, as defined above. Officers may also exercise full police powers on "public roads or right-of-way, which are contiguous to or within the perimeter" of The UT Health Science Center campus; such action, however, must be limited by the following guidelines:

- The Shift Supervisor of each shift is required to respond to all such incidents on the perimeter of the campus in a lawful, prudent manner.
- The Memphis Police Department (MPD) must be advised at the onset of any off-campus police action, and the matter will, if appropriate, be turned over to the MPD upon its arrival at the scene.

The Campus Police Department has a written "Memorandum of Understanding" (MOU) with the City of Memphis and the Memphis Police Department extending statutory authority to the Medical Center District.

## MONITORING AND RECORDING OF CRIMINAL ACTIVITY

UTHSC-PD does not provide law enforcement service to off-campus residences of recognized fraternity and sorority organizations nor are activities off-campus recognized by University authority. Criminal activity at recognized fraternity and sororities residences is monitored and recorded by the Memphis Police Department or Shelby County Sheriff's Department. UTHSC-PD has a close working relationship with the Memphis Police Department when violations of federal, state, or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns.

## REPORTING A CRIME, EMERGENCY OR SUSPICIOUS ACTIVITY

Community members, students, faculty, staff, and guests are encouraged to promptly and accurately report all criminal incidents, suspicious activity, and other public safety related emergencies and incidents to UTHSC-PD, another appropriate law enforcement agency, or to designated UTHSC officials. This includes situations in which the victim of such crime either elects or is unable to report an incident. The intent of this statement is to balance empowering victims to make the decision about whether and when to report a crime and encouraging members of the campus community to report crimes of which they are aware.

Promptly reporting criminal incidents, suspicious activity, and other emergencies and incidents to UTHSC-PD or other designated UTHSC officials assists the University in issuing emergency notifications or timely warnings, as required by the Clery Act, and including the incident in the University's annual crime statistics.

Reports of Clery Act crimes filed through a Campus Security Authority (CSA), as defined by the Clery Act, provided to the Clery Coordinator or UTHSC-PD will be included in the University's annual crime statistics published in the Annual Security Report. All statistics enclosed in the Annual Security Report are anonymous. This publication focuses on UTHSC-PD because it patrols the UTHSC campus.

**To report a crime or an emergency on the UTHSC campus,** call UTHSC-PD at extension 8-4444, or, from outside the University, 901.448.4444. To report a non-emergency security or public safety related matter, call UTHSC-PD at the same numbers above.

**To report suspicious or criminal activity or other emergencies,** dial the Campus Police Dispatcher at Extension 8-4444, or when off campus 448.4444. The UT Campus Police provides twenty (24) hours, seven (07) days a week uniform foot and vehicle patrol service on campus and contiguous streets. Additionally, the police department operates a twenty-four (24) hour communication office. A dispatcher is always available to obtain information or notify campus police of the problem.

In the event of an accident, crime or other emergency on campus, DIAL CAMPUS POLICE FIRST (901.448.4444), BEFORE DIALING 911. City Police are not familiar with all of the buildings on campus and dialing 911 first may slow response time. Once contacted, campus police will respond and contact the appropriate personnel, including Memphis police, if necessary.

The communication office telephone numbers are widely published in city campus directories, crime prevention literature, and also provided in orientation sessions. Help phones are also available at various locations with direct access to communications.

**"Blue Light"** emergency telephones have been strategically located throughout the campus; faculty, staff and students are urged to use these phones to report suspicious or unusual behavior. Note the location of these phones and make a test call to assure yourself that the system works - if you place such a call, however, please inform the dispatcher at the onset that your call is a "test." If you have any questions or problems we can help you with during your experience at UTHSC, please feel free to stop by our office at 3 North Dunlap, Memphis, TN 38163.

Victims of crimes may contact the police communication office and a police officer will be dispatched to their location. An offense report will be prepared, and a full investigation will be conducted. Mutual cooperation is maintained with city, county, state, and federal law enforcement agencies for processing criminal incidents in the appropriate jurisdiction.

Specialized assistance and counseling are available not only from within the University, but also through local support agencies, such as the Memphis Sexual Assault Resource Center. Victims of any sexual assault are encouraged to notify police authorities as soon as possible. The campus police will come to the scene and start the initial report as well as notify the proper personnel required for the nature of the call.

If you are the victim of a personal injury, or a witness to an injury to another party, please notify the campus police communication office to speak with a police dispatcher (8-4444). The dispatcher will immediately dispatch a police officer, contact the appropriate medical personnel in University Health and contact the Memphis Fire Department to dispatch an ambulance, if one is required.

If you have seen a crime or have been a victim of a crime yourself and would like to report it anonymously, please submit a confidential/silent witness report, by visiting UTHSC's Campus Police Confidential/Silent Witness Report, also located at: <https://oracle.uthsc.edu/pls/html/db/prd/f?p=113802:4:5269302923554495>

## LIST OF CONTACTS FOR REPORTING

Below is a list of titles of each person or organization to whom students and employees should report Clery Act crimes for the purpose of making timely warning reports and the annual statistical disclosure.

DEPARTMENT/COLLEGE	POSITION
Academic Affairs	Vice Chancellor, Associate Vice Chancellor, Director, Associate Director
Campus Police	Chief of Police, Deputy Chief of Police, Police Lieutenant, Police Sergeant, Police Officers, Security Guards, Dispatchers
Campus Recreation	Director
Center for Biomedical Informatics	Director
Center for Developmental Disabilities	Associate Director
Center for Healthcare Improvement and Patient Simulation - IPECS	Director
Chancellor	Chancellor
College of Dentistry - Administration	Dean, Associate Dean
College of Graduate Health Sciences - Administration	Assistant Dean, Coordinator I
College of Allied Health Sciences Administration	Dean, Assistant Dean, Coordinator I
College of Medicine - Administration	Executive Dean, Associate Dean, Director
College of Medicine - Admissions	Assistant Dean
College of Medicine - Graduate Medical Education	Assistant Dean, Director, Residency Coordinator
College of Medicine - Infectious Diseases	Associate Vice Chancellor and Professor
Administration-College of Nursing	Assistant Dean
Administration-College of Pharmacy	Assistant Dean, Associate Dean
College of Medicine - Ophthalmology	Director
College of Medicine - Pediatrics	Assistant Director
College of Medicine - Preventive Medicine	Director
College of Medicine - Surgery - General	Assistant Dean
College of Medicine, Chattanooga - Clinical Education	Associate Dean-Academic Affairs, Director
College of Medicine, Knoxville	Dean, Assistant Dean

College of Nursing - Administration	Assistant Dean
College of Nursing - Instructional Programs	Director
College of Pharmacy - Administration	Assistant Dean, Associate Dean
College of Pharmacy - Clinical Pharmacy	Education Technology Coordinator
Communications and Marketing	Assistant Vice Chancellor
Continuing Education - State-Wide	Director
Educational Development	Director
Inclusion, Equity and Diversity	Assistant Vice Chancellor
Executive Vice Chancellor	Executive Vice Chancellor
Finance	Vice Chancellor, Bursar
Human Resources	Associate Vice Chancellor
Institutional Review Board	Director, Associate Director
Parking Services	Director
Research - Molecular Resource Center	Director, Associate Director
Safety Affairs	Director
Special Events	Director
Student Academic Support Services and Inclusion	Assistant Vice Chancellor, Assistant Director, Coordinator I
Student Affairs	Associate Vice Chancellor, Registrar, Director, Assistant Director, Associate Director, Assistant Registrar, Coordinator I
Student Government Association Executive Council (SGAEC)	President
University Health Services	Physician, Coordinator III
West Tennessee Regional Forensic Center	Director



## PASTORAL AND PROFESSIONAL COUNSELORS

In accordance with the Clery Act, professional counselors are not considered campus security authorities (i.e., they are not obligated to report crimes for Clery statistics). The term “professional counselor” means a University employee whose official responsibilities include providing mental health counseling to members of the University’s community and who is functioning within the scope of his/her license or certification. The University does have procedures for encouraging professional counselors, if and when they deem appropriate, to notify persons whom they are counseling of the voluntary, anonymous reporting options to ensure that an incident is included in the University’s annual disclosure of crime statistics, or for the purposes of issuing a timely warning.

The University does not employ pastoral counselors. Pastoral counselors not employed by the university are not obligated to report crimes to UTHSC-PD. In addition, UTHSC 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.

## REPORTING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

Additional information concerning options for reporting sexual assault, dating violence, domestic violence, and stalking can be found in UTHSC’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, a copy of which can be found in Appendix C. This policy also provides information on confidential resources that are alternatives to reporting an incident to the University.

## TIMELY WARNING

The UTHSC Campus Police (UTHSC-PD), in consultation with the Executive Vice Chancellor or his/her designee, is responsible for issuing timely warnings in compliance with the Clery Act.

Anyone with information warranting a timely warning should report the circumstances to UTHSC-PD. In the event that a situation arises that requires issuance of a warning, these warnings are provided to keep the campus community informed about safety and security matters on an ongoing basis and in an effort to prevent similar crimes from occurring.

The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the Clery Act and considering all available facts surrounding the campus community, whether the crime is considered a serious or continuing threat to students or employees and the possible risk of compromising law enforcement efforts. Timely warnings are usually issued when the reported incident is a Clery Act crime which:

1. Is reported to UTHSC-PD or Clery Coordinator directly or reported to UTHSC-PD or Clery Coordinator indirectly through a University campus security authority or a local law enforcement authority;
2. Occurs on the university’s Clery geography (i.e., on campus, in or on a non-campus building or property in use or controlled by the university, or on public property immediately adjacent to the university); and,
3. Is considered by the institution to represent a serious or continuing threat to University students and employees, or their property.

Timely Warnings, known on the UTHSC Campus as a “Campus Alert” are designed to heighten safety awareness to the campus community and aid in the prevention of similar crimes. UTHSC-PD’s assessment of the threat potential coupled with circumstances of any specific situation will dictate the need and manner of issuance of a Campus Alert. The determination by the Chief of Police or his/her designee that a Campus Alert should be issued, and the actual issuance of the Campus Alert, typically will be accomplished as soon as pertinent information is available to UTHSC-PD. However, UTHSC-PD typically does not issue a Campus Alert for an incident for which a report was filed with UTHSC-PD more than five days after the alleged incident.

Upon receipt of all relevant information, such warnings will typically be issued within twenty- four hours. A timely warning will contain pertinent information about the incident to enable persons to protect themselves or their property and aid in the prevention of similar crimes. The Campus Police Dispatcher prepares an appropriate message which is proofed by the Chief of Police or designee prior to being sent to the campus community. Since the Campus Alert is issued via text messaging, and therefore is limited in length, the reviewing authority will ensure that the message contains at least enough information to convey the threat and provide guidance to the receiving audience. Campus Alerts are issued via text messaging and email.

In the event that a situation arises that, in the judgment of the Chief of Police, constitutes an ongoing or continuing threat, a campus wide timely warning will be issued. The warning will be issued through the University's alert system to students, faculty and staff.



**UTHSC Alert** is the notification service that the University uses to communicate timely warnings by email and text message with students and employees.

During an emergency situation, every second counts and communication is critical. That is why Campus Police has taken steps to ensure that you receive emergency notifications at your UTHSC email address. It is also easier than ever for you to register additional emails, cell phone numbers, and pager numbers so that you receive alerts regardless of where you are or what device you use.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Campus Police Department may also post a notice on the campus-wide electronic bulletin board, providing the university community with more immediate notification. In such instances, a copy of the notice is posted around campus. Anyone with information warranting a timely warning should report the circumstances to the Campus Police Department, by phone (901.448.4444) or in person at 3 North Dunlap.

The Clery Act does not require the University to issue a timely warning for: (1) a Clery Act crime that occurs outside of University Clery Geography; or (2) for a crime that is not a Clery Act crime, even if that crime occurs on the University's Clery Geography. However, the Chief of Police may, in his discretion, issue a timely warning for a crime for which the Clery Act does not require the University to issue.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The Clery Act requires the University to have and disclose the following emergency response and evacuation procedures, which the University will follow in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Information about UTHSC's emergency response and evacuation procedures can be found in the University's Emergency Response Plan which is located at: [uthsc.edu/research/safety/documents/emergency-response-plan.pdf](http://uthsc.edu/research/safety/documents/emergency-response-plan.pdf).

### EMERGENCY RESPONSE

The Emergency Response Plan is intended to provide a system for handling emergencies that are of sufficient magnitude to cause a significant disruption of the functioning of all of the activities on the UTHSC campus and within its community.

Every emergency situation requires a specific response in terms of how the Police must respond. Our response is determined by the need of our recourses and whether the incident is criminal in nature.

UTHSC has detailed plans in place to deal with emergencies and crisis that may occur on campus. The type of emergency will require Campus Police to address each one on an individual basis; however, we have guidelines that have been set in place to ensure containment of the incident. Those guidelines can be located in UTHSC's Emergency Response Plan which is located at: [uthsc.edu/research/safety/documents/emergency-response-plan.pdf](http://uthsc.edu/research/safety/documents/emergency-response-plan.pdf).

Currently, the UTHSC Campus Police Department experiences more activities involving emergencies which are defined as "Minor Emergencies," those which have limited impact on the universities overall functioning. Most of these emergencies are not criminal in nature and must be addressed through a coordinated effort by the colleges to bring about a successful plan of action during an emergency.

### EVACUATION

Evacuation procedures are divided into two categories, building evacuation and campus evacuation.

#### Building Evacuation

Building Evacuation is the result of a situation when it is no longer safe to remain inside a building. The procedure is as follows:

- An evacuation will occur when the fire alarm sounds and/or notification is made by the Memphis Fire Department, the Memphis Police Department, University of Tennessee Health Science Center Campus Police, or the Building Manager for Emergencies.
- The evacuation should be accomplished by following the building evacuation routes as indicated on various signs throughout the building.
- Employees should leave by the nearest marked exit and alert others to do the same.

- Handicapped employees should be aided in exiting the building.
- In no situation should elevators be used to evacuate the building.
- Once outside the building, employees should proceed to a pre-determined clear area that is at least 500 feet away from the affected building. Streets, fire lanes, hydrants, and walkways should be kept clear for emergency vehicles and personnel.
- The Building Manager for Emergencies should take roll to see that all persons are accounted for.
- Employees should not return to the building until directed to do so by Campus Police. Principal investigators [2], with positive UTHSC identification, should be given priority by Campus Police to return to their area in the building.

### **Campus Evacuation**

In case of a community-wide disaster, such as a major earthquake or transportation-related hazardous material release, it may be necessary to evacuate all of the buildings at University of Tennessee Health Science Center.

- Announcement for a campus-wide evacuation could come from Campus Police, the Chancellor's Office, the Building Manager for Emergencies, building alarm systems, or the Memphis and Shelby County Emergency Management Agency, through the Emergency Broadcast system.
- Many of the procedures listed for building evacuation would apply:
  - o The evacuation should be accomplished by following building evacuation routes as indicated on various signs throughout the building. Employees should leave by the nearest marked exit and alert others to do the same.
  - o Handicapped employees should be aided in exiting the building.
  - o In no situation should elevators be used to evacuate the building.
- Employees should proceed to their appropriate assembly points, which should be specifically identified on various signs throughout their building. These assembly points are as follows:
  - o Persons in buildings south of Union Avenue should assemble at the UT Doc's Field.
  - o Persons north of Union Avenue, east of the Boling Center, and west of the Region One Medical Center, should assemble in Forrest Park immediate opposite the General Education Building.
  - o Persons in the vicinity of the Boling Center (north of Union, west of Manassas) should assemble in the "F" parking lot at the southwest corner of Orleans Street and Court Avenue.
  - o Persons in the vicinity of Coleman, the Madison Avenue Plaza, and the Doctors Office Building should assemble in parking lot immediately east of the Coleman Building.

### **Fire or Fire Alarm**

- You should immediately activate the building alarm system upon detecting a fire or visible smoke.
- All Faculty, Staff, and Students must immediately report all fires, regardless of size (even if extinguished); smoke; or fire alarms on campus to UTHSC Police Department by dialing 448.4444. The Campus Police Department dispatches all emergency calls on campus. All buildings on UTHSC Campus have local fire alarm systems that do have off site central station monitoring. Currently there's one building on campus that does not have any fire alarm systems (220 South Dudley UTHSC Cupboard, therefore it is imperative that someone notify the Campus Police Department of fires a fire alarms at 901.448.4444 as soon as it is safe.

### **Medical Emergencies**

All employees may request an ambulance and medical assistance on campus by dialing 448-4444. The Campus Police Department dispatches all emergency calls on the UTHSC campus. Be prepared to state your location and the nature/severity of the emergency.

### **All Other Emergencies:**

All other emergencies on campus may also be reported by dialing 448-4444. Be prepared to state your location. The Campus Police Department dispatches all emergency calls on campus.

### **Fire or Fire Alarm:**

- ACTIVATE the building alarm system upon detecting a fire or visible smoke and immediately evacuate the building.
- REPORT ALL FIRES, regardless of size (even if extinguished); smoke; or fire alarms on campus to the Campus Police Department by dialing 448.4444. Be prepared to state your location and the nature/severity of the emergency.

### **Bomb Threats:**

Report bomb threats or the discovery of suspicious objects or devices on campus by dialing 448.4444. Be prepared to state your name and location. Do not use cell phones within 300 feet of the suspected location!

- Bomb Threat Checklist: [uthsc.edu/campus-police/emergency-response/bomb-threat-checklist.php](http://uthsc.edu/campus-police/emergency-response/bomb-threat-checklist.php) (Reproduce and place this form near your telephone)

### **Inclement Weather**

If inclement weather occurs, Health Science Center students, faculty and staff may stay informed of the campus' status by:

- Calling 44UT ICE (448.8423). Since the hot line can provide the most up-to- date information, it will be the official information source;
- The Health Science Center Web site - [www.uthsc.edu](http://www.uthsc.edu); and ,
- Local television and radio stations.

### **Tornadoes:**

Alert the building occupants and move to the safest place in your building and/or complex. DO NOT PULL THE FIRE ALARM – do not leave the safety of the building.

- Seek shelter in the middle of the building. Take cover under heavy furniture or in an interior hallway against a strong, inside wall on the lowest floor. Do not attempt to drive.
- Follow the instructions of emergency response personnel or remain in the hallway until the Campus Police, Safety Officer, Fire Department, Emergency Management, or other emergency response personnel give the all clear.

### **Persons with Disabilities:**

If you have a disability, you should notify your instructor in each of your classes or your supervisor that you have a disability and will require assistance in case of an emergency.

Instructors or supervisors must notify emergency response personnel, either police or fire department, of any persons with disabilities in their classes or area of responsibility.

## **HOW TO REPORT AN EMERGENCY**

Any member of the University of Tennessee Health Science Center community, faculty, staff, or student, upon learning of any emergency from any source should immediately communicate such information to Campus Police at 901.448.4444. Personnel should not assume that Campus Police has already learned about the emergency. As much information as possible should be communicated to Campus Police, but at a minimum this should include:

- Identification of caller
- Location of Emergency
- Nature of emergency, including extent of damage and possible assistance needed
- Time the information was received.

If you are notified of or involved in an emergency or crisis, stay calm, assess the situation, and be prepared to take safety precautions based on your personal situation.

- Stay away from the area of the emergency or crisis.
- Find a safe place and stay there until you are notified that the emergency is over.
- If you are directly affected by the emergency, (call 911 if you are not on Campus) or UTHSC Police at 901.448.4444 as soon as it is safe to do so.

Provide as much information as you can and stay on the phone until told to hang up.

- Alert others if you can without endangering yourself.
- Evacuate the area by a safe route if possible.
- If the emergency is an active threat and you are unable to evacuate the area, attempt to seek an area of safe refuge.
- If you must seek refuge, secure doors and windows as quickly as possible and barricade as many items between you and the threat.
- Do not attempt to make contact with the individual(s) responsible for the threat unless no other option is available.
- Once in a secure location, do not open the door for anyone but the police.

## EMERGENCY NOTIFICATION SYSTEM

UTHSC will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Examples of emergencies that will result in emergency notification activations include: Fires; Tornado warnings; Campus closures and delays (winter storm); Active Shooter; Utility outages (power, network); Evacuations; and Criminal activity. As used in this section, "confirmation" generally means that UTHSC has verified that a legitimate emergency or dangerous situation exists involving an immediate threat to the health or safety of students or employees occurring on the campus. The Campus Police Shift Supervisor (supervisor in charge) will communicate immediately with the Chief of Police, the Director of Safety, the Director of Facilities, and the Chief of Staff. If a Major Emergency or Disaster is declared, the rest of the campus will be notified through the Campus Communications Network procedures.

UTHSC will, without delay, and taking into account the safety of the community, determine the content of the emergency notification (i.e., what information to release about the situation), and initiate the emergency notification system, unless issuing an emergency notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency or dangerous situation. Emergency notifications are generally short and very direct. UTHSC has the ability to amend the content of the message. UTHSC will also determine the appropriate segments(s) of the campus community to receive an emergency notification. UTHSC will determine if notification will be specific to a geographic area of campus. The incident dictates the appropriate area(s) to be notified.

Below is the list of the titles of the person or persons or organization or organizations responsible for: 1) confirming that there is a significant emergency or dangerous situation; 2) determining the appropriate segment or segments of the campus community to receive a notification; 3) determining the content of the notification; and 4) initiate the notification system.

Executive Vice Chancellor and Chief Operations Officer  
Chief of Police  
Deputy Chief of Police  
Police Shift Commander  
Dispatch Supervisor  
Assistant Vice Chancellor of Communication and Marketing

In the event that the campus community must be notified of an emergency or crises on campus, the following mechanisms could be used:

- Mobile Phone (via SMS)
- Phone messaging system
- Text messaging utilizing UTHSC Alert
- Web Pages:
  - UTHSC Home webpage
  - Campus Police website
- RSS
- PDA
- E-mail alerts to all faculty, staff, and students
- Text Pager
- Google, AOL or My Yahoo Page
- Media alerts to local TV and radio outlets
- Campus Plasma Monitors

UTHSC Alert is one of the notification methods that the University uses to communicate emergency notifications by email and text message with students and employees and on digital signage within campus buildings. During an emergency situation, every second counts and communication is critical. That is why Campus Police has taken steps to ensure that you receive emergency notifications at your UTHSC email address. It is also easier than ever for you to register additional emails, cell phone numbers, and pager numbers so that you receive alerts regardless of where you are or what device you use.



UTHSC Alert simplifies the process by which you register to receive emergency notifications. Key changes include the following:

- Automatic account creation and registration of your UTHSC email address: If you are a faculty member, staff member, retiree, student, postdoc, or resident with an active NetID, a UTHSC Alert account already has been created for you and your UTHSC email address has been registered to receive notifications.
- Easy login with your NetID and password to register additional email addresses and phone/pager numbers: You now can log in to your UTHSC Alert account with your NetID and password and add up to two cell phone or pager numbers and five additional email addresses. This will increase your odds of receiving a text or email notification regardless of your location or device on hand.
- Simplified registration process for non-UTHSC members: Parents of UTHSC students, vendors working on campus, and other members of the community who want to receive emergency notifications no longer have to create an account to register. All they have to do is text the word UTHSC to 79516 on their cell phone or pager.

Sending notifications via UTHSC Alert is just one step the university takes to secure our campus during emergencies. For more information about emergency planning at the University of Tennessee Health Science Center, visit: [uthsc.edu/campus-police/emergency-response/index.php](http://uthsc.edu/campus-police/emergency-response/index.php)

If you need help logging in to the UTHSC Alert system or managing your account, please refer to the Frequently Asked Questions or contact the Help Desk at [helpdesk@uthsc.edu](mailto:helpdesk@uthsc.edu) or 448.2222.

### **Campus Communications Network**

Once a major emergency or disaster has been declared, the Campus Communications Network should be activated. In such a case, the following outlines who is responsible for contacting various members of the UTHSC staff, as well as outside agencies:

#### **Campus Police Shift Supervisor:**

- Memphis Fire Department
- Memphis Police Department
- Chief of Police
- Director of Safety
- Director of Facilities
- Shelby County Office of Preparedness and
- Memphis Office of Emergency Management

#### **Chief of Police:**

- Director of Marketing and Communications
- Chief of Staff

#### **Chief of Staff:**

- Chancellor
- Vice Chancellors and Deans
- Manager of Radiation Safety (as appropriate)
- Staff Support (as appropriate)
- Environmental Response Contractors (as appropriate)

#### **Director of Facilities:**

- Manager of Buildings and Grounds
- Manager of Plant Operations
- Memphis Light, Gas, and Water Division
- Director of Facilities Planning Services

#### **Deans:**

- Departmental Chairs (as appropriate)

#### **Vice Chancellors:**

- Associate and Assistant Vice Chancellors, and
- Directors/Managers (as appropriate)

The Office of the Chancellor is responsible for maintaining the Campus Communications Network for UTHSC (including names and phone numbers) on an up-to-date basis.

## TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

To ensure that all registered UTHSC users have the ability to receive emergency messages, an announced campus-wide test is administered annually.

UTHSC conduct Evacuation Procedures on an annual basis for each campus building. These evacuation procedures include Campus Police participation.

- The tests are announced in the form of email to building managers for each building 7 days before, 3 days before, and the day of the drill. The announcement contains the date, time, location, instructions and the evaluation assembly area for the drill.
- UTHSC will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year.
- Documentation of each drill is maintained in the Fire Safety Office.
- UTHSC works with the Campus Police, the local Law Enforcement, and Fire Department to inform the institution about situations reported to them that may warrant an emergency response.
- For information regarding the functional needs population see the provided link: [uthsc.edu/campus-safety/functional-needs-population.php](http://uthsc.edu/campus-safety/functional-needs-population.php)

## SECURITY AND ACCESS TO CAMPUS FACILITIES

All individuals associated with the University of Tennessee Health Science Center, are required to wear a UT ID card in a visible fashion and must present it upon request of UT police officers, faculty or staff. This requirement became effective in January 1991. Key control is absolutely essential in providing adequate security for UT Health Science Center facilities and activities. All personnel who are entrusted with keys must closely adhere to the policies and procedures outlined in this document.

The University's campuses and facilities shall be restricted to students, faculty, staff, guests and other invitees except on such occasions when all or part of the campuses, buildings, stadia and other facilities are open to the general public.

### General

1. This document outlines policies and procedures governing ID cards and the Card Reader System as well as UT building keys and the Key Control Program. Sample forms for use in implementing these policies and procedures are attached.
2. The Chief of Campus Police will have the principal responsibility for administering the Identification Card/Card Reader System and the Key Control Program for the UT Health Science Center campus and shall be available for consultation and advice in resolving security related questions. Only the Chancellor or his designee can overrule Campus Police in matters of Identification Cards/Card Reader System and Key Control.
3. The Identification Card and keys issued by Campus Police and Key Control to faculty, staff, and students is for their official use on the UT Health Science Center campus. The Identification Card and all building keys remain the property of the University and must be returned to Campus Police and Key Control upon termination or transfer, etc. Failure to return the ID and keys will subject the individual to penalties and restrictions outlined elsewhere in this document.
4. Students, upon graduation, may retain their ID cards, ONLY IF the graduation date on the card is the correct expiration date. Students, upon withdrawal, must return their ID cards. Failure to return ID cards will result in penalties and restrictions outlined elsewhere in this document.
5. Vice chancellors, deans, chairpersons, department heads and directors having approval authority for issuance of card reader ID cards and keys will insure that proper controls and safeguards are maintained to protect the integrity of the Security Card Reader Access System and security of UT Health Science Center facilities and activities. They will likewise ensure that card reader access authorization and key authorizations are limited to those individuals within their activity who have an official need.

## SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

UTHSC's Facilities Services strives to ensure that campus facilities, grounds, and landscaping are maintained in such a way as to eliminate natural obstructions that could become safety concerns. UTHSC has over 100% of its academic and research facilities having card swipe access externally and internally. Several buildings have access to open/close at predetermined times/dates (timed door locks). The remaining buildings have preset times/dates that the card swipes will allow access.

There are twenty-one (17) help phones (Emergency Call Boxes) located throughout the UTHSC Campus in strategically locations. When activated they will automatically contact the UTHSC-PD dispatcher. Throughout the UTHSC Campus, there are over 3,800 security cameras with strategic locations. Security cameras are found in the interior and exterior of the UTHSC buildings.

### **Escort Service**

Campus Security and Police Officers escort staff, faculty, and students within the Medical Center area from dusk to dawn hours; or other appropriate periods, such as weekends and/or holidays. The escort service may be provided by University vehicle or foot, whichever is appropriate. Escorts are not provided for individuals outside of the medical center, and beyond the normal designated campus area. Occasionally, emergency escorts may be granted in rare instances; but such request(s) must be approved by the Chief of Police, Shift Commander or their designate. Escorts are provided and limited for personal safety conveniences, and it is not a shuttle service.

Individuals requesting an escort should call the Campus Police Dispatcher at 448.4444, give their location, destination, and name.

### **Security**

Providing security for the University's property is accomplished on a 24-hour-a-day, seven-days- a-week basis by maintaining control over the property contained on the University sites. This constitutes the second major utilization of man- hours. Locking and unlocking doors and windows, securing gates, activating alarms, and continued checks of University facilities are only a part of this function. Officers who are on patrol respond to alarms that have been activated.

### **Patrol**

The patrol activity constitutes the major utilization of man-hours. This function involves preventative patrol of all properties owned, administered, controlled or utilized by the University. The purpose of the patrol is to detect problems of either a traffic, security or safety nature.

### **Traffic**

The traffic function involves parking enforcement, the issuance of citations and accident investigation on the campus and other streets contiguous to the University.

### **Solicitation on University Property**

Both commercial and noncommercial solicitation are prohibited in non-public areas of the university.

### **Solicitation in Public Areas**

Solicitation and sales in public areas are restricted to invite's and registered organizations and to faculty, students and staff of the University, with prior approval. Such solicitation is subject to reasonable restrictions as to time, place and manner.

### **Dormitories or Residential Facilities**

The University of Tennessee Health Science Center does not have any on-campus student housing facilities.

## **CRIME PREVENTION AND EDUCATION**

Continually throughout the year, multiple University units facilitate programs designed to inform the community about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others.

UTHSC-PD and the Office of Inclusion, Equity, and Diversity (OIED) have literature and general information on personal safety, protection of property, sexual assault, acquaintance rape, and vacation tips. Crime prevention classes and safety seminars are held upon request, during new hire orientation and during new student orientation. Also, videos are online and are available 24/7. They can be found on the following links: [uthsc.edu/campus-police/stay-safe](http://uthsc.edu/campus-police/stay-safe). The campus community can view safety videos under the "360 Stay Safe," tab. Once logged in, one can view videos regarding the following topics:

- Alcohol and Drugs
- Protecting Your Possessions and Identity
- Sexual Assault



- Controlling Behavior
- Everyday Safety
- Common Sense Defense
- Safe Travel

Additionally:

- Campus Crime Statistics are posted each month at: [uthsc.edu/campus-police/clery-act/crime-statistics.php](http://uthsc.edu/campus-police/clery-act/crime-statistics.php)
- Campus Safety Tips are available online at: [uthsc.edu/campus-police/public-safety/tips.php](http://uthsc.edu/campus-police/public-safety/tips.php)

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

The University of Tennessee Health Science Center 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.

UTHSC’s Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking (“Policy”) can be found in Appendix C of this report. The primary purposes of this Policy are to: (1) define, eliminate, prevent, and remedy the effects of Prohibited Conduct; (2) identify care, support, and reporting options for students and employees; (3) explain the obligations of employees to report Prohibited Conduct to the University; and (4) identify the grievance procedures the University will follow to thoroughly, equitably, and promptly investigate and resolve reports of Prohibited Conduct. Additional information about each campus’s procedures and training and prevention programs relating to Prohibited Conduct can be found online at [uthsc.edu/oied/titleix.php](http://uthsc.edu/oied/titleix.php).

## PROHIBITED CONDUCT

The University prohibits the following conduct:

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

## SCOPE AND APPLICABILITY AND JURISDICTION

The Policy applies to the conduct of and protects:

- Students of the University of Tennessee Health Science Center
- Employees and affiliates of the University ; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

The Policy applies regardless of an individual’s sex, sexual orientation, gender identity, or gender expression. Prohibited Conduct can occur between individuals regardless of their relationship status and can occur between people of the same or of different sexes, sexual orientations, gender identities, or gender expressions.

With respect to employees and other non-students, the 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 if the conduct adversely affects the interests of the University, 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) involves another member of the University community; or (3) 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. Under this Policy, a "Complainant" is 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 the Policy. The "Respondent" is an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

## **PROCEDURES STUDENTS SHOULD FOLLOW IN THE CASE OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING**

### **Preserving Evidence**

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;
- 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.

### **Seeking Medical Attention**

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. More information regarding medical care and the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order can be found in **Appendix C** of this report.

### **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. 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 about the procedures students should follow and how and to whom the alleged offense should be reported can be found in Appendix C.

### **Reporting to Police**

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

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

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

INCIDENT LOCATION	CONTACT
Regardless of where the incident occurred	<p>Call 911 in an emergency or            UTHSC Campus Police            3 N. Dunlap Street, Memphis, TN            901.448.4444  <a href="http://uthsc.edu/campus-police">uthsc.edu/campus-police</a></p>
In the city of Memphis, Nashville, Knoxville, or Chattanooga	<p><b>Memphis Police Department (MPD)</b>            201 Poplar Avenue, Memphis, TN            901.636.3700  <a href="http://www.memphispolice.org">www.memphispolice.org</a></p> <p><b>Metropolitan Nashville Police Department</b>            200 James Robertson Parkway            Nashville, TN 37201            Sex Crimes Section 615.862.7540            615.862.8600 (Non-emergency)  <a href="https://www.nashville.gov/departments/police/investigative-services/interpersonal-crimes-branch/special-victims-division">https://www.nashville.gov/departments/police/investigative-services/interpersonal-crimes-branch/special-victims-division</a></p> <p><b>Knoxville Police Department</b>   800 Howard Baker Jr. Ave Knoxville, TN 37915            865.215.7450 (Non-emergency)  <a href="http://knoxvilletn.gov/government/city_departments_offices/police_department">knoxvilletn.gov/government/city_departments_offices/police_department</a></p> <p><b>Knox County Sheriff</b>   400 Main Street, Suite L165, Knoxville, TN 37902            865.215.2243  <a href="http://www.knoxsheriff.org">http://www.knoxsheriff.org</a></p> <p><b>Chattanooga Police Department</b>            3410 Amnicola Hwy. Chattanooga, TN 37406            423.643.5000 Dispatch: 423.698.2525  <a href="http://www.chattanooga.gov/police-department">www.chattanooga.gov/police-department</a></p>
In Shelby County but outside of the City of Memphis	<p><b>Shelby County Sheriff's Office</b>            201 Poplar Avenue, Memphis, TN            901.222.5500  <a href="http://www.shelby-sheriff.org">http://www.shelby-sheriff.org</a>            or            UTHSC-PD</p>
Outside of Shelby County	<p>Contact the law enforcement agency that has jurisdiction over the location where the incident occurred</p> <p>or</p> <p>Contact UTHSC-PD for assistance in contacting another jurisdiction's law enforcement agency</p>

## 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. 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.

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:

Dr. Michael Alston  
920 Madison Ave, Ste. 825 Memphis, TN. 39163 | 901.448.2112 | [mialston1@uthsc.edu](mailto:mialston1@uthsc.edu) | [uthsc.edu/oed](http://uthsc.edu/oed)

The University’s Deputy Title IX Coordinators are:

NAME	TITLE(S)	CONTACT INFORMATION
Kristi Forman, DBA Med	Deputy Title IX Coordinator for Faculty	400 O.W. Hyman Building, Memphis, TN 38163 901.448.3285   <a href="mailto:kforman1@uthsc.edu">kforman1@uthsc.edu</a>
Olivia Ralph, JD	Deputy Title IX Coordinator for Staff	910 Madison, 7th floor, Memphis, TN 38163 901.448.5600   <a href="mailto:oralph@uthsc.edu">oralph@uthsc.edu</a>
Will Ross, MA	Deputy Title IX Coordinator for Students	800 Madison, Suite 300, Memphis, TN 38163 901.448.1646   <a href="mailto:wross12@uthsc.edu">wross12@uthsc.edu</a>
Connie Childs	Deputy Title IX Coordinator for International Programs	910 Madison, Ste. 530-RM 514 Memphis, TN 38163 901.448.2693   <a href="mailto:connie.childs@uthsc.edu">connie.childs@uthsc.edu</a>
Wesley Byerly, PharmD	Senior Associate Vice Chancellor	910 Madison, Ste. 608, Memphis, TN 38163 901.448.7125   <a href="mailto:wbyerly1@uthsc.edu">wbyerly1@uthsc.edu</a>
Captain Joanne Morrow	Deputy Title IX Coordinator for Clery Compliance	3 N. Dunlap, Memphis, TN, 38163 901.448.6452   <a href="mailto:jmorrow9@uthsc.edu">jmorrow9@uthsc.edu</a>
Aaron Haynes	Deputy Title IX Coordinator for GME Administration	920 Madison, Suite 447, Memphis, TN 37920-6999 901.448.5364   <a href="mailto:ahaynes@uthsc.edu">ahaynes@uthsc.edu</a> < <a href="mailto:ahaynes@uthsc.edu">ahaynes@uthsc.edu</a> >
Amy Paganelli, CPA, MBA	Deputy Title IX Coordinator for GME, Knoxville	1924 Alcoa Highway, Knoxville, TN 37920 865.305.9290   <a href="mailto:apaganel@utmck.edu">apaganel@utmck.edu</a>
Geoffrey Smallwood, MD	Deputy Title IX Coordinator for GME, Nashville	Saint Thomas Health, Nashville, TN 615.284.5555   <a href="mailto:geoffrey.smallwood@ascension.org">geoffrey.smallwood@ascension.org</a>
Pamela Scott, C-TAGME	Deputy Title IX Coordinator for GME, Chattanooga	960 East Third Street, Suite 104 Chattanooga, TN 37403 423.778.7442   <a href="mailto:pam.scott@erlanger.org">pam.scott@erlanger.org</a>

# PROCEDURES THE INSTITUTION WILL FOLLOW IN THE CASE OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

## 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 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 the Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant's rights and options under the 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 the Policy applies, the formal complaint will be received as a Prohibited Conduct Complaint. Regardless of the designation of the formal complaint, 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.

## Supportive and Remedial Measures

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement supportive protective and remedial measures ("Supportive Measures") while the University assesses, investigates, and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator's initiative. The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent. 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, including protective measures that the University may offer, are listed in Appendix A of the Policy.

## Protection orders

For assistance in pursuing orders of protection in Shelby County, Knox County, Hamilton County, and Davidson County and other legal remedies, a person may contact:

Family Safety Center of Memphis and Shelby  
1750 Madison Avenue Suite 600  
Memphis, TN 38104  
(901) 800-6064 24-HOUR CRISIS LINE (901.249.7611)  
[www.familysafetycenter.org](http://www.familysafetycenter.org)

Knoxville Family Justice Center  
400 Harriet Tubman Street  
Knoxville, TN 37915  
(865) 521-6336 (24/7 crisis line)  
[www.fjcknoxville.com](http://www.fjcknoxville.com)

Knox County Fourth Circuit Court City County Building  
400 Main Street  
Knoxville, TN 37902  
(865) 215-2399  
[www.knoxcounty.org/fourthcircuitcourt/index.php](http://www.knoxcounty.org/fourthcircuitcourt/index.php)

Hamilton County Clerk & Master  
300 Courthouse 625 Georgia Avenue  
Chattanooga, TN 37402  
[www.hamiltontn.gov](http://www.hamiltontn.gov)

Circuit Court Clerk's Office  
1 Public Square  
Suite 302  
Nashville, TN 37201  
(615) 862-5181  
<http://circuitclerk.nashville.gov>

Bristol - Victim's Services  
801 Anderson Street  
P.O. Box 1189  
Bristol, TN 37620  
<http://bristoltn.org/925/Victims-Services>

Northwest Safeline  
800-957-0055 (24 hour crisis hotline)

<https://www.domesticshelters.org/help/tn/dyersburg>

(This entity provides services to victims of domestic violence in the following West Tennessee counties: Crockett, Dyer, Henry, Lauderdale, Lake, Obion, Tipton, and Weakley.)

### **Protecting confidentiality**

Information about how the institution will protect the confidentiality of Complainants and other necessary parties can be found in Appendix C.

- Certain University employees, called Campus Security Authorities, have a duty to report certain incidents of Sexual Assault, Domestic Violence, Dating Violence, and Stalking to UTHSC-PD to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information to UTHSC-PD for Clery Act purposes, but statistical information must be sent to UTHSC-PD regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security 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. Information about how the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim can be found in Appendix C.
- Information about how the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures can be found in Appendix C.

### **Procedures for disciplinary action**

The University has specific grievance procedures and disciplinary proceedings for addressing reports of Prohibited Conduct after the report to the Title IX Coordinator. The procedures the University uses are based on the nature of the allegations and the relationship of the Respondent to the University. The Policy includes information about the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding. The Policy also describes how to file a disciplinary complaint and how the University determines which type of proceeding to use based on the circumstances of an allegation.

- Appendix C of the Policy describes the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is a student.
- Appendix D of the Policy describes the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is an employee.
- Appendix D of the Policy 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 of the Policy are not appropriate.

- 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.

The possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of Prohibited Conduct can be found in Appendices C and D of the Policy.

### **Prompt, fair, and impartial proceedings**

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.

### **Training**

Disciplinary proceedings relating to Prohibited Conduct will be conducted by persons who receive annual training on the issues related to Prohibited Conduct. Information about training for University officials can be found in Appendices C and D of the Policy.

### **Preponderance of the Evidence Standard**

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 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 a disciplinary proceeding, including all meetings, investigative interviews, and hearings. The University will not limit the choice of advisor or presence of either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding. Information about advisors can be found in Appendices C and D of the Policy.

### **Notifications to the Complainant and the Respondent**

The University will provide simultaneous notification, in writing, to both the Complainant and the Respondent the result of any institutional disciplinary proceeding that arises from an allegation of Prohibited Conduct. Information about this notification and other notifications to both the Complainant and the Respondent regarding disciplinary proceedings and appeals can be found in Appendices C and D of the Policy.

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

The University implements comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking by and against members of the University community. The University intends that its Prevention Programs: (1) be 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 (2) consider environmental risk and protective factors as they occur on the individual, relationship, University, community, and societal levels.

Prevention Programs include both Primary Prevention Programs, Primary Awareness Programs, and Ongoing Prevention and Awareness Campaigns.

**Primary Prevention Programs** are programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are 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.

UTHSC implements programs for incoming students and new employees that inform them about:

- The fact that the University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking, as those terms are defined by the Clery Act regulations, 34 C.F.R. § 668.46(a); the definitions of dating violence, domestic violence, stalking, and sexual assault under Tennessee criminal law; the definition of consent with respect to crimes relating to sexual activity in Tennessee; and the information that is included in the Policy in accordance with Clery Act regulations, 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2);
- Bystander intervention, which are safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of Prohibited Conduct. Bystander intervention includes, without limitation, 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; and
- Risk reduction, which are options designed to decrease perpetration and bystander inaction, and to increase empowerment for Complainants in order to promote safety and to help individuals and communities address conditions that facilitate violence.

UTHSC implements **Primary Awareness Programs** which are comprehensive, intentional, and integrated community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to: prevent violence, promote safety and reduce perpetration.

UTHSC implements **Ongoing Prevention and Awareness Campaigns** which are programming, initiatives, and strategies for students and employees that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing Prohibited Conduct using a range of strategies with audiences throughout the University and including information about:

- The fact that the University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking, as those terms are defined by the Clery Act regulations, 34 C.F.R. § 668.46(a); the definitions of dating violence, domestic violence, stalking, and sexual assault under Tennessee criminal law; the definition of consent with respect to crimes relating to sexual activity in Tennessee; and the information that is included in the Policy in accordance with Clery Act regulations, 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2);
- Bystander intervention, which are safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of Prohibited Conduct. Bystander intervention includes, without limitation, 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; and
- Risk reduction, which are options designed to decrease perpetration and bystander inaction, and to increase empowerment for Complainants in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Examples and additional information about Primary Prevention and Awareness Programs for incoming students and new employees, and Ongoing Primary Prevention and Awareness Campaigns for students and employees, as well as positive options for Bystander Intervention and information on Risk Reduction can be found below:

- The goal of this website [uthsc.edu/oed/sexual-assault.php](http://uthsc.edu/oed/sexual-assault.php) is a resource page and outline steps as it relates to what one should do if they are victim— what it is, including the legal perspective; what to do if it happens; where to go for support; and campus and local resources. Office of Inclusion, Equity, and Diversity (OIED) develop and announce focused efforts and programs throughout the year. This will include joint efforts by OIED, Office of the Vice Chancellor for Academic, Faculty, and Student Affairs, Student Academic Support Services and Inclusion (SASSI), University Health, Campus Police and Human Resources.
- Training is available on Blackboard for all faculty, staff, students and residents.
- Bystander Intervention is conducted in person. For more information about Bystander Intervention Training is offered through “Request A Workshop.”
- Questions about the University’s current Primary Prevention Programs should be directed to the Title IX Coordinator or the Deputy Title IX Coordinator for Students.

## **2021 Programming**

### **Domestic Violence Awareness Month**

- OIED held a drawing for UTHSC students, faculty, and staff who submitted a selfie wearing purple to win a free shirt.
- Students, faculty, and staff were asked to donate items found on the YWCA Shelter Wish List. Those who contributed received a free DVAM/NSAAM mask and entry to win a free shirt.
- Bystander Intervention training was offered to students, faculty and staff for HR128 credit.
- 2,500 WUTHSC faculty and staff completed the 2021 Mandatory Reporter/Responsible Employee Training.

### **National Stalking Awareness Month**

- OIED published an article to UTHSC news to identify what can be done if stalking is identified. This article also listed safety-planning tips and resources for those who have experienced stalking to explore options with an advocate on what to do in this situation.
- OIED published an article to UTHSC news which highlights the ways in which trauma is experienced by those of whom who’ve faced these issues. Along with this, campus resources and counseling support/assistance information was listed to help victims find support.

### **Sexual Assault Awareness Month**

- In April 2021, OIED, in partnership with Block and Bolster, offered a Trauma-informed Yoga class.
- RAINN Day Consent Conversations: Boundaries: On April 6, 2021, OIED announced an Instagram live conversation was facilitated by RAINN college intern Emma Clary and clinical director Ebonique Bethea on how we can support survivors on campus.
- RAINN Day Consent Conversations: Survivors Share: On April 7, 2021, OIED shared that campus sexual assault survivors from the RAINN Speakers Bureau held a Facebook and YouTube panel discussion.



- Won't Stay Quiet: A RAINN Day Celebration for Survivors: On April 8, 2021, OIED promoted the RAINN network holding a celebration in honor of survivors and student leaders fighting for change on college campuses. This event was held on Facebook and YouTube with special guests and musical performances.
- Denim Day: Students, faculty, and staff made a statement by wearing denim in support of survivors of sexual violence.

## ALCOHOL AND ILLEGAL DRUGS

The University of Tennessee Health Science Center encourages and maintains a safe, healthy, alcohol and drug-free work environment. Therefore, in collaboration with the local, state and federal laws the university prohibits unlawful possession, use or distribution of illicit drugs and alcohol by students or employees on campus property or as part of any University affiliated activity. Specifically, the seriousness of this matter is reiterated in the [Code of Conduct](#), [HR Policy/Procedure 0720](#) and the student [Centerscope](#).

The Annual Notification of Alcohol and Other Drugs Standards, Sanctions, Health Information, Programs and Services can be found at: [uthsc.edu/hr/documents/annual-drug-notification.pdf](http://uthsc.edu/hr/documents/annual-drug-notification.pdf)

UTHSC has policies and procedures in place to deal with the unlawful possession, use or distribution of illicit drugs and alcohol:

### Policies and Procedures for Employees

Employee Code of Conduct: [uthsc.edu/hr/employee-relations/documents/0580-code-of-conduct.pdf](http://uthsc.edu/hr/employee-relations/documents/0580-code-of-conduct.pdf)

HR 720 Drug Free Campus and Workplace: [uthsc.policymedical.net/policymed/api/document/show/1642/720-Drug%20Free%20Campus%20Workplace?path=1642/pdf/5e19ec16-0e2d-4670-bb30-82054c51a0df.pdf&1572036174622#toolbar=0&navpanes=0](http://uthsc.policymedical.net/policymed/api/document/show/1642/720-Drug%20Free%20Campus%20Workplace?path=1642/pdf/5e19ec16-0e2d-4670-bb30-82054c51a0df.pdf&1572036174622#toolbar=0&navpanes=0)

### Policies and Procedures for Students

Student Code of Conduct: [uthsc.edu/hr/employee-relations/documents/student-code-conduct.pdf](http://uthsc.edu/hr/employee-relations/documents/student-code-conduct.pdf)

SA 116 Drug and Alcohol Policy: [uthsc.policymedical.net/policymed/anonymous/docViewer?token=de47aa28-16aa-408b-9c96-cb04f232964f&dtoken=e8afe229-08f8-432e-ba95-51034fdccc94](http://uthsc.policymedical.net/policymed/anonymous/docViewer?token=de47aa28-16aa-408b-9c96-cb04f232964f&dtoken=e8afe229-08f8-432e-ba95-51034fdccc94)

**A complete copy of the following System-wide Policy: HR 0720 Drug Free Campus and Workplace can be found at**

<https://universitytennessee.policytech.com/dotNet/documents/?docid=156&public=true>

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

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

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

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

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

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

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

## **Sanctions**

The University of Tennessee will impose disciplinary sanctions on students and employees for the violations of the respective Codes of Conduct. The sanctions are described in detail in the policies listed above and may include sanctions up to and including dismissal of students or termination of employment and/or referral for prosecution.

## **Students**

A student or student organization may be disciplined for the following types of misconduct which includes, but is not limited to:

- Consuming, manufacturing, possessing, distributing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.
- Using, manufacturing, possessing, distributing, selling, or being under the influence of drugs or 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.
- Distributing or selling a prescription drug to a person to whom the prescription was not originally issued.

University students and student organizations are required to comply with all relevant University policies, including the Standards of Conduct outlined in the [CenterScope Student Handbook](#) under the [Student Code of Conduct](#).

Violation of University policy or the Code of Conduct can lead to disciplinary sanctions ranging from warning, probation, or suspension, to dismissal. A student may also be required to participate in specified assessment, educational or counseling program(s) relevant to the offense, or complete other educational sanctions.

As members of the University community, students are also subject to city ordinances and to state and federal law. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the University imposes disciplinary sanctions.

For more information regarding the standards of conduct for students with respect to the use of alcohol and drugs please review the [Student Code of Conduct](#), as well as the University's Drug-Free Campus and Workplace policy, [HR0720](#).

- [UTHSC SA Policy 116](#)
- [CenterScope](#)

## **For Employees**

Violations of this prohibition by employees may result in disciplinary action up to and including termination, as well as the possibility of required participation in an approved drug abuse assistance or rehabilitation program.

All employees are required to notify the University of any Criminal Drug Statute Conviction for a violation occurring in the workplace or affiliated activity within five (5) days after such conviction. Failure to report a criminal conviction may result in termination once the conviction is discovered.

- UTHSC HR Policy 0720

## **Legal Sanctions**

In addition to University disciplinary action, the illegal possession, use or distribution of drugs, drug paraphernalia, or alcohol by University students or employees on campus or at any University sponsored or related activity is subject to applicable federal, state and local laws. Criminal sanctions for illegal drug and alcohol activity can be severe. University students and employees are not exempt from these laws by virtue of their status as students or their presence on university property. Penalties may include fines and possible jail time.

The link provided below contains a list of alcohol and drug related offenses under Tennessee law.

- [uthsc.edu/hr/documents/annual-drug-notification.pdf](http://uthsc.edu/hr/documents/annual-drug-notification.pdf)

## DRUG AND ALCOHOL ABUSE PREVENTION

Many programs exist on campus to assist students in understanding the use and abuse of alcohol and drugs. In addition to the information students receive through the health sciences curriculum, the Office of Student Life offers a series of programs and printed information for this purpose. Additional educational efforts are conducted by peer assistance groups in some colleges. Students seeking additional information, or who need advice regarding a problem they may have with alcohol or drugs, may contact Student Mental Health Services, University Health Services, the Office of Student Life, or the Student Affairs officer in their respective colleges. Students and employees may also access a video about alcohol and abuse online. It is available 24/7 and can be found at the following link: [uthsc.edu/campus-police/stay-safe](http://uthsc.edu/campus-police/stay-safe). The campus community can view other safety videos, including a video about Alcohol and Drugs, under the “360 Stay Safe,” tab. Once logged in, you can view the Alcohol and Drug Awareness training video.

The University is focused on helping individuals conquer obstacles that prevent them from achieving strategic goals and/or developing as a healthy individual. Therefore, if you or someone you know has a problem with drugs or alcohol abuse, the University offers the following resources to students, faculty and staff.

Employee Assistance Program (EAP) - 1.855.437.3486

Student Assistance Program (SAP) - 1.800.327.2255

University Health Services (UHS) - 901.448.7255

Student Academic Support Services and Inclusion (SASSI) - 901.448.5056

### Reasonable Suspicion

Reasonably suspicious signs and symptoms of drug and alcohol abuse may include but are not limited to the following: odor of alcohol, odor of marijuana, slurred speech, flushed, swollen face, red eyes, pupils dilated or constricted, unusual eye movement, lack of coordination, tremors or sweats, weariness, exhaustion and sleepiness.

To report a person you may reasonably suspect under the influence of alcohol and/or drugs contact the UTHSC Campus Police at 901.448.4444.

You can view UTHSC’s Drug Free Brochure at: [uthsc.edu/hr/employee-relations/documents/drug-free-brochure.pdf](http://uthsc.edu/hr/employee-relations/documents/drug-free-brochure.pdf)

### Health Risks

Drug and alcohol abuse can cause seriously fatal health problems such as cancer, brain damage/seizures, nerve damage, heart disease and more. The following are some common health problems associated with drug and alcohol abuse:

The use of alcohol can lead to...

Alcoholism, damage to brain cells, increased risk of cirrhosis, ulcers, heart disease, heart attack, cancers of liver, mouth, throat, and stomach, hallucinations, personality disorders, loss of muscle control, poor coordination, slurred speech, fatigue, nausea, headache, increased likelihood of accidents, impaired judgment, respiratory paralysis, death, and birth defects/fetal impairment.

## WEAPONS

The University adopted policy SA0875 - Firearms in response to state law Public Chapter 1061, which generally allows full-time employees to carry a concealed handgun on certain University property if they have a valid handgun carry permit. Policies and procedures exist for eligible employees to carry concealed handguns in certain areas of the UTHSC campus. Strict adherence to SA 0875 is required. The University permits employees to carry or possess firearms on University property only as authorized by law. Unless authorized by Section 3 of SA 0875 policy, an employee shall not possess or carry a firearm on University property or while acting within the course and scope of their University employment. A copy of SA0875 can be found at [policy.tennessee.edu/ut-system-policies/health-safety-risk-management-policies](http://policy.tennessee.edu/ut-system-policies/health-safety-risk-management-policies)

Requirements under the policy include, without limitation:

1. The employee shall have the handgun carry permit in the employee’s immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.
2. Prior to carrying the handgun, the employee shall provide written notification to the law enforcement agency or agencies with jurisdiction over the University property on which the employee will be carrying a handgun. The employee shall provide written notification to the law enforcement agency or agencies in compliance with each applicable law enforcement agency’s policies and procedures concerning notification of the intent to carry a handgun.

## **UTHSC Weapons Policy – Students**

Students are NOT authorized to carry a concealed handgun. The Student Code of Conduct states that a student may be disciplined for “possessing, carrying, using, storing, or manufacturing any weapon on University controlled property or in connection with a University affiliated activity, unless authorized in writing by the Chief of Police or his/her designee or unless federal or state law affirmatively gives a student a right, irrespective of this Chapter, to possess or carry a weapon on University-controlled property or in connection with a University-affiliated activity.” More information about UT Student Code of Conduct Policy can be located at:

## **UTHSC Weapons Policy – Employees**

The University permits employees to carry or possess firearms on university property only as authorized by law. Unless authorized by University of Tennessee Safety Policy SA0875 Firearms, section three, Authorized Possession and Carrying of Firearms, an employee shall not possess or carry a firearm on University property or while acting within the course and scope of their University employment. More information about UT Safety Policy SA0875 can be located at: [uthsc.edu/campus-police/firearms.php](http://uthsc.edu/campus-police/firearms.php)

## **TENNESSEE SEX OFFENDER REGISTRY**

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the University of Tennessee Health Science Center Police Department is providing a link to the Tennessee Bureau of Investigation (TBI) Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the State concerning registered sex offenders may be obtained. It also requires sex offenders, already required to register in the State, to provide notice to any institute of higher education in this State at which the person is employed, carries a vocation, or is a student. In the State of Tennessee, those convicted as sex offenders must register with a Law Enforcement Agency as required by law.

TBI: The Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, was established in TCA 40-39-201 et. seq., and became effective August 1, 2004. All persons who meet the definition of sexual offender or violent sexual offender, and who live, work, attend school or establish a physical presence in Tennessee must register with the appropriate registering agencies as defined by law.

The TBI is responsible for maintaining the TBI Sex Offender Registry, which can be located at [www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html](http://www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html), it is also accessible from the UTHSC Campus Police Web Site beneath the Clery Act Link or located at: [uthsc.edu/campus-police/clery-act/sex-offender-registry.php](http://uthsc.edu/campus-police/clery-act/sex-offender-registry.php).

The TBI Sex Offender Registry information shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees or volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation may make the violator subject to criminal and/or civil/university sanctions.

## **CRIMINAL RECORDS CHECKS**

The University of Tennessee Health Science Center employment application requires applicants to answer whether or not they have been convicted of any criminal offense other than a minor traffic citation. Employment decisions are based upon the overall record of the applicant, and a criminal record, if relevant to the job in question, can be consideration.

## **DISCLOSURE TO VICTIMS OF CRIMES OF VIOLENCE OR NON-FORCIBLE SEX OFFENSES**

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

## **PREPARATION OF THE ANNUAL DISCLOSURE OF CRIME STATISTICS**

Crime statistics which are provided in UTHSC’s Annual Security Report are based upon incidents reported by campus security authorities and local law enforcement agencies. The University shall annually report statistics for the three (3) most recent calendar years concerning the occurrence of crime on campus, in or on non-campus buildings or property, and on public property (as those terms are defined and interpreted for purposes of the Clery Act) for occurrences of four general categories of crime statistics:

- **Criminal Offenses** – Criminal Homicide, including Murder and Non- negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes** – Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias;
- **VAWA Offenses** – Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and
- Arrests and Referrals for Disciplinary Action for Weapons – Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

UTHSC-PD will make the determination as to whether a reportable offense has occurred. These reports will be compiled to prepare the annual Campus Crime and Security Survey for submission to the United States Department of Education, Office of Postsecondary Education. This survey may be viewed online at: [ope.ed.gov/security](http://ope.ed.gov/security)

UTHSC's Annual Security Report will be made available online to the public by October 1 of each year. This report will be posted to the UTHSC-PD website: [www.uthsc.edu/campus-police/clery-act](http://www.uthsc.edu/campus-police/clery-act).

The university provides notice of availability of the Annual Security Report to: (1) all current university faculty, staff, and students; and (2) prospective University students, faculty, and staff.

A paper copy of this report is available upon request. Please contact Lt. Joanne Morrow at 901-448-6452, or [cleryact@uthsc.edu](mailto:cleryact@uthsc.edu).

## DEFINITIONS

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

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

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

**Campus Security Authority:** The Clery Act mandates that institutions must disclose statistics both for crimes reported to local police agencies and crimes reported to Campus Security Authorities (CSA's). The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

The Clery Act regulations define a campus security authority (CSA) as:

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of an institution.

A list of CSA title positions, on this campus, can be viewed at: [uthsc.edu/campus-police/clery-act/list-of-csas.php](http://uthsc.edu/campus-police/clery-act/list-of-csas.php).

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

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

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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

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

**Disciplinary Referral(s):** Those individuals referred to University Official for liquor law, drug law, and illegal weapons violations.

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

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

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics;

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender; e.g., male or female;

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity; e.g., bias against transgender or gender non-conforming individuals.

**Religion:** A preformed negative opinion or attitude toward a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being;

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex;

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry;

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth;

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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

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

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

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

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

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

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

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

*NOTE: The Clery Act does not require disclosure of crime statistics for public property that surrounds Non-Campus buildings or property.*

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

**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. This offense includes the rape of both males and females.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

**University or UTHSC:** The University of Tennessee Health Science Center.

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

## DEFINITIONS OF TERMS FOR LOCAL JURISDICTION

For the community's education and awareness, the terms stalking, sexual assault, domestic violence and dating violence are defined by the University's local jurisdiction. The local jurisdiction uses the Tennessee Code Annotated (TCA) to

define criminal offenses. These definitions may differ from those within the Clery Act and are not used for the purposes of reporting Clery Act statistics.

TCA Code § 39-17-315 defines **Stalking** as a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Under TCA, "Course of Conduct" means a pattern of conduct composed of a series of two (2) or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property;

"Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;

"Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

"Unconsented contact" means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- (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.

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

- TCA § 39-13-503 Rape is 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.
- TCA § 39-13-505 Sexual battery is 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.
- TCA § 39-15-302 A person commits Incest who engages in sexual penetration as defined in TCA § 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.
- TCA § 39-13-506 Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:



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

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

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

Any person who falls within the following categories:

(1) Adults or minors who are current or former spouses; (2) Adults or minors who live together or who have lived together; (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context; (4) Adults or minors related by blood or adoption; (5) Adults or minors who are related or were formerly related by marriage; or (6) Adult or minor children of a person in a relationship that is described in subdivisions (1)-(5). For purposes of this definition, TCA § 39-13-101 defines “assault” as (a) A person commits assault who: (1) Intentionally, knowingly or recklessly causes bodily injury to another;

(2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

Per TCA § 36-3-601, “Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor; (2) “Adult” means any person eighteen (18) years of age or older, or who is otherwise emancipated;

TCA does not define **Dating Violence**. Anyone in a dating relationship would fall within TCA § 39-13-111 for Domestic Assault (see above).

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. (TCA § 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. (TCA § 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. (TCA § 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. (TCA § 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.

### **University’s Definition of 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* of the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking explains how the University determines whether Consent was obtained.

## **ACCESSIBILITY OF INFORMATION AND EEO/AA STATEMENT/ NON-DISCRIMINATION STATEMENT**

This publication is available in alternative formats upon request.

The full University of Tennessee Non-Discrimination Statement EEO/AA statement reads as follows:

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

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

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

*Inquiries and charges of violation of Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Office of Inclusion, Equity, and Diversity (OIED), 920 Madison Avenue, Suite 825, Memphis, Tennessee 38163, telephone 901.448.7382 (V/TTY available). Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity.*

## APPENDIX A: CRIME STATISTICS

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Negligent Manslaughter	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Robbery	2019	0	N/A	1	1
	2020	0	N/A	0	1
	2021	0	N/A	0	1
Aggravated Assault	2019	0	N/A	4	3
	2020	1	N/A	0	0
	2021	0	N/A	5	1
Motor Vehicle Theft	2019	0	N/A	1	3
	2020	0	N/A	1	1
	2021	1	N/A	2	1
Arson	2019	0	N/A	0	0
	2020	1	N/A	0	0
	2021	0	N/A	0	0
Burglary	2019	3	N/A	0	0
	2020	2	N/A	0	0
	2021	3	N/A	1	0
Rape	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Fondling	2019	0	N/A	1	0
	2020	0	N/A	0	0
	2021	0	N/A	1	0

Incest	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Statutory Rape	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	1	0

The crime statistics and arrest and disciplinary referral statistics include categories for all required geographic locations that pertain to UTHSC.

As of 2018, The University of Tennessee Health Science Center does not have any on-campus student housing facilities. Therefore, the statistics for 2019, 2020 and 2021 are not applicable (N/A).

There were no reported Hate Crimes for 2019, 2020, and 2021

There were no unfounded crimes in 2018, 2019, and 2020

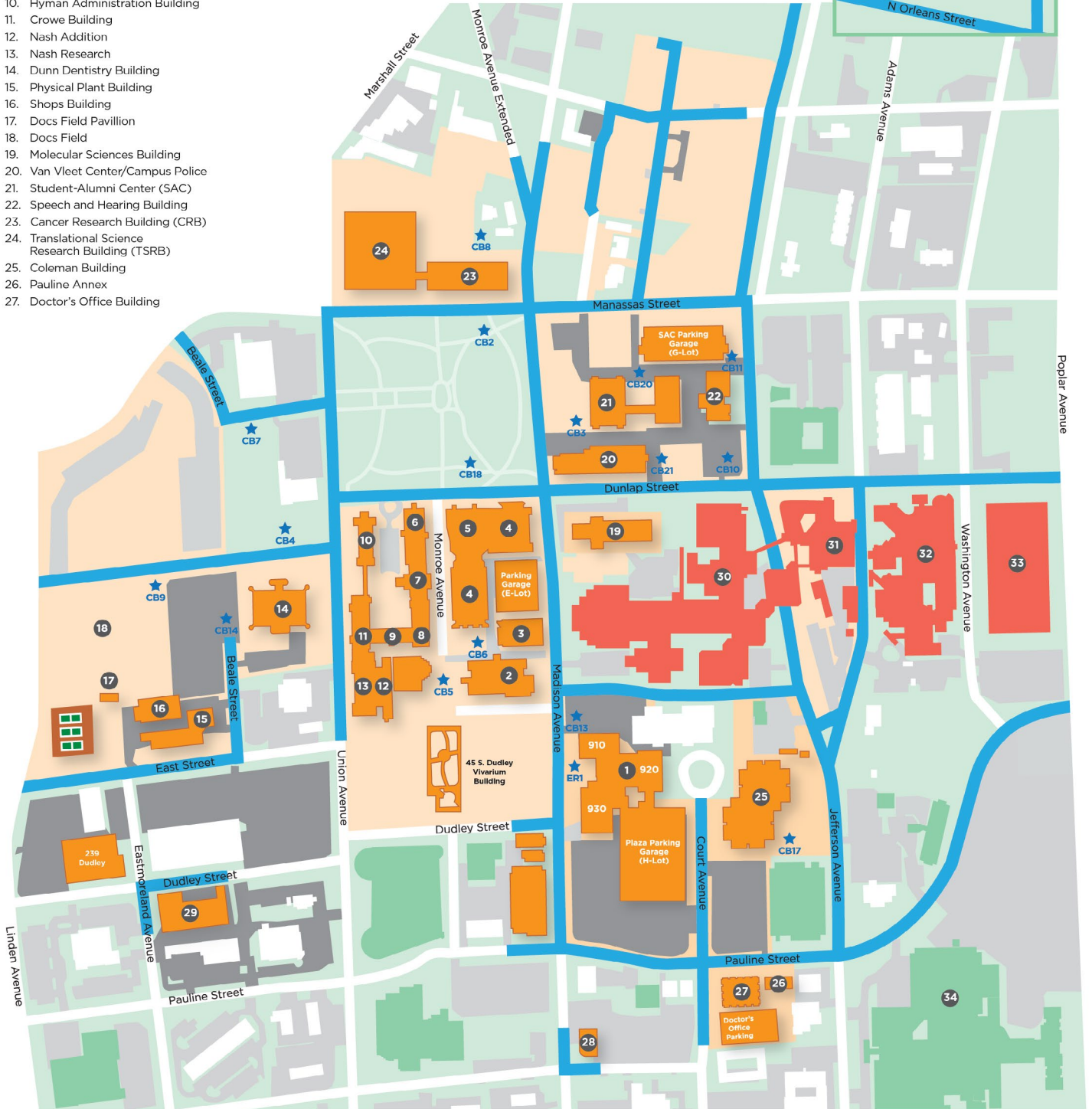
Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Liquor Law Arrests	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Liquor Law Violations Referred for Disciplinary Referral	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Drug Law Arrests	2019	2	N/A	0	5
	2020	4	N/A	0	8
	2021	0	N/A	13	8
Drug Law Violations Referred for Disciplinary Referral	2019	0	N/A	0	0
	2020	3	N/A	0	0
	2021	0	N/A	0	0
Illegal Weapons Possession Arrests	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	1	N/A	7	3
Illegal Weapons Possession Violations Referred for Disciplinary Referral	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2019	2	N/A	0	1
	2020	4	N/A	0	2
	2021	1	N/A	4	0
Dating Violence	2019	0	N/A	0	0
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Stalking	2019	1	N/A	0	0
	2020	0	N/A	0	1
	2021	1	N/A	0	0

# APPENDIX B: CLERY MAP

- UTHSC building
- UTHSC property
- UTHSC parking lot
- Partnership agreement
- ★ Police Call Box
- Public road
- Public parking
- Public property (not Clery reportable)

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. 910, 920, 930 Madison Plaza Buildings</li> <li>2. Pharmacy Building</li> <li>3. Alexander Building</li> <li>4. General Education Building (GEB)</li> <li>5. Center for Healthcare Improvement and Patient Simulation (CHIPS)</li> <li>6. Johnson Building</li> <li>7. Link Building</li> <li>8. Wittenborg Building</li> <li>9. Mooney Building</li> <li>10. Hyman Administration Building</li> <li>11. Crowe Building</li> <li>12. Nash Addition</li> <li>13. Nash Research</li> <li>14. Dunn Dentistry Building</li> <li>15. Physical Plant Building</li> <li>16. Shops Building</li> <li>17. Docs Field Pavillion</li> <li>18. Docs Field</li> <li>19. Molecular Sciences Building</li> <li>20. Van Vleet Center/Campus Police</li> <li>21. Student-Alumni Center (SAC)</li> <li>22. Speech and Hearing Building</li> <li>23. Cancer Research Building (CRB)</li> <li>24. Translational Science Research Building (TSRB)</li> <li>25. Coleman Building</li> <li>26. Pauline Annex</li> <li>27. Doctor's Office Building</li> </ol> | <ol style="list-style-type: none"> <li>28. Day Care Building</li> <li>29. Plough Center</li> <li>30. Regional One Health</li> <li>31. Adams Pavillion</li> <li>32. Le Bonheur Children's Medical Center</li> <li>33. Le Bonheur Children's Hospital</li> <li>34. VA Hospital</li> <li>35. West Tennessee Regional Forensic Health Center</li> </ol> |
|---|---|



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

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



**UT** THE UNIVERSITY OF  
**TENNESSEE**  
HEALTH SCIENCE CENTER.



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## SECTION 1 INTRODUCTION

### 1.1 OVERVIEW

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct will not be tolerated and will be grounds for disciplinary action up to and including expulsion from the University and termination of employment.

The primary purposes of this Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence and Stalking (“Policy”) are to: (1) define, eliminate, prevent, and remedy the effects of Prohibited Conduct; (2) identify care, support, and reporting options for students and employees; (3) explain the obligations of employees to report Prohibited Conduct to the University; and (4) identify the grievance procedures the University will follow to thoroughly, equitably, and promptly investigate and resolve reports of Prohibited Conduct. Additional information about each campus’s procedures and training and prevention programs relating to Prohibited Conduct can be found online at <https://www.uthsc.edu/oied/titleix.php>

### 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 Health Science Center (UTHSC)
- Employees and affiliates of the University<sup>1&2</sup>; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

This Policy applies regardless of the Complainant’s or the Respondent’s sex, sexual orientation, gender identity, or gender expression. Prohibited Conduct can occur between individuals regardless of their relationship status and can occur between people of the same or of different sexes, sexual orientations, gender identities, or gender expressions.

- The “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct, regardless of whether that person makes a report or seeks action under this Policy.

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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 Health Science Center.

- 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

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 if the conduct adversely affects the interests of the University, 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) involves another member of the University community; or (3) 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.

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 12, 2022. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 12, 2022. If the Prohibited Conduct reportedly occurred prior to August 12, 2022, then: (1) the report will be evaluated using definitions of misconduct contained in applicable University policies in effect on the date the reported Prohibited Conduct occurred; and (2) other aspects of the University’s response to the report (e.g., grievance procedures) will be based on this Policy.

### 1.2.4 Other University System Policies

Except for the University of Tennessee System Safety Policy 0575 (Programs for Minors) ([policy.tennessee.edu/safety\\_policy/sa0575/](https://policy.tennessee.edu/safety_policy/sa0575/)) and as otherwise provided in this Policy, this Policy takes precedence over other University policies and procedures concerning Prohibited Conduct in the event of a conflict.

In addition, for employees, conduct that is not Prohibited Conduct under this Policy may also violate other federal or state antidiscrimination laws, including Title VII, and other University policies, including, without limitation: University of Tennessee System Human Resources Policies 0220 “Equal Employment Opportunity Affirmative Action and Diversity” ([policy.tennessee.edu/hr\\_policy/hr0220/](http://policy.tennessee.edu/hr_policy/hr0220/)), 0280 “Sexual Harassment and Other Discriminatory Harassment” ([policy.tennessee.edu/hr\\_policy/hr0280/](http://policy.tennessee.edu/hr_policy/hr0280/)), and 0580 “Code of Conduct” ([policy.tennessee.edu/hr\\_policy/hr0580/](http://policy.tennessee.edu/hr_policy/hr0580/)).

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. For example, the University’s policy on amorous or sexual relationships between faculty and students can be found in the [UTHSC Consensual Relationship Policy](#). 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

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<sup>3</sup> The University’s Nondiscrimination Statement [<http://uthsc.edu/oed/civil-rights-compliance.php>] 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 [UTHSC Complaint Procedures](#).

<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/hrpolicy/hr0280](http://policy.tennessee.edu/hrpolicy/hr0280)). 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 [UTHSC Complaint Procedures](#).

(3) Sexual Assault, Dating Violence, Domestic Violence, and/or Stalking.

For the definition of Sexual Harassment, “reasonable person” means a reasonable person under similar circumstances as and with similar identities to the complainant.

To determine whether words and/or conduct constitute Sexual Harassment, the University will consider the totality of the circumstances, including without limitation: the context in which the conduct and/or words occurred; and the frequency, nature, and severity of the words and/or conduct.

In no event shall the term “Sexual Harassment” be construed to prohibit speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).

### 2.2.2 Sexual Assault

“**Sexual Assault**” is an umbrella term 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 the purpose 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 communicates a person’s willingness to participate in an act. A person cannot actively agree to an act if:

- (A) 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



(B) 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 a 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 a 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 a 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 a sexual act(s);
- Forcing a person to take 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 with a person other than oneself.

### 2.2.11 Retaliation

**"Retaliation"** means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has

made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

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

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

(B) 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; REASONABLE PERSON

### 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) A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated;
- (B) A person is Forced; or
- (C) 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 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 in the same situation would have known the other person to be Incapacitated. For evaluating Incapacitation, a “reasonable person” means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.

Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

### **SECTION 3**

## **GRIEVANCE PROCEDURES USED TO ADDRESS PROHIBITED CONDUCT**

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

#### **3.1 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A STUDENT**

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

#### **3.2 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS AN EMPLOYEE**

Appendix D describes 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:

Dr. Michael Alston  
Office of Inclusion, Equity, and Diversity [www.uthsc.edu/oied](http://www.uthsc.edu/oied)  
920 Madison Ave, Suite 825 Memphis, TN 38163  
901.448.2112 | [mialston@uthsc.edu](mailto:mialston@uthsc.edu)

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 <https://www.uthsc.edu/oied/sexual-misconduct.php>

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).

### 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 initially 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 identifies the University's Confidential Employees and explains the limited situations in which Confidential Employees are required or permitted by law to disclose confidential information.

##### 4.4.2 Confidential Care and Support Outside of the University Community

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

#### 4.5 REPORTING OPTIONS

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

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<sup>5</sup> An employee of the UTHSC Police Department participates in the University's Response Team. However, UTHSC Police 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 are 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 Support 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, OIED employees, Title IX Officials, department heads, deans, vice chancellors, chancellors, vice presidents, campus police).

**Exceptions – No Duty to Report:**

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

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

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

In some cases, the Title IX Coordinator or designee may refer the allegations that a Mandatory Reporter failed to report Prohibited Conduct to the Office of Inclusion, Equity, and Diversity (OIED) which will conduct an investigation. The Office of Equity and Diversity will make findings of fact and will determine whether, by a preponderance of the evidence, a Mandatory Reporter failed to report Prohibited Conduct. The Title IX Coordinator and the appropriate University administrator will review the findings. The administrator will determine in writing whether to accept the Office of Equity and Diversity’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 the notice of Prohibited Conduct. Complainants who are Mandatory Reporters are not required to report or take any other action identified in this section with respect to Prohibited Conduct to which they personally have been subjected.



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

- **Child Abuse:** Employees who receive information about suspected child abuse or child sexual abuse must comply with the University of Tennessee System Safety Policy 0575 “Programs for Minors” ([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 UTHSC-PD as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) satisfy their reporting duties with respect to this Policy and the Clery Act if they report the incident to a Title IX Official. The Title IX Official is responsible for timely communicating the appropriate non-personally identifying information to UTHSC-PD. Employees who have been designated as Campus Security Authorities may have an obligation to report an incident to UTHSC PD even when they do not have an obligation to report the incident under this Policy. Questions about the reporting obligations of Campus Security Authorities should be directed to *Joanne Morrow, the University’s Clery Compliance Coordinator, at [jmorrow9@uthsc.edu](mailto:jmorrow9@uthsc.edu) or 901.448.56790*

#### 4.5.2.2 Benefits of Reporting Prohibited Conduct to the University

Reporting Prohibited Conduct to the University 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 Interim 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 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.

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

If the Title IX Coordinator determines the University must conduct an investigation, then the Title IX Coordinator will inform the Complainant of the decision prior to starting/continuing the grievance process and will, to the extent possible and unless otherwise required by law, only share information with people responsible for handling the University's response.

The University will honor a request by the Complainant that the University inform the Respondent that the Complainant asked the University not to investigate or seek discipline. The University will take ongoing steps that it determines are reasonable and appropriate to protect the Complainant from Retaliation or harm and may work with the Complainant to create a safety plan.

The University will also assist the Complainant to access the support resources identified in Appendix A and inform the Complainant of the right to report a crime to campus or local law enforcement (and provide the Complainant with assistance in reporting if the Complainant requests it). The University will not tolerate retaliation against any person, including the Complainant.

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

#### **4.5.2.5 Complainant's Participation in an Investigation or Disciplinary Proceeding**

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

#### **4.5.2.6 Amnesty**

The University recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident of Prohibited Conduct may be hesitant to report the incident to the University because of a fear of University disciplinary sanctions for the person's own violation of the University standards of conduct. 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 University 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). This Section 4.5.2.6 does

not apply to reports to UTHSC-PD; 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 PROTECTIVE AND REMEDIAL MEASURES

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

The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent.<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 Interim Measures are listed in Appendix A. Supportive Measures are available to Complainants and Respondents.

Supportive Measures are available:

- Even if the Complainant does not want to report the incident to the police;
- Even if the Complainant does not make a formal complaint. (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

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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)(11)(v).

- 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 Interim Measure at any time.

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

## APPENDIX A

### GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS

The University of Tennessee Health Science Center 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, 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.**

The University has developed **OIED Notes** that highlight the areas addressed in this appendix, but this appendix serves as a comprehensive resource.

Section 4 of the Policy identifies the University’s Title IX Coordinator and 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 the success of the evidentiary exam is collecting physical evidence as soon as possible; however, evidence can be collected up to 72

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

hours after the assault. Assaults do not have to be reported to law enforcement to receive Sexual Assault Nurse Examiner (SANE) services. Prior to seeking medical care following a Sexual Assault, a Complainant should avoid changing their clothing, bathing, showering, using a douche, using the bathroom, brushing their teeth, drinking liquids, washing their hands or face, or combing their hair. If the Complainant changes their clothes, then the best way to preserve evidence relating to clothing is to put the clothing in a paper (not plastic) bag. Other tips on the preservation of evidence are described in Appendix A, Section 2.1.

**The collection of evidence for use in a criminal prosecution or an order of protection hearing relating to Sexual Assault can only be performed by trained personnel at a hospital emergency room; physical examinations by other healthcare providers are likely to impede potential future legal remedies.**

In cases of Sexual Assault, a medical professional typically will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault, such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of sexually transmitted infections and pregnancy. A medical examination preserves evidence for forensic analysis in case a Complainant wishes to pursue 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 if applicable even if they choose not to report the incident. Medical care providers can keep information communicated to them confidential and will not communicate such information to the University, the police, or any other third party, unless required or permitted by law. **Complainants are not required to report an incident to the University or the police to receive medical care.**

Medical care may be obtained from the following:

PLACE	WHEN	CONTACT INFORMATION
University Health Services (UHS)	Day time or evening/weekends (option for students only)	901.448.5630 (daytime) 901.541.5654 (evenings/weekends – students only)
Local Hospitals	24 hours, seven days a week	Various locations in Memphis/Shelby /Knox/Hamilton/Davidson County Areas

## 1.2 CONFIDENTIAL SUPPORT AND COUNSELING FOR COMPLAINANTS AND RESPONDENTS

Emotional and mental health support are critical resources in addressing of 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

PLACE	WHEN	CONTACT INFORMATION
University Health Services	Mon, Tues, Thurs, Fri – 8- 5 p.m Wed 8:00 a.m. to 1:00 p.m.	901.448.5630 (daytime) 901.541.5654 (evening/weekends)
Student Behavioral Health	Mon, Tues, Thurs, Fri 8- 5 p.m Wed 8:00 a.m. to 1:00 p.m.	901.448.5630 (daytime) 901.541.5654 (evening/weekends)
Student Academic Support Services and Inclusion (SASSI) <b>Licensed Counselors Only</b>	Mon – Thurs 8:00 a.m. to 7:00 p.m. Friday 8:00 a.m. to 5:00 p.m. Saturday 10:00 a.m. to 5:00 p.m. Sunday 2:00 p.m. to 6 p.m.	901.448.5056 (daytime) After hours: 901.690.CARE (2273)



GSM Ombudsperson Joan R. Rentsch, PhD <a href="mailto:jrentsch@utmck.edu">jrentsch@utmck.edu</a>	Calls at any time.	865.250.7533
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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:

#### 1.2.2.1 Memphis Area Resources for Complainants

- Crime Victims and Rape Crisis Center
  - 901.222.3950
  - 24-Hour Sexual Assault Hotline 901.222.4350 (Answered after-hours by Memphis Crisis Center)
  - <https://www.shelbycountyttn.gov/737/Crime-Victims-Rape-Crisis-Center>
- Family Safety Center
  - 24-HOUR CRISIS LINE (901.249.7611)
  - <https://familysafetycenter.org/>
- YWCA of Greater Memphis
  - YWCA-AWS Crisis Hotline: 901.725.4277
  - <https://www.memphisywca.org/>

The Crime Victims and Rape Crisis Center provides a place where survivors are treated with dignity and respect while healing from trauma. CVRCC Sexual Assault Forensic Exams are available 24/7/365. All services provided by CVRCC are free and confidential. Additionally, CVRCC focuses on three areas: Help, Healing, and Hope. These program areas are described in more detail below.

- **Help** – Sexual Assault Forensic Exams are available 24/7/365. The Crime Victims and Rape Crisis Center also provides **Crisis Intervention** services, **Justice Support**, which includes court accompaniment, **Personal Advocacy**, and **Social Service Coordination and Support**. These programs and services provide resources and referrals to help restore stability to the lives of survivors.
- **Healing** – The CVRCC provides an array of free and confidential counseling services like **Trauma and Group Counseling** to survivors and their families.
- **Hope** – The Crime Victims and Rape Crisis Center collaborates within the community and facilitates multi-disciplinary teams to coordinate victim services and prevention efforts. Additionally, the CVRCC offers content expertise to community members on the prevention and intervention of violence through outreach and a variety of educational options.

### 1.2.2.2 National and State Crisis Lines Available 24 hours/ 7 days a week for Complainants

- Tennessee Coalition to End Domestic & Sexual Violence
  - 800-289-9018
  - <https://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.
  - TN Domestic Violence 24-hour Helpline
    - 800-356-6767
- RAINN National Sexual Assault Crisis Hotline
  - 800-656-HOPE (4673)
  - <https://rainn.org/about-national-sexual-assault-telephone-hotline>
- National Domestic Violence Hotline
  - 800-799-SAFE (7233)
  - <https://www.thehotline.org/>
- Love is Respect – National Dating Abuse Hotline
  - 866-331-9474
  - <https://www.loveisrespect.org/>
- Anti-Violence Project/24-Hour Bilingual Hotline: For LGBTQ+ and HIV+ Survivors of Violence
  - 212-714-1141
  - <https://avp.org/>

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

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

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

### 1.3 LEGAL RESOURCES FOR COMPLAINANTS AND RESPONDENTS

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

For assistance in pursuing orders of protection in Shelby County, Knox County, Hamilton County, and Davidson County and other legal remedies, a person may contact:

- Family Safety Center of Memphis and Shelby
  - 1750 Madison Avenue, Suite 600 Memphis, TN 38104
  - (901) 222-4400
  - 24-HOUR CRISIS LINE (901.249.7611)
  - <https://familysafetycenter.org/>
- Knoxville Family Justice Center
  - 400 Harriet Tubman Street Knoxville, TN 37915
  - (865) 521-6336 (24/7 crisis line)
  - <https://www.fjcknoxville.org/>
- Knox County Fourth Circuit Court
  - City County Building 400 Main Street Knoxville, TN 37902
  - (865) 215-2399
  - <https://www.knoxcounty.org/fourthcircuitcourt/index.php>
- Hamilton County Clerk & Master
  - 625 Georgia Avenue Chattanooga, TN 37402
  - <https://www.hamiltontn.gov/Courts.aspx>
- Circuit Court Clerk's Office
  - 1 Public Square Suite 302 Nashville, TN 37201
  - (615) 862-5181
  - <http://circuitclerk.nashville.gov/>
- Bristol – Victim's Services
  - 801 Anderson Street P O Box 1189
  - Bristol, TN 37620
  - <http://bristoltn.org/925/Victims-Services>
- Northwest Safeline
  - 800-957-0055 (24 hour crisis hotline)
  - [https://www.domesticshelters.org/tn/dyersburg/38025/northwest-safeline#.V79H\\_1srJhE](https://www.domesticshelters.org/tn/dyersburg/38025/northwest-safeline#.V79H_1srJhE) (This entity provides services to victims of domestic violence in

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the following West Tennessee counties: Crockett, Dyer, Henry, Lauderdale, Lake, Obion, Tipton, and Weakley.)

A Title IX Coordinator/Deputy Title IX Coordinators/Deputy Title IX Investigators or UTHSC-PD can assist a Complainant with arranging an appointment with the Family Safety Center to discuss options for pursuing an order of protection and other legal remedies. The Title IX Coordinator can explore the implementation of University Interim Measures (Appendix A, Section 1.5) to assist with enforcing the terms of an order of protection.

Additional information on orders of protection can be found here:

The Tennessee Coalition to End Domestic and Sexual Violence provides information about orders of protection on its website.

The University does not provide advocacy services or private legal assistance to students or employees. The Memphis Bar Association provides assistance with finding an attorney in the greater Memphis area: <https://www.memphisbar.org/>

The American Bar Association also provides information on finding legal services by state: <https://www.americanbar.org/>

The Tennessee Coalition to End Domestic and Sexual Violence (<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, Relationship Violence, and Stalking, there may be other visa options, including U and T Visas.

The University's Office of International Affairs can provide useful information regarding immigration status, although the office does not provide legal advice:

Office of International Affairs

910 Madison Ave, Suite 530 Memphis, TN 38163

Phone: (901) 448-8484 | Fax: (901) 448-1370 | Email: [ويا@uthsc.edu](mailto:ويا@uthsc.edu)

International students and employees with questions about their immigration and visa status should seek the assistance of an immigration attorney. Immigration lawyers are licensed attorneys who specialize in the field of immigration law. They function as the client's advocate and can represent them

before immigration agencies, both in immigration court as well as in filing applications for immigration benefits. The attorney can give general advice and can discuss immigration options. Like all attorneys, immigration attorneys are bound by professional ethical and legal requirements to keep client discussions confidential.

The Tennessee Coalition to End Domestic and Sexual Violence ([tncoalition.org](http://tncoalition.org)) operates an Immigrant Legal Clinic (brochure), which provides legal advice and representation to immigrant and trafficked victims of domestic or sexual violence throughout Tennessee. The Immigrant Legal Clinic was created to address the unique problems faced by immigrant victims of domestic or sexual violence. There are no restrictions on what type of immigration case the clinic takes, nor are there strict income guidelines. However, all the clients must be victims of domestic or sexual violence and unable to afford an attorney on their own. Case acceptance is handled on a case-by-case basis and determined on the merits of the case and whether relief is available. To inquire about receiving the services of the Immigrant Legal Clinic, an individual may call (615) 386-9406 or 800-289-9018.

U.S. Citizenship and Immigration Services (USCIS) ([uscis.gov/about-us/find-uscis-office](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: <https://www.uscis.gov/citizenship/apply-for-citizenship/find-help-in-your-community>

USCIS Find Legal Services Webpage: <https://www.uscis.gov/avoid-scams/find-legal-services>

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

The American Immigration Lawyers Association <https://www.aila.org/> offers an online immigration lawyer referral service <https://ailalawyer.com/> 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 the financial aid office at 901.448.7703, <https://www.uthsc.edu/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 interim protective and remedial measures (“Supportive Measures”) while the University assesses, investigates, and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator’s initiative. Section 4.6 of the Policy explains the availability of Supportive Measures and how they are determined, implemented, and enforced.

The following are examples of Supportive Measures:

- Issuing a no-contact directive, which provides mutual restrictions between parties from having verbal, physical, written, and/or electronic contact and/or from being present on designated University-controlled property for a definite or indefinite period of time; and/or
- Issuing an Emergency Removal (i.e. Interim Suspension), an Emergency Removal 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 (e.g., arranging an appointment with the Family Safety Center of Memphis and Shelby County to discuss options for pursuing an order of protection in Shelby County);
- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes;
- Assisting an individual in communicating with faculty;
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Office of 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. 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.

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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.



## 2.2 REPORTING TO THE POLICE

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

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

### 2.2.1 Contact Information for Police

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

INCIDENT LOCATION WITH CONTACT
Regardless of where the incident occurred:  Call 911 in an emergency Or UTHSC Campus Police 3 N. Dunlap Street, Memphis, TN (901) 448-4444 <a href="http://www.uthsc.edu/campus-police/">www.uthsc.edu/campus-police/</a>
In the city of Memphis, Nashville, Knoxville, or Chattanooga:  <b>Memphis Police Department (MPD)</b> 201 Poplar Avenue, Memphis, TN (901) 636-3700 <a href="http://www.memphispolice.org/">www.memphispolice.org/</a>  <b>Metropolitan Nashville Police Department</b> 200 James Robertson Parkway Nashville, TN 37201 Sex Crimes Section (615) 862-7540 (615) 862-8600 (Non-emergency) <a href="https://www.nashville.gov/Police-Department/Investigative-Services/Criminal-Investigations/Sex-Crimes.aspx">https://www.nashville.gov/Police-Department/Investigative-Services/Criminal-Investigations/Sex-Crimes.aspx</a>

<p><b>Knoxville Police Department</b> 800 Howard Baker Jr. Ave Knoxville, TN 37915 (865) 215-7450 (Non-emergency) <a href="https://knoxvilletn.gov/government/city_departments_offices/police_department">https://knoxvilletn.gov/government/city_departments_offices/police_department</a></p> <p><b>Knox County Sheriff</b> 400 Main Street, Suite L165, Knoxville, TN 37902 (865) 215-2243 <a href="http://www.knoxsheriff.org">http://www.knoxsheriff.org</a></p> <p><b>Chattanooga Police Department</b> 3410 Amnicola Hwy. Chattanooga, TN 37406 <a href="http://www.chattanooga.gov/police-department">http://www.chattanooga.gov/police-department</a> (423) 643-5000 Dispatch: (423) 698-2525</p>
<p>In Shelby County but outside of the City of Memphis:</p> <p><b>Shelby County Sheriff's Office</b> 201 Poplar Avenue, Memphis, TN (901) 222-5600 <a href="http://www.shelby-sheriff.org/">http://www.shelby-sheriff.org/</a> or UTHSC-PD</p>
<p>Outside of Shelby County:</p> <p>Contact the law enforcement agency that has jurisdiction over the location where the incident occurred; or Contact UTHSC-PD for assistance in contacting another jurisdiction's law enforcement agency</p>

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

Employees of UTHSC-PD are Mandatory Reporters for reports of Prohibited Conduct involving students. Accordingly, if a person reports an incident to UTHSC-PD, and the incident has not been previously reported to a Mandatory Reporter outside of UTHSC-PD, then UTHSC-PD 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 UTHSC-PD, 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 UTHSC- PD law enforcement officer will also 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 UTHSC-PD conducts the police interview, the UTHSC-PD police officer typically will offer resources from a local victim advocacy center.

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

### **2.2.3 How University Policies/Procedures Relate to Criminal Law/Procedures**

The University will cooperate with law enforcement if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, the University's Policy and procedures may differ in significant respects from criminal law. A Complainant may seek resolution through the University's grievance process 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 maybe used by the University in a University disciplinary proceeding.

### **2.2.4 Anonymous Reporting to the Police**

#### **Memphis**

Persons may report Sexual Misconduct or Relationship Violence anonymously to the Campus Police through the [Confidential Silent Witness Report](#) portal. The portal is an Internet-based tool that enables the police to respond. Persons may also report a crime anonymously to the Memphis Police Department

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by calling (901) 545-2677 or visiting Cyber Watch. Persons may report a crime anonymously to the Shelby County Sherriff by calling (901) 379-7625.

Emergency calls should be made to 911.

### **Knoxville**

Knoxville Persons also may report a crime anonymously to the Knoxville Police Department by calling (865) 215-7212. Persons may report a crime anonymously to the Knox County Sheriff by visiting [www.knoxsheriff.org/tip/index.php](http://www.knoxsheriff.org/tip/index.php) or by texting the word Knox to Crimes 274637. Texting is not an alternative to calling 911; in an emergency, call 911.

### **Nashville**

Domestic Violence Section of the Metro Nashville Police Department: Call (615) 880-3000 if you need assistance. Phones are manned from 8:00 a.m. to 10:00 p.m. Monday through Friday, with evening investigators who may be in at other hours. For help, call (615) 862-8600; Call 911 if it is an emergency.

### **Chattanooga**

Chattanooga Police Department: To report a crime or request assistance: (423) 698-2525 Emergency calls should be made to 911. Persons may report a crime anonymously to the Chattanooga Police Department or the Hamilton County Sheriff's Department by calling the Crime Stoppers Hotline: (423) 698-3333.

**Texting is not an alternative to calling 911; in an emergency, call 911.**

## **2.3 REPORTING TO THE UNIVERSITY**

Reporting Prohibited Conduct enables the University to provide Supportive Measures and information regarding the University's grievance process. If an incident is not reported to the University, then the University will not be able to discuss the availability of Supportive Measures or the grievance process with the Complainant. Complainants are not required to report Prohibited Conduct if they do not want the University to respond to the incident or assist with Supportive Measures (Section 4.6).

A Complainant may opt to report an incident of Prohibited Conduct but decline to disclose the identity of the Respondent; in that case, a Title IX Official will offer Supportive Measures to the Complainant, but the University's ability to investigate the incident and pursue disciplinary action against the Respondent or take other remedial action will be limited.

If a person reports an incident of Prohibited Conduct to the University, there is no requirement that the Complainant pursue criminal prosecution or University discipline against a Respondent. The University recognizes that a Complainant's decision on how to proceed after a report is filed is a process that may

unfold over time; thus, at the time a report is made to the University, a Complainant does not have to decide whether to request any particular course of action.

### **2.3.1 Who to Contact at the University**

Students are encouraged to report Prohibited Conduct to a Title IX Official, who are trained to support Complainants: The University's Title IX Coordinator is Dr. Michael Alston, 920 Madison Ave, Ste. 825., Memphis, TN. 39163, 901.448.2112, [mialston1@uthsc.edu](mailto:mialston1@uthsc.edu), [www.uthsc.edu/oied/](http://www.uthsc.edu/oied/).

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

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

### **2.3.2 Initial Response and Assessment by the Title IX Coordinator**

After receiving a report of Prohibited Conduct, the Title IX Coordinator will take immediate and appropriate steps to:

- Promptly contact the complainant to offer to meet with, or otherwise communicate with, the Complainant;
- Discuss the availability of Supportive Measures;
- Consider the Complainant's wishes with respect to Supportive Measures;
- Inform the Complainant of the availability of Supportive Measures with or without filing of a formal complaint;
- Explain to the Complainant the process for filing a formal complaint;
- Implement Supportive Measures (Appendix A, Section 1.5) to eliminate and prevent the recurrence of Prohibited Conduct, deter Retaliation, and remedy the effects of Prohibited Conduct through reasonable support services, accommodations, and other assistance;
- In cases of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, whether the Prohibited Conduct occurred on or off-campus, provide a Complainant with a paper or

electronic copy of this Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant's rights and options under this Policy (if that has not already been done by a Mandatory Reporter), which will include: (1) notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and (2) notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;

- If the Complainant chooses to file a formal complaint, the Title IX Coordinator must make an initial evaluation based on the nature of the conduct alleged and the reported location of the alleged conduct to determine whether the alleged conduct meets the definition of Sexual Harassment that occurs in a University education program or activity in the United States, in which case the formal complaint will be received as a Title IX Sexual Harassment Complaint. If the Title IX Coordinator determines that the alleged conduct is not Title IX Sexual Harassment that occurs in a University education program or activity in the United States but is otherwise Prohibited Conduct to which this Policy applies, the formal complaint will be received as a Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,<sup>9</sup> the Title IX Coordinator will initiate the grievance procedures outlined in Appendix C or Appendix D; and
- If the Complainant requests, assist the Complainant in reporting the incident to the police.

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

### 2.3.3 Limited Action

If the Complainant declines to respond to outreach, or states that they do not wish to file a formal complaint or participate in an investigation, the University will generally take Limited Action. Limited Action includes providing supportive measures like academic support, safety escorts, no contact directives, and campus support services. If a Complainant chooses not to make a formal complaint, the University will normally take Limited Action. There are limited circumstances; however, in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant's participation or assent, because of the University's commitment to providing a safe and non-discriminatory learning, living, and working environment free from Prohibited Conduct. Section 4.5.2.4 of the Policy explains Limited Action and the limited circumstances where the University will initiate an investigation without the complainant's participation or assent.

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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.

### 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 and Community Standards for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk (“Amnesty”). 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

#### 2.3.5.1 Clery Act

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

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to issue timely warnings for crimes reported to UTHSC-PD 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 Captain Joanne Morrow, (901) 448-6452, [jmorrow9@uthsc.edu](mailto:jmorrow9@uthsc.edu)

#### 2.3.5.2 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.

### **2.3.5.3 Tennessee Public Records Act**

Incident reports prepared by UTHSC-PD for law enforcement purposes are generally considered public records under the Tennessee Public Records Act (Tennessee Code Annotated § 10-7-503 et seq.) and are not protected by FERPA, which means the University is obligated by law to make them available to any Tennessee citizen upon request unless the report is part of an ongoing criminal investigation. Local law enforcement agencies may also be required to make their records available under similar circumstances. In addition, investigative reports prepared by other University officials that do not contain personally identifiable student information also are generally considered public records under the Tennessee Public Records Act. However, Tennessee law provides that information that is reasonably likely to identify a student accused of committing an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202 or any information that is reasonably likely to identify the victim of an alleged sexual offense or alleged violent sexual offense as defined in Tennessee Code Annotated § 40-39-202, must be treated as confidential and not be open for inspection by members of the public under the Tennessee Public Records Act.

However, upon request by a citizen of Tennessee, the Tennessee Public Records Act requires the University to disclose the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, if the University determines as a result of that disciplinary proceeding that the student committed a violation of the University’s rules or policies with respect to such crime or offense. “Final results” include 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.

### **2.3.5.4 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 UTHSC-PD to notify the law enforcement agency with jurisdictional oversight upon UTHSC-PD’s receipt of a report from a victim alleging that any degree of rape has occurred on University property. The Nottingham Act requires UTHSC-PD and the responding law enforcement agency with jurisdictional oversight to participate in a joint investigation of the rape, with



UTHSC PD leading the investigation. The Nottingham Act also requires sexual assault programs and services on campus to report annually to UTHSC-PD the number of requests for assistance received from persons who were raped on or in the vicinity of campus during the preceding calendar year. Personally identifiable information is not provided to UTHSC-PD in connection with that report.

#### **2.3.5.5 Disclosure to Respondents During the Disciplinary Process**

After the University has formally initiated the grievance procedure a Respondent has rights under federal and state law, including the right to be informed of sufficient details including the 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 Health Science Center 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 Rape or Fondling occurred without Consent.

"Consent" means an active agreement to participate in a sexual act. An active agreement is words and/or conduct that communicate a person's willingness to participate in a sexual act.

Examples of 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

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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").

of proving that 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 be evaluated based on a subjective standard (i.e., What did the specific person who initiated the sexual act(s) 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 act of sexual act(s) that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent to participate in a 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 an act of sexual act. Once a person's withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual act. Consent is automatically withdrawn when a person becomes Incapacitated or is Forced to participate in a sexual act(s).
- Consent to one type of sexual act (e.g., oral sex) does not constitute or imply Consent for another type of 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 Contact or Sexual Penetration;
  - 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 Health Science Center 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. A graphical summary of the process can be found at the end of Appendix C. A copy of the Code may be found at <https://www.uthsc.edu/sace/student-conduct/index.php>

#### 1.1 HOW TO FILE A 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”) 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.

**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>

## 1.2 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.

## 1.3 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.

## 1.4 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 8.2. In general, an advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, participate as a witness, or participate directly in any other

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<sup>14</sup> Investigations of reports of Prohibited Conduct are usually performed by OSCCS. However, for good cause, the Title IX Coordinator may select an investigator(s) external to OSCCS, provided that the investigator has specific training and experience investigating allegations of Prohibited Conduct. Any investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest or bias. The investigator(s) may be a University employee, a team of University employees, an external investigator engaged to assist the University, or a team of external investigators engaged to assist the University.

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.

### **1.5 RIGHT TO A SUPPORT PERSON**

The Complainant and the Respondent also have the right to be assisted by a support person during all stages of a disciplinary proceeding, including all meetings, investigative interviews, and hearings. A support person may be a friend, a family member, or any individual who is not otherwise a potential witness in the Prohibited Conduct investigation.

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

### **1.6 INVESTIGATION OF PROHIBITED CONDUCT**

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

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

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

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

## 1.7 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.

## 1.8 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 OSCCS 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 Academic, Faculty and Student Affairs (VCAFSA), in writing, within five (5) business days of the date that OSCCS transmitted notice of the no action determination to the Complainant. Upon receipt of the appeal, OSCCS 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) business days after receipt of the Complainant's appeal.

The VCAFSA may affirm the decision of OSCCS, reverse the decision and direct OSCCS to charge the Respondent with violating the Standards of Conduct, or remand the matter for additional investigation or consideration. The VCAFSA shall issue a decision in writing, sent to the Complainant and the Respondent simultaneously, within ten (10) business days of receipt of the Complainant's appeal or the Respondent's response, whichever is later. The decision of the VCAFSA is final and may not be appealed.

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

## 1.9 FORMAL HEARINGS

In **Non-Title IX Prohibited Conduct** cases that do not result in a determination that no action will be taken, and, in all **Title IX Prohibited Conduct** cases, the cases will proceed to a Formal Hearing. Section VIII of the Code describes 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 a hearing examiner or hearing panel, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act.<sup>15</sup>

Sections 8.4 of the Code describes the process for those hearings. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

A **Title IX Prohibited Conduct** Complaint must be resolved through the Title IX Hearing process unless the parties agree to an Informal Resolution. Section 8.5 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 charts show the steps that generally apply in a Title IX Hearing. The parties are directed to the provisions of the Code for additional information.

Title IX Hearing		
Step	Code Reference	Anticipated Timeline
Notice of Title IX Hearing sent to Complainant and Respondent	Section 8.5(c)	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 8.5(d)	At least five (5) business days prior to the hearing
Notice of Decision issued by Title IX Hearing Officer	Section 8.5(g)	Within ten (10) business days of the conclusion of the hearing

### 1.10 APPEALS

The Complainant and the Respondent have equal rights to appeal the decision after a Formal Hearing. Under the Code, the decision of a Hearing Officer or Hearing Examiner is subject to review by the Chancellor.

Section 8.5 describes the process for appealing a decision by the Title IX Hearing Officer. For ease of reference, the following charts show the steps that generally apply in appeals in Title IX Hearings. The parties are directed to the provisions of the Code for additional information.

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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 Respondent exercises a right to a UAPA hearing, then an administrative judge will be appointed by the University’s Agency Head typically within five (5) business days of the Respondent’s request for a UAPA hearing. The timelines for a UAPA hearing are governed by the UAPA.

<b>Appeals from Title IX Hearing Officer Decision</b>		
<b>Step</b>	<b>Code Reference</b>	<b>Anticipated Timeline</b>
Notice of Appeal filed	Section 8.5(i)(1)	Within five (5) business days of the transmittal of the decision
SACE notifies non-appealing party of appeal	Section 8.5(i)(3)	As soon as practicable
Both parties may submit written statement in support of or opposition to the Vice Chancellor for Academic, Faculty, and Student Affairs	Section 8.5(i)(3)	Within five (5) business days of the date on which the non-appealing party received notice that the other party filed a Notice of Appeal
Notice of Decision issued by Vice Chancellor of Academic, Faculty, and Student Affairs	Section 8.5(i)(3)	Within five (5) business days of receipt of written statements

### 1.11 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.

### 1.12 POSSIBLE SANCTIONS

Following a determination under the Code that a student is responsible for engaging in Prohibited Conduct, the Hearing Examiner, Hearing Panel, or Title IX Hearing Officer will issue a sanction. Section V 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; reprimand; disciplinary probation; suspension; permanent dismissal; revocation of degree; disciplinary probation for student organizations; social probation for student organizations; revocation of University registration for student organizations; restitution; loss of privileges; and/or education. Any sanction imposed may be appealed as set forth in Section VIII of the Code. Once a sanction decision is final, OSCCS will ensure the effective implementation of final sanctions. The Title IX Coordinator is responsible for effective implementation of any remedies.

### **1.13 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.

#### **1.13.1 Alternative Resolution of Non-Title IX Prohibited Conduct Complaints**

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

Examples of alternative resolution processes that may be proposed include but are not limited to mediation, facilitated dialogue, conflict coaching, and restorative justice. The process of trying to reach an alternative resolution is voluntary (i.e., neither the Respondent nor 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 resolution process continue.

An Alternative Resolution Agreement is a written agreement that confirms an agreement to resolve the allegations against the Respondent through an alternative resolution. To be valid, an Alternative Resolution Agreement shall in all cases be signed by OSCCS 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 OSCCS in the discussion of an alternative resolution, then OSCCS will provide the Complainant with an opportunity to provide a timely objection to the proposed alternative resolution. In appropriate cases, the University may request the Complainant to sign an Alternative Resolution Agreement and determine that the Alternative Resolution Agreement is not effective without the Complainant's signature. Neither the Respondent nor the Complainant may revoke or appeal an Alternative Resolution Agreement.

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

#### **1.13.2 Informal Resolution of Title IX Prohibited Conduct**

In Title IX Prohibited Conduct Complaints, at any time prior to reaching a determination regarding responsibility, OSCCS may facilitate an informal resolution process with the Complainant and the Respondent. OSCCS will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. OSCCS 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.

#### **1.14 UNIFORM ADMINISTRATIVE PROCEDURES ACT FOR NON-TITLE IX PROHIBITED CONDUCT**

Chapter 1720-1-5 of the Rules of the University of Tennessee

<https://publications.tnsosfiles.com/rules/1720/1720-01/1720-01-05.20180524.pdf> sets forth the University's procedures for conducting a contested case hearing pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301 et seq. In a case involving a Non-Title IX Prohibited Conduct Complaint, the administrative judge or hearing officer must modify those procedures when required to comply with federal law, including without limitation, the Clery Act and FERPA. In Non-Title IX Prohibited Conduct cases, where the University recommends a sanction of suspension, expulsion, withholding of degree, or revocation of degree or greater, a Respondent may elect a contested case hearing. In Title IX Prohibited Conduct cases, the decision of the Title IX Hearing Officer is only subject to the appeals process provided in Section 8.5(i) 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).

#### **1.15 TRAINING FOR UNIVERSITY OFFICIALS**

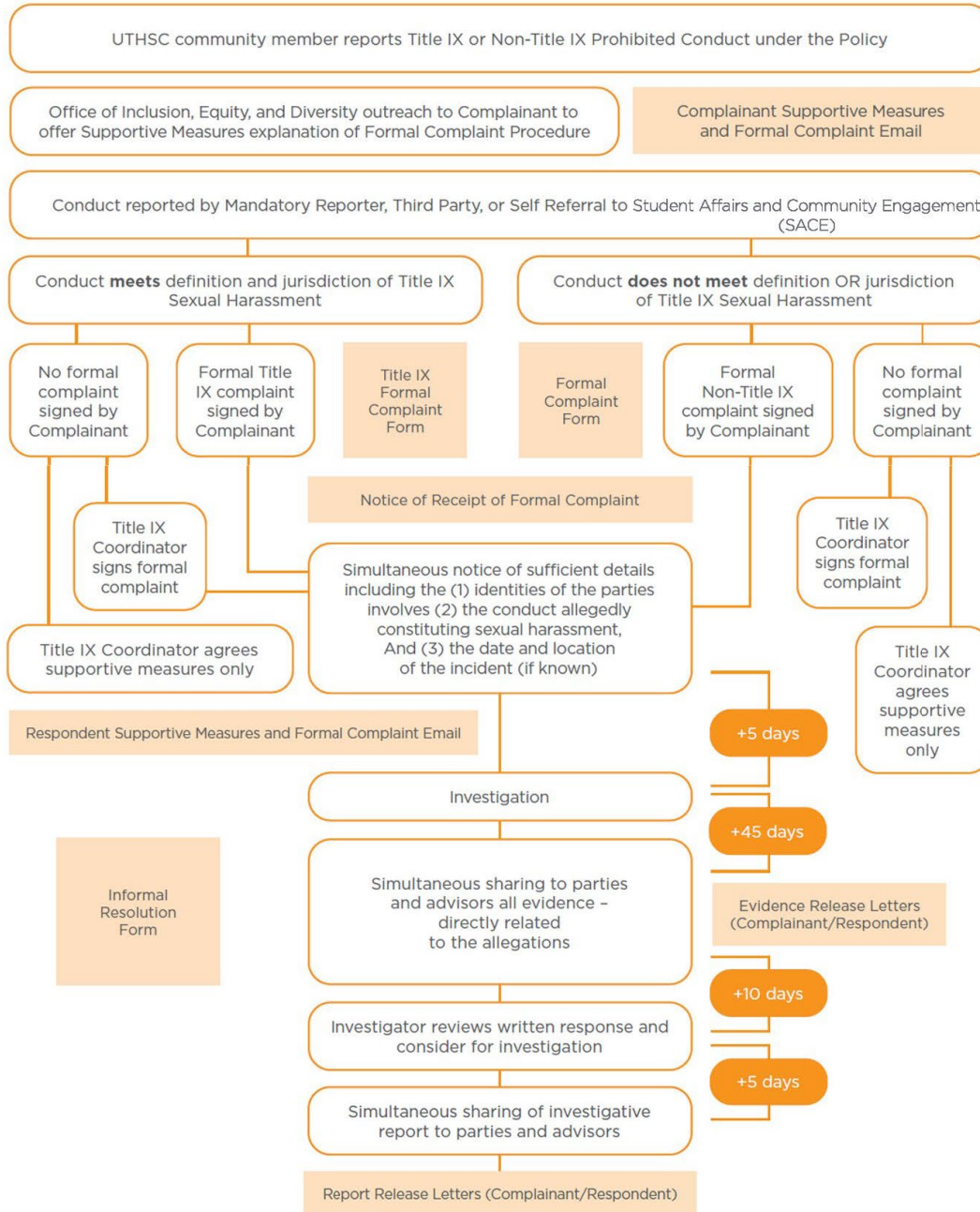
Disciplinary proceedings relating to Prohibited Conduct will be conducted by persons who receive annual training on the issues related to Prohibited Conduct. Title IX Officials, investigators, Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations, 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 prejudice 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.

### 1.16 COMPLAINTS AND INVESTIGATION FLOWCHART (STUDENTS)

#### APPENDIX C: TITLE IX & NON-TITLE IX PROHIBITED CONDUCT COMPLAINTS & INVESTIGATIONS (1 OF 3)\*

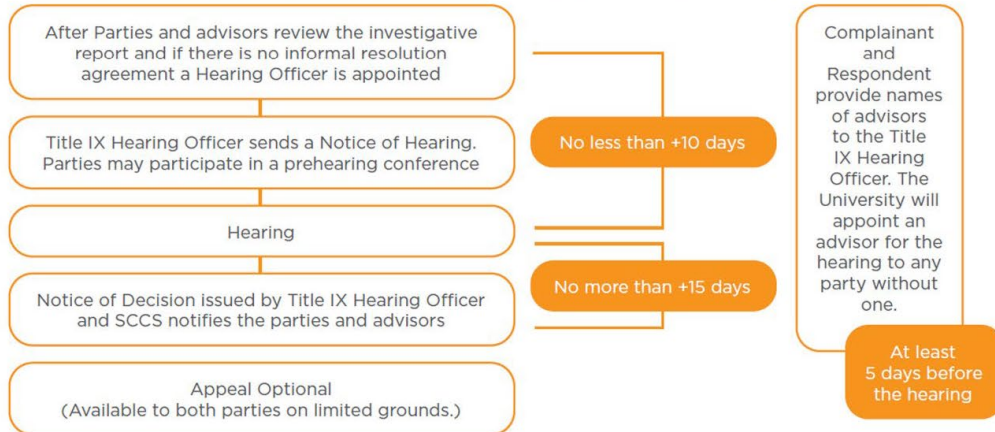


\*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

**APPENDIX C: TITLE IX PROHIBITED CONDUCT HEARING AND APPEALS STUDENTS (2 OF 3)\***

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process, unless the parties agree to an Informal Resolution. Section 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.

**Informal Resolution can occur at any time following formal complaint and prior to a finding of responsibility.**

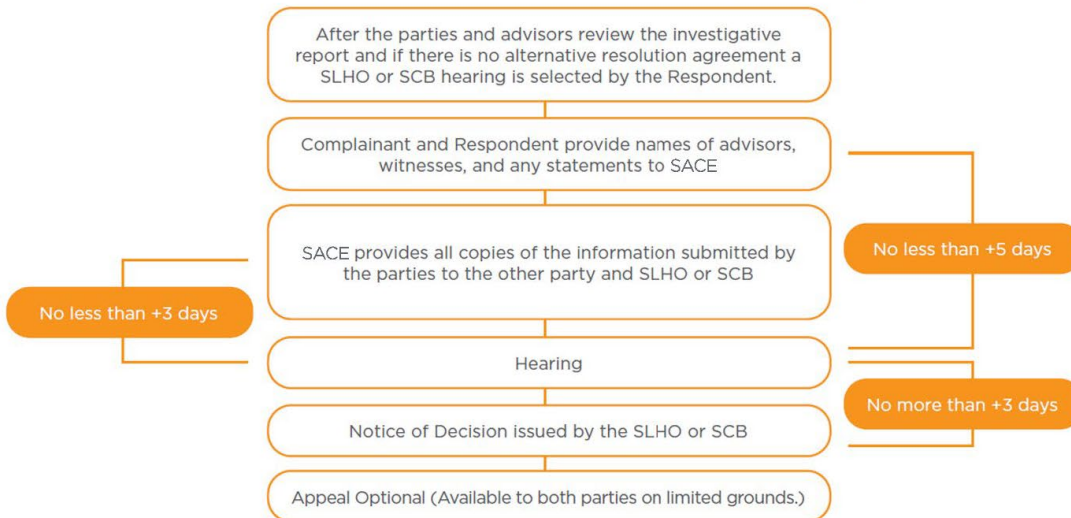


**APPENDIX C: NON-TITLE IX PROHIBITED CONDUCT HEARING AND APPEALS (3 OF 3)\***

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

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

**An Alternative Resolution may occur at any time following formal complaint and prior to a finding of responsibility.**



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

### 1.17 SAMPLE NOTICE OF RECEIPT OF FORMAL COMPLAINT

{{BASIC\_SALUTATION}},

This letter serves as notice that the Office of Student Conduct & Community Standards (SCCS) received a Formal Complaint alleging that {{RESPONDENT NAME}} (the “Respondent”) engaged in misconduct against {{COMPLAINANT NAME}} (the “Complainant”). SCCS is investigating the allegation as a possible violation of Standard of Conduct 7 of the University of Tennessee Health Science Center Student Code of Conduct (“Code”):

- Standard of Conduct 7: Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Sexual Exploitation, and/or Retaliation. Violating the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, Relationship Violence, and Stalking, which includes sexual exploitation, and retaliation.

Specifically, the Formal Complaint detailed that on or about {{INCIDENT DATE}}, at or near {{INCIDENT LOCATION}}, the Respondent engaged in {{TYPE OF PROHIBITED CONDUCT}} when {{BRIEF DESCRIPTION OF CONDUCT PULLED FROM FORMAL COMPLAINT}}. The University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (“Policy”) defines {{TYPE OF PROHIBITED CONDUCT}} as follows:

- {{SPECIFIC POLICY DEFINITION}}

The University responds to Formal Complaints by following the grievance process outlined in Code Section 8. Please note that the grievance process includes the following information:

- A Respondent is presumed not responsible for engaging in alleged misconduct and the University will not make a determination regarding responsibility until the conclusion of the grievance process.
- The Complainant and the Respondent may each be assisted by an Advisor of choice during all stages of this investigation. An Advisor may be a person outside of the University (for example, an attorney or other person of your choosing), or may be a University employee who is trained to serve in this role. Please see Code Section 8.2(b) for more information about the role of an Advisor.
- The Complainant and the Respondent may each inspect and review relevant evidence collected during this investigation prior to a hearing or determination of responsibility.
- If, during the course of this investigation, additional instances of alleged misconduct arise, SCCS will, where appropriate, send the Complainant and the Respondent an additional notice letter outlining the allegations.

Please see the attached information sheet for an overview of the investigation process.

SCCS will send a second letter to provide notice of your scheduled meeting/interview. Please note that providing false information to SCCS during the investigation may result in a separate disciplinary investigation of the alleged conduct under Standard of Conduct 4.2.

Sincerely,  
{{Signature}}

## **APPENDIX D**

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

The University of Tennessee Health Science Center 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 Inclusion, Equity, and Diversity/Inclusion (OIED or OEI) in accordance with University Human Resources Policies (applicable to all employees) and the Board of Trustees Policies Governing Academic Freedom, Responsibility, and Tenure (BT0006) (applicable to faculty), as modified and/or clarified by this Appendix D and Appendix D-1, and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46.<sup>17</sup>

#### **1.1 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

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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.



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

As soon as practicable after the filing of a Formal Complaint, OIED will provide a Notice of Receipt of Formal Complaint to the parties who are known. The Notice of Receipt of Formal Complaint shall include the following information: (1) notice of the process that applies to the allegations; (2) the identities of the parties involved in the incident; (3) the conduct allegedly constituting the violation; (4) the date and location of the incident, if known; (5) a statement that the Respondent is presumed not responsible for the alleged conduct; (6) a statement that a determination regarding responsibility is made at the conclusion of the process; (7) the parties' right to have an Advisor of their choice, who may be, but is not required to be, an attorney; (8) the parties' right to inspect and review evidence; and (9) notice that providing false information to a University official is a violation of the Code of Conduct, HR0580.

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

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

In addition to Formal Complaints under the Policy regarding Prohibited Conduct, anyone can file a complaint under the University's Human Resources Policy prohibiting sexual harassment (HR0280). HR0280 prohibits sexual harassment (and other discrimination) in employment. The requirements for investigating and resolving a matter under HR0280 differ from the requirements under this policy, and the University may be obligated to investigate an allegation of harassment under HR0280 regardless of whether a Formal Complaint is filed. Employees wishing to file a complaint under HR0280 must do so within 300 days of the alleged violation.

## 1.2 ADMINISTRATIVE LEAVE

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

### **1.3 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.

### **1.4 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.

### **1.5 RIGHT TO AN ADVISOR**

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

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

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

### **1.6 RIGHT TO A SUPPORT PERSON**

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

## 1.7 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.

## 1.8 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

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<sup>18</sup> Investigations of reports of Prohibited Conduct are usually performed by OIED/OEI. However, for good cause, the Title IX Coordinator may select an investigator(s) external to OIED/OEI, provided that the investigator has specific training and experience investigating allegations of Prohibited Conduct. Any investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest or bias. The investigator(s) may be a University employee, a team of University employees, an external investigator engaged to assist the University, or a team of external investigators engaged to assist the University. Good cause may include circumstances in which OIED/OEI has a conflict of interest (e.g. an OIED/OEI employee or someone who has oversight over OIED/OEI is a party or witness), the complexity of the case requires expertise or resources external to OIED/OEI; and the workload of OIED/OEI require an investigator external to OIED/OEI to timely investigate a case.

an administrative review of that decision by the Chancellor. Such a request must be made in writing to OIED within fifteen (15) business days after the investigative report is issued to the parties.

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

### **1.9 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.

### **1.10 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.

### **1.11 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.

## **1.12 INFORMAL RESOLUTIONS**

In some cases, Formal Complaints may be resolved prior to the conclusion of the OIED/OEI 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.

### **1.12.1 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 OIED/OEI and the Respondent. In appropriate cases, OIED/OEI 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.

### **1.12.2 Informal Resolution of Title IX Prohibited Conduct Complaints**

At any time prior to reaching a determination regarding responsibility, OIED/OEI may facilitate an informal resolution process with the Complainant (who is not a student) and the Respondent. OIED/OEI will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. OIED/OEI 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.

### 1.13 TRAINING FOR UNIVERSITY OFFICIALS

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

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

Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision makers will be publicly maintained at <https://titleix.tennessee.edu/policies/2020-training-materials/>

## APPENDIX D-1 OIED/ OIE 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 Associate Vice Chancellor of OIED/OEI will appoint a qualified Title IX Hearing Officer to conduct the Title IX Hearing and will notify the parties and their Advisors, if any, of the appointment. The Title IX Hearing Officer may be a University employee, a team of University employees, an external person engaged to conduct the Title IX Hearing, or a team of external people engaged to conduct the Title IX Hearing. A party may object to the appointment of any Title IX Hearing Officer, in writing to OIED/OEI. Any objection must be received within three (3) business days of the notice of appointment, and it must state the party's grounds for objecting. The Associate Vice Chancellor of OIED/OEI will decide whether an objection is justified, and that decision is final. If a Title IX Hearing Officer is removed based on an objection, the Associate Vice Chancellor of OIED/OEI will appoint a new qualified Title IX Hearing Officer to conduct the Title IX Hearing.

### **(3) Notice of Title IX Hearing**

(a) **When a Notice of Title IX Hearing is Sent.** The Title IX Hearing Officer will send the Respondent and the Complainant a Notice of Title IX Hearing at least ten (10) business days in advance of the date of the hearing.

(b) **Information in the Notice of Title IX Hearing.** The Notice of Title IX Hearing will contain, or be accompanied by, the following information: (1) the date, time, and place of the Title IX Hearing; (2) notice of the right to have an Advisor of the party's choice, who may be, but is not required to be, an attorney, and that, if the party does not have an Advisor present at the hearing, the University will provide an Advisor of the University's choice, without fee or charge, to ask the other party and any witnesses all relevant questions and follow-up questions on behalf of that party; (3) notice that any cross-examination of any other party or witness must be conducted by the Advisor, and never by a party personally; and (4) notice that all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint will be available to the parties at the hearing. Other pre-hearing information may also be included in the Notice of Title IX Hearing. Any Title IX Hearing may be rescheduled by the Title IX Hearing Officer or upon request of any party and for good cause shown.

(c) **More than One Respondent.** In cases involving more than one (1) Respondent, Title IX Hearings concerning each Respondent's conduct may be conducted separately upon written request of a party submitted at least seven (7) business days in advance of the hearing. The University has the discretion to make the final determination of whether to grant such a request and will notify the parties of the decision.

(d) **Consequences of Failing to Attend a Title IX Hearing.** If a party fails to attend a Title IX Hearing, the Title IX Hearing Officer may proceed with the Title IX Hearing without that party's participation.

### **(4) GENERAL RULES GOVERNING TITLE IX HEARINGS.**

(a) The Title IX Hearing will take place no sooner than ten (10) business days after the parties' receipt of the written investigative report.

(b) The Title IX Hearing Officer may conduct pre-hearing meetings or conferences with the parties and their Advisors, if any, to discuss any pre-hearing issues, including but not limited to, the date of the hearing, the location of the hearing, any technology to be used at the hearing, the general rules governing the hearing, including any rules of decorum, the identification of witnesses, and the availability of evidence at the hearing,

(c) Each party must notify the Title IX Hearing Officer at least five (5) business days before the hearing of the identity of the party's Advisor, if any, or that the party does not have an Advisor so that the University can provide an Advisor.

(d) At the request of either party, the University will provide for the hearing to occur with the parties located in separate rooms with technology enabling the Title IX Hearing Officer and parties to simultaneously see and hear the party or the witness answering questions.

(e) Upon the request and for good cause shown, a Title IX Hearing Officer may permit the participation of witnesses who were not identified by the party to the investigator, or the inclusion of evidence not provided by the party to the investigator.

## **(5) PROCEDURAL RULES FOR TITLE IX HEARINGS**

**(a) Authority of the Title IX Hearing Officer.** The Title IX Hearing Officer has the authority to maintain order and make all decisions necessary for the fair, orderly, and expeditious conduct of the Title IX Hearing. The Title IX Hearing Officer shall be the final decision maker concerning what, how, and in what order witnesses are questioned and evidence is examined.

**(b) Exclusion of Information.**

1. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
2. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.
3. The University cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

(c) **Preliminary Matters.** The Title IX Hearing Officer shall begin the hearing by explaining the substance of the allegations and the specific University policy or policies allegedly violated.

(d) **Attendance and Participation.** Attendance during a Title IX Hearing generally is limited to the Title IX Hearing Officer, a representative from the University, the Complainant 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 OIED/OEI, and OIED/OEI shall notify the Respondent, the Complainant, and their Advisors about the written determination and provide a copy of it simultaneously to the parties and their Advisors.

## **(8) APPEALING DECISIONS OF THE TITLE IX HEARING OFFICER**

(a) **Appealable Decisions.** The Complainant and the Respondent may appeal the decisions of the Title IX Hearing Officer that are contained in the Notice of Decision of Title IX Hearing Officer (as well as a decision by the University to dismiss a Formal Complaint), but the grounds for appeal are limited to those described in Section(8)(c).

(b) **Notice of Appeal.** An appeal is procedurally valid only if all of the following requirements are met: (1) an appeal shall be submitted to OIED/OEI in writing by fully completing a form approved by the University called a "Notice of Appeal;" (2) the Notice of Appeal shall be received by OIED/OEI within five (5) business days of the date that the University transmitted the Notice of Decision; and (3) the Notice of Appeal shall not include information that is not included in the record of the Title IX Hearing, except the Notice of Appeal may contain a summary of the new information described in Section (8)(c)(2). The University will notify the other party in writing when an appeal is received.

(c) **Grounds for Appeal.** The Notice of Appeal shall explain the grounds for the appeal, which shall be limited to one (1) or more of the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;

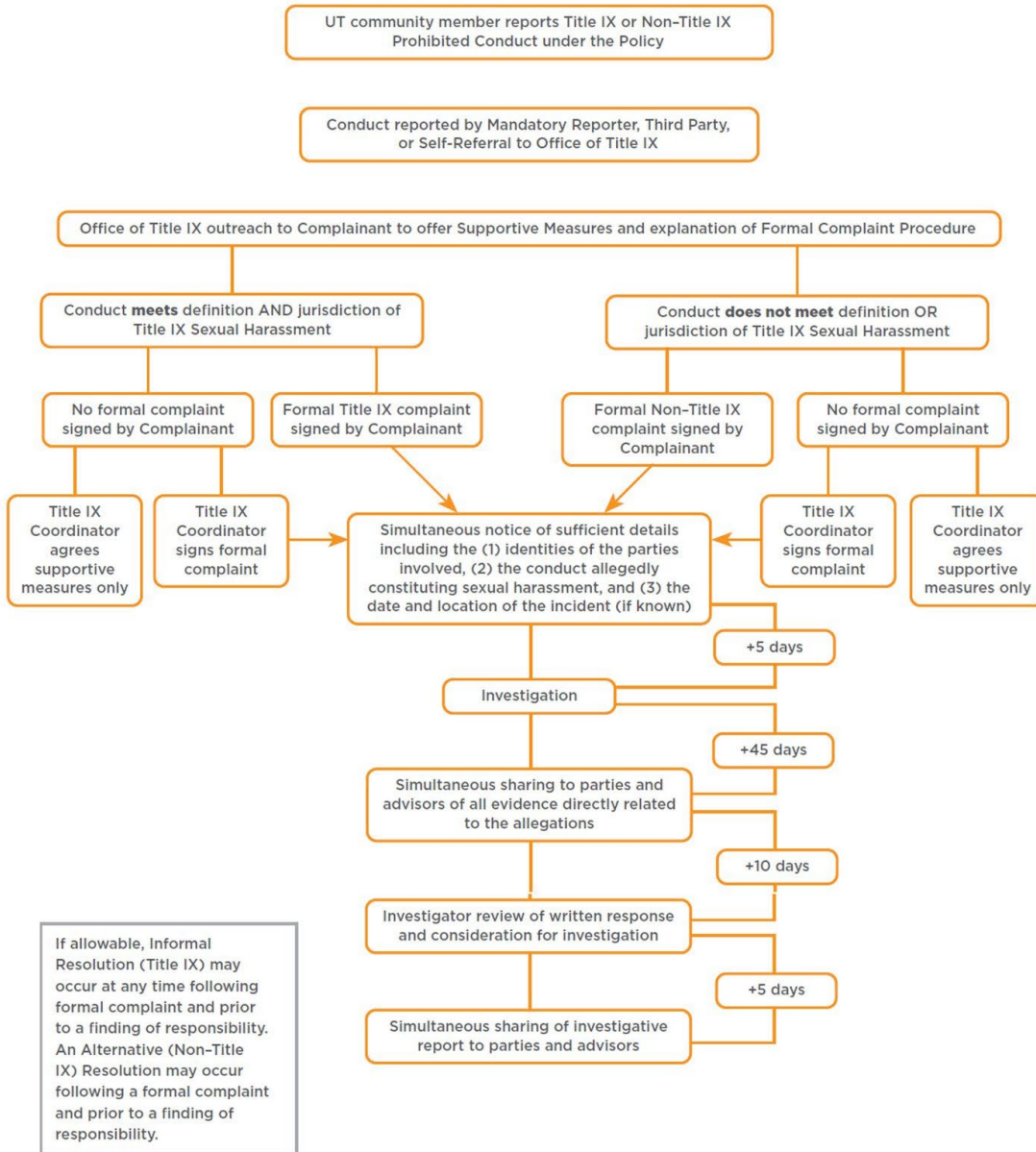
4. Any disciplinary sanctions imposed on the Respondent should not be imposed, or different disciplinary sanctions from those specified in the determination regarding responsibility should be imposed, or disciplinary sanctions should be imposed if none were imposed;
5. The Title IX Hearing Officer made 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 Chief Human Resources Officer (for staff), the Chief Academic Officer (for faculty), and the Associate Dean for Graduate Medical Education (for residents), 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 OIED/OEI within five (5) business days of the date on which the Notice of Appeal was filed, or on which the non-appealing party received notice that the other party filed a Notice of Appeal. After all written statements are received by OIED/OEIA, staff appeals will be submitted to the Chief Human Resources Officer, faculty appeals will be submitted to the Chief Academic Officer, and resident appeals will be submitted to the Associate Dean for Graduate Medical Education. Within thirty (30) business days of the receipt of the last written statement, the Chief Human Resources Officer (for staff), the Chief Academic Officer (for faculty), and the Associate Dean for Graduate Medical Education (for residents) will issue a written decision (Notice of Title IX Final Decision) describing the result of the appeal and the rationale for the result, which will be provided simultaneously to both parties. The decision of the Chief Human Resources Officer (for staff) the Chief Academic Officer (for faculty), and the Associate Dean for Graduate Medical Education (for residents) is final and not further appealable.

**TITLE IX PROHIBITED CONDUCT HEARING AND APPEALS FACULTY AND STAFF FLOWCHART**

**Appendix D**  
**Title IX & Non-Title IX**  
**Prohibited Conduct Complaints & Investigations (1 of 2)\***

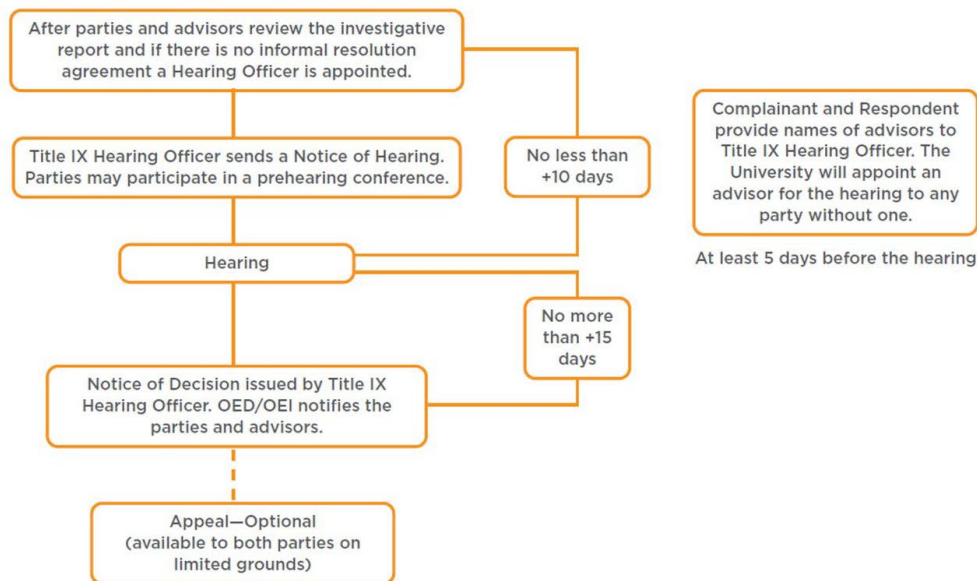


\*The flow chart is a summary graphical representation. For full detail, information, and dismissal considerations see the Policy.

## Appendix D Title IX Prohibited Conduct Hearing and Appeals Faculty and Staff (2 of 2)\*

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process, unless the parties agree to an Informal Resolution. Section D-1 of the Policy describes the process for a Title IX Hearing for faculty and staff respondents. The University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.

If allowable, Informal Resolution may occur at any time following formal complaint and prior to a finding of responsibility.



\*The flow chart is a summary graphical representation. For full detail, information, and dismissal considerations see the Policy.

## APPENDIX E GUIDE FOR MANDATORY REPORTERS

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free 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 a Title IX Coordinator if you are not sure whether you are a Confidential Employee)

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<sup>19</sup> Capitalized terms have the same meaning in the Policy and Appendix E.

- If yes, and if you received the information about Prohibited Conduct in the context of a confidential relationship, then you are not a Mandatory Reporter. You should help a Complainant explore options for care and support, provide information on reporting options and interim measures, and provide emotional support.
- If no, proceed with asking Question 2.

(2) Is the Complainant a child (under age 18)?

- If yes, and the incident involves suspected child abuse or child sexual abuse, then you must report the incident in accordance with University of Tennessee Safety Policy 0575.
- If no, proceed with asking Question 3.

(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

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

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 Captain Joanne Morrow, the University's Clery Compliance Coordinator, at [jmorrow9@uthsc.edu](mailto:jmorrow9@uthsc.edu) or 901.448.6452

## SECTION 2 ACTIONS THAT MANDATORY REPORTERS MUST TAKE

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

(1) Support the Complainant by:

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

(2) Report the incident to the University:

- 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).<sup>22</sup> The Mandatory Reporter must communicate all details known about the alleged incident; 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.

<sup>22</sup> A Mandatory Reporter may also inform his/her supervisor of the incident. With the prior approval of the Title IX Coordinator, a University unit may adopt a policy that requires a Mandatory Reporter in the unit to report an incident of Prohibited Conduct to his/her supervisor or other designee within the unit, who, in lieu of the Mandatory Reporter who received notice of the incident, must promptly report the incident to a Title IX Official.



- 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 or the campus resource information.

#### **SECTION 4 ACTIONS THAT MANDATORY REPORTERS MUST NOT TAKE E**

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 UTHSC-PD) without the Complainant's consent; and/or
- (4) Investigate or otherwise attempt to resolve reports of Prohibited Conduct without the approval of a Title IX Official (this provision does not apply to UTHSC-PD), other than taking an action required or recommended in Section 2 or Section 3.

## APPENDIX D: ADDITIONAL INFORMATION

### OPERATIONS

Below is a list of basic operational functions performed by Campus Police. It is not based on any order of priority.

#### Communications

There is a 24-hour, seven-day-a-week communication center maintained at 3 North Dunlap. All officers of Campus Police and vehicles are equipped with two-way radios for the purpose of communicating with the communication center. Additionally, there is a University-wide telephone network with direct lines into the communications center. The communications center is monitored by police dispatchers. The communication center is the focal point of all police field communication, and further serves as a link between the University and other emergency public agencies such as law enforcement agencies, ambulance services, fire departments, etc.

#### Investigation

Any crime reported on UT properties, whether the victim is the University or an individual, requires that an official report be prepared.

Officers before initiating a report conduct a preliminary investigation to determine the nature of the crime, the victim, suspect, injury, loss and evidence associated with the criminal incident. Reports are initiated on all noncriminal matters as well. Follow-up investigations are conducted on some criminal matters for the purpose of gathering additional information, recovering property or identifying suspects.

Officers conducting such preliminary investigations often have to appear in court and testify as to their investigation. Copies of non-criminal police reports are forwarded to the appropriate University officials, to the department heads, or unit supervisors.

#### Loss Control

The protection of all physical assets of the University involves the development of recommendations to minimize the University's exposure. The Chief of Police and the Safety Officer have the responsibility of developing effective Loss Control Management Procedures to reduce the campus' liability and protection of its assets.

#### Safety

Officers perform a variety of safety functions on the campus including detection of hazardous conditions that could result in injury; reporting maintenance problems such as light outage, water leakage; property damage such as broken windows; or detecting conditions that may result in fire. Officers also respond to fire alarms at the University and assist in the evacuation of buildings. They also provide reports and investigations with recommendations concerning methods of improving safety conditions on the campus.

#### Special Events

The University of Tennessee Health Science Center plays host to numerous events each year and the UTPD Police special events section is responsible for coordinating a police presence at all special events on campus. Sergeant William Gray is assigned to this office and is responsible for coordinating all special events with the

Director of "Special Events." The UTPD provides traffic control, interior patrol and crowd control personnel for each of these events. The UTPD special events section also provides Police protection and escorts for visiting dignitaries involved in University functions.

If your department is hosting an event, you must register your event at the Events Calendar. This process starts with contacting the Pamela Houston.

### ADMINISTRATION

The chief of police formulates and develops rules and regulations for the Campus Police. This is accomplished through the cooperation of the University by determining its safety needs and developing operational programs to meet those needs.

#### Records

All documents such as letters, memos, reports, personal injury reports, miscellaneous service reports, follow-up reports, investigations/report findings, policies, rules, regulations, scheduling reports, etc. are maintained by the campus police.

## **Equipment**

Equipment control and maintenance also is a function of the Campus Police. Certain uniform items, badges, identification, foul weather gear, vehicle emergency equipment, and other supplies are controlled by Campus Police Business office.

## **Public Service**

Campus Police also provide several miscellaneous public services. These include finger printing required by Faculty, Staff, and Students.

## **HOW CAMPUS POLICE ACTIVITIES AFFECT YOU**

All new students and employees are provided information about safety and security and the prevention of crimes at their respective orientation programs. The following section provides additional information concerning campus security and you.

### **Identity Checks / Identification Cards**

All current registered students, faculty, and staff are required to have a UT Identification Card. Lost and found I.D. cards should be reported to the campus police at 3 North Dunlap. Replacement ID cards may be obtained from the campus police. Please call 448.6705 for location and time.

In order to determine the identity of students, faculty, and staff, everyone is required to present their University identifications cards promptly upon request of a Campus Police officer, member of the administration or faculty of the University. Identification cards will not ordinarily be retained by the police; however, a card may be retained if an emergency situation exists, or if the card is needed as evidence. The retained card, if valid, will be returned to the student or employee as soon as possible. Charge for lost I.D. is \$12.00.

### **Key Control**

Employees, residents, and some graduate students are issued keys to UT buildings and offices. Issuance of building entrance keys must be approved by the department head, and in addition, some buildings have a building manager whose signature is required before a key can be issued. A charge of \$10.00 per key is assessed for each lost key and payment must be made before an exit clearance can be completed.

- Any issued key is the property of the University of Tennessee, and is loaned to you during your affiliation with the campus.
- You must not loan or give the key to anyone, even if your employment with The University terminates. All keys must be properly disposed by returning them to the Facilities Locksmith & Key Control Unit for record control disposition.
- You are personally responsible for University issued keys at all times. Should you lose the key please contact us at 448.6837 after you have made a careful search.

## **TIPS FOR A SAFE CAMPUS**

*When walking or jogging:*

- Go with someone.
- Stay away from isolated areas.
- Stay in well-lit areas.

*If you're followed:*

- Cross the street and change directions.
- Go to a well-lit area. Enter a store, house, residence hall, anywhere there are people.
- Notice and try to remember as much as possible about the person, so you can give a good description later.

*If you are a victim of a robbery:*

- Do not resist, No amount of money is worth taking chances with your life.
- Notify the campus police or local police immediately.
- Try to give a description that includes approximate age, height, weight, clothing, jewelry, and details on hair, scars, tattoos, anything that is noticeable.

*Protect personal and University property:*

- Lock your office door every time you leave.
- Engrave expensive equipment
- Engraving equipment is available upon request in the Campus Police office.
- Do not store your purse in an unlocked desk drawer.
- Do not leave your belongings unattended in libraries, hallways, locker rooms, or classrooms.

*If you are working late:*

- Keep your office door locked.
- Lock all doors behind you as you enter and exit the building.
- Advise the Campus Police that you are in your office.

*Protect yourself and your car:*

- Keep doors locked while driving.
- Do not pick up hitchhikers.
- Always lock your car and take the keys.
- Park in well-lighted areas.
- Place packages out of sight.