

/ 2025

ANNUAL SECURITY & FIRE SAFETY REPORT



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MESSAGE FROM LEADERSHIP

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

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

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

You can request a hard copy of this report from Campus Compliance Services, located at 1817 Melrose Avenue, Knoxville, TN 37996 or have a hard copy mailed to you by emailing clery@utk.edu.

ANNUAL DISCLOSURE OF CRIME STATISTICS

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

PREPARATION FOR THIS REPORT

Campus Compliance Services is responsible for preparing and distributing this annual security and fire safety report to comply with the Clery Act. This responsibility moved from the division of Public Safety to Campus Compliance Services on July 14, 2025. Within Campus Compliance Services, the responsibility for preparing the report is assigned to the Clery Compliance Coordinator. The report is published and distributed every year by October 1. It includes statistics for the previous three years concerning reported crimes that occurred on the university's Clery geography. Statistics for Clery Act offenses that did not occur within Clery geography are not included in the university's Clery Act crime statistics even if university students or employees were involved.

The Clery compliance coordinator prepares the report, including the annual disclosure of crime, arrest, and referral statistics, with input from various sources, including the UT Police Department, the Office of Title IX, the Division of Student Life, and local law enforcement agencies, including the Knoxville Police Department. The Clery compliance coordinator works to reconcile statistics from the Office of Title IX and Student Conduct and Community Standards to reduce the instances of missing or double counting incidents. For statistical purposes, crime statistics reported to any CSA are recorded in the calendar year in which the crime was reported.

The statistics represent offenses that were reported to any of those sources, regardless of whether the alleged offense was investigated or whether there was a finding of guilt or responsibility. To collect reported crime information occurring at non-campus properties during student school-sponsored travel, a travel form is listed on the Clery website for travel leaders to complete and submit. This information is used to request reported crime information from local law enforcement agencies with jurisdiction over the areas considered to be non-campus property.

The university does not directly collect statistics from the Student Counseling Center on campus due to the confidentiality of licensed professional counselors.

The Clery compliance coordinator submits the crime statistics published in the annual security and fire safety report to the United States Department of Education (ED), which makes crime statistics available to the public through the ED website. In addition, a copy of the annual security and fire safety report and a daily crime log are available for review 24 hours a day on the university's Campus Compliance Services website, clery.utk.edu/crime-log. The university provides an electronic notice of availability of the annual security and fire safety report to: (1) all current university faculty, staff, and students; and (2) prospective university students, faculty, and staff.

In compliance with the Clery Act, the university shares its annual crime statistics contained in **Appendix A**. All statistics enclosed in the annual security and fire safety report are anonymous.

CLERY GEOGRAPHY

For information on the university's Clery geography, you may visit clery.utk.edu/clery-map for a detailed map and geography descriptions.

The University of Tennessee Medical Center, which is operated by University Health System, Inc., a separate legal entity from the University of Tennessee, is not considered campus property because it is separated from the Knoxville campus by the Tennessee River. Additionally, only the portion of the Tennessee River that is in front of the "Vol Navy" Boat Docks and the Wayne G. Basler Boathouse is Clery reportable geography. The property at 1525 University Avenue is not frequented by students and is not within a reasonably contiguous area of UT Knoxville's main campus; therefore, it is not considered Clery geography.

JURISDICTION AND LAW ENFORCEMENT AUTHORITY

UT Police Department
1101 Cumberland Ave, Knoxville, TN 37916
Emergency: 865-974-3111
Non-Emergency: 865-974-3114

The University of Tennessee Police Department's state certified officers are duly commissioned by the State of Tennessee. As such, UT Police Department officers have full police powers in the City of Knoxville, Knox County, and on any other property contiguous to property of the University of Tennessee, Knoxville.

The UT Police Department shall be responsible for the delivery of police services and the enforcement of all applicable laws and ordinances within the geographical boundaries of the University of Tennessee Community and any property that is owned, leased, or controlled by the University of Tennessee.

Officers of the UT Police Department are authorized to perform their duties at all facilities or property owned, leased or operated by the University of Tennessee Board of Trustees, including any public roads or rights-of-way which are contiguous to, within the perimeter of, or connect between such facilities, property, or interests of the University of Tennessee.

UT Police Department officers may enforce any parking or traffic regulation, or any misdemeanor or felony offense that occurs in their presence, if they are on property owned or controlled by the University of Tennessee Board of Trustees or traveling along any route between UT property. UT officers may also enforce ordinances of the City of Knoxville within its corporate limits. As duly commissioned officers, UT Police Department carry service weapons and have arrest authority.

In general, each UT Police Department officer shall, in all cases, use only the minimum amount of force that is consistent with the accomplishment of his/her mission, and shall exhaust every other reasonable means of apprehension or defense before considering the use of a firearm.

CPS, Special Event Assistants, and CSOs are not commissioned by the State of Tennessee, do not carry service weapons (with the exception of those CSOs who are Capital Escorts), and do not have arrest authority.

UT Police Department patrols the University campus and its surrounding areas 24 hours a day, 365 days a year. These patrols include vehicle patrols, as well as motorcycle, bicycle, UTV, and foot patrols when the weather permits or the need arises. UT Police Department patrols also include frequent building and facility checks for suspicious activity or those in need of assistance. UT Police Department also provides security for athletic events and other functions hosted in campus facilities. KPD often provides, upon request, necessary services in assistance of UT's investigation.

UT Police Department is computer linked to city, state, and federal criminal justice agencies, which provide access to information concerning criminal records, wanted persons, stolen property, and vehicles. The University will document and investigate certain violations of law and the University's codes of conduct, and, when appropriate, are referred for prosecution

through the District Attorney General. Criminal matters involving university students may also be referred to the appropriate university administrative office (e.g., Student Conduct and Community Standards) for disciplinary action.

WORKING RELATIONSHIPS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES

UT Police Department maintains a close working relationship with the Knoxville Police Department (KPD), and other local law enforcement agencies. Typically, UT Police Department will meet with local law enforcement agencies for planning large events on campus such as UT home football games. Due to the size and nature of UT home football games and other events on campus, the UT Police Department Special Events department will utilize staff from Knox County Sheriff's Office (KCSO), Blount County Sheriff's Office (BCSO), Anderson County Sheriff's Office (ACSO), Loudon County Sheriff's Office (LCSO), as well as Tennessee Highway patrol (THP). They are used as additional support staff for purposes related to security and traffic.

Additionally, UT Police Department has a representative on the Joint Terrorism Task Force who meets throughout the year to share criminal intelligence. Staff from UT Police Department investigations will frequent the Knoxville Police Department's (KPD) COMPSTAT (Computer Statistics) meetings. The UT Police Department K-9 units will attend regular training courses with other agencies such as KPD, KCSO, and BCSO.

A written memorandum of understanding between UT Police Department and KPD regarding the exercise of jurisdiction has been adopted and recently updated in 2022. UT Police Department and KPD officers communicate regularly at the scene of incidents that occur in and around the campus area. UT Police Department investigators work closely with KPD investigators when incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information. KPD has primary investigative responsibility when the following crimes occur on university property:

Unattended death, criminal homicide, first-degree murder, second-degree murder, voluntary manslaughter, criminally negligent homicide, vehicular homicide, and viable fetus as victim, as defined in T.C.A. §§ 39-13-201, -202, -210, -211, -212, -213, and -214;

UT will investigate all other crimes set out in the Tennessee Code. However, any crime resulting in serious bodily injury or requiring hospitalization will be reported to KPD, and, upon request from UT, KPD will provide technical assistance (i.e., crime lab, breathalyzer, etc.). Pursuant to Tenn. Code Ann. §49-7-129(c), UT shall lead any investigation of any aggravated rape, rape, aggravated sexual battery, sexual battery, and statutory rape, as defined in Tenn. Code Ann. §§39-13-501 through 507. In the event UT requests additional services from the KPD, KPD will provide, upon proper notification, all necessary services in assistance of UT's investigation.

Serious crimes and other incidents that are deemed by UT Police Department to be of interest to state and/or local agencies are reported to those agencies. All crimes that occur on campus are reported by UT Police Department on a monthly basis to the Tennessee Bureau of Investigation (TBI) and to the Federal Bureau of Investigation (FBI) headquarters for their annual publications.

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

The Clery Act requires the university to include in this report a statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at non-campus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities. With respect to criminal activity in which students engage at non-campus locations of registered student organizations, UT Police Department officers can and do assist with responding to and investigating student-related incidents that occur in close proximity to campus, consistent with UT Police Department's written agreement with KPD. If KPD or the Knox County Sheriff's Office is contacted about criminal activity occurring off campus involving university students, KPD or the Knox County Sheriff's Office may notify UT Police Department. However, there is no official Knox County Sheriff's Office policy requiring such notification. Students in those cases may be subject to arrest and/or university discipline. In the event of the arrest of any individual known to be a UT student, KPD will notify UT Police Department of said arrest in a manner directed by the Chief of UT Police Department. KPD may be delayed or forego said notification when, in the sole determination of KPD, notification might hinder, interfere with, or otherwise jeopardize an ongoing investigation or prosecution.

Knoxville Police Department
1650 Huron Street; Knoxville, TN 37917
865-215-4010

Knox County Sheriff
400 Main Street; Knoxville, TN 37902
865-215-2243

REPORTING CRIMES OR OTHER EMERGENCIES

The University of Tennessee, Knoxville encourages anyone who is a victim of crime, witnesses or learns about a crime, or who would like information on whether what they witnessed or learned about is a crime, to contact the UT Police Department and provide accurate and prompt information. The UT Police Department is staffed 24/7, is trained in this specific work, and works closely with other offices across the university to respond to crimes.

EMERGENCIES

In case of an emergency, your first call should be to UT Police Department. To contact first response, dial 911 and a dispatcher can direct you to UT Police Department or the appropriate local law enforcement agency.

REPORTING NON-EMERGENCY CRIMES

To report criminal incidents, suspicious activity, or other incidents that are not emergencies to UT Police Department:

- Call 865-974-3114; UT Police Department operates on a 24-hour basis, and a police communications officer is always available to take information;
- Report in person at 1101 Cumberland Avenue, Knoxville, TN; or
- Report via the campus safety app, *Safe at UT*, to chat with a police communications officer

For general questions or other inquiries, you may send UT Police Department an e-mail at utpolice@utk.edu. This account is frequently checked but not continuously monitored.

UT Police Department's response to these reports often depends on the type of non-emergency information reported. They will make the decision on a case-by-case basis on whether to send timely warnings or emergency notifications as well as the type of response necessary for the reported incident.

REPORTING TO OTHER OFFICIALS

As an alternative to reporting a criminal incident to UT Police Department, an individual may report criminal incidents, suspicious activity, or other incidents that are not emergencies to the following university offices:

UNIVERSITY OFFICE	CAMPUS ADDRESS	PHONE NUMBER
Dean of Students	383 Student Union	865-974-3179
Office of Title IX	1817 Melrose Avenue	865-974-9600
Division of Student Life	700 Andy Holt Tower	865-974-7449
University Housing	2107 Andy Holt Avenue	865-974-2571
Student Conduct & Community Standards	102 Andy Holt Tower	865-974-3171
Human Resources	105 Student Services Building	865-974-6642
Tennessee Athletics	1551 Lake Loudoun Blvd	865-974-6322

CAMPUS SECURITY AUTHORITIES

The term Campus Security Authority (CSA) describes personnel required to report Clery Act crimes that occur within the university's Clery geography and that are reported to them or otherwise brought to their attention. Not every university employee is a CSA. Some are confidential employees (such as professional mental health counselors) exempt from providing this information.

Community members who do not qualify as CSAs under the Clery Act are not considered CSAs.

Reportable Clery crimes are collected, categorized, and documented in the university's annual crime statistics included in **Appendix A**. Clery Act statistics do not disclose any personally identifiable information.

While the University encourages victims of a crime to seek assistance with UT Police Department and/or off campus law enforcement agencies, university employees will notify law enforcement when the victim of the crime elects to or is unable to notify. Per the Clery Act and University Policy, the victim of a crime of sexual violence or interpersonal misconduct has the right to:

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

CONFIDENTIALITY

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

The UT Police Department encourages anyone who is the victim of or witness to a crime to promptly report the incident to UT Police Department or another law enforcement agency. UT Police Department cannot guarantee that a report will remain confidential, as police reports related to closed cases are generally subject to public inspection under the Tennessee Public Records Act. UT Police Department does not offer anonymous reporting. The university's annual crime statistics do not include any personally identifiable information about victims, suspects, or witnesses.

The university does not publish personally identifiable information of crime victims in its annual security and fire safety reports, nor does it disclose personally identifiable information regarding victims in the campus police department's daily crime log.

RESOURCES EXEMPT FROM REPORTING UNDER THE CLERY ACT

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

The university does not have procedures that encourage professional counselors to inform persons they are counseling of the university's procedures to report crimes on a voluntary, anonymous basis for inclusion in the university's annual disclosure of crime statistics, or for the purposes of issuing a timely warning.

MISSING STUDENT NOTIFICATION PROCEDURES

MISSING STUDENT POLICY

Students, employees, or other individuals who want to report that an on campus residential student is missing should contact the UT Police Department immediately at (865) 974-3111. They may also dial 911. Missing students may be reported at any time; there is no requirement to wait 24 hours.

Most missing student reports in a campus environment result from students changing their routines without informing friends. If a member of the university community has reason to believe that a student is missing, steps will be taken to locate the student.

UT Police Department is responsible for investigating each report of a missing student, and for determining whether the student is missing, in accordance with the Policy. Any missing student report must be referred immediately to the UT Police Department.

MISSING PERSON CONTACT

As part of the process of contracting with the university to live in on-campus housing, every student is asked to identify a Missing Person contact to be notified if that student is officially determined to be missing by UT Police Department or the local law enforcement agency.

After a student has received an on-campus housing assignment or selected their own booking in the University Housing Portal, the portal home page will automatically redirect the student upon log-in to either enter Missing Person contact information or opt out of the reporting. Once Missing Person Contact information or opt out is entered, the automatic redirect will not occur. The student can modify their information at any time by selecting Missing Person Contact Information from the portal menu.

Students are advised that their Missing Person Contact information will be accessible only to authorized university officials and that such information will not be disclosed to others except to UT Police Department or other law enforcement personnel in furtherance of a missing person investigation.

CONFIDENTIALITY OF MISSING PERSON CONTACT

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

STUDENTS UNDER AGE 18

Parents or guardians of students under the age of 18 who are not emancipated will be notified in addition to any additional Missing Person Contact designated by the student, within 24 hours of determining that they are missing, unless there is credible and substantial reason to believe that such notification may further endanger the student or compromise an ongoing investigation.

NOTIFICATIONS TO LAW ENFORCEMENT

The University of Tennessee, Knoxville notifies local law enforcement, Knoxville Police Department (KPD), within 24 hours of determining a student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. This occurs regardless of whether the student has identified a Missing Person Contact, is above the age of 18, or is an emancipated minor.

PROCEDURE IF A STUDENT IS DETERMINED MISSING

If a student residing in an on-campus housing facility is reported missing, the UT Police Department will initiate an investigation into the status of the missing student.

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

- Notification of university personnel:
 - UT Police Department - 865-974-3111
 - Executive Director of University Housing (or their designee) - 865-974-2571
 - Associate Vice Chancellor for Student Life - 865-974-7449
- UT Police Department initiates whatever action is deemed appropriate under the circumstances in the best interest of the missing student.
- UT Police Department, or their designee, will make the following notifications that a student is missing within 24 hours after determining the student is missing:
 - The Missing Person Contact, regardless of the student's age, provided by the student
 - If the missing student is under the age of 18 and not emancipated, the custodial parent or guardian will also be contacted
 - Regardless of whether the student has identified a Missing Person Contact, is above the age of 18, or is an emancipated minor, the local law enforcement agency that has jurisdiction in the area at issue will be notified

TIMELY WARNINGS (SAFETY NOTICE)

The University of Tennessee, Knoxville will send timely warnings, referred to on campus as a Safety Notice, regarding Clery-reportable crimes occurring in Clery Act geography and reported to a campus security authority or local law enforcement that may pose a serious or continuing threat to students and employees. Such warnings will be issued in a manner that is timely, withholds the names of victims as confidential, and will aid in the prevention of similar circumstances.

The university is not required to and does not issue timely warnings for Clery Act crimes that are disclosed to a professional counselor within the scope of their responsibility.

TIMELY WARNING NOTIFICATIONS

Timely warnings are notifications about Clery-reportable crimes that may have already occurred but represent a serious or continuing threat and apply to Clery Act crimes that occur within the university's Clery Act geography. These warnings are issued to provide information about these incidents to inform the campus community and aid in the prevention of similar offenses. Clery Act geography is described elsewhere in this report. Such warnings may include, but are not limited to, the following information:

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

CIRCUMSTANCES IN WHICH A TIMELY WARNING WILL BE ISSUED

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

A timely warning will not include information that, in the judgment of the university, would compromise law enforcement efforts.

TIMELY WARNINGS TO MEMBERS OF THE CAMPUS COMMUNITY

The decision whether to issue a timely warning is made by the Clery compliance coordinator, in consultation with the Chief of Police, UT Police Department or designee, and/or other relevant university administrators as deemed appropriate. Such decision is made on a case-by-case basis in light of all the facts known at the time of the report concerning the crime, such as the nature of the crime and whether university students and employees are at risk of becoming victims of a similar crime. The apprehension of the alleged perpetrator typically removes the risk to university students and/or employees. The university typically does not issue a timely warning regarding an incident for which a report was filed more than 5 days after the alleged incident, unless doing so is deemed appropriate under the circumstances.

ISSUING A TIMELY WARNING

Timely warnings are typically written by the Clery compliance coordinator or their designee. Upon final approval, the timely warning is distributed to all UTK NetID accounts (e.g., students, faculty, and staff) through a campus email marketing platform, known as Emma, by the Clery compliance coordinator or their designee. Timely warnings may also be distributed through the university's Clery website, see clery.utk.edu/safety-notice and UT Police Department's social media accounts (e.g., Facebook, Instagram, and X).

If there is an immediate threat to the health or safety of students or employees occurring on campus, the university will follow its emergency response and evacuation procedures, which include emergency notification. No timely warning based on the same circumstance will be issued. However, follow-up information will be disseminated to the campus community as needed. Follow-up information may include status of incident, all clear, situational awareness, university response, and additional safety tips and information. The Clery compliance coordinator or their designee may, in their discretion, issue special messaging for incidents the Clery Act does not require the university to issue a timely warning.

EMERGENCY NOTIFICATIONS (UT ALERT)

The University of Tennessee, Knoxville will follow its emergency notification procedures and immediately notify the campus community upon confirmation of a significant emergency or dangerous situation that may involve an immediate threat to the health or safety of students or employees occurring on campus. An emergency notification will be sent called a UT alert. Adequate follow-up information will be provided to the community as needed.

EMERGENCY NOTIFICATION PROCEDURES

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

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

CONFIRMING A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION

As stated above, the university will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Examples of situations in which an emergency notification is likely to be issued include: a major disruption of campus operations; a hazardous material spill/leak impacting a large area; severe weather-related threat; or an active shooter.

As used in this section, “confirmation” generally means that the university 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 UT Police Department Shift Supervisor is the primary person who determines whether such a situation exists; however, the Director of Emergency Management, UT Police Department command staff, the Chancellor, the Senior Vice Chancellor for Finance and Administration, the Associate VC for Public Safety, and/or Chief of Police or designee(s) could also make such a determination. In the process of verifying whether such a situation exists, those persons may rely on information received from witnesses, first responders, university departments/units, and entities outside of the UT Police Department with information relevant to the situation including, but not limited to: the Knoxville Police Department; the Knox County Sheriff’s Office; the Knoxville Fire Department; the National Weather Service; and personnel from the university’s Environmental Health and Safety and Facilities Services departments. So that there is no undue delay in notification, confirmation does not necessarily mean that all the pertinent details about the situation are known or even available.

DETERMINING THE APPROPRIATE SEGMENT(S) OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

UT alert text and e-mail messages will be sent to subscribers regardless of their actual location when the emergency notification system is activated. However, the university has the capability to send emergency notifications to blue light phones or building fire alarm annunciators based on geographic area, should the emergency or dangerous situation be specific to one area of campus. In addition to alerting UT alert text message subscribers, every member of the campus community with a “utk.edu” e-mail address will automatically receive any UT alert message via their utk.edu email. The incident dictates the appropriate area(s) to be notified. For example, a building fire would generally only impact one area while a severe weather event would potentially impact the entire campus. The UT Police Department Shift Supervisor or public safety designee generally is the person who determines which segment of the campus community receives an emergency notification.

DETERMINING THE CONTENTS OF AN EMERGENCY NOTIFICATION

The content of UT alert text and e-mail messages for most potential campus emergencies have been pre-scripted and are ready to be immediately sent. Employees with authority to send a UT alert also have the ability to amend the content of the message in the event that none of the pre-scripted messages are sufficient or more specific details are appropriate. UT alert text messages are generally short and very direct due to character limitations. The initial UT alert message is primarily designed for quick notification of a dangerous situation. Each UT alert will have a subsequent final message of information with a resolution of the incident for the community. The on-call command staff, Chief of Police, and/or public safety designee will work with appropriate university officials to ensure follow-up information is sent out. The campus community is encouraged to seek additional information after becoming aware of an emergency by monitoring their utk.edu e-mail, the university’s social media accounts, and the utk.edu website. The university’s emergency notification system uses various communication methods that vary in delivery speed, and more details can be provided in e-mail and on the web.

INITIATING THE EMERGENCY NOTIFICATION SYSTEM

UT Police Department or public safety designee, in the course of responding to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, typically will gather the necessary information pertinent to share with the campus community about incidents on campus that present an ongoing risk. Upon confirmation of such a threat, the UT Police Department Shift Supervisor is the primary person with the authority to send a UT alert. A UT alert may also be sent by the UT Police Department command staff and the Office of Emergency Management.

DISTRIBUTING EMERGENCY NOTIFICATIONS

A UT alert is one of the primary methods of notifying the campus community about serious emergencies, ongoing situations, or disruptions to normal operations on campus in a timely manner. Students, faculty, and staff are automatically loaded into the system for email

notification but must provide a mobile number in the user interface to receive text messages from UT alert. Students, staff, and faculty can register to receive UT alerts text messages at safety.utk.edu/ut-alert. Individuals are responsible for updating their contact information periodically to ensure their continued participation in the UT alert system. Participation in the UT alert system is not mandatory for text messaging, but providing a mobile phone number is strongly encouraged by the university. Individuals are responsible for the cost of any text messaging fees from their mobile service provider incurred as a result of active or test messages received during their participation in the UT alert system.

Signing up for the UT alert system is not a guarantee of one's personal safety. Individuals may opt-out of the UT alert text messaging portion of the system at any time. UT alert email messaging is automatic and cannot be opted out of.

The UT alert emergency notification method is tested during the spring and fall semesters each year through a published announcement and full activation. Each test includes a campaign to encourage the campus community to register for text alerts and download the campus safety app. The blue light phones' public address system is tested by activating units monthly on a rotational basis with all units being tested annually. The results of each test are documented.

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

If a crime is covered by both emergency notification and timely warning requirements and an emergency notification is issued, the University of Tennessee, Knoxville will not issue a timely warning but will provide follow up information as necessary. Follow-up information may be provided to the community through email or similar messaging that the notification was originally sent with.

Timely warnings and emergency notifications may, where appropriate, be distributed to or shared with the larger community by the Office of Communications and Marketing to local television and radio stations.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY RESPONSE

The University's Emergency Operations Plan (EOP) is updated annually and available on SharePoint for anyone with a UT NetID and password at prepare.utk.edu/emergency-management under 'Campus Emergency Operations Plan.' If you are unable to view this site, you may contact Emergency Management (prepare.utk.edu/about) for access.

The EOP provides information on how the university will prepare and organize to respond to emergencies. The EOP provides detailed guidance on roles and responsibilities for emergency response personnel and guidance for colleges' and departments' continuity and emergency action planning. The EOP is administered by the university's *Office of Emergency Management* following the principles of the National Incident Management System.

In addition to making the EOP available on SharePoint, campus specific information and procedures are also published at prepare.utk.edu and in an emergency preparedness training module available on Canvas at utk.instructure.com/enroll/PFBWC9. The Public Safety Department and Office of Communications and Marketing regularly conduct awareness efforts to encourage campus community members to review safety-related information. University buildings are equipped with emergency signage that indicates the best shelter locations and exits.

UT Police Department officers and various campus administrators have received training on incident command and responding to critical incidents on campus. The university works in conjunction with a variety of local, state, and federal agencies to respond to any type of incident impacting our campus.

Students and employees are encouraged to notify the UT Police Department or call 911 for any situation or incident that involves a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Emergencies can also be reported by live chat with the UT Police Department through the campus safety app. In the event of an emergency, the EOP can be activated by the Chancellor, the Vice Chancellor for Finance and Administration, Director of Emergency Management, Chief of Police, or their designees.

EVACUATION PROCEDURES

The university maintains a plan for a campus-wide evacuation, which includes multiple methods of transporting the campus population, depending on the nature of the emergency, to a safe off-campus location. Directions will be provided via the campus' emergency notification system.

Neyland Stadium gate 21 and staff lot 25 across from the Allen Jones Intercollegiate Aquatics Center have been designated as evacuation bus stop locations for the campus transit system.

Sheltering inside a building is often the safest action depending on the emergency, such as a tornado, hazardous materials release, or an active shooter. The campus community may be told to seek shelter via a UT alert message at which time they should proceed to the best available

shelter in the building they are in, or as directed by the UT alert. Shelter locations are designated on signage in the building and detailed instructions are available at prepare.utk.edu/be-ready. Individuals should know the basic characteristics of good shelter so they can respond properly when informed of an emergency. More information on what to do during an emergency is available at prepare.utk.edu/ep and in the safety toolbox section of the campus safety app.

DISSEMINATING EMERGENCY INFORMATION TO THE LARGER COMMUNITY

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

TYPE OF ALERT	SITUATION	ADMINISTRATOR
UT Alert: Text, Email, App, & Computer Screen	Campus-wide emergency requiring immediate action	UT Police Department or Office of Emergency Management
Code Blue Units, Fire Alarms, External Speakers	Emergency requiring immediate action. (Could be localized or campus-wide)	UT Police Department or Office of Emergency Management
656-SAFE: Phone Bank	Partial or full campus-wide action.	Communications & Marketing
Digital Signage	Campus-wide emergency	Office of Emergency Management
UT Emergency Website (Homepage)	Provide additional information	Communications & Marketing
Social & Local Media	Issue emergency statements	UT Police Department & Media Relations
WUOT-FM: UT Radio Station – 91.9FM	Issue emergency statements	College of Communications

ANNUAL TESTS

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

Evacuation drills are conducted regularly in university buildings on a schedule based on the occupancy and functionality of the building. The purpose of the evacuation drill is to prepare building occupants for an organized evacuation in case of fire or other emergency. Drills are used as practice and to familiarize students, faculty, and staff with exit locations and assembly areas and educate them on emergency procedures.

Documentation of university building evacuation/fire drills is maintained by Environmental Health and Safety and Student Life. University Housing's documentation is maintained in

accordance with the procedure (GS 43) for Records Retention for Safety, Health and Environmental Protection procedure, which can be found in the Safety Manual at tiny.utk.edu/EHS_Safety_Manual. Key performance measures are established, evaluated, and feedback is provided to the building occupants. A record of conducted drills is available upon request from Environmental Health and Safety.

The EOP establishes a three-year exercise cycle to test and evaluate the EOP and to improve the skills of the university personnel assigned emergency management responsibilities. The training includes an annual exercise that is designed to progress from training and workshops to a tabletop exercise and culminate in a full-scale exercise in the third year. Multiple trainings and exercises are conducted, in addition to the campus exercises, to include participation with local, state, and federal agency efforts. A description of recent exercise activity is available at prepare.utk.edu/emergency-management under “Recent Emergency Response Exercises,” and are kept up to date on an annual basis.

OTHER EMERGENCY PROCEDURES

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

○ Things to Watch For

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

○ How to Prepare for an Emergency

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

○ Severe Weather

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

○ Chemical Contamination

- Select an interior space above the ground floor with the fewest windows or vents. The room should have adequate space for everyone to be able to sit. Use more rooms to avoid overcrowding.
- Seal cracks around the door with material that will block air flow.

- Shut off ventilation systems and fans.
- Keep a radio or television on to listen for news updates.

○ **Active or Armed Intruder**

- Close and lock exterior doors and turn off lights. Be quiet.
- If your room cannot be locked, determine if there is a nearby location that can be reached safely and securely.
- Block windows or stay out of view from the outside. Get down on the floor or hide behind furniture.
- Put cell phones in silent mode.
- If you know the shooter is nearby, call 911. Tell the dispatcher what is happening and report your location. Do not hang up until instructed.
- Do not set off fire alarms as this will draw people who are unaware of the situation into hallways and into danger.

SECURITY AND ACCESS TO CAMPUS FACILITIES

The University of Tennessee, Knoxville is committed to enhancing the quality of life of the campus community by integrating the best practices of safety and security with technology. The Department of Physical Security is responsible for designing systems to protect persons and property, protective barriers, access control, locks, intrusion, deterrence, and video surveillance. All requests related to access control, video surveillance, and alarm monitoring will be reviewed by the Department of Physical Security to aid in the coordination, standardization, and implementation of physical security infrastructure to enhance the safety and security of the campus community. For more information on security and access of the university, please visit safety.utk.edu/physical-security.

SPECIAL CONSIDERATIONS FOR RESIDENCE HALLS

The Department of University Housing manages all residence halls at the University of Tennessee, Knoxville. Each residence hall staff primarily consists of one full-time, live-in hall director; at least one live-in assistant hall director; and one resident assistant per floor. The university currently employs thirteen hall directors, ten assistant hall directors, and approximately 200 resident assistants.

The university offers six different styles of residence halls to suit the needs of our students. The styles consist of the following: apartment-style residence halls, community-style residence halls, Pod-style residence halls, semi-suites, suites, and super-suite style residence halls. Within these facilities, there are a variety of room types such as double occupancy, singles, triples, and quads.

Each residence hall lobby desk is staffed 24 hours a day by university housing personnel whenever the residence hall is open, including during university breaks. All members of the opposite sex must be escorted by their hosts at all times in nonpublic areas of the residence hall. Residence hall students may have overnight guests of the same sex only if prior arrangements have been made with their roommate(s). The maximum length of any visit is three days and three nights. All guests are governed by university and residence hall regulations, and it is the host's responsibility to make guests aware of those rules. In cases where the guest is in violation of university regulations, disciplinary action may be brought against the host. During the course of their stay, guests may be asked to provide identification.

All maintenance and service personnel are required to sign in at the lobby desk and to wear identification badges while in the residence hall. Whenever possible, escorts are provided for such personnel. Deliveries may not be made directly to residence hall rooms.

All exterior doors in residence halls, excluding the lobby entrance, are locked to limit entrance to the hall past the 24-hour staffed lobby only. During nightly hall walks, all exterior doors are checked to ensure that they are secure. In addition, security cameras have been installed in all of the residence halls, allowing desk staff to monitor the exterior doors. Door access card readers have been installed at all exterior access points and interior access points leading to residential portions within all halls. The card readers control access from the public areas to the residential areas reserved for residents of each facility. Students use their university IDs to gain access to the building or living area.

All residence hall rooms are equipped with smoke detectors approved by Underwriters Laboratory (UL), and all halls have fire alarm systems installed in accordance with the National Fire Protection Association (NFPA). All buildings are wired to sound an alarm in a central monitoring station. All residence halls (excluding Volunteer Condos) are equipped with sprinkler heads in each room and common area. Evacuation drills are conducted each term.

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

At the beginning of each semester, floor meetings are held to discuss safety and security issues. Educational programs are presented periodically in the halls to increase residents' awareness of safety and the steps they may take to improve their personal safety. Such program topics include self-defense, operation ID, and sexual assault.

Select campus residences remain open over university breaks. The halls that remain open may vary from year to year. All other residence halls are closed. Staff members conduct regular tours and inspections of these halls. For more information on university housing, visit housing.utk.edu.

SORORITY AND FRATERNITY HOUSING

The university sorority and fraternity student organization community is composed of 47 national fraternal organizations. Of those, 28 university sorority and fraternity organizations are housed on campus—13 in Fraternity Park, 13 in Sorority Village, 1 fraternity on Melrose Avenue and 1 sorority on 20th Street. The 13 fraternity houses located in Fraternity Park have a combined capacity of 480 beds, the 13 houses in Sorority Village have a capacity of 590 beds. All of the houses offer both single and double rooms, with varying bathroom and shower facilities.

The university's Office of Sorority and Fraternity Life, operating under the Division of Student Life, coordinates the activities of the house corporations that supervise housing in sorority and fraternity houses. All Fraternity Park and Sorority Village housing assignments are made by the individual chapters. Residents must be members of the chapter and enrolled in the university. New housing agreements and contracting process guidelines are distributed in early March to the president of each chapter.

All areas except individuals' rooms and chapter rooms are considered public areas. Each chapter maintains its own security policies for all non-public areas. All maintenance personnel are admitted to the houses by the president of the chapter or their designee. Maintenance personnel wear identification badges while in the house. Deliveries are made to the individual residents' rooms in Fraternity Park or the chapter facility in Sorority Village.

Each fraternity and sorority has a housing corporation that elects a Housing Corporation Spokesperson (HCS). This HCS is an alumni member of the fraternity or sorority and is ultimately responsible for the security of the house. The exterior doors of the houses are secured with a lock device (mostly punch-code locks or swipe card access). In a few cases in Fraternity Park, student room keys will unlock certain exterior doors so that students may gain access to the building at these locations. All houses are equipped with proper fire and safety equipment and are regularly inspected by the university's Office of Environmental Health and Safety. Fire

evacuation drills are held twice a semester in sorority and fraternity houses. All room doors have key locks. If a key is lost or stolen, new keys are issued by the HCS or their designee. Residents are urged to keep their doors locked at all times. The fraternities and sororities have the option of keeping their houses open during breaks.

NON-CAMPUS PROPERTIES

UT Police Department conducts random foot, bicycle, motorcycle, and vehicle patrols of non-residential university facilities (e.g., academic and administrative buildings) as time permits; however, most buildings do not have officers exclusively assigned to them. Most buildings are open to students, staff, and faculty during normal business hours. Facilities on campus have varied levels of access, including key access and card access. For more information about security and access to university facilities, please contact Facilities Services at 865-946-7777 or contact UT Police Department at 865-974-3114.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

UTK'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. Periodically, a lighting survey is performed by a group of campus representatives in conjunction with UT Police Department. Based on results of past surveys, significant improvements in outdoor lighting and placement of emergency blue-light telephones have been made. Additionally, UT Police Department or UTPS Electronic Security conducts C.P.T.E.D. (Crime Prevention Through Environmental Design) surveys upon request or when a serious or continuous facility security problem is noted. UT Police Department also regularly patrols the campus and reports on malfunctioning lights or other potentially unsafe physical conditions to Facilities Services for correction. Members of the university community are encouraged to report any deficiency in lighting (e.g., dim, obstructed, or non-operational lighting) or other potentially unsafe physical conditions to Facilities Services at 865-946-7777 or 6-7777 (from a campus phone) or using the Safe at UT app (prepare.utk.edu/app). Such reports to Facilities Services may be made 24 hours a day, seven days a week. Students residing in university residence halls may submit non-emergency requests for maintenance online at housing.utk.edu under Current Residents > Request Maintenance, as well as submit emergency requests and lock and key requests by visiting the front desk of the residence hall.

PROGRAMMING: PREVENTING CAMPUS CRIME

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

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS AVAILABLE

This table provides a non-exhaustive list of programs designed to provide the campus community with crime prevention and security awareness. For more information and additional programs: safety.utk.edu/police/programs.

PROGRAM	DESCRIPTION	FREQUENCY	GROUP
Active Shooter Response for Civilians Class and Drill	This program focuses on how to deal with a potential active shooter situation. The course gives information on past occurrences, warning signs, and what to do if a shooting occurs in your immediate area.	By Request	Students and Employees
Campus Concealed Carry	UT Police Department will provide voluntary training concerning firearm safety and firearms on UT Campus. The classes will go over UT policies as well as the laws regarding carrying a handgun on campus property. The classes will be held at UT Police Station quarterly and are free to attend.	By Request	Students and Employees
Personal Safety	The foundation of this course focuses on risk reduction and risk awareness. This general seminar covers many safety topics, including sexual assault and rape prevention. Depending on the group composition, some practical self-defense moves may be incorporated.	By Request	Students
Social Media Safety	In this program, we show how easy it is to find information about ourselves on social media and the internet and how to protect yourself online.	By Request	Students
Spring Break Safety	The course will cover travel and personal safety, situational awareness, and will touch on alcohol and drug awareness.	By Request	Students

DRUG AND ALCOHOL LAWS

DRUGS

Various federal and Tennessee laws make it unlawful to manufacture, distribute, dispense, deliver, or sell or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances.

FEDERAL TRAFFICKING PENALTIES

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

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

All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

FEDERAL TRAFFICKING PENALTIES - MARIJUANA

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

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

DRUGS – STATE LAW

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

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

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

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

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

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

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

ALCOHOL – STATE LAW

All members of the university community and guests [are](#) required to comply with university policies and federal, state and local laws regarding the distribution, possession and consumption of alcoholic beverages. The UT Police Department strictly enforces those laws and policies.

TENNESSEE STATE LAW

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

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

Additionally, it is unlawful in Tennessee for:

- any person to purchase an alcoholic beverage for or at the request of a person under 21 years of age;
- any person who is younger than 21 years of age to purchase or attempt to purchase any alcoholic beverage;
- any person under 21 years of age to knowingly make a false statement or exhibit false identification to the effect that the person is 21 years of age or older to any person

engaged in the sale of alcoholic beverages for the purpose of purchasing or obtaining the same;

- a driver to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state;
- any person to persuade, entice or send a minor to any place where alcoholic beverages or beer are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person; and/or
- any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on the property; provided, that the owner, occupant or other person knows that, at the time of the offense, the person consuming is an underage adult.

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

POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

DRUG AND ALCOHOL POLICIES FOR STUDENTS

UTK's Standards of Conduct for students state that a student may be disciplined for:

- Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on university-controlled property or in connection with a university-affiliated activity unless expressly permitted by university policy.
- Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.
- Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.
- Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs, if prohibited by federal, state, or local law; using, manufacturing, possessing, distributing, or selling drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.
- Possession is defined in the code as, the direct control of a substance or property, actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

STUDENT DISCIPLINARY SANCTIONS

Students who engage in conduct that is inconsistent with the Standards of Conduct are subject to university disciplinary action. A student who accepts responsibility or is found responsible for violating the Standards of Conduct generally will be given one or more administrative sanctions. A student may also be given one or more developmental sanctions.

The purposes of sanctions include, without limitation: (1) to educate the Respondent about appropriate conduct; (2) to promote the personal and professional development of the Respondent; (3) to discourage the Respondent and other students from violating the Standards of Conduct; and (4) to protect other members of the University community. The sanctions imposed on a Respondent should be proportional to the Respondent's misconduct and appropriate for the particular case based on the gravity of the offense (including, without limitation, how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the Respondent's conduct record; whether the Respondent acted in self-defense, and, if so, whether the amount of force used was reasonable under the circumstances; the Respondent's academic classification (e.g., undergraduate, graduate, freshman, sophomore, junior, senior); and other aggravating or mitigating factors.

- **Administrative Sanctions**

Include warning, disciplinary probation, suspension, expulsion, withholding of degree, revocation of degree, disciplinary probation for student organizations, social probation for student organizations, deferred suspension for student organizations, and revocation or suspension of university registration.

- **Developmental Sanctions**

Include educational activities, restitution, supervised work/service, loss or restriction of privileges, and university housing reassignment or removal.

More information about the Standards of Conduct or possible sanctions can be found in the Student Code of Conduct at studentconduct.utk.edu.

DRUG AND ALCOHOL POLICIES FOR EMPLOYEES

The University of Tennessee's Code of Conduct for employees policy HR0580, which can be found at policy.tennessee.edu/policy/hr0580-code-of-conduct, prohibits:

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

EMPLOYEE DISCIPLINARY SANCTIONS

Violation of the Code of Conduct, and subsequent guidance document, is grounds for disciplinary action, up to and including termination of employment, pursuant to University of Tennessee Human Resources Policy HR0525 Disciplinary Action, a copy of which can be found at policy.tennessee.edu/policy/hr0525-disciplinary-action. The unauthorized manufacture, distribution, dispensation, possession, or use of alcohol (whether lawful or not), illegal drugs, intoxicants, or controlled substances as well as reporting for duty under the influence of intoxicants, constitutes gross misconduct under university policy. In a case of gross misconduct, immediate disciplinary action up to and including termination may be taken. An employee may be placed on administrative leave while the university is investigating or addressing allegations of misconduct, or as otherwise permitted by university policies.

ALCOHOL AND DRUG EDUCATION PROGRAMS AND RESOURCES

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

- **Brief Alcohol Screening and Intervention for College Students (BASICS)**

BASICS is a brief intervention program for students. Our staff conducts BASICS in two one-on-one meetings with students. Motivational Interviewing techniques are the foundation for BASICS to meet students where they are to elicit change. The purpose of these meetings is to assess current pattern of alcohol use, engage students in a dialogue about their use, and provide resources. During these sessions, the student completes the online eCHECKUP TO GO – Alcohol assessment.

- **Alcohol Education Program (AEP)**

AEP is a 2-hour online module for students to learn how to make more informed decisions about drinking. The goal is to consider what potential risks are for current behavior and how to modify behavior to reduce risk of negative consequences.

- **Drug Education Program (DEP)**

DEP is a 2-hour online course for students to learn about the impact of substance use, reflect on personal use, and consider risk reduction strategies. The goal is to consider what potential risks are for current behavior and how to modify behavior to reduce risk of negative consequences.

- **Alcohol and Other Drugs**

The University of Tennessee Police Department's Alcohol and Other Drugs program addresses the dangers associated with drug use, excessive drinking and brings awareness to hazards of driving while impaired. This course provides interactive options such as a Mario Kart virtual drunk driving simulator with drunk goggles and a Wii. Another option is the pedal cart drunk driving simulation where participants can wear drunk goggles while driving the pedal cart in a safe, controlled environment. We also demonstrate the Standardized Field Sobriety Tests that Officers conduct to determine impairment during road-side testing.

- **UT Employee Assistance Program, Emotional Wellbeing Solutions (EWS)**

EWS is designed to provide free, confidential assistance to help employees and their families resolve problems that influence their personal lives or job performance including drug or alcohol use issues. The program is available to all benefits-eligible UT employees and their spouses and dependent children. To participate visit [Here4TN](http://Here4TN.com) (here4tn.com) or call Human Resources at 865-974-6642.

The Drug-Free Schools and Communities Act requires institutions of higher education that receive federal funding to execute a drug and alcohol abuse prevention program for the campus community. The following link provides information about the various prevention and education programs, resources, policies, and laws: tiny.utk.edu/DFSCA.

If you or someone else needs medical attention from using alcohol or drugs, contact UT Police Department, Residential Life, or 911 immediately. Stay with them until help arrives.

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

HEALTH RISKS ASSOCIATED WITH ALCOHOL AND OTHER DRUGS

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

○ Alcohol

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink. The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason. Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including: High blood pressure, heart disease, stroke, liver disease, and digestive problems; cancer of the breast, mouth, throat, esophagus, liver, and colon; learning and memory problems, including dementia and poor school performance; mental health challenges, including depression and anxiety; social problems, including lost productivity, family problems, and unemployment; alcohol dependence, or alcoholism. By not drinking too much, you can reduce the risk of these short- and long-term health risks.

○ Cannabis/Marijuana

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

UNIVERSITY OF TENNESSEE'S RESPONSE TO SEXUAL AND INTERPERSONAL MISCONDUCT

The University of Tennessee, Knoxville maintains a Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (Prohibited Conduct) that may be accessed in this report in **Appendix D** or at titleix.utk.edu/title-ix-policy. Questions about the Policy or what is covered by the Policy may be forwarded to the Office of Title IX at any time:

Office of Title IX
1817 Melrose Avenue;
Knoxville, TN 37996
865-974-9600
titleix@utk.edu

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

CONFIDENTIALITY

The policy addresses how the university will handle situations in which a person reports an incident of prohibited conduct, sexual exploitation, and retaliation to the university but wishes to maintain privacy or requests that no investigation into a particular incident be conducted or disciplinary action taken. The policy also provides information on confidential resources that serve as alternatives to reporting an incident of prohibited conduct to the university.

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

REPORTING SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING

The university encourages students who have experienced, have knowledge of, or have witnessed prohibited conduct to promptly report the incident to the police or the University. Those reporting options are not mutually exclusive. A student may report prohibited conduct to the university, to the police, to both, or to neither.

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

REPORTING TO LAW ENFORCEMENT

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

A complainant has the right to decline to report the incident to the police. Even if a complainant does not report the incident to the police, the complainant may still request supportive measures from the University by reporting the incident to the office of Title IX.

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	Call 911 in an emergency
On Campus	UT Police Department 1101 Cumberland Ave; Knoxville, TN 37916 (865) 974-3114 utpolice@utk.edu
Knoxville City – Off Campus	Knoxville Police Department 1650 Huron Street; Knoxville, TN 37917 865-215-4010
Knox County – Off Campus	Knox County Sheriff 400 Main Street; Knoxville, TN 37902 865-215-2243
Off Campus Crimes	The jurisdictional law enforcement agency for the location

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

A Title IX Official or the police can assist with arranging an appointment to discuss options for pursuing an order of protection and other legal remedies. This is a legal order issued by a court and differs from a no contact directive, which is an administrative order of the University.

WHAT TO DO IF YOU HAVE BEEN THE VICTIM OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE OR STALKING

After an incident of sexual assault, domestic violence, or dating violence, the harmed person should consider seeking medical attention as soon as possible. It is crucial that a harmed person seek medical attention as soon as possible to assess any potential injuries, pregnancy, sexually

transmitted infections, and any other medical harm. The sooner one seeks medical attention, the better medical professionals can address their needs.

RETALIATION

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

Retaliation means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The policy prohibits retaliation.

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

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

PRESERVATION OF EVIDENCE

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

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

INSTITUTIONAL DISCIPLINARY PROCEDURES

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

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

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

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

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

The complainant and the respondent have the right to be assisted by an advisor during all stages of disciplinary proceedings, including all meetings, investigative interviews, and hearings. The advisor may be, but is not required to be, an attorney. The role of the advisor in the formal hearing depends on the type of formal hearing used to resolve the formal complaint. The role of the advisor is described in **Appendix D**. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of a complainant or respondent, or participate directly in any other manner during any phase of the student conduct process, except in a Title IX hearing. In a Title IX hearing, the advisor, and not the party, may ask the other party and any witnesses relevant questions and follow-up questions.

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

PREVENTION OF SEXUAL AND INTERPERSONAL MISCONDUCT

SEX OFFENDER REGISTRY INFORMATION

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

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

DEFINITION OF TERMS

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

LOCAL JURISDICTION

○ Sexual Assault:

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

> Rape

TCA 39-13-503: Unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

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

> Sexual Battery

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

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

> Statutory Rape

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

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

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

> Incest

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

- (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
- (2) The person's brother or sister of the whole or half-blood or by adoption.

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

o Stalking

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

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

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

“Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unwanted 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;

“Unwanted 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. Unwanted 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.

- **Domestic Violence:**

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

Any person who falls within the following categories:

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

For purposes of this definition, TCA 39-13-101 defines “assault” as, “A person commits assault who:

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

Per TCA 36-3-601, (1) “Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor;

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

- **Dating Violence:**

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

- **Consent:**

In Tennessee, Consent with respect to most criminal offenses relating to sexual activity, sexual activity is criminal if:

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

“Consent” is not explicitly defined in Tennessee statutory law, for purposes of criminal offenses relating to sexual activity.

“Coercion” means a threat of kidnapping, extortion, force, or violence to be performed immediately or in the future (Tennessee Code Annotated § 39-13-501(1)).

“Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct (Tennessee Code Annotated § 39-13-501(3)).

“Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent (Tennessee Code Annotated § 39-13-501(4)).

“Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act (Tennessee Code Annotated § 39-13-501(5)).

With respect to criminal offenses relating to sexual activity with a person under the age of eighteen (18) years of age, consent is irrelevant because Tennessee law deems a minor as incapable of consenting to sexual activity. However, Tennessee law provides a close-in-age exception to that general rule that allows minors who are at least the age of thirteen (13) and less than the age of eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor.

The University also defines consent and the purposes for which that definition is used. It can be found within the University's Policy which is in **Appendix D** of this report.

THE UNIVERSITY OF TENNESSEE KNOXVILLE'S DEFINITION OF CONSENT

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

CLERY ACT TERMS

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

ON CAMPUS

(i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

ON CAMPUS RESIDENTIAL

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

NON-CAMPUS

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

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

PUBLIC PROPERTY

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

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

- **Murder and non-negligent manslaughter**

The willful (non-negligent) killing of one human being by another.

- **Manslaughter by negligence**

The killing of another person through gross negligence.

- **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape**

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling**

The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- **Incest**

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

- **Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent.

- **Robbery**

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

- **Aggravated assault**

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

- **Burglary**

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

- **Motor vehicle theft**

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

- **Arson**

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

- **Liquor law violations**

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

- **Drug law violations**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or

importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

○ **Weapon law violations**

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

OFFENSE DEFINITIONS RELATING TO HATE/BIAS-RELATED CRIME

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

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

○ **Larceny-Theft**

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

○ **Simple assault**

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

○ **Intimidation**

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

○ **Destruction/damage/vandalism of property**

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

VIOLENCE AGAINST WOMEN ACT CRIMES

○ **Domestic violence**

A felony or misdemeanor crime of violence committed—

- 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 of violence occurred; or
- By any other person against whom an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

○ Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
- For the purposes 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.

○ Stalking

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

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

The University of Tennessee, Knoxville is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from sexual assault, domestic violence, dating violence, and stalking (collectively, prohibited conduct). Prohibited conduct is prohibited, will not be tolerated, and will be grounds for disciplinary action up to and including expulsion from the University and termination of employment. Prohibited conduct is defined in the university's Policy.

The programs the University of Tennessee, Knoxville provides to prevent prohibited conduct include both *primary prevention and awareness programs* directed at incoming students and new employees, and *ongoing prevention and awareness campaigns* directed at students and employees.

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

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

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

These programs include:

○ Title IX Training for New Graduate Students & New Employees

This interactive training provides information related to sexual harassment (including sexual assault, domestic violence, dating violence, and stalking), sexual exploitation, and retaliation via an online training module. The training module was created by the Office of Title IX and customized to address reporting responsibilities, prevention, bystander intervention, campus-specific trends, and assessment data. UT policy and procedure, including key legislation, are referenced. The training module can be found on the university's comprehensive learning management tool *K@TE*. This module can be accessed by entering a university-assigned NetID and password.

○ Sexual Assault Prevention for Undergraduate Students (Vector)

All incoming and transfer undergraduate students are required to complete the course, which is an interactive online training. The course engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment.

- **Sexual Assault Prevention for New Graduate Students (Vector Solutions)**
The course is interactive and features challenging and interesting real-life scenarios within an academic setting. The course uses video based “What would you do?” scenarios to model protective behaviors and intervention strategies for students. We hope students will gain new insights from this program and develop a deeper understanding of the resources available at the University of Tennessee and the broader Knoxville community.
- **Title IX Essentials for International Students (Vector Solutions)**
This course is designed to address crucial, real-world topics and features numerous real-life testimonials from current international students. The course is interactive and features challenging and engaging real-life scenarios within an academic setting. We hope students will gain new insights from this program and develop a deeper understanding of the resources available at the University of Tennessee and the broader Knoxville community.

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

These programs and campaigns include:

- **Consent Is Campaign**
The Consent Is Campaign is a campus-wide initiative designed to raise awareness about consent and sexual assault; educate the community about the different aspects of consent; and establish a culture of consent at UT. Campaign strategies include the distribution of posters, digital signs, and sidewalk stickers around campus; the distribution of consent t-shirts at pop-up events; educational social media posts; other consent-related events; and a by-request ConsentEDU presentation.
- **Vols ACT Campaign**
The Vols ACT Campaign is a campus-wide initiative designed to educate the community about being ACTive bystanders. There are three separate versions for three segments of campus: undergraduate students, graduate students, and employees. With some variation, participants in the trainings will learn how to identify sexual harassment behaviors and red flags, understand the effects of harassment in academia, and apply Vols ACT to real-world situations to prevent and respond to sexual harassment.
- **Sexual Assault Awareness Month (SAAM)**
Each April, the Center for Health Education and Wellness, in partnership with the Office of Title IX, hosts a variety of initiatives for SAAM to raise awareness, increase knowledge, and provide multiple opportunities for the community to engage in dialogue throughout the month. Initiatives include open Vols ACT trainings; SAAM Lunch and Learns; a Paint the Rock kickoff event; Denim Day; and the signature event, Vols Walk for SAAM.

- **Domestic Violence Awareness Month (DVAM)**

Each October, the Center for Health Education and Wellness hosts various initiatives for DVAM to raise awareness and increase knowledge about relationship violence. Initiatives include DVAM Lunch and Learns; Wear Purple Day; and more.
- **Sexual Assault Prevention Ongoing Modules (Vector Solutions)**

All students have the option to complete the Sexual Assault Prevention Ongoing: Healthy Relationships and Sexual Assault Prevention Ongoing: Taking Action online modules offered by Vector Solutions. These ongoing trainings build upon the required Sexual Assault Prevention module, emphasizing healthy relationship skills, tactics for bystander intervention, and survivor empathy.
- **Relationship and Sexual Violence Prevention (RSVP) Presentations**

The Center for Health Education and Wellness offers various RSVP presentations by-request, primarily for undergraduate student audiences. These include ConsentEDU; Healthy Relationships; Sexual Health 101; Vols CARE: Supporting Survivors of Sexual Misconduct; and Vols ACT for Undergraduates. These presentations can be requested by visiting wellness.utk.edu/request-a-program and completing the request form.
- **Annual Title IX Training for Returning Employees**

This interactive training provides information related to sexual harassment (including sexual assault, domestic violence, dating violence, and stalking), sexual exploitation, and retaliation via an online training module. The training module was created by the Office of Title IX and customized to address reporting responsibilities, prevention, bystander intervention, campus-specific trends, and assessment data. UT policy and procedure, including key legislation, are referenced. The training module can be found on the University's comprehensive learning management tool *K@TE*. This module can be accessed by entering a university-assigned NetID and password.
- **Title IX Town Halls**

Each semester, the Office of Title IX hosts a Town Hall in which the Title IX Coordinator shares information about policy, annual trends, resources, and updates about the broader Title IX landscape.
- **Meet Your Title IX Coordinator**

Each semester, the Office of Title IX hosts a series of "Meet Your Title IX Coordinator" sessions in which students, faculty, and staff are invited to have their Title IX-related questions answered, provide feedback about how the Office of Title IX is doing, and share how the Office can improve their work to create and maintain 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.

BYSTANDER INTERVENTION

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

SAFE AND POSITIVE OPTIONS FOR BYSTANDER INTERVENTION

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

- 1. Acknowledge the situation.**
Trust the voice within yourself that senses when something is wrong. Pay attention to your surroundings. If you feel like a situation you witness is off, wrong, or harmful, listen to that feeling.
- 2. Consider your options.**
Consider your options for intervening. Think about what you could do. What factors do you need to consider? Some include: time of day, location, safety and situational power.
- 3. Take action.**
After acknowledging that you should intervene and considering your options and safety concerns, it's time to take action! You can act using the 3 Ds: Direct, Distract, Delegate.

WHAT ARE THE 3 DS AND HOW CAN I USE THEM?

The 3 Ds are strategies that you can use to intervene in a situation.

Direct	Step in and address the situation directly. Example: "What you are doing is wrong." "Hey, that's not cool. You shouldn't be doing that." "Are you okay?"
Distract	Provide a distraction that shifts the focus of the situation. This can include doing something to separate the victim from the situation or causing a physical distraction, like spilling a drink and asking for help cleaning it up. Example: "Can you show me where the bathroom is?"
Delegate	Find others who can help you to intervene in the situation. There is power in numbers. This can include asking a friend to intervene with you or getting help from security or staff. Example: "Hey, I'm NAME, will you help me?"

Your safety is important

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

RISK AWARENESS AND REDUCTION

Risk recognition, risk avoidance, and risk reduction is 90% of self-defense: Be present in your situation and aware of your surroundings:

- General Awareness
 - Vehicle
 - Keep valuables in a secure place and out of sight
 - Don't leave your vehicle running unattended
 - Lock your doors when exiting your vehicle, even if you will only be away for a short time. Many modern cars retract the side mirrors when locked. A modern car parked with extended mirrors is a sign that doors are unlocked.
 - Don't leave your key fob or spare key in your vehicle when unattended – this can enable anyone to access your vehicle by simply touching the door handle (a thief will look for this specifically)
 - Lock your vehicle immediately after entering your vehicle
 - Building
 - Check your locks
 - Ensure outdoor lighting is in working order
 - Look for and repair any broken doors or windows
 - Know the visitor policy for where you live
 - Have an emergency contact text list
 - When possible, stay off your phone and keep your eyes up while walking, and only use one headphone
 - No attacker wants to be seen, heard, or discovered
 - Make eye contact
 - Acknowledging their presence with clear verbal statements
- Using Self-Defense
 - Use when required for escape
 - Defense should be objectively reasonable, and proportionate to the situation
 - Apply yourself 100%
- Reporting Suspicious Activity
 - Get a detailed description and direction of travel
 - Avoid confrontation
- If you are a victim of a crime or need to report a crime
 - Avoid panic and get to a safe location
 - Preserve any evidence
 - For emergencies, call 911 – especially if you are injured
- Weapons
 - Potential weapons could be: pepper spray, taser, keys, sound devices, or a flashlight (However, ensure you follow policy and understand what you can and can't use or carry on campus)
 - Voice – This is your number one personal weapon! Use clear verbal statements. A loud, articulated “No!” can be very effective.

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

STOP CAMPUS HAZING ACT (SCHA)

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

The SCHA defines hazing as:

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (e.g., a club, athletic team, fraternity, or sorority); and (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the IHE or the organization, of physical or psychological injury including:

- Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body or similar activity;
- Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- Causing, coercing, or otherwise inducing another person to perform sexual acts;
- Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- Any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

For the purposes of classifying hazing as a Clery crime, a Student Organization is defined as an organization at an institution of higher education [such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government] in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

THE UNIVERSITY OF TENNESSEE KNOXVILLE'S POLICY ON HAZING

The Student Code of Conduct prohibits students and student organizations from engaging in hazing. The University of Tennessee, Knoxville defines hazing in Section 4.10 of the Student Code of Conduct as,

“Any intentional or reckless act, on or off university-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health, safety, or welfare of that student, or which induces or coerces a student to endanger their mental or physical health, safety, or

welfare. Hazing does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization regardless of the student's willingness to participate."

HOW TO REPORT INCIDENTS OF HAZING

Hazing incidents need to be reported when they occur, because there is no such thing as harmless hazing. Anyone who knows of hazing can file a report, and all reports are investigated. To file a report please complete the online reporting form at tiny.utk.edu/Report_Hazing or contact Student Conduct & Community Standards by calling 865-974-3171 or emailing studentconduct@utk.edu.

PROCESS USED TO INVESTIGATE HAZING INCIDENTS

Student Conduct & Community Standards (SCCS) investigates all reports of hazing. After a report is filed, a written notice of an educational conference will be sent to the student or student organization. In this educational conference, the student and/or student organization representative(s) will have the opportunity to respond to the allegation(s) of hazing and ask questions. After this conference, SCCS may investigate further into the allegation to determine if there is sufficient evidence that hazing occurred. If there is sufficient evidence, the student or student organization may agree to a resolution agreement, alternative resolution, or be provided a formal hearing. A detailed flow chart of this process is available online at tiny.utk.edu/SCCS_FlowChart.

The Vice Chancellor for Student Life may impose interim restrictions prior to the conclusion of the student conduct process when the vice chancellor has reasonable cause to believe that a student organization's continued presence poses a significant risk of substantial harm to the health, safety, or welfare of others or poses an imminent or ongoing threat to the disruption of, or interference with, the normal operations of the university. Interim restrictions are confirmed by notice to the organization that explains the basis for the interim restrictions and will remain in effect until the conclusion of the student conduct process.

For students or student organizations interested in more information about the investigations for student organizations, SCCS has developed a guide to assist navigation of the student conduct process found at tiny.utk.edu/SCCS_Org_Guide.

APPLICABLE LOCAL, STATE, AND TRIBAL LAWS ON HAZING

Tennessee's Anti-Hazing Laws are current as of January 2, 2024. Tennessee Code Title 49 Education 49-7-123 states,

(a) As used in this section, unless the context otherwise requires:

(1) "Hazing" means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. "Hazing" does not include customary athletic events or

similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization; and

(2) “Higher education institution” means a public or private college, community college or university.

(b) Each higher education institution shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the institution. The policy shall be distributed or made available to each student at the beginning of each school year. Time shall be set aside during orientation to specifically discuss the policy and its ramifications as a criminal offense and the institutional penalties that may be imposed by the higher education institution.

Tennessee Code Title 49 Education 49-2-120 states,

(a) As used in this section, unless the context otherwise requires, “hazing” means any intentional or reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student’s mental or physical health or safety. “Hazing” does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(b) The governing body of each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.

PREVENTION AND AWARENESS PROGRAMS RELATED TO HAZING

In an effort to provide the campus community with reliable information and prevention strategies to stop hazing before it occurs, the university has developed prevention and awareness programs related to hazing. The following information is a description of research-informed campus-wide prevention programs designed to reach students, staff, and faculty. For more information on these programs, visit the hazing prevention website at studentlife.utk.edu/hazingprevention or contact the hazing prevention team by emailing hazingprevention@utk.edu.

As stated above in the Tennessee Code, “Time shall be set aside during orientation to specifically discuss the [hazing] policy and its ramifications as a criminal offense and the institutional penalties that may be imposed by the higher education institution.” The University of Tennessee, Knoxville fulfills this requirement through a required online module on hazing:

- **Vol 101 Orientation Module**

All incoming undergraduate students are required to take an online orientation module that provides them with an overview of university offices and policies. As part of that module, information is shared regarding hazing prevention, including the definition of hazing,

examples of it, signs that someone may be experiencing hazing, and ways to act. A direct link to the hazing prevention website is also included.

In addition to this online module, the hazing prevention team provides a variety of different hazing prevention modules and trainings. Each fall, there is a hazing prevention week with tabling, training, and other prevention activities in collaboration with multiple departments on campus. Here are some examples of the different training courses available:

- **Virtual Hazing Prevention Training Modules**

Two different virtual modules cover the definition of hazing, hazing-related policies, signs of hazing, and how to report it. These are available year-round; one is targeted to all faculty and staff through K@TE, and the other is for all students in a non-academic Canvas course. Several in-person training sessions are also presented yearly as requested by various populations.

- **New Member Orientation Health and Safety Module**

This virtual module covers the six priorities of wellness for the Office of Sorority and Fraternity Life and emphasizes hazing prevention. It must be completed by all prospective members before they receive a bid.

- **Bystander Intervention Training**

This is an in-person training that is facilitated by professional staff and peer mentors to all social fraternities and sororities each academic year. It is required for at least 80% of the membership to participate in the training, which includes hazing specific information and scenarios.

| THE ANNUAL FIRE SAFETY REPORT

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

REPORTING FIRES

The University of Tennessee, Knoxville is required by federal law to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. In these instances, please contact one of the following:

DEPARTMENT	PHONE NUMBER
UT Police Department	865-974-3114
University Housing	865-974-2397
Environmental Health & Safety	865-974-5084
Office of Sorority & Fraternity Life	965-974-2236

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

In the event of an emergency, call UT Police Department or 911.

POLICIES OR RULES FOR PORTABLE ELECTRICAL APPLIANCES, SMOKING; AND OPEN FLAMES IN A STUDENT HOUSING FACILITY

Student Conduct and Community Standards and University Housing work together to provide a safe and educational environment for all students. Our goal is to educate students on institutional policies, promoting a living environment that serves each individual resident and the campus community. The following policies are quoted from the university housing policy. The full policy, resident responsibilities, conduct process, and housing agreements can be found at studentlife.utk.edu/housing/residents/policies-agreements.

○ Portable Electrical Appliances

Cooking and Appliances. With the exception of provided microwaves, cooking is prohibited in any community or suite style bedroom units. Prohibited appliances in all residence halls include, but are not limited to:

- Deep Fryers
- Electric woks and electric griddles
- Any gas cooking appliance such as camp stoves
- Hot plates
- Induction cooktops
- Press Cookers such as George Foreman Grills, Sandwich Makers, Tortilla Makers
- Coffee Makers with glass carafe pot (Keurig or similar brand units are allowed.)

The following items may be stored, but not used, within community or suite style bedrooms. These items must be used within community kitchenettes or the apartment style units with provided kitchens in Laurel Hall, Volunteer Hall, Geier Hall, Dogwood Hall, and Vol Condos.

- Air Fryers
- Crock Pots and Rice Cookers
- Toasters and Toaster Ovens

Kitchen or laundry appliances other than those provided by the university are prohibited. These include Microfridges, refrigerators/freezers, microwaves, washers, dryers, and dishwashers.

○ Microfridge

Microfridges are provided in residence halls. This is a combination of refrigerator, freezer and microwave appliance. Other refrigerators and microwave ovens are not permitted in student residence hall rooms. A microwave oven is permitted in the kitchen areas of apartment-style residence halls: Laurel Hall and Volunteer Hall. No additional refrigeration or microwave units are permitted. One microwave unit and one toaster are permitted in kitchens in apartment style halls.

Microfridge units, standard refrigerators, microwaves and other large appliances should only be plugged directly into the wall outlet.

○ Smoking

The University of Tennessee system's policy on smoking can be found at: bewell.utk.edu/policy

As used in this section, "smoke" or "smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette (including electronic cigarette or similar device), pipe or other lighted tobacco product in any manner or in any form. Smoking devices including, but not limited to, cigars, cigarettes, electronic cigarettes (e-cigs), vape pens, pipes, bong, and hookahs are not permitted in residence halls.

On August 1, 2018, UT Knoxville became a smoke-free campus. Smoking is prohibited in and on all University property. This prohibition includes smoking in private vehicles when parked or operated on university property.

○ Open Flames

Items that require an open flame to operate or which produce heat are not permitted in residents' rooms. The following items are prohibited in the residence halls:

- All flammable liquids (gasoline, kerosene, diesel fuels, lighter fluids, charcoal, propane, etc.)
- All items powered by combustible fuels (gas motorized bicycles, motorcycles, etc.)
- All fireworks, firecrackers, sparklers, explosives, etc.
- Space heaters or portable air conditioning units.
- Smoke/Fog/Haze machines.

These items may be permitted with restrictions:

- Heating Pads/Blankets must be UL approved and have an automatic shut off.
- Dehumidifiers must be UL approved.
- Air Purifiers must be UL approved.
- Personal Furniture must be fire rated and not impede free and clear egress.
- Rugs/Carpets must be flame retardant.

- Iron/Ironing Boards must have automatic shutoff mechanism, be unplugged when not in use, and boards must be covered with fire-resistant cover.

○ **System Tampering**

Tampering with, vandalizing, or misuse of fire safety equipment is prohibited. Fire safety equipment includes, but is not limited to: alarms, extinguishers, smoke detectors, door closures, alarmed doors, and sprinklers. A safety exit drill is conducted regularly in each residence hall in accordance with state law.

To ensure the safety of all students, the following are prohibited:

- Hanging any objects from sprinkler heads, pipes or tampering with any component of the sprinkler system.
- Sports related activities in residence hall rooms or common areas.

Blocking exit paths is prohibited. Doorways, corridors, and stairs must be kept free of obstacles. No storage is allowed in public areas, hallways, or stairwells that could impede egress.

Tampering with existing wiring such as removing or replacing a light fixture or electrical outlet is prohibited. Students may not wire any appliance or equipment directly into the university wiring. When additional electrical outlets are needed, students must use Underwriter's Laboratory (UL) approved electrical power strips with integrated circuit breakers for overload protection. Power strips cannot be plugged into another (daisy chaining). Multiple plug adapters, power taps, or standard power strips without the circuit breaker feature are prohibited.

○ **Motorized Vehicles**

Motorized vehicles (including but not limited to motorcycles, mopeds, hoverboards, etc.) shall not be used, possessed, stored or charged inside any residence hall.

○ **Decorations and Displays**

Hanging or suspending any material or items from the ceiling, overhead lights, smoke detectors, fire alarm devices, any pipes, or sprinkler heads is prohibited. Signs, flags, banners, posters, letters, window paint, or any other display or decoration are prohibited from hanging or being displayed on or in the window.

Candle/oil warmers, potpourri pots, paraffin baths, incense and any open flame are prohibited in the residence halls. Battery operated candle products are permitted as well as essential oil diffusers when placed at least 4' away from smoke detectors.

Halogen bulbs, sun lamps, lava lamps, or other similar heat producing bulbs or decorative items are prohibited.

LED lights that are UL approved are permitted.

Lights cannot be hung from ceilings, pipes, sprinkler heads, or run through or under door frames or windows.

Unless battery powered, lights must be plugged into a UL approved electrical power strip.

Natural holiday trees, wreaths, cornstalks, hay, or other dried plants are prohibited. Flame retardant trees are permitted in residence hall rooms.

Decorations or postings of materials of any kind on hallway-facing doors is prohibited. If applicable, all decorations or postings outside of a residence hall room should be on the

University Housing provided tackboards next to the door. Room numbers must never be covered.

EVACUATION PROCEDURES FOR STUDENT HOUSING IN CASE OF A FIRE

Fire evacuation plans are posted in each residence hall room/apartment.

Students are required to leave their residence hall when a fire alarm is activated.

Elevators are not to be used during evacuation. Once outside the building, students assemble at a designated location. Additional site-specific evacuation information is provided on the room side of bedrooms in sorority housing, and community- and suite-style residence halls (e.g., Hess Hall). Site-specific evacuation information is provided on the hallway entry door for apartment-style residence halls (e.g., Volunteer Hall).

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS PROVIDED TO THE STUDENTS AND EMPLOYEES

Fire safety training and education programs are required for all staff and students living in on campus residence halls (with the exclusion of those living in on campus sorority and fraternity housing). Students are provided with emergency evacuation and sheltering information typically during the first floor meetings of the semester. This information is also posted on boards on each floor.

Training sessions are provided for students living in on-campus fraternity and sorority houses by the university's Environmental Health and Safety department upon request by the fraternity or sorority or when sanctioned by their chapter.

Hall directors, assistant hall directors and resident assistants in residence halls attend training at the beginning of the fall semester on fire extinguisher use, sprinkler systems, fire drills and fire response. In addition, these individuals also receive instruction during the year for fire alarm systems. All residential hall fire safety training is provided by the assistant director or program leader for Housing Safety and Security.

Fire drills are scheduled and performed by University Housing for residence halls. The Office of Sorority & Fraternity Life and Environmental Health & Safety coordinate fire drill activities for sorority and fraternity houses.

Procedures related to fire safety education and training can be found in the UT Safety Manual found at *ehs.utk.edu*.

PROCEDURES STUDENTS AND EMPLOYEES SHOULD FOLLOW IN CASE OF A FIRE

The Knoxville Fire Department is an ISO Class 2 agency that responds to reported fires on campus. Within four miles of campus, there are five Knoxville fire stations. Fire Station number 9, located on Highland Avenue, is less than one mile from campus and is the primary fire station that responds to most fire and medical emergencies at the university.

The following are general procedures for the students, staff, faculty, and community members in the event of a fire or other emergency that requires evacuation:

If the alarm is not already sounding, please activate the nearest fire alarm. Fire alarm pull stations are typically located near an interior stairway entrance or near an exterior door. Activating a fire alarm will send a signal to UT Police Department's Central Alarm. Central Alarm will then notify Knox County 911 to dispatch the Knoxville Fire Department. If you are outside a building and can't readily access a fire alarm pull station, call 911. This number connects you with Knox County 911, which will dispatch the Knoxville Fire Department.

Portable fire extinguishers are available for use on small fires if the community member is trained in their use and can do so without the risk of being overcome by smoke or fire. If in doubt, "get out!"

Upon hearing the alarm, leave the building using the nearest exit stairway. Close all doors behind you while exiting the building. Meet at the designated assembly point for a head count. Do not re-enter the building until approval is given by police or fire officials.

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

Sorority Village

- No capital projects planned for improvements in fire safety.

Fraternity Housing

- No capital projects planned for improvements in fire safety.

Residence Halls

- Volunteer Hall - Replacement of the entire fire detection/alarm system. This project will offer continuity of operations as it will be the same as all other residence halls. The project also installs a Distributed Antenna System to enhance fire department communications as well as updated access control related to fire alarm integration at all card access doors.
- A multi-phase/year project to upgrade all of our fire alarm panels moving away from legacy equipment that will no longer be supported.

FIRE STATISTICS

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

FIRE SAFETY SYSTEMS

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



APPENDIX A

CRIME STATISTICS

/ 2022-24

2025 Annual Security & Fire Safety Report



UNIVERSITY OF TENNESSE KNOXVILLE CAMPUS CRIME STATISTICS

Jeanne Clery Campus Safety Act

Criminal Offenses or Primary Crimes	Calendar Year	On Campus (Including Residential)	Non- Campus	Public Property	Total	On Campus (Residential Only)
Murder & Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	18	2	0	20	15
	2023	23	1	0	24	20
	2022	19	0	0	19	18
Fondling	2024	16	4	1	21	9
	2023	23	4	0	27	17
	2022	35	0	0	35	14
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	1	1	0
	2023	0	0	2	2	0
	2022	2	0	0	2	0
Aggravated Assault	2024	7	0	7	14	3
	2023	6	0	3	9	4
	2022	10	1	1	12	2
Burglary	2024	12	0	0	12	4
	2023	16	1	0	17	6
	2022	18	2	0	20	7
Motor Vehicle Theft	2024	13	4	0	17	0
	2023	13	0	0	13	0
	2022	7	3	1	11	0
Arson	2024	0	0	0	0	0
	2023	2	0	1	3	0
	2022	0	0	0	0	0

Note: 5 of the 20 rapes occurred in a previous calendar year, but were reported in 2024.

UNIVERSITY OF TENNESSE KNOXVILLE CAMPUS CRIME STATISTICS

Jeanne Clery Campus Safety Act

VAWA Offenses, Arrests, and Referrals	Calendar Year	On Campus (Including Residential)	Non- Campus	Public Property	Total	On Campus (Residential Only)
Domestic Violence	2024	23	0	3	26	11
	2023	30	1	1	32	20
	2022	34	2	1	37	21
Dating Violence	2024	0	0	0	0	0
	2023	1	1	0	2	1
	2022	2	1	0	3	2
Stalking	2024	43	2	0	45	14
	2023	29	0	0	29	18
	2022	36	3	0	39	18
Liquor Law Violation Arrests	2024	68	0	51	119	16
	2023	71	0	45	116	30
	2022	49	1	42	92	15
Drug Law Violation Arrests	2024	35	8	24	67	10
	2023	48	1	47	96	8
	2022	61	11	72	144	7
Weapons Law Violation Arrests	2024	5	0	12	17	0
	2023	1	1	8	10	1
	2022	8	0	7	15	0
Liquor Law Violations Referred for Disciplinary Action	2024	455	2	2	459	425
	2023	607	2	0	609	544
	2022	666	0	0	666	617
Drug Law Violations Referred for Disciplinary Action	2024	68	0	3	71	55
	2023	111	0	0	111	94
	2022	116	0	1	117	66
Weapons Law Violations Referred for Disciplinary Action	2024	2	0	0	2	2
	2023	3	0	0	3	1
	2022	5	0	0	5	4

Hate Crime Statistics

2024	1 Hate Crime Reported. The offense was an incident of simple assault characterized by a bias of race occurring on public property.
2023	There were no hate crimes reported.
2022	1 Hate Crime Reported. The offense was an incident of intimidation characterized by a bias of race occurring in a on campus residence hall.

Unfounded Crimes

2024	9 Clery Crimes were reported and then unfounded by sworn or commission law enforcement.
2023	5 Clery Crimes were reported and then unfounded by sworn or commission law enforcement.
2022	8 Clery Crimes were reported and then unfounded by sworn or commission law enforcement.



APPENDIX B

FIRES IN ON-CAMPUS STUDENT HOUSING

/ 2022-24

2025 Annual Security & Fire Safety Report



2024

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Fred D. Brown Jr. Hall, 1817 Andy Holt Ave	0	N/A	N/A	N/A	N/A
Carrick Hall, 1021 Francis St. (North Carrick) & 1023 Francis St. (South Carrick)	0	N/A	N/A	N/A	N/A
Clement Hall, 1629 W. Cumberland Ave	0	N/A	N/A	N/A	N/A
Dogwood Hall, 2113 Andy Holt Ave	0	N/A	N/A	N/A	N/A
Hess Hall, 1720 Melrose Place	0	N/A	N/A	N/A	N/A
Laurel Hall, 1615 Laurel Ave.	1	Unintentional - Smoking material discared into waste receptacle that caught fire.	0	0	\$250
Magnolia Hall, 2107 Andy Holt Ave.	0	N/A	N/A	N/A	N/A
Massey Hall, 825 Volunteer Blvd.	0	N/A	N/A	N/A	N/A
Orange Hall, 828 20th St.	0	N/A	N/A	N/A	N/A
Reese Hall, 1910 Caledonia St.	0	N/A	N/A	N/A	N/A
Stokely Hall, 1311 Lake Loudoun Blvd.	0	N/A	N/A	N/A	N/A
Volunteer Condos, 910 22nd St.	0	N/A	N/A	N/A	N/A
Volunteer Hall, 1525 White Ave.	1	Unintentional - Microwave Cooking Fire	0	0	\$500
White Hall, 862 20th St.	0	N/A	N/A	N/A	N/A
Alpha Gamma Rho Fraternity, 1840 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Alpha Tau Omega Fraternity, 1812 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Delta Tau Delta Fraternity, 1844 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A

2024

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Kappa Alpha Fraternity, 840 20th St.	0	N/A	N/A	N/A	N/A
Kappa Sigma Fraternity, 1730 Melrose Pl.	0	N/A	N/A	N/A	N/A
Lambda Chi Alpha, 1848 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Gamma Delta Fraternity, 1836 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Kappa Psi, 1840 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Sigma Kappa Fraternity, 1800 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Pi Kappa Alpha Fraternity, 1820 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Pi Kappa Phi, 1828 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Sigma Alpha Epsilon Fraternity, 1808 Fraternity park Dr.	0	N/A	N/A	N/A	N/A
Sigma Chi Fraternity, 1816 Fraternity Dr. (Chi Phi currently occupying)	0	N/A	N/A	N/A	N/A
Sigma Nu Fraternity, 1824 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Sigma Phi Epsilon, 1832 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Alpha Chi Omega Sorority, 2919 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Alpha Delta Pi Sorority, 2621 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Alpha Omicron Pi Sorority, 2509 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Chi Omega Sorority, 2630 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Delta Delta Delta Sorority, 2620 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A

2024

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Delta Gamma Sorority, 2906 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Delta Zeta Sorority, 3018 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Kappa Delta Sorority, 2515 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Kappa Kappa Gamma Sorority, 3010 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Phi Mu Sorority, 2610 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Pi Beta Phi Sorority, 3006 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Sigma Kappa Sorority, 2601 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Zeta Tau Alpha Sorority, 2600 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Quarry Trail, 3999 Highland Crest Way (Temporary Lease for Student Housing)	2	Unintentional - Power strip under leaking sink caught fire due to water leak.	0	0	\$10,500
		Unintentional- Candle caught surrounding combustibles on fire in a bathroom.	0	0	\$500
Lakemoor Station, 3125 Maloney Rd. (Temporary Lease for Student Housing)	0	N/A	N/A	N/A	N/A

2023

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Fred D. Brown Jr. Hall, 1817 Andy Holt Ave	0	N/A	N/A	N/A	N/A
Carrick Hall, 1021 Francis St. (North Carrick) & 1023 Francis St. (South Carrick)	0	N/A	N/A	N/A	N/A
Clement Hall, 1629 W. Cumberland Ave	0	N/A	N/A	N/A	N/A
Dogwood Hall, 2113 Andy Holt Ave	0	N/A	N/A	N/A	N/A
Hess Hall, 1720 Melrose Place	1	Unintentional - Electrical, lighting fixture	0	0	\$250
Laurel Hall, 1615 Laurel Ave.	3	Unintentional - Unattended Cooking Unintentional - Unattended Cooking Unintentional - Cooking	0 0 0	0 0 0	\$50 \$25 \$250
Magnolia Hall, 2107 Andy Holt Ave.	0	N/A	N/A	N/A	N/A
Massey Hall, 825 Volunteer Blvd.	0	N/A	N/A	N/A	N/A
Orange Hall, 828 20th St.	0	N/A	N/A	N/A	N/A
Reese Hall, 1910 Caledonia St.	0	N/A	N/A	N/A	N/A
Stokely Hall, 1311 Lake Loudoun Blvd.	0	N/A	N/A	N/A	N/A
Volunteer Condos, 910 22nd St.	0	N/A	N/A	N/A	N/A
Volunteer Hall, 1525 White Ave.	1	Unintentional - Electrical, Thermostat on Water Heater	0	0	\$750
White Hall, 862 20th St.	0	N/A	N/A	N/A	N/A
Alpha Gamma Rho Fraternity, 1840 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Alpha Tau Omega Fraternity, 1812 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A

2023

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Delta Tau Delta Fraternity, 1844 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Kappa Alpha Fraternity, 840 20th St.	0	N/A	N/A	N/A	N/A
Kappa Sigma Fraternity, 1730 Melrose Pl.	0	N/A	N/A	N/A	N/A
Lambda Chi Alpha, 1848 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Gamma Delta Fraternity, 1836 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Kappa Psi, 1840 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Sigma Kappa Fraternity, 1800 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Pi Kappa Alpha Fraternity, 1820 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Pi Kappa Phi, 1828 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Sigma Alpha Epsilon Fraternity, 1808 Fraternity park Dr.	0	N/A	N/A	N/A	N/A
Sigma Chi Fraternity, 1816 Fraternity Dr. (Chi Phi currently occupying)	0	N/A	N/A	N/A	N/A
Sigma Nu Fraternity, 1824 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Sigma Phi Epsilon, 1832 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Alpha Chi Omega Sorority, 2919 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Alpha Delta Pi Sorority, 2621 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Alpha Omicron Pi Sorority, 2509 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A

2023

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Chi Omega Sorority, 2630 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Delta Delta Delta Sorority, 2620 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Delta Gamma Sorority, 2906 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Delta Zeta Sorority, 3018 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Kappa Delta Sorority, 2515 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Kappa Kappa Gamma Sorority, 3010 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Phi Mu Sorority, 2610 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Pi Beta Phi Sorority, 3006 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Sigma Kappa Sorority, 2601 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Zeta Tau Alpha Sorority, 2600 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Aspen Heights, 2223 Cumberland Ave (Temporary lease for student housing)	0	N/A	N/A	N/A	N/A

2022

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Fred D. Brown Jr. Hall, 1817 Andy Holt Ave	0	N/A	N/A	N/A	N/A
Carrick Hall, 1021 Francis St. (North Carrick) & 1023 Francis St. (South Carrick)	1	Unintentional - Electrical Fire (South Carrick)	0	0	\$300,000
Clement Hall, 1629 W. Cumberland Ave	1	Unintentional - Discarded Smoking Material in Trash Room	0	0	\$250
Dogwood Hall, 2113 Andy Holt Ave	1	Unintentional - Dryer fire due to excessive lint build up	0	0	\$7,500
Hess Hall, 1720 Melrose Place	0	N/A	N/A	N/A	N/A
Laurel Hall, 1615 Laurel Ave.	3	Unintentional - Caused by candle Unintentional - Unattended Cooking Unintentional - Unattended Cooking	1 0 0	0 0 0	\$250 \$500 \$250
Magnolia Hall, 2107 Andy Holt Ave.	0	N/A	N/A	N/A	N/A
Massey Hall, 825 Volunteer Blvd.	0	N/A	N/A	N/A	N/A
Orange Hall, 828 20th St.	0	N/A	N/A	N/A	N/A
Reese Hall, 1910 Caledonia St.	1	Unintentional - Unattended Cooking	0	0	\$500
Stokely Hall, 1311 Lake Loudoun Blvd.	0	N/A	N/A	N/A	N/A
Volunteer Condos, 910 22nd St.	0	N/A	N/A	N/A	N/A
Volunteer Hall, 1525 White Ave.	1	Unintentional - Oven Fire	0	0	\$500
White Hall, 862 20th St.	0	N/A	N/A	N/A	N/A
Alpha Gamma Rho Fraternity, 1840 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Alpha Tau Omega Fraternity, 1812 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Delta Tau Delta Fraternity, 1844 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A

2022

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Kappa Alpha Fraternity, 840 20th St.	0	N/A	N/A	N/A	N/A
Kappa Sigma Fraternity, 1730 Melrose Pl.	0	N/A	N/A	N/A	N/A
Lambda Chi Alpha, 1848 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Gamma Delta Fraternity, 1836 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Kappa Psi, 1840 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Phi Sigma Kappa Fraternity, 1800 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Pi Kappa Alpha Fraternity, 1820 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Pi Kappa Phi, 1828 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Sigma Alpha Epsilon Fraternity, 1808 Fraternity park Dr.	0	N/A	N/A	N/A	N/A
Sigma Chi Fraternity, 1816 Fraternity Dr. (Chi Phi currently occupying)	0	N/A	N/A	N/A	N/A
Sigma Nu Fraternity, 1824 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Sigma Phi Epsilon, 1832 Fraternity Park Dr.	0	N/A	N/A	N/A	N/A
Alpha Chi Omega Sorority, 2919 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Alpha Delta Pi Sorority, 2621 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Alpha Omicron Pi Sorority, 2509 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Chi Omega Sorority, 2630 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Delta Delta Delta Sorority, 2620 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A

2022

Fires in On-Campus Student Housing Facilities

Housing Facility	Total Fires in Housing Facility	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Delta Gamma Sorority, 2906 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Delta Zeta Sorority, 3018 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Kappa Delta Sorority, 2515 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Kappa Kappa Gamma Sorority, 3010 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Phi Mu Sorority, 2610 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Pi Beta Phi Sorority, 3006 Sorority Village Circle	0	N/A	N/A	N/A	N/A
Sigma Kappa Sorority, 2601 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Zeta Tau Alpha Sorority, 2600 Ann Baker Furrow Blvd.	0	N/A	N/A	N/A	N/A
Aspen Heights, 2223 Cumberland Ave (Temporary lease for student housing)	0	N/A	N/A	N/A	N/A



APPENDIX C

FIRE SAFETY SYSTEMS IN ON-CAMPUS STUDENT HOUSING

/ 2025

2025 Annual Security & Fire Safety Report



2024

Fire Safety Systems in On-Campus Student Housing Facilities

Housing Facility	Sprinkler System	Smoke Detection	Portable Fire Extinguisher Devices	Evacuation Plans and Placards	Fire Alarm Annunciation Systems	Number of Evacuation (Fire) Drills Conducted in 2024
Fred D. Brown Jr. Hall, 1817 Andy Holt Ave	✓	✓	✓	✓	✓	4
Carrick Hall, 1021 Francis St. (North Carrick) & 1023 Francis St. (South Carrick)	✓	✓	✓	✓	✓	4
Clement Hall, 1629 W. Cumberland Ave	✓	✓	✓	✓	✓	4
Dogwood Hall, 2113 Andy Holt Ave	✓	✓	✓	✓	✓	4
Hess Hall, 1720 Melrose Place	✓	✓	✓	✓	✓	4
Laurel Hall, 1615 Laurel Ave.	✓	✓	✓	✓	✓	4
Magnolia Hall, 2107 Andy Holt Ave.	✓	✓	✓	✓	✓	4
Massey Hall, 825 Volunteer Blvd.	✓	✓	✓	✓	✓	4
Geier Hall, 828 20th St.	✓	✓	✓	✓	✓	4
Reese Hall, 1910 Caledonia St.	✓	✓	✓	✓	✓	4
Stokely Hall, 1311 Lake Loudoun Blvd.	✓	✓	✓	✓	✓	4
Volunteer Condos, 910 22nd St.		✓	✓	✓		0
Volunteer Hall, 1525 White Ave.	✓	✓	✓	✓	✓	4
Robinson Hall, 862 20th St.	✓	✓	✓	✓	✓	4
Alpha Gamma Rho Fraternity, 1840 Fraternity Park Dr.	✓	✓	✓		✓	4

2024

Fire Safety Systems in On-Campus Student Housing Facilities

Housing Facility	Sprinkler System	Smoke Detection	Portable Fire Extinguisher Devices	Evacuation Plans and Placards	Fire Alarm Annunciation Systems	Number of Evacuation (Fire) Drills Conducted in 2024
Alpha Tau Omega Fraternity, 1812 Fraternity Park Dr.	✓	✓	✓		✓	4
Delta Tau Delta Fraternity, 1844 Fraternity Park Dr.	✓	✓	✓		✓	4
Kappa Alpha Fraternity, 840 20th St.	✓	✓	✓		✓	4
Kappa Sigma Fraternity, 1730 Melrose Pl.	✓	✓	✓		✓	4
Lambda Chi Alpha, 1848 Fraternity Park Dr.	✓	✓	✓		✓	4
Phi Gamma Delta Fraternity, 1836 Fraternity Park Dr.	✓	✓	✓		✓	4
Phi Kappa Psi, 1840 Fraternity Park Dr.	✓	✓	✓		✓	4
Phi Sigma Kappa Fraternity, 1800 Fraternity Park Dr.	✓	✓	✓		✓	4
Pi Kappa Alpha Fraternity, 1820 Fraternity Park Dr.	✓	✓	✓		✓	4
Pi Kappa Phi, 1828 Fraternity Park Dr.	✓	✓	✓		✓	4
Sigma Alpha Epsilon Fraternity, 1808 Fraternity park Dr.	✓	✓	✓		✓	4
Sigma Chi Fraternity, 1816 Fraternity Dr. (Chi Phi currently occupying)	✓	✓	✓		✓	4
Sigma Nu Fraternity, 1824 Fraternity Park Dr.	✓	✓	✓		✓	4
Sigma Phi Epsilon, 1832 Fraternity Park Dr.	✓	✓	✓		✓	4
Alpha Chi Omega Sorority, 2919 Sorority Village Circle	✓	✓	✓	✓	✓	4

2024**Fire Safety Systems in On-Campus Student Housing Facilities**

Housing Facility	Sprinkler System	Smoke Detection	Portable Fire Extinguisher Devices	Evacuation Plans and Placards	Fire Alarm Annunciation Systems	Number of Evacuation (Fire) Drills Conducted in 2024
Alpha Delta Pi Sorority, 2621 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Alpha Omicron Pi Sorority, 2509 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Chi Omega Sorority, 2630 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Delta Delta Delta Sorority, 2620 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Delta Gamma Sorority, 2906 Sorority Village Circle	✓	✓	✓	✓	✓	4
Delta Zeta Sorority, 3018 Sorority Village Circle	✓	✓	✓	✓	✓	4
Kappa Delta Sorority, 2515 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Kappa Kappa Gamma Sorority, 3010 Sorority Village Circle	✓	✓	✓	✓	✓	4
Phi Mu Sorority, 2610 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Pi Beta Phi Sorority, 3006 Sorority Village Circle	✓	✓	✓	✓	✓	4
Sigma Kappa Sorority, 2601 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Zeta Tau Alpha Sorority, 2600 Ann Baker Furrow Blvd.	✓	✓	✓	✓	✓	4
Lakemoor Station, 3125 Maloney Rd. (Temporary Lease for Student Housing)	✓	✓	✓	✓	✓	0
Quarry Trail, 3999 Highland Crest Way (Temporary Lease for Student Housing)	✓	✓	✓	✓	✓	0



APPENDIX D

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

/ 2025

2025 Annual Security & Fire Safety Report



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

August 18, 2025

titleix.utk.edu



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SECTION 1

INTRODUCTION

1.1 Overview

The University of Tennessee 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 Conduct¹. Additional information about each campus’s procedures, training and prevention programs relating to Prohibited Conduct can be found online at titleix.utk.edu.

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, Knoxville, students of the University of Tennessee Institute of Agriculture, and students of the University of Tennessee Space Institute as defined in the University’s Student Code of Conduct; and
- Employees and affiliates of the University²; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

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

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

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

² “University” in this Policy means the University of Tennessee, Knoxville; the University of Tennessee Institute of Agriculture; the University of Tennessee Institute for Public Service; University of Tennessee Space Institute; and/or the University of Tennessee System Administration.

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 in certain situations, including Prohibited Conduct which: (1) occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience; (2) is prohibited by local, state, or federal law, and the conduct was committed within Knox, Anderson, Union, Grainger, Jefferson, Sevier, Blount, Loudon, Roane County, Coffee County (UTSI students), or Franklin County (UTSI students); (3) is fairly attributable to a student organization based on a consideration of the criteria in the Code; (4) is committed against another member of the University community; or (5) threatens, or indicates that the student poses a threat to, the health, safety, or welfare of others or the security of any person's property.

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

1.2.3 Effective Date

The effective date of this Policy is August 18, 2025. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 18, 2025. If the Prohibited Conduct reportedly occurred prior to August 18, 2025, then: (1) the report will be evaluated using definitions contained in applicable University policies in effect on the date the reported Prohibited Conduct occurred; and (2) other aspects of the University's response to the report (e.g., the grievance procedures) will be based on this Policy.

1.2.4 Other University System Policies

Except for University of Tennessee System Safety Policy 0575 (Programs for Minors) (policy.tennessee.edu/safety_policy/sa0575/) 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"), 0280 ("Sexual Harassment and Other Discriminatory Harassment") and 0580 ("Code of Conduct").

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

faculty and students can be found in Section 2.2.6 of the UTK Faculty Handbook (facultyhandbook.utk.edu). Even if an amorous or sexual relationship between members of the University community begins as consensual and welcome, it can evolve into situations that lead to allegations of Prohibited Conduct.

1.3 Academic Freedom and First Amendment Rights

This Policy is not intended to, and will not be used to, infringe on academic freedom or to censor or punish students, faculty, or staff who exercise their First Amendment rights, even though such expression may be offensive or unpleasant.

SECTION 2

PROHIBITED CONDUCT

2.1 INTRODUCTION

This Policy prohibits the following conduct:³

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

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

2.2 DEFINITIONS OF PROHIBITED CONDUCT

2.2.1 Sexual Harassment⁴

“Sexual Harassment” is conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
 - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;
- or

³ The University’s Nondiscrimination Statement prohibits Sex Discrimination in any University education program or activity, including employment and admissions. Sex Discrimination means conduct directed at a specific person or a group of identifiable persons that subjects the person or group to treatment that adversely affects their employment, education, or ability to participate in or benefit equally in any University program or activity, on the basis of sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Complaints of Sex Discrimination should be reported to the Title IX Coordinator and will be handled in accordance with the procedures on the Office of Investigation & Resolution’s website, oir.utk.edu.

⁴ 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”). Conduct by employees that does not necessarily violate this Policy may be a violation of University of Tennessee System Human Resources Policy 0280. Complaint of sexual harassment prohibited by University of Tennessee System Human Resources Policy 0280 should be reported to the Title IX Coordinator and will be handled in accordance with the procedures on the Office of Investigation & Resolution website, oir.utk.edu.

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

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

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

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

[2.2.2 Sexual Assault](#)

“**Sexual Assault**” is an umbrella term for any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes Rape, Fondling, Incest, and Statutory Rape.

[2.2.3 Rape](#)

“**Rape**” means the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

[2.2.4 Fondling](#)

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

[2.2.5 Incest](#)

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

[2.2.6 Statutory Rape](#)

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

[2.2.7 Dating Violence](#)

“**Dating Violence**” means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

2.2.8 Domestic Violence

“Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurs, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurs.

In cases involving allegations of mutual acts or threats of acts of violence, the designated investigator(s) will, when appropriate, identify the primary aggressor in the situation based on the totality of the information gathered, including without limitation: the history of violence between the parties; the relative severity of the injuries inflicted on each person; information gathered from the persons involved in the situation and witnesses to the situation; and whether the acts or threats were done in self-defense. The primary aggressor will be considered the Respondent for purposes of evaluating Domestic Violence.

2.2.9 Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A)fear for his or her safety or the safety of others; or

(B)suffer substantial emotional distress.

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For the definition of Stalking, “*reasonable person*” means a reasonable person under similar circumstances and with similar identities to the Complainant.

2.2.10 Sexual Exploitation

“Sexual Exploitation” means taking sexual advantage of another person, without that person’s active agreement. An active agreement is words and/or conduct that communicate a person’s willingness to participate in an act. A person cannot actively agree to an act if: (1) the person is Incapacitated, if either the person claiming to have obtained the other person’s active agreement knows that the other person is Incapacitated or a Reasonable Person would know that the other person is Incapacitated; or (2) the person is Forced to act or participate in an activity.

Examples of Sexual Exploitation include, without limitation:

- Surreptitiously observing, photographing, audiotaping, videotaping, or recording an image of a person who is engaging in sexual act(s), or a person’s breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy;

- Allowing or enabling a person to surreptitiously observe, photograph, audiotape, videotape, or record an image of another person who is engaging in sexual act(s), or another person's breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy;
- Showing, posting, or sharing video, audio, or an image that depicts a person who is engaging in sexual act(s), or a person's breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy, if all persons who are depicted have not agreed to having the video/audio/image shown, posted, or shared;
- Prostituting another person or engaging in sex trafficking;
- Knowingly exposing another person to a sexually transmitted infection or disease without informing the other person that one has a sexually transmitted infection or disease;
- Forcing a person to participate in sexual act(s) with a person other than oneself;
- Forcing a person to expose the person's breasts, buttocks, groin, or genitals;
- Forcing a person to take an action against that person's will by threatening to show, post, or share video, audio, or an image that depicts the person's nudity or depicts the person engaging in sexual act(s);
- Forcing a person to take an action of a sexual nature against that person's will by threatening to disclose information that would harm a person's reputation;
- Forcing a person to take an action against that person's will by threatening to disclose information of a sexual or intimate nature that would harm a person's reputation; or
- Causing or requesting an incapacitated person to expose the person's breasts, buttocks, groin, or genitals or to participate in sexual act(s) with a person other than oneself.

2.2.11 Retaliation

“Retaliation” means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing.

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

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

(2) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation. Retaliation is a violation of this Policy regardless of whether the underlying allegation of a violation of this Policy is ultimately found to have merit. Determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

2.3 RELATED DEFINITIONS: CONSENT; FORCE; INCAPACITATION

2.3.1 Consent

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

Examples of sexual act(s) include, without limitation: vaginal intercourse; anal intercourse; oral sex; any other intrusion, however slight, of a person's finger or any object into any other person’s genitals or anus; the intentional touching of a person's intimate parts (genital area, groin, inner thigh, buttock or breast), the intentional touching of the clothing covering the immediate area of a person's intimate parts, or the intentional touching of any other person with a person’s own intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual gratification.

Consent can be revoked at any time.

Valid Consent cannot be given if:

- A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated;
- A person is Forced; or
- The sexual penetration of a person by the Respondent would constitute mitigated statutory rape, statutory rape, or aggravated statutory rape under state law, based on the ages of the Respondent and the other person.

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

2.3.2 Force

“Force (Forced)” means words and/or conduct that, viewed from the perspective of a reasonable person, substantially impair(s) a person’s ability to voluntarily choose whether to take an action or participate in an activity.

Examples of Force include, without limitation:

- Physical force (e.g., hitting, punching, slapping, kicking, restraining, choking, kidnapping, using a weapon, blocking access to an exit);
- Words and/or conduct that would cause a reasonable person to fear:
 - Physical force or other harm to the person’s health, safety, or property, or a third person’s health, safety, or property;
 - Loss or impairment of an academic benefit, employment benefit, or money;
 - Disclosure of sensitive personal information or information that would harm a person’s reputation;
 - Disclosure of video, audio, or an image that depicts the person’s nudity or depicts the person engaging in a sexual act(s); or
 - Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third person.

2.3.3 Incapacitation

“Incapacitation” means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that sexual activity is occurring, or their mental, physical, or developmental abilities renders them incapable of making a rational informed judgment. Incapacitation is not the same as legal intoxication.

A person violates this Policy when they engage in sexual activity with another person who is Incapacitated under circumstances in which a reasonable person would have known the other person to be Incapacitated. For evaluating Incapacitation, a “reasonable person” means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.

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

SECTION 3

GRIEVANCE PROCEDURES USED TO ADDRESS PROHIBITED CONDUCT

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

3.1 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A STUDENT

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

3.2 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS AN EMPLOYEE

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

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

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

3.4 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A THIRD PARTY

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

SECTION 4

SUPPORTIVE MEASURES AND REPORTING OPTIONS

4.1 Overview

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

4.2 Title IX Coordinator/Title IX Officials

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

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

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

The University's Title IX Coordinator is:

Ashley Blamey
1817 Melrose Avenue
Knoxville, TN 37996
(865) 974-9600
ashleyblamey@utk.edu
titleix.utk.edu

UTSI Deputy Title IX Coordinator is:

Courtney Maricle-Frazier
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 titleix.utk.edu. 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.

The University's list of Title IX Officials is located at: titleix.utk.edu/about-the-office-of-title-ix/title-ix-team

4.3 Distinction between Privacy and Confidentiality

Under this Policy, privacy should be distinguished from confidentiality.

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

4.4 Confidential Care and Support

The persons identified below can keep information communicated to them confidential and will not communicate such information to a Title IX Official, the University, the police, or any other third party, unless required or permitted by law⁵. 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.

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

4.5.1 Report to the Police

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

4.5.2 Report to the University

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

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

4.5.2.1 Mandatory Reporters

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

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

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

OR

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

Exceptions – No Duty to Report:

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

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

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

In some cases, the Title IX Coordinator or designee may refer the allegations that a Mandatory Reporter failed to report Prohibited Conduct to the Office of Investigation & Resolution (OIR), which will resolve the report in accordance with OIR procedures.

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

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

- Child Abuse: Employees who receive information about suspected child abuse or child sexual abuse must comply with University of Tennessee System Safety Policy 0575 (Programs for Minors) (policy.tennessee.edu/safety_policy/sa0575/). 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 as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) satisfy their reporting duties with respect to this Policy and the Clery Act if they report the incident to a Title IX Official. The Title IX

Official is responsible for timely communicating the appropriate non-personally identifying information to UTPD.

- **UTK employees who have been designated as Campus Security Authorities may have an obligation to report misconduct to UTPD even when they do not have an obligation to report the misconduct under this Policy. Questions about the reporting obligations of UTK Campus Security Authorities should be directed to Kristin Parrott, the University's Clery Compliance Coordinator, at clery@utk.edu or (865) 974-9600.**
- UTSI Employees who have been designated as Campus Security Authorities may have an obligation to report misconduct to the UTSI Safety Office even when they do not have an obligation to report the misconduct under this Policy. Questions about the reporting obligations of UTSI Campus Security Authorities should be directed to Leo Bonner, the University's Clery Compliance Coordinator, at lbanner@utsi.edu or (931) 393-7298.

4.5.2.2 Benefits of Reporting Prohibited Conduct to the University

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

4.5.2.3 Initial Response and Assessment by the Title IX Coordinator

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

4.5.2.4 Limited Action

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

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

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

There are limited circumstances in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant's participation or assent, because of the University's commitment to providing a safe and non-discriminatory learning, living, and working

environment free from Prohibited Conduct. These limited circumstances are referred to as University-Initiated Investigations. For example, if the University has credible information that the Respondent is alleged to have committed one or more other acts of Prohibited Conduct, then the balance of factors might compel the University to investigate the allegation, and, if appropriate, pursue disciplinary action.

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

- The risk that the Respondent will commit additional acts 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 Office of Student Conduct and Community Standards for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk ("Amnesty"). The University may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or drugs. The Title IX Coordinator has the discretion to grant Amnesty to persons other than the person who reported Prohibited Conduct (e.g., Complainant, Respondent, witnesses). The Student Code of Conduct, Section 11, also contains a policy on Amnesty for individuals acting as Good Samaritans and students in need of emergency medical attention. This Section 4.5.2.6 does not apply to reports to the police; rather, it applies only to discipline for violations of the University's Code of Conduct.

4.5.2.7 False Reports

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

4.6 SUPPORTIVE AND REMEDIAL MEASURES

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

The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent.⁶ In fairly assessing the need for an individual to receive Supportive

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

Measures, the Title IX Coordinator does not rely on fixed rules or operating assumptions in favor of one party over another.

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

Supportive Measures are available:

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

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

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

APPENDIX A

GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS

The University of Tennessee is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”)⁷.

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

The University has developed the Complainant “You Are Not Alone” Guide and a separate Respondent Resource Guide that highlight the areas addressed in this appendix, but this appendix serves as the 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 success of the evidentiary exam is collecting physical evidence as soon as possible; however, evidence can be collected up to 72 hours after the assault. You may consult your local Sexual Assault Center for additional guidance on evidence collection- time frames may vary. 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

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

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 (e.g., UT Medical Center) or at the Sexual Assault Center of East Tennessee/Sexual Assault Center of Nashville; physical examinations by other healthcare providers are likely to impede potential future legal remedies.

In cases of Sexual Assault, a medical professional typically will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault, such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of sexually transmitted infections and pregnancy. A medical examination preserves evidence for forensic analysis in case a Complainant wishes to pursue a criminal prosecution or an order of protection. The medical examination likely will be performed by a Sexual Assault Nurse Examiner (SANE) who is specially trained to collect evidence in cases of Sexual Assault. If the Complainant chooses not to report the incident to the police at the time of the medical examination, then the medical provider will provide the examination materials to local police with a unique identifying number that will also be provided to the Complainant. The police department with jurisdiction will store the examination materials for up to three (3) years. If in that time the Complainant decides to make a police report, then the Complainant may report to the police department with jurisdiction and refer to the unique identifying number so that the Complainant's examination materials may be matched with the Complainant's police report for evidentiary purposes.

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

Medical care may be obtained from the following:

PLACE	WHEN	CONTACT INFORMATION
UT Student Health Center (for students only)	From 8:00 a.m. – 4:30 p.m., Mondays, Tuesdays, Thursdays, and Fridays, and from 9:00 a.m. – 4:30 p.m. on Wednesdays, except on University holidays, breaks, or closures	(865) 974-5080 1800 Volunteer Blvd Knoxville, TN 37996 studenthealth.utk.edu
Sexual Assault Center of East Tennessee	24 hours, seven days a week	(865) 522-7273 (24 hour crisis line) 2455 Sutherland Avenue Building B Knoxville, TN mcnabbcenter.org/victim-services
Sexual Assault Center Nashville Office	Monday - Thursday 8:00 a.m. - 4:00 p.m. & Fridays 8:00 a.m. - 2:00 p.m. If you need an exam, please call 615-258-5888	Crisis and Support – 24 hour 1-866-811-RISE (7473) 101 French Landing Drive Nashville, TN 37228 615-259-9055 sacenter.org

UT Medical Center (or another local hospital)	24 hours, seven days a week	(865) 305-9000 1924 Alcoa Highway Knoxville, TN utmedicalcenter.org
Highpoint Health–Winchester with Ascension Saint Thomas	24 hours, seven days a week	185 Hospital Road, Winchester, TN; (931) 967-8200 highpointhealthsystem.com/winchester
Highpoint Health–Sewanee with Ascension Saint Thomas		1260 University Avenue Sewanee, TN; (931) 598-5691 highpointhealthsystem.com/sewanee
Vanderbilt Tullahoma-Harton Hospital	24 hours, seven days a week	1801 N. Jackson St. Tullahoma, TN; (931) 393-3000 vanderbilttullahomahartonhospital.com
Unity Medical Center	24 hours, seven days a week	481 Interstate Drive Manchester, TN; (931) 728-6354 unitymedicalmanchester.com

1.2 Confidential Support and Counseling for Complainants and Respondents

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

1.2.1 University “Confidential Employees”

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

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

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

1.2.1.1 Identification of Confidential Employees

Confidential Employee	Who May Access Their Services	How to CONTACT
Lisa Yamagata-Lynch, University Ombudsperson and Director of the Office of Ombuds Services, and other employees under the supervision of the Director	Students and Employees	(865) 974-6273 ombuds.utk.edu
Intake & Crisis Clinicians in the Center for Care & Resilience	Students	(865) 974-4357 (HELP)* If calling during the hours of 8:00 a.m. – 5:00 p.m. Monday-Friday, except on University holidays, breaks, or closures *confidentiality is limited to the Intake & Crisis Clinician in the Center for Care & Resilience
A licensed psychologist, psychiatrist, or nurse practitioner in the Student Counseling Center	Students	(865) 974-2196, if calling during the hours of 8:00 a.m. – 5:00 p.m. on Mondays, Tuesdays, Wednesdays, and Fridays, or during the hours of 9:00 a.m. – 5:00 p.m. on Thursdays, except on University holidays, breaks, or closures A student who needs counseling support when the Student Counseling Center is not open may call (865)974-2196. counselingcenter.utk.edu Student Health Center, Second floor 1800 Volunteer Blvd. Knoxville, TN 37996 Open from 8:00 a.m. – 5:00 p.m. on Mondays, Tuesdays, Wednesdays, and Fridays, and from 9:00 a.m. – 5:00 p.m. on Thursdays, except on University holidays, breaks, or closures
A licensed physician, registered nurse, or nurse practitioner in the Student Health Center	Students	(865) 974-5080 studenthealth.utk.edu Student Health Center 1800 Volunteer Blvd. Knoxville, TN 37996 Open from 8:00 a.m. – 4:30 p.m., Mondays, Tuesdays, Thursdays, and Fridays, and from 9:00 a.m. – 4:30 p.m. on Wednesdays, except on University holidays, breaks, or closures
A licensed psychologist and graduate therapist working under licensed supervision in the Psychological Clinic	Students and Employees	(865) 974-2161 psychclinic.utk.edu 208 UT Conference Center Bldg 600 Henley Street

		Knoxville, TN 37996 Open from 8:00 a.m. – 5:00 p.m., Monday-Thursday, and 8:00 a.m. – 5:00 p.m. on Fridays, except on University holidays, breaks, or closures
A licensed social worker in the College of Veterinary Medicine Veterinary Social Work Clinic	CVM Students and CVM Employees	(865) 755-8839 vetsocialwork@utk.edu vetsocialwork.tennessee.edu Helpline hours: Monday – Friday 10 a.m. – 5 p.m.
University employed Interpreters	Students and Employees	Applicable in cases where interpreters are relaying information between a Complainant and a person who is a confidential resource.
A University employee who holds a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional's client or patient, if the employee is acting within the course and scope of his/her University employment and Tennessee law would recognize the existence of a confidential relationship between the employee and the student in the particular situation	Students and Employees	Varies by employee
Kristin Martin, Director, Mental Health and Wellness and licensed clinicians operating under the supervision of the Director	Intercollegiate student-athletes only	kmartin5@tennessee.edu (865) 974-9754
Dr. Chris Klenck, Head Team Physician NOTE: Athletic trainers and other staff members in Sports Medicine are not Confidential Employees. They are Mandatory Reporters of Prohibited Conduct involving students.	Intercollegiate student-athletes only	cklenck@tennessee.edu (865) 974-1147

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:

- **Knoxville-Area Resources for Complainants**

Sexual Assault Center of East Tennessee

(865) 522-7273 (24/7 crisis hotline)

2455 Sutherland Avenue, Building B, Knoxville, TN

mcnabbcenter.org/victim-services

To better serve its students and employees, the University has entered into a Memorandum of Understanding with the Sexual Assault Center of East Tennessee (SACET). The primary mission of SACET is to provide excellent and compassionate services for survivors of Sexual Assault and to empower communities through education and social change. SACET is a service of the Helen Ross

McNabb Center. **A Complainant does not have to report a Sexual Assault to the police to receive services from SACET.**

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

- Sexual Assault Nurse Examinations. A Sexual Assault Nurse Examiner (SANE) is available 24/7, 365 days a year to provide forensic nursing to Sexual Assault crime victims ages 13 and older. SANE exams can be performed at a local hospital or at SACET's Sexual Assault Forensic Exam (SAFE) Center. All services provided by the SACET are free, including no-cost SANE exams, pregnancy prevention, and testing and preventative treatment for sexually transmitted infections.
- Advocacy. The advocacy program of SACET provides victims of Sexual Assault with the support, information, and resources needed throughout the recovery process. Advocates work to ensure that victims' legal rights are protected, while also empowering victims to make their own decisions. Advocacy assistance includes: accompaniment during SANE exams, police interviews, legal appointments, and University and court proceedings; and assistance filing victim's compensation applications and petitions for orders of protection.
- Therapy. Therapy services are available to victims in crisis, victims of a recent Sexual Assault, and persons who were victims of a Sexual Assault or sexual abuse that happened months or years ago. The goal of SACET is to work collaboratively to address the many concerns and issues associated with sexual violence to promote healing. Therapists at the SACET specialize in treating female, male, and LGBTQ Complainants and offer services to individuals of all ages.

- **University of Tennessee Medical Center (or another local hospital)**

(865) 305-9000

1924 Alcoa Highway

utmedicalcenter.org

The University of Tennessee Medical Center is operated by University Health System, Inc., a separate legal entity from the University of Tennessee. As a result, a report to the University of Tennessee Medical Center does not put The University of Tennessee on notice of Prohibited Conduct.

- **Knoxville Family Justice Center**

(sexual assault and dating/domestic violence)

400 Harriet Tubman Street

Knoxville, TN 37915

(865) 521-6336 (24/7 crisis line)

fjcknoxville.org

The Knoxville Family Justice Center serves domestic violence and sexual assault victims. This comprehensive support center provides a single location for victims to access advocacy and other services, including safety planning, danger assessment, orders of protection, prosecutors, detectives, civil legal assistance, counseling, support groups, access to shelter, clergy, and social service professionals.

- **YWCA – Knoxville – Victim Advocacy Program**

(dating/domestic violence)

(865) 523-6126 (24/7 crisis hotline)

420 West Clinch Avenue or 124 S. Cruze Street

ywcaknox.com

YWCA advocates provide comprehensive support for victims of dating/domestic violence, including safety planning and crisis intervention, education on victim's rights and victim compensation, navigation of the justice system, accompaniment to court, referrals for and assistance accessing essential services, referrals to support group, and follow-up services.

- **Helen Ross McNabb – Family Crisis Center**

(dating/domestic violence)

(865) 637-8000 (24/7 crisis hotline)

mcnabbcenter.org/victim-services/#domestic-violence

The Kent C. Withers Family Crisis Center is a safe place of refuge for individuals experiencing dating/domestic violence. While at the shelter, victims receive on-site counseling, advocacy and case management. Additionally, the 24-hour crisis hotline provides a number for victims to call for any-time-of-day access to safety planning and information on emergency shelter, support groups and other domestic violence services from caring, knowledgeable staff.

- **Tullahoma Area Resources for Complainants**

- **Haven of Hope**

300 Hillsboro Blvd.

PO Box 1271

Manchester, TN 37355

(800) 435-7739

(931) 680-3011 (24/7 hotline)

domesticshelters.org

- **United Healthcare Student Resources**

- Crisis Line: (877) 862-1172 (24/7)

- Healthiest You Telehealth Benefit
(855) 870-5858

- go.healthiestyou.com/student

- Student Assistance

- uhcsr.com/myaccount

Students who are enrolled in UnitedHealthcare health insurance have immediate access to nurse advice, a health information library, and counseling support 24 hours a day by calling the toll-free number listed on their medical ID card. Nurse Line is staffed by both English and Spanish speaking Registered Nurses who can provide health information, support, and guidance on when to seek medical care. UnitedHealthcare's Student Assistance Program coordinates services using a network

of resources. Services available include financial and legal advice, as well as mediation. Counseling is also available by Licensed Clinicians who can provide insureds with someone to talk to when everyday issues become overwhelming. Translation services are available.

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

- Tennessee Coalition to End Domestic & Sexual Violence
800-289-9018
800-356-6767 – 24 hour statewide domestic violence hotline
tncoalition.org
The Tennessee Coalition to End Domestic and Sexual Violence (TCEDS) is a private nonprofit organization composed of diverse community leaders and program members who share a common vision of ending violence in the lives of Tennesseans through public policy, advocacy, education and activities that increase the capacity of programs and communities to address violence. The TCEDS is a stateside organization that serves: Domestic Violence and Sexual Assault programs; community groups and organizations; criminal justice agencies; allied professionals (e.g., medical, legal, mental health professionals); individuals seeking information and resources; and immigrant victims of domestic or sexual violence, stalking or trafficking.
- **RAINN National Sexual Assault Crisis Hotline**
800-656-HOPE (4673)
rainn.org/get-help/national-sexual-assault-hotline
- **National Domestic Violence Hotline**
800-799-SAFE (7233)
thehotline.org
- **Love is Respect – National Dating Abuse Hotline**
866-331-9474
loveisrespect.org
- **Anti-Violence Project/24-Hour Bilingual Hotline: For LGBTQ+ and HIV+ survivors of violence**
212-714-1141

Other confidential, non-University resources for Complainants and Respondents

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

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

[1.3 Legal Resources for Complainants and Respondents](#)

[1.3.1 Orders of Protection, Victim Advocacy Services and Private Legal Assistance](#)

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

- Knoxville Family Justice Center
400 Harriet Tubman Street
Knoxville, TN 37915
(865) 521-6336 (24/7 crisis line)
fjcknoxville.org
- Knox County Fourth Circuit Court
City County Building
400 Main Street
Knoxville, TN 37902
(865) 215-2399
knoxcounty.org/fourthcircuitcourt/index.php

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

- Legal Aid Society of Middle Tennessee and
The Cumberlands
281 Industrial Blvd
Tullahoma, TN 37388
931-455-7000 or 1-800-238-1443
las.org/what-we-do/counties-we-serve/tullahoma
- Franklin County Circuit
Court Clerk Room 157
440 George Fraley Parkway
Winchester, TN 37398
(931) 967-2923
franklincountycircuitcourtclerk.org

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

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: tncoalition.org/get-help/legal-services

- The City of Knoxville provides a list of community resources for victims of dating/domestic violence here: knoxvilletnpolice.gov/get-domestic-violence-help
- The Knox County Fourth Circuit Court provides information on domestic violence and orders of protection here: knoxcounty.org/fourthcircuitcourt/domestic_violence.php

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

The Knoxville Bar Association provides assistance with finding an attorney in the greater Knoxville area: knoxbar.org/index.cfm?pg=hiring-a-lawyer

The American Bar Association also provides information on finding legal services by state: americanbar.org/groups/legal_services/flh-home/flh-free-legal-help

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

[1.3.2 Visa and Immigration](#)

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

The University's International Student and Scholar Services can provide useful information regarding immigration status, although the office does not provide legal advice:

International Student and Scholar Services
1620 Melrose Avenue
Knoxville, TN 37996-3531
Phone: (865) 974-3177
Fax: (865) 974-2985

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) lists options for legal advice and representation to immigrant and trafficked victims of domestic or sexual violence throughout Tennessee (tncoalition.org/get-help/legal-services).

U.S. Citizenship and Immigration Services (USCIS) (uscis.gov/about-us/find-uscis-office), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation:

USCIS Find Help in your Community Webpage: uscis.gov/citizenship/learners/find-help-your-community

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

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

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

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

Students who need assistance with financial aid issues may contact a Title IX Official or One Stop Student Express Services (onestop.utk.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 protective and remedial measures (“Supportive Measures”) while the University assesses, investigates, and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator’s initiative. Section 4.6 of the Policy explains the availability of Supportive Measures and how they are determined, implemented, and enforced.

The following are examples of Supportive Measures:

- Issuing a no-contact directive, which provides mutual restrictions between parties from having verbal, physical, written, and/or electronic contact and/or from being present on designated University-controlled property for a definite or indefinite period of time.
- Issuing an Emergency Removal (i.e. Interim Suspension) of the Respondent (student or employee) is issued based on an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The Respondent will have the ability to challenge the decision immediately (within 3 business days) following the removal;
- Informing the Complainant of the right to report the incident to the police for criminal investigation and prosecution and offering to assist the Complainant in reporting an incident to the police;
- Putting a Respondent (if an employee) on leave, in accordance with other applicable University policies, prior to the conclusion of the investigation and resolution of a report or formal complaint of Prohibited Conduct;
- Assisting an individual in obtaining medical, advocacy, and counseling services;
- Exploring changes in living, transportation, dining, and working arrangements;
- Arranging appointments for an individual for follow-up on-campus support services or off-campus support services, such as those identified in this Section 1 (e.g., arranging an appointment with the Knoxville Family Justice Center to discuss options for pursuing an order of protection in Knox County Fourth Circuit Court);

- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes;
- Assisting an individual in communicating with faculty;
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Office of the University 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.⁸ Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or to neither. This Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report Prohibited Conduct.

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

2.1 Preservation of Evidence

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

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

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72 hours after the incident (Appendix A, Section 1.1);
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

2.2 Reporting to the Police

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

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

2.2.1 Contact Information for Police

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

INCIDENT LOCATION	CONTACT
Regardless of where the incident occurred	Call 911 in an emergency
On campus or the City of Knoxville	UTPD 1101 Cumberland Avenue, Knoxville, TN (865) 974-3111 utpolice.utk.edu Knoxville Police Department (KPD)

	800 Howard Baker, Jr. Avenue, Knoxville, TN (865) 215-4010 knoxvilletn.gov/government/city_departments_offices/police_department
In Knox County but outside of the City of Knoxville	Knox County Sheriff 400 Main Street, Suite L165, Knoxville, TN 37902 (865) 215-2243 knoxsheriff.org or UTPD 1101 Cumberland Avenue, Knoxville, TN (865) 974-3111 utpolice.utk.edu
On UTSI Campus or in Franklin County area or adjoining property	Franklin County Sheriff's Department 494 George Fraley Parkway; Winchester, TN 37398 (931) 962-0123
Off Campus Crimes	The jurisdictional law enforcement agency for the location

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

Employees of UTPD are Mandatory Reporters for reports of Prohibited Conduct involving students. Accordingly, if a person reports an incident to UTPD, and the incident has not been previously reported to a Mandatory Reporter outside of UTPD, then UTPD 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 UTPD, then the Complainant also will need to report the incident to a Title IX Official (Appendix A, Section 2.3) if the Complainant wants the University to take any action under the Policy.

[2.2.2 What to Expect after Reporting Prohibited Conduct to the Police](#)

Even if a Complainant is unsure whether to pursue criminal prosecution or an order of protection, the University recommends that the Complainant report the incident to the police as soon as possible. In most cases, after addressing a Complainant's immediate safety needs and/or needs for medical care, a police officer will meet with the Complainant and take a statement about what occurred. In cases of Prohibited Conduct, in addition to taking a statement, the police officer may ask to examine the scene of the incident and collect bedding, clothing, or other items of evidentiary value. A police officer also will conduct a thorough interview to record as many details as possible and as precisely as possible, which may take as long as several hours, depending on the circumstances of the case. Due to the traumatic effects of Sexual Assaults, multiple interviews may be required to get all of the pertinent details of the assault. When UTPD or local law enforcement conducts the police interview, the police officer may ask the Complainant whether they want the agency to call an on-call victim advocate from the Sexual Assault Center to be present during the Complainant's interview(s).

If the police determine that a crime occurred after concluding its investigation, then the police will refer the matter to the district attorney. **The district attorney will decide whether to pursue criminal prosecution; however, it is unusual for cases to proceed without the cooperation of the Complainant. Reporting the**

incident to the police does not obligate the Complainant to cooperate with the district attorney's criminal prosecution. If criminal prosecution is pursued, however, the likelihood of success will be much higher if the Complainant reported and allowed evidence to be collected immediately after the incident of Prohibited Conduct.

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

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

2.2.4 Anonymous Reporting to the Police

Persons 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 knoxsheriff.org/Safety-Man/#Safety-Tip, by calling (865) 215-2243, or by texting the word **Knox** to **Crimes 274637**. **Texting is not an alternative to calling 911; in an emergency, call 911.**

Persons may report a crime anonymously to the Franklin County Sheriff's Department by calling **(931) 962-0123**. The Franklin County Sheriff's Department will provide further direction.

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:

Ashley Blamey
1817 Melrose Avenue
Knoxville, TN 37996
(865) 974-9600
ashleyblamey@utk.edu
titleix.utk.edu

The University's list of Title IX Officials can be found at: titleix.utk.edu/about-the-office-of-title-ix/title-ix-team

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

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

2.3.2 Initial Response and Assessment by the Title IX Coordinator

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

- Promptly contact the Complainant, to offer to meet with, or otherwise communicate with, the Complainant;
- Discuss the availability of Supportive Measures;
- Consider the Complainant's wishes with respect to Supportive Measures;
- Inform the Complainant of the availability of Supportive Measures with or without filing of a formal complaint;
- Explain to the Complainant the process for filing a formal complaint;
- Implement Supportive Measures (Appendix A, Section 1.5) to eliminate and prevent the recurrence of Prohibited Conduct, deter Retaliation, and remedy the effects of Prohibited Conduct through reasonable support services, accommodations, and other assistance;
- In cases of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, whether the Prohibited Conduct occurred on or off campus, provide a Complainant with a paper or electronic copy of this Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant's rights and options under this Policy (if that has not already been done by a Mandatory Reporter), which will include: (1) notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and

- (2) notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- If the Complainant chooses to file a formal complaint, the Title IX Coordinator must make an initial evaluation based on the nature of the conduct alleged and the reported location of the alleged conduct to determine whether the alleged conduct meets the definition of Sexual Harassment that occurs in a University education program or activity in the United States, in which case the formal complaint will be received as a Title IX Sexual Harassment Complaint. If the Title IX Coordinator determines that the alleged conduct is not Title IX Sexual Harassment that occurs in a University education program or activity in the United States but is otherwise Prohibited Conduct to which this Policy applies, the formal complaint will be received as a Non-Title IX Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,⁹ the Title IX Coordinator will initiate the grievance procedures outlined in Appendix C or Appendix D of the Policy; and
 - If the Complainant requests, assist the Complainant in reporting the incident to the police.

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

2.3.3 Limited Action

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

2.3.4 Amnesty for Students Who Report Prohibited Conduct to the University

Because of the importance to the University of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to the University or provides information in a University investigation into alleged Prohibited Conduct will not be subject to University disciplinary action by the Office of Student Conduct 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 4.5.2.5 of the Policy.

⁹ 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.

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

Clery Act

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

In addition to the Annual Security and Fire Safety Report and in compliance with the Clery Act, UTPD maintains a daily crime log.

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to: issue timely warnings for crimes reported to UTPD 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 UTK's Clery Compliance Coordinator is Kristin Parrott, (865) 974-9600, clery@utk.edu.

UTSI Clery Compliance Coordinator is Leo Bonner, (931) 393-7298, lbanner@utsi.edu.

FERPA

In accordance with FERPA, personally identifiable information about a Complainant or Respondent who is a student that has been communicated to a Mandatory Reporter regarding Prohibited Conduct will be shared within the University only with Title IX Officials and those University employees who "need to know" in order to assist with the University's response to the Prohibited Conduct. Personally identifiable information concerning a Complainant or Respondent who is a student will not be disclosed by the University to third parties unaffiliated with the University without the consent of the student except in response to a lawfully issued subpoena, court order, or as otherwise required or allowed by law. If a Respondent who is a student makes a request to review documents concerning the University's investigation or resolution of Prohibited Conduct, the University will be required by FERPA to grant the Respondent's request to inspect and review records that relate specifically to the Respondent. The University may be required, under FERPA regulations, to disclose information regarding a Complainant, where the records cannot be segregated or redacted.

Tennessee Public Records Act

Incident reports prepared by UTPD for law enforcement purposes are generally considered public records under the Tennessee Public Records Act (Tennessee Code Annotated § 10-7-503 et seq.) and are not protected by FERPA, which means the University is obligated by law to make them available to any

Tennessee citizen upon request unless the report is part of an ongoing criminal investigation. Local law enforcement agencies may also be required to make their records available under similar circumstances.

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

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

Robert (Robbie) Nottingham Campus Crime Scene Investigation Act

The Robert (Robbie) Nottingham Campus Crime Scene Investigation Act (Nottingham Act), Tennessee Code Annotated § 49-7-129, requires UTPD to notify the Knoxville Police Department upon UTPD's receipt of a report from a victim alleging that any degree of rape has occurred on University property. The Nottingham Act requires UTPD and the Knoxville Police Department to participate in a joint investigation of the rape, with UTPD leading the investigation. The Nottingham Act also requires sexual assault programs and services on campus to report annually to UTPD 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 UTPD in connection with that report.

Disclosure to Complainants and Respondents During the Disciplinary Process

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

APPENDIX B

CONSENT

The University of Tennessee Knoxville 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”).¹⁰

The purpose of this Appendix B is to inform students, employees, and third parties about how the University, in investigations and disciplinary hearings,¹¹ will determine whether sexual act(s) occurred without Consent.

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

Examples of sexual act(s) include, without limitation: vaginal intercourse; anal intercourse; oral sex; any other intrusion, however slight, of a person's finger or any object into any other person’s genitals or anus; the intentional touching of a person's intimate parts (genital area, groin, inner thigh, buttock or breast), the intentional touching of the clothing covering the immediate area of a person's intimate parts, or the intentional touching of any other person with a person’s own intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual gratification.

Consent can be revoked at any time.

- Valid Consent cannot be given if:
 - A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated;
 - A person is Forced; or
 - The sexual penetration of a person by the Respondent would constitute mitigated statutory rape, statutory rape, or aggravated statutory under state law, based on the ages of the Respondent and the other person
- During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During a University investigation or disciplinary hearing, the University has the burden of proving that a sexual act(s) occurred without Consent (and it is not a Respondent’s burden to prove Consent).
- Whether a person has communicated Consent to participate in a sexual act(s) generally is evaluated from the perspective of what a Reasonable Person who perceived the individual’s words and/or non-verbal conduct would have understood; however, in the context of a relationship that has involved sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., What did the specific person who initiated the Sexual Act conclude based on the pattern of communication?).

¹⁰ Capitalized terms have the same meaning in the Policy and Appendix B.

¹¹ Including contested case proceedings under the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”).

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

Recommendations on Consent

- The University urges individuals to communicate with one another before and throughout a sexual encounter to ensure Consent exists for every sexual act. Because interpreting non-verbal conduct may lead to misunderstanding and a violation of the Policy, persons subject to the Policy are strongly encouraged to err on the side of caution and not rely solely on the non-verbal conduct of another person in concluding that the other person has communicated Consent.

The University urges individuals to be cautious before engaging in sexual activity when either person has been consuming alcohol or using other drugs. Alcohol and other drugs impair a person’s ability to give Consent and impair a person’s ability to determine whether Consent has been given.

APPENDIX C

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

The University of Tennessee, Knoxville 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”).¹²

Disciplinary proceedings¹³ relating to Prohibited Conduct when the Respondent is a student will be handled by the University in accordance with the Student Code of Conduct (“Code”), as modified and/or clarified by this Appendix C and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46. At the end of Appendix C, a graphical summary of this process is available for reference. A copy of the Code may be found at studentconduct.utk.edu.

HOW TO FILE A FORMAL COMPLAINT

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

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

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

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

¹² Capitalized terms have the same meaning in the Policy and Appendix C.

¹³ “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.

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.¹⁴

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

STANDARD OF PROOF

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

RIGHT TO AN ADVISOR

The Complainant and the Respondent have the right to be assisted by an advisor during all stages of a disciplinary proceeding, including all meetings, investigative interviews, and hearings. The advisor may be, but is not required to be, an attorney.

The role of the advisor in the Formal Hearing depends on the type of Formal Hearing (described below) used to resolve the Formal Complaint. The role of the advisor is described in the Code in Section 5.3. In general, an advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, or participate directly in any other manner during any phase of the student conduct process, except in a Title IX Hearing. In a Title IX Hearing, the advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

RIGHT TO A SUPPORT PERSON

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

¹⁴ Investigations of reports of Prohibited Conduct are usually performed by SCCS. However, for good cause, the Title IX Coordinator may select an investigator(s) external to SCCS, 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.

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

INVESTIGATIONS OF PROHIBITED CONDUCT

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

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

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

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

DISMISSAL OF COMPLAINTS

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

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

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

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with SCCS making a determination that no action will be taken with respect to a report of Prohibited Conduct, then the Complainant may appeal that determination in accordance with Section 7.5.1 of the Code. Under the Code, a Complainant who is informed by SCCS of a no action determination may appeal the decision to SCCS, in writing, within five (5) business days of the date that SCCS transmitted notice of the no action determination to the Complainant. If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with SCCS making a final determination that no action will be taken with respect to a report of Non-Title IX Prohibited Conduct, then the Complainant may appeal that determination to the Director of Student Conduct, in writing, within seven (7) calendar days of the date that SCCS transmitted notice of the no action determination to the Complainant. Upon receipt of the appeal, SCCS will send a copy of the appeal to the Respondent. The Respondent may respond to the appeal by filing a written response within three (3) calendar days after receipt of the Complainant’s appeal. The Director of Student Conduct may affirm the decision of SCCS, reverse the decision and direct SCCS to charge the Respondent with violating the Standards of Conduct, or remand the matter for additional investigation or consideration. The Director of Student Conduct shall issue a decision in writing, sent to the Complainant and the Respondent simultaneously, within ten (10) calendar days of receipt of the Complainant’s appeal or the Respondent’s response. Following the appeal, the respondent will receive notice. The decision of SCCS to affirm the no action determination is final and may not be appealed.

At the conclusion of an investigation of a Title IX Prohibited Conduct Complaint, however, SCCS may not make a determination that no action will be taken. Therefore, Section 7.5.1 of the Code does not apply to a Title IX Complaint.

FORMAL HEARINGS

NON-TITLE IX PROHIBITED CONDUCT

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

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Student Life Hearing Officer, a hearing before the Student Conduct Board, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act.¹⁵ Sections VII and VIII of the Code describe the process for those hearings. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

Student Life Hearing Officer (SLHO) Hearing / Student Conduct Board (SCB) Hearing		
Step	Code Reference	Anticipated Timeline
Complainant and Respondent provide names of advisors and	Section 8.3.1	At least five (5) business days prior to the hearing

¹⁵ The timelines described below do not apply if a Respondent exercises the right to have a hearing conducted under state law, the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”). If a Respondent exercises a right to a UAPA hearing, then an administrative judge will be appointed by the University’s Agency Head typically within five (5) business days of the Respondent’s request for a UAPA hearing. The timelines for a UAPA hearing are governed by the UAPA.

Student Life Hearing Officer (SLHO) Hearing / Student Conduct Board (SCB) Hearing		
Step	Code Reference	Anticipated Timeline
witnesses, evidence, and any statements to SCCS		
SCCS provides all copies of the information submitted by the parties to the other party and the SLHO or SCB	Section 8.3.2	At least three (3) business days prior to the hearing
Notice of Decision issued by SLHO or SCB	Section 8.5.4	Within three (3) business days of the conclusion of the hearing

TITLE IX PROHIBITED CONDUCT

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

For ease of reference, the following charts show the steps that generally apply in Formal Hearings. 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 9.3	At least ten (10) business days prior to the hearing
Complainant and Respondent provide names of advisors to Title IX Hearing Officer, or inform Title IX Hearing Officer that they have no advisor and an advisor will be appointed	Section 9.4	At least five (5) business days prior to the hearing
Notice of Decision issued by Title IX Hearing Officer	Section 9.7	Within ten (10) business days of the conclusion of the hearing

APPEALS

The Complainant and the Respondent have equal rights to appeal the decision after a Formal Hearing. Code Section 8.6 describes the appeal process for appealing a decision by a Student Life Hearing Officer or Student Conduct Board. Code Section 9.8 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. The parties are directed to the provisions of the Code for additional information.

Appeals from Student Life Hearing Officer or Student Conduct Board Decision (Non-Title IX Prohibited Conduct)		
Step	Code Reference	Anticipated Timeline
Notice of Appeal filed	Section 8.6.2	Within five (5) business days of the transmittal of the decision

SCCS determines whether the appeal is procedurally valid	Section 8.6.6	Within five (5) business days of receipt of the Notice of Appeal
SCCS appoints Appellate Board and transmits Notice of Appeal to Appellate Board	Section 8.6.8	As soon as practicable
Non-appealing party may submit written response to Appellate Board	Section 8.6.8	Within five (5) business days of transmittal of Notice of Appeal
Appellate Board issues Notice of Final Decision	Section 8.6.12	Within ten (10) business days

Appeals from Title IX Hearing Officer Decision		
Step	Code Reference	Anticipated Timeline
Notice of Appeal filed	Section 9.8.2	Within five (5) business days of the transmittal of the decision
SCCS notifies non-appealing party of appeal	Section 9.8.2	As soon as practicable
Both parties may submit written statement in support of or opposition to decision to the Vice Chancellor for Student Life	Section 9.8.5	Within five (5) business days of the date on which the non-appealing party received notice that the other party filed a Notice of Appeal
Notice of Decision issued by the Vice Chancellor for Student Life	Section 9.8.5	Within five (5) business days of receipt of written statements

ANTICIPATED TIMELINES

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

POSSIBLE SANCTIONS

Following a determination under the Code that a student is responsible for engaging in Prohibited Conduct, the Student Life Hearing Officer, Student Conduct Board, or Title IX Hearing Officer will issue a sanction. Section IX of the Code identifies the possible sanctions that may be imposed if, after the conclusion of the student conduct process, a Respondent is found responsible for engaging in Prohibited Conduct. Possible sanctions include: warning; disciplinary probation; deferred suspension; suspension; expulsion; withholding of degree; disciplinary probation for student organizations; social probation for student organizations; revocation or suspension of University registration for student organizations; educational activities;

restitution; supervised work/service; loss or restriction of privileges; University housing reassignment or removal; and/or mandatory education. Any sanction imposed by the SLHO, SCB, or Title IX Hearing Officer may be appealed as set forth in Sections VIII and IX of the Code. Once a sanction decision is final, SCCS will ensure the effective implementation of final sanctions. The Title IX Coordinator is responsible for effective implementation of any remedies.

RESOLUTION WITHOUT A FORMAL HEARING

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

Alternative Resolution of Non-Title IX Prohibited Conduct Complaints. Section 7.3 applies to Non-Title IX Prohibited Conduct Complaints. Section 7.3 of the Code provides that, at any time during the student conduct process, allegations against a Respondent may be resolved through an alternative resolution. An alternative resolution is a resolution that is reached through a process and/or by a sanction or restriction not described in the Code. Before proposing an alternative resolution in a case involving Prohibited Conduct, SCCS shall consult with the Title IX Coordinator and determine whether an alternative resolution would be appropriate based on the facts and circumstances of the case, and, if so, what type of alternative resolution process should be used.

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

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

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

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

under which the parties cannot resume the investigation or Title IX Hearing process arising from the same allegations.

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

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

Chapter 1720-1-5 of the Rules of the University of Tennessee (<https://publications.tnsosfiles.com/rules/1720/1720-01/1720-01-05.20180524.pdf>) sets forth the University's procedures for conducting a contested case hearing pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301 et seq. In a case involving a Non-Title IX Prohibited Conduct Complaint, the administrative judge or hearing officer must modify those procedures when required to comply with federal law, including without limitation, the Clery Act and FERPA. In Non-Title IX Prohibited Conduct cases, where the University recommends a sanction of deferred suspension, 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 IX of the Code and mandated by the Title IX regulations. For Formal Complaints in Title IX Prohibited Conduct cases, the Title IX regulations preempt the Uniform Administrative Procedures Act. 34 C.F.R. § 106.6(h).

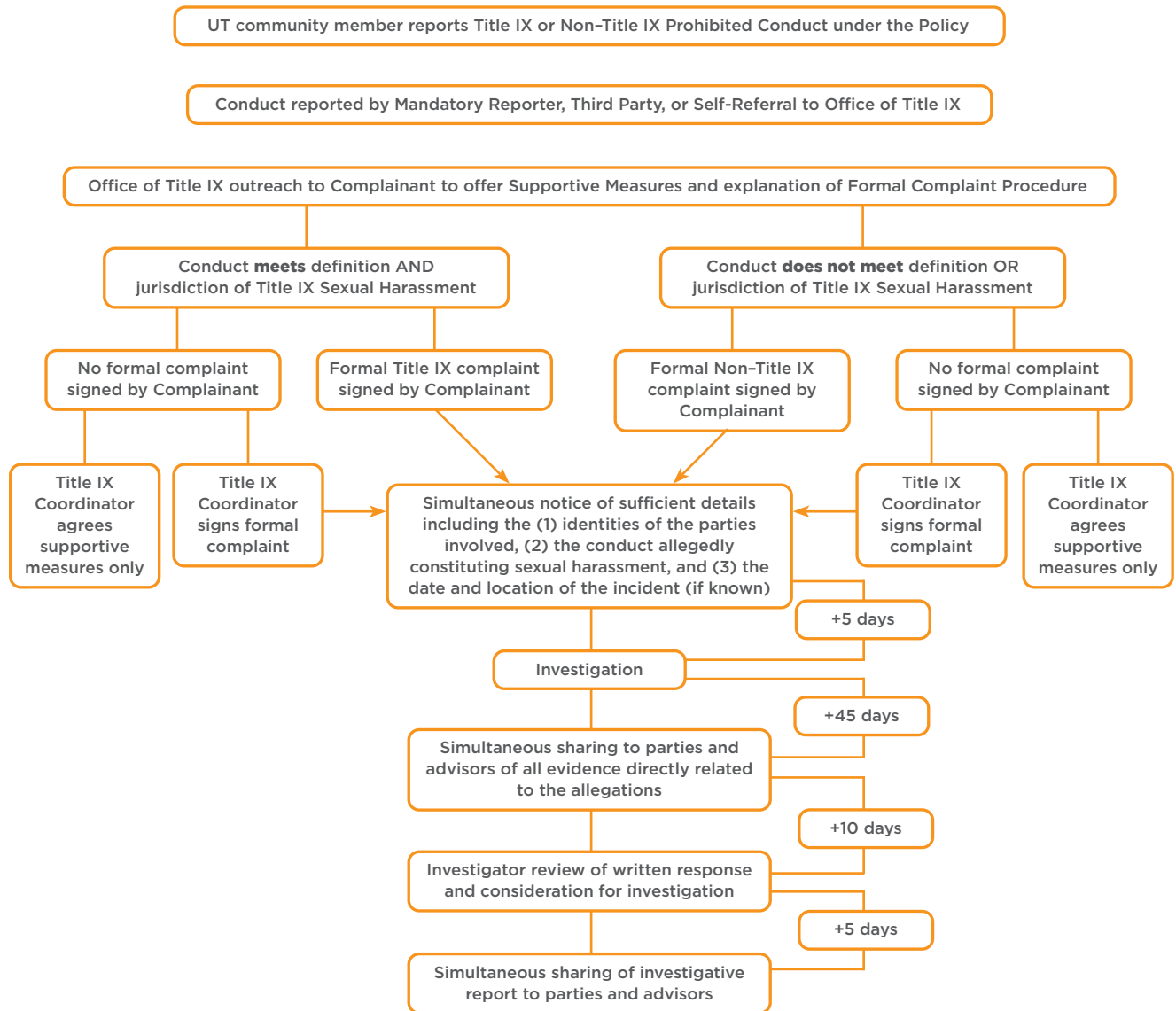
TRAINING FOR UNIVERSITY OFFICIALS

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

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

Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision makers will be publicly maintained at titleix.utk.edu.

Title IX & Non-Title IX Prohibited Conduct Complaints & Investigations (1 of 3)*



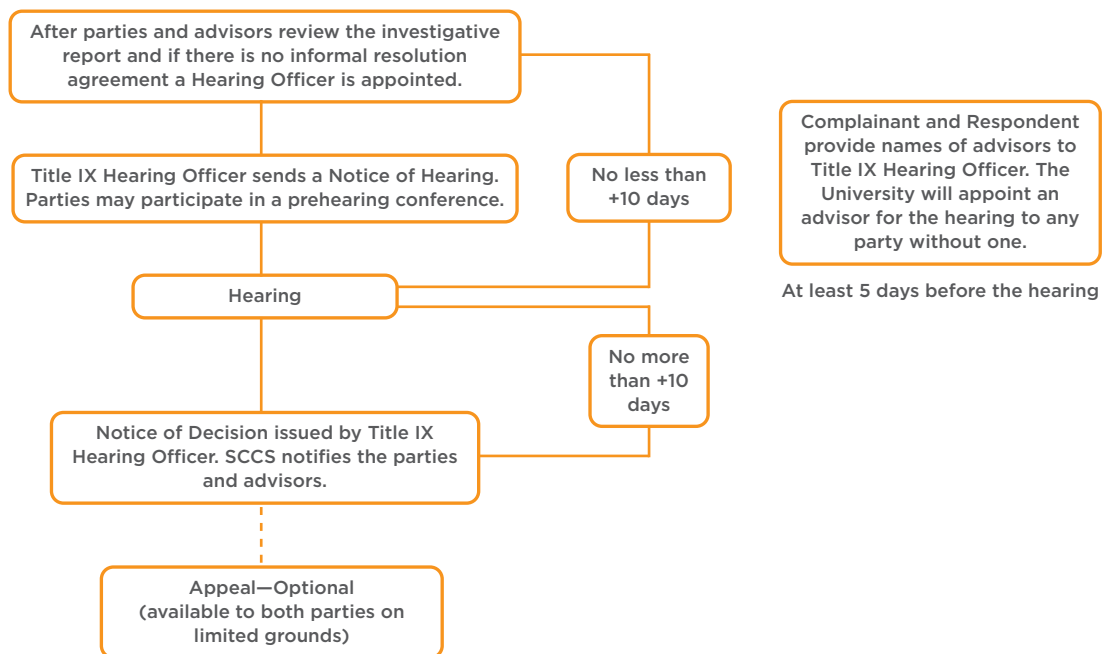
Informal Resolution (Title IX) can occur at any time following formal complaint and prior to a finding of responsibility. An Alternative (Non-Title IX) Resolution may occur following a formal complaint and prior to a finding of responsibility.

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

Title IX Prohibited Conduct Hearing and Appeals (2 of 3)*

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

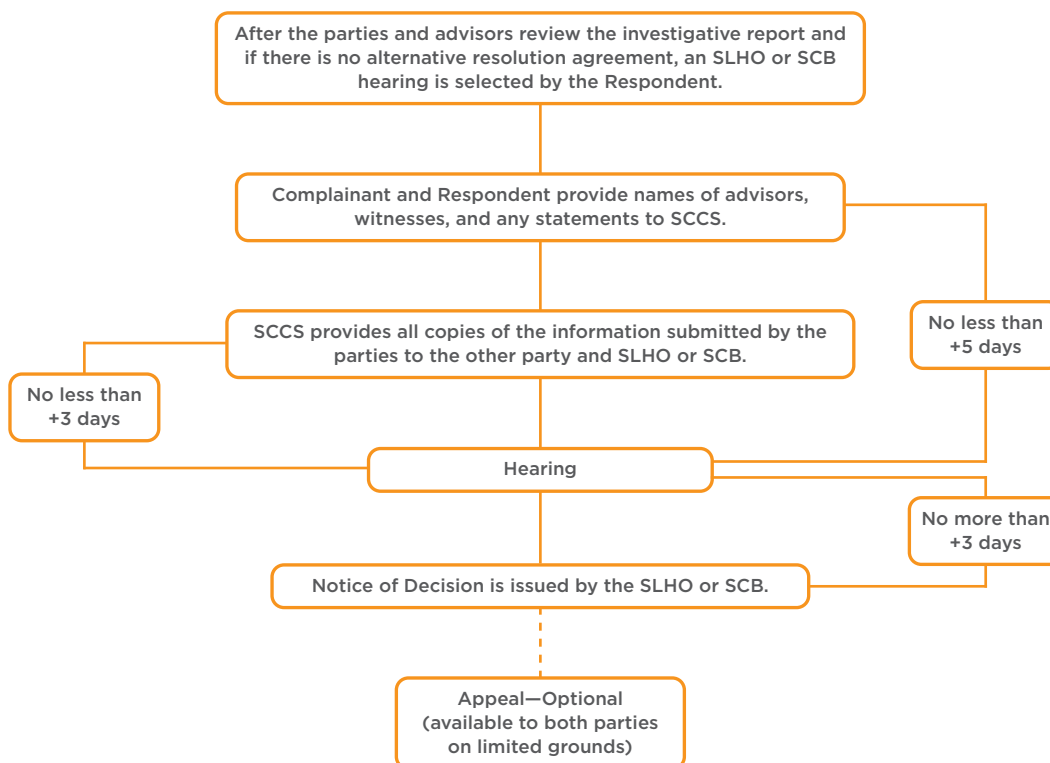


*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

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.

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

The University of Tennessee 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”).¹⁶

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 Investigation & Resolution / (OIR) 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. § 668.46.¹⁷

HOW TO FILE A FORMAL COMPLAINT

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

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

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

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

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

As soon as practicable after the filing of a Formal Complaint, OIR 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

¹⁶ Capitalized terms have the same meaning in the Policy and Appendix D and D-1.

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

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

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

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

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

ADMINISTRATIVE LEAVE

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

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

STANDARD OF PROOF

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

RIGHT TO AN ADVISOR

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

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

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

RIGHT TO A SUPPORT PERSON

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

INVESTIGATIONS

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

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.

¹⁸ Investigations of reports of Prohibited Conduct are usually performed by OIR. However, for good cause, the Title IX Coordinator may select an investigator(s) external to OIR, 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 OIR has a conflict of interest (e.g. an OIR employee or someone who has oversight over OIR is a party or witness), the complexity of the case requires expertise or resources external to OIR; and the workload of OIR require an investigator external to OIR to timely investigate a case.

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.

DISPOSITION OF NON-TITLE IX MATTERS

At the conclusion of an investigation of a Non-Title IX Prohibited Conduct Complaint, the parties (Complainant or Respondent) may appeal the finding(s) of an OIR Investigation to the Chief Campus Compliance Officer within ten (10) business days of OIR transmitting the investigation report to the Complainant and Respondent. The appeal must be in writing and describe in sufficient detail the grounds for the appeal. Grounds for appealing an investigative finding include *only*: (i) procedural irregularity that affected OIR's finding(s); (ii) new relevant evidence not available prior to the issuance of the investigation report; and/or (iii) conflict of interest or bias by a member of the OIR staff.

Appeals must be submitted by email to the Chief Campus Compliance Officer. The Chief Campus Compliance Officer will respond within ten (10) business days but may extend the time for ruling on the appeal for good cause. If the Chief Campus Compliance Officer upholds OIR's finding(s), then the decision is final, and there is no further appeal. If the Chief Campus Compliance Officer overturns OIR's finding(s), then the Chief Campus Compliance Officer will refer the Formal Complaint back to OIR with appropriate instruction.

Disciplinary actions relating to Non-Title IX Prohibited conduct violations are determined by the appropriate vice chancellor or dean. The appropriate vice chancellor or dean must inform the Respondent and OIR in writing of the disciplinary actions that will be imposed in response to the findings of OIR. Disciplinary actions will be implemented in accordance with relevant university rules, policies, or procedures (e.g., Faculty Handbook, HR 0525).

DISPOSITION OF TITLE IX MATTERS

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

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

ANTICIPATED TIMELINES

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

POSSIBLE SANCTIONS

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

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

INFORMAL RESOLUTIONS

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

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

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

Informal Resolution of Title IX Prohibited Conduct Complaints. At any time prior to reaching a determination regarding responsibility, OIR may facilitate an informal resolution process with the Complainant (who is not a student) and the Respondent. OIR will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. OIR will provide to the parties a written notice disclosing the allegations, as well as the requirements of the informal

resolution process, including the circumstances under which the parties cannot resume the investigation or Title IX Hearing process arising from the same allegations. By law, when the Complainant is a student, the University is not permitted to resolve a Title IX Prohibited Conduct Complaint through an informal resolution.

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

TRAINING FOR UNIVERSITY OFFICIALS

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

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

Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision makers will be publicly maintained at titleix.utk.edu.

APPENDIX D-1
OIR TITLE IX HEARINGS AND APPEALS

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

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

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

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

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

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

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

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

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

The Title IX Hearing Officer shall transmit a copy of the Notice of Decision of Title IX Hearing Officer to the OIR, and OIR 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.

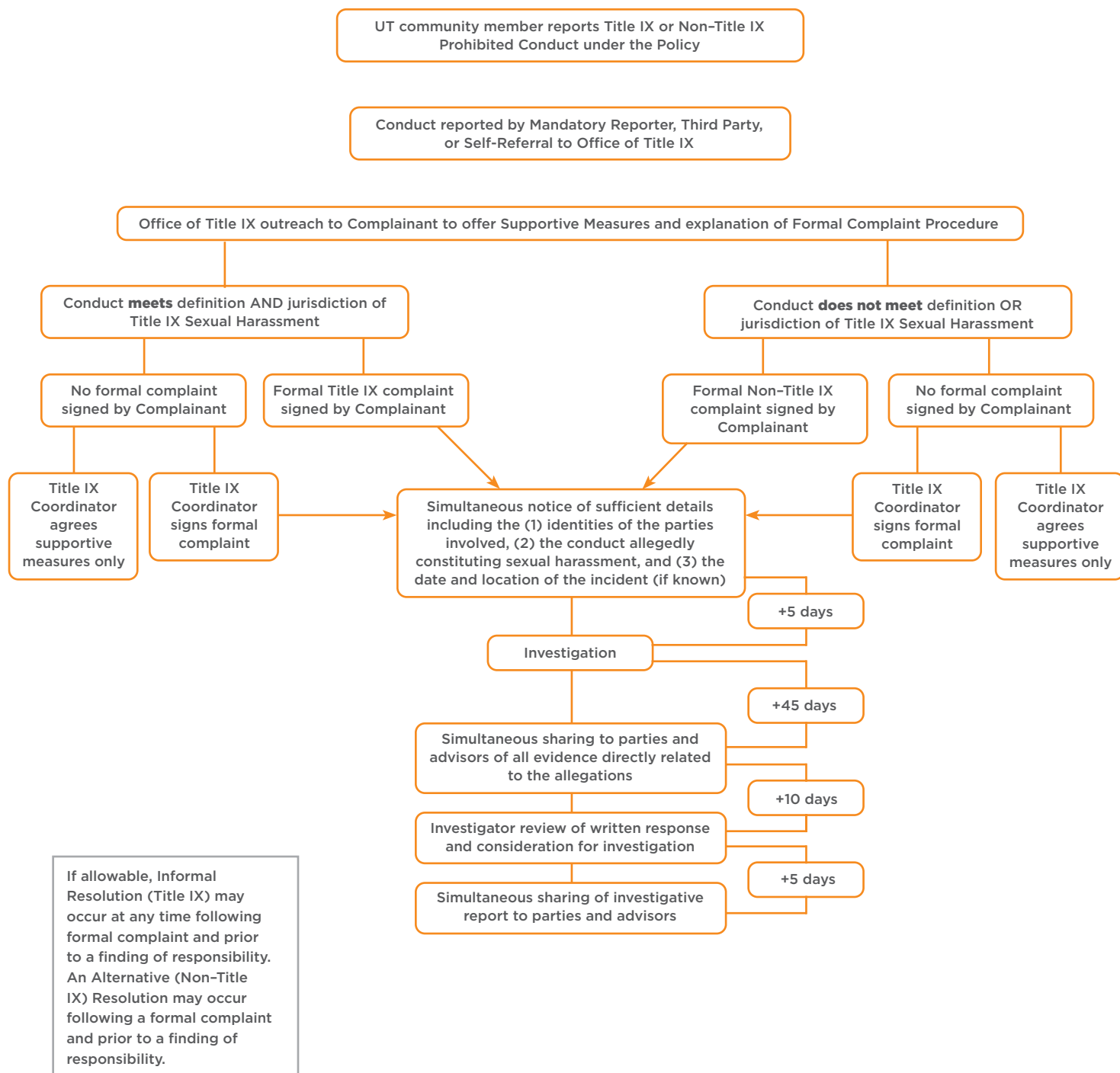
- (8) **Appealing Decisions of the Title IX Hearing Officer.**
 - (a) **Appealable Decisions.** The Complainant and the Respondent may appeal the decisions of the Title IX Hearing Officer that are contained in the Notice of Decision of Title IX Hearing Officer (as well as a decision by the University 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 OIR 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 OIR within five (5) business days of the date that the University transmitted the Notice of Decision; and (3) the Notice of Appeal shall not include information that is not included in the record of the Title IX Hearing, except the Notice of Appeal may contain a summary of the new information described in Section (8)(c)(2). The University will notify the other party in writing when an appeal is received.

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

Appendix 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

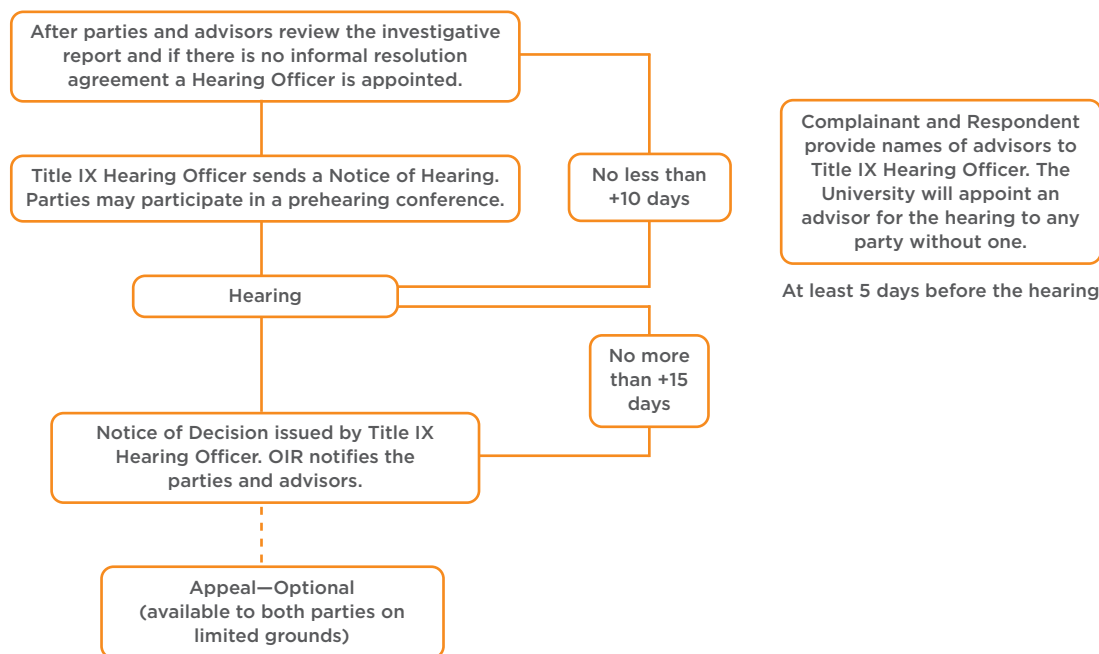
Title IX

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 is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free of Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹⁹

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

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

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

- (1) Are you a Confidential Employee, or do you work under the supervision of a Confidential Employee? If you do not know the answer to this question, then you are most likely not a Confidential Employee. Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional’s client or patient or because the University has deemed the employee as a confidential resource for students, faculty and staff. **(Refer to Section 1.2.1 of Appendix A or contact a Title IX Coordinator if you are not sure whether you are a Confidential Employee)**
 - If yes, and if you received the information about Prohibited Conduct in the context of a confidential relationship, then you are not a Mandatory Reporter. You should help a Complainant explore options for care and support and provide information on reporting options and Supportive Measures and provide emotional support.
 - If no, proceed with asking Question 2.
- (2) Is the Complainant a child (under age 18)?
 - If yes, and the incident involves suspected child abuse or child sexual abuse, then you must report the incident in accordance with University of Tennessee Safety Policy 0575.
 - If no, proceed with asking Question 3.
- (3) Is either the Complainant or the Respondent a student?
 - If yes, then you must report the incident to a Title IX Official²⁰ unless:

¹⁹ Capitalized terms have the same meaning in the Policy and Appendix E.

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

- You received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites or blogs;
 - You received notice of the incident during the student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - You received notice through an in-class discussion, a class paper, or other academic assignment; or
 - You are a student employee (e.g., graduate assistant) and you did not receive notice of the incident in your University employment capacity.
- If no, proceed with asking Question 4.
- (4) Are you the supervisor of either the Complainant or the Respondent, or do you otherwise have the authority to redress the Prohibited Conduct?
- If yes, then you must report the incident to a Title IX Official unless you received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites and blogs, or you received notice of the incident during a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - If no, then the University strongly encourages you to report the information to a Title IX Official even though you are not a Mandatory Reporter with respect to the incident. Employees who have been designated 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

- Kristin Parrott, the UTK Clery Compliance Coordinator, at clery@utk.edu or (865) 974-9600.
- Leo Bonner, the UTSI Clery Compliance Coordinator, at lbanner@utsi.edu or (931) 393-7298.

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 hours²¹ after receiving the report).²² The Mandatory Reporter must communicate all details known about the alleged incident; or
- If the incident involves suspected child abuse or child sexual abuse, comply with University of Tennessee Safety Policy 0575.

SECTION 3. ACTIONS THAT MANDATORY REPORTERS SHOULD TAKE

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

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

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

- (1) Provide emotional support to the Complainant;
- (2) Encourage the Complainant to preserve any evidence (see [Appendix A](#) of the Policy for tips on the preservation of evidence);
- (3) Inform the Complainant that the employee will be reporting the incident to a Title IX Official, who will contact the Complainant to provide further guidance and assistance; and
- (4) Provide a Complainant with a copy of [Appendix A](#) of the Policy or the [You Are Not Alone](#) guide.

SECTION 4. ACTIONS THAT MANDATORY REPORTERS MUST NOT TAKE

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

- (1) Guarantee a Complainant that the employee will keep information confidential and not share the information with anyone else, including a Title IX Official;

²¹ 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.

²² 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.

- (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 UTPD) 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 UTPD), other than taking an action required or recommended in Section 2 or Section 3.

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