

2019 ANNUAL SECURITY & FIRE SAFETY REPORT

University of Tennessee at Chattanooga
(containing information for 2016-2018)

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MESSAGE FROM THE EXECUTIVE VICE CHANCELLOR: DR. RICHARD BROWN



"We at The University of Tennessee at Chattanooga care deeply about the safety and well-being of everyone on campus, and we have hundreds of people involved in keeping this campus safe and secure. However, a truly safe campus can only be achieved through the cooperation of the entire University community: students, faculty, and staff. This brochure is a part of our effort to insure that this collaborative endeavor is effective. We hope that you will read it carefully and use the information to help foster a safe environment for yourself and others on the University campus."

Richard L. Brown, Jr.

Executive Vice Chancellor for Finance and Operations

2019 ANNUAL SECURITY AND FIRE SAFETY REPORT

INTRODUCTION TO THE CLERY ACT POLICIES AND PROCEDURES

The Clery Act requires that colleges and universities:

- Publish an annual report by October 1 that contains three (3) years of campus crime and fire safety statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other university officials who have “significant responsibility for student and campus activities”;
- Provide timely warning notices of those crimes that have occurred and pose an ongoing threat to students and employees;
- Implement emergency notification procedures if there is an immediate threat to the health or safety of students or employees on campus;
- Disclose in a public crime log “any crime that occurred on campus . . . or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department”; and
- Maintain in a public fire log a record of any fire that occurred in an on-campus student housing facility.

REPORT PREPARATION & DISCLOSURE OF CRIME STATISTICS

The University of Tennessee at Chattanooga Police Department (UTCPD) prepares the Annual Security & Fire Safety Report to comply with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (formerly the Crime Awareness and Campus Security Act of 1990) and Tennessee’s College and University Information Act, Tennessee Code Annotated (T.C.A.) § 49-72201, et seq. This information is provided to you as part of UTC’s commitment to safety and security on campus.

This report contains crime & fire statistics for the previous three calendar years (2016 – 2018) concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned and controlled by UTC; and on public property within, or immediately adjacent to and accessible from the campus. It also includes valuable information about the University’s policies concerning campus safety and security, such as policies regarding drugs, alcohol, sexual assault and related offenses, timely warnings and immediate notifications. The information provided can help you make informed decisions about your safety, the safety of others within the community, and provide information about what to do should you or someone you know ever become a victim of a crime.

Statistics in this report are obtained from the incident reports of UTCPD, other local law enforcement agencies and from information reported by other campus officials designated as Campus Security Authorities (CSA).

UTC distributes a notice of availability of the report no later than October 1st of each year to every member of the campus community via email. Anyone, including prospective students and employees, may find this report on the police department's website at: <https://www.utc.edu/police> and may obtain a paper copy by contacting Anitra Barrett-Williams, Clery Compliance Coordinator, at 423-425-5961 or email at Anitra-Barrett-Williams@utc.edu.

If you have any questions about the services provided, or the content of this report, please contact Chief of Police, Robert Ratchford at (423) 425-4357.

CRIME LOGS

The Tennessee College and University Security Act of 1989 (T.C.A. § 49-7-2201 through 49-7-2207) and the Clery Act describe the means by which colleges and universities in the State of Tennessee must publish particularly pertinent campus information along with reporting campus crimes to the Tennessee Bureau of Investigation (TBI).

DAILY CRIME LOG

Under the Clery Act, campuses that maintain a police department are required to maintain a daily crime log that contains specified information about all alleged crimes that occur within the patrol jurisdiction of the campus police and those that are reported to the campus police department.

UTCPD enters information in the daily crime log for all criminal incidents reported to the police department from calls for service that are received through dispatch, local law enforcement agencies, and campus security authorities. The crime log contains information regarding the date and time the crime was reported, the nature of the crime (offense), the complaint number, general location of the crime, the date and time the crime occurred, and the disposition of the complaint, if known.

All crimes reported to UTCPD are entered into the daily crime log within two (2) business days of the report. A business day is Monday through Friday, except for days when the University is closed. The only exceptions are if the disclosure is prohibited by law; if the disclosure would jeopardize the confidentiality of the victim; or when there is clear and convincing evidence that the release of the information would jeopardize an ongoing investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence.

The University must make the daily crime log for the most recent 60-day period open to public inspection, free of charge, upon request, during normal business hours. UTCPD's Daily Crime & Fire Log is available for inspection during normal business hours at the UTCPD or online at <https://www.utc.edu/police/clery/daily-crime-logs.php>. If you would like to see records beyond 60 days, you must make a request by contacting the Clery Compliance Coordinator at 423-

425-5961 or clery@utc.edu. The records will be made available within two business days of your request. The Department maintains both electronic and hard copies of the daily crime log.

CUSIA ARREST LOG

Per T.C.A. § 49-7-2206, UTC PD is also required to publish an arrest log. This is a chronological log of all crimes against persons or property reported to the UTC PD in which an arrest has been made. The Department is required to keep and maintain this log daily. Each entry in the log must contain the date, time and general location of the crime and, if an arrest has been made, the names and addresses of all persons arrested and charges against the persons arrested. The log is available for inspection without charge to the public during regular business hours at the dispatch window of the UTC PD. The CUSIA Arrest Log is also available online for inspection at: <https://www.utc.edu/police/clery/daily-crime-logs.php>.

UTC POLICE DEPARTMENT: WHO WE ARE AND WHAT WE DO

Emergency Services, which is comprised of Safety & Risk Management and the Police Department, is under the leadership of the Office of Executive Vice Chancellor for Finance & Operations and the Executive Director of Emergency Services. Institutional Clery compliance initiatives are managed by the Clery Compliance Coordinator under the supervision of the Chief of Police.

UTCPD is a professionally trained department that consists of police officers, security officers, communications officers and administrative staff who often work with local, state and federal agencies to resolve cases. The primary concern of the department is to protect and assist the campus community.

LOCATION & CONTACT INFORMATION

UTCPD is located in the Administrative Services Building, at 400 Palmetto Street, Chattanooga, Tennessee. It is open and staffed 24 hours a day, 7 days a week, 365 days a year. Please feel free to stop by anytime for any assistance you may need or contact us at (423) 425-HELP/4357.

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

SOCIAL MEDIA

Website

<https://www.utc.edu/police>

Facebook

<https://www.facebook.com/utcpd>

Twitter

<https://twitter.com/UTCPD>

Instagram

<https://www.instagram.com/utcpd/>

MISSION STATEMENT

The mission of the UTCPD is to provide professional police services, reduce criminal opportunity and community anxiety while working with faculty, staff, students, and visitors. Our department is committed to treating all people fairly while supporting an environment where diverse social, cultural, and academic values are allowed to develop.

To be successful in providing the highest degree of public safety services on the campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes using the escort service, locking your valuables, and reporting suspicious/criminal activities. The department takes a leadership role in this area. This includes educational programs

on campus safety, preventative patrols, incident investigation and crime reporting, fire safety and prevention, crime prevention, and community policing.

OFFICERS & TRAINING

UTCPD employs both full-time and part-time sworn police officers. UTC police officers are commissioned pursuant to T.C.A. §49-7-118 and Tennessee Board of Regents (TBR) Policy No. 5:01:07:00. All UTC police officers receive a minimum of 420 hours of basic police training through a Tennessee Peace Officers Standards and Training (POST) training academy and have graduated from an approved law enforcement academy.

Upon successful completion of the basic academy, officers are placed on a probationary period of six months. Each new officer is assigned to a senior level field-training officer and must complete a field-training program in which they learn to apply their law enforcement academy training to a university environment.

All sworn police officers complete a minimum of 40 hours of in-service training each year. Training topics may include, but is not limited to, topics such as:

- legal updates;
- crime prevention strategies;
- firearms instruction and re-qualification;
- defensive tactics and baton re-certification;
- safety, fire and evacuation response;
- ethnic and cultural sensitivity;
- stress management;
- suicide prevention;
- active shooter response;
- Cardiopulmonary Resuscitation (CPR); and

- basic first aid.

UTCPD personnel consists of the following:

FULL-TIME	PART-TIME
17 Sworn Officers	24 Sworn Officers
5 Non-Sworn Security Officers	38 Non-Sworn Security Officers
5 State Certified Communications Officers	1 State Certified Communications Officers
2 Administrative Staff	

Full-time, uniformed officers patrol the campus and provide public safety services through the deployment of vehicle, foot, and bicycle patrols to ensure the safety of its students, staff, faculty, and visitors while protecting the property of the University. Both the full and part-time sworn officers, work special events in our 12,000-seat arena. These staff members also provide police protection and VIP escort service for visiting dignitaries involved in University functions and security for on-campus sorority and fraternity events.

In the event of an emergency, several officers and other non-sworn essential personnel may be called to return to campus. Departmental policy requires officers to remain on duty until relieved to ensure that the designated minimum number of officers is maintained.

The department's non-sworn security officers, which includes students employed by the department and contracted security officers, provide a strong visible presence and service for students on campus. Security officers assist with patrol on campus and in on-campus residential facilities, work campus special events and details performing crowd and vehicular control activities, building checks, interior

building patrols, as well as other pertinent security related operations. Security officers also observe and report all suspicious activities to the UTC PD.

UTC PD operations are also supported by the Communications Center of UTC PD, which also operates 24 hours a day, 7 days a week, 365 days a year. The Communications Center is staffed by trained and state certified communications officers who answer calls for service and are authorized to dispatch police, fire, or emergency medical services immediately upon receiving a call for help. Communications officers also monitor intrusion and fire alarms. The Communications Center also has radio contact with area emergency services. All emergency calls should be made to the campus 911 system by calling (423)425-4357 from any campus phone. You may also report a crime or emergency by dialing 911 immediately.

ACCREDITATION

In 2019, the University of Tennessee at Chattanooga Police Department received accreditation awarded through the Tennessee Law Enforcement Accreditation program. The Tennessee Law Enforcement Accreditation (TLEA) program provides standards designed to ensure professionalism in the daily operations of the department. This state accreditation program consists of over 160 professional standards that the UTC PD incorporated into their General Orders and daily operations planning.

The University of Tennessee at Chattanooga Police Department (UTC PD) is the fourth University Police Department within Tennessee that is solely accredited

through the TLEA program. Under the stewardship of the Tennessee Association of Chiefs of Police, UTC PD joins 55 other state, county, and municipal agencies with TLEA.

The TLEA standards are designed to:

- Increase the agency's ability to prevent crime through crime prevention and awareness programs.
- Increase the agency's effectiveness in the delivery of law enforcement services.
- Increase cooperation and effectiveness among other law enforcement agencies and criminal justice agencies.
- Increase citizen and employee confidence in the goals, objectives, policies, and practices of the agency.

Benefits of Law Enforcement Accreditation:

- Demonstrates the commitment of the agency to professionalism.
- Assures the community that its law enforcement agency is committed to a high quality of service.
- Requires an in-depth review of every aspect of an agency's organization.

JURISDICTION & LAW ENFORCEMENT AUTHORITY

As a commissioned law enforcement agency, with limited jurisdiction, our campus police officers have necessary and complete police authority to apprehend and arrest anyone involved in illegal activity on

campus and areas immediately adjacent to the campus.

T.C.A. § 49-7-117, defines "campus police officer" as a person commissioned by an employing institution and rendered an oath to provide police services, enforce law, exercise arrest authority and carry firearms, and thus is subject to the provisions of the Tennessee peace officer standards and training commission.

UTCPD's police officers have law enforcement authority and responsibility for enforcing applicable city, county, state and federal criminal laws on the campus and enforce University policies. Officers have the authority to investigate crimes, enforce laws, make arrests, and carry firearms. UTCPD police officers investigate all reports of criminal activity that occur within the jurisdiction of the UTC campus.

The Department's non-sworn security officers assist the police officers in their duties. They do not have the authority to make arrests or carry firearms and have no legal authority upon which to enforce criminal offenses. However, they do have authority to enforce University policies.

WORKING RELATIONSHIPS WITH SURROUNDING AGENCIES

UTCPD maintains a strong working relationship with the Chattanooga Police Department (CPD) and other surrounding local law enforcement agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information. These departments meet regularly to discuss issues of common

concern and to identify areas where they may be helpful to each other in the performance of their jobs.

The UTCPD Chief of Police and other staff routinely participate in regional meetings to ensure that effective communication exist between the local law enforcement agencies. The constant interaction with Chattanooga Police Department happens with the E. 11th Street Precinct, with special investigations, and through mutual cooperation in resolution of common crime problems.

UTCPD facilitates or assists in the presentation of specialized law enforcement training on a regional basis, which has included Domestic Violence and Sexual Assault investigations, Crisis Intervention Team (Mental Health) training, School Resource Officer training, Law Enforcement Instructor Development, and other areas of law enforcement training which benefit the region.

UTCPD personnel work closely with local, state, and federal police agencies at the scene of incidents that occur in and around the campus area and have direct radio communication with CPD through the shared communications network. UTCPD is also a part of the Hamilton County 911 Emergency System. By mutual agreement with state and federal agencies, UTCPD maintains a NLETS terminal (National Law Enforcement Telecommunications Network). Through this system, UTCPD personnel can access the National Crime Information Computer (NCIC) system as well as the Tennessee Information Enforcement System (TIES). These computer databases are used for accessing criminal history data, nationwide police

records, wanted persons, stolen property, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

MEMORANDUM OF UNDERSTANDING WITH LOCAL LAW ENFORCEMENT

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

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

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

investigation of a medically unattended death that occurred on UTC property; and (3) UTCPD shall lead the investigation of an alleged rape that occurred on UTC property.

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

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

UTCPCD has primary responsibility for maintaining order on UTC property, and CPD will assist in maintaining order upon request by UTCPCD. UTCPCD will handle primary response to all incidents requiring crisis intervention on University property. CPD will respond when requested by UTCPCD to crisis situations on University property involving hazardous materials, hostage negotiations, bomb threats, civil disorders and suicide attempts.

UTCPCD will provide primary response to emergency calls placed from anywhere on the UTC campus, including UTC Place Properties and at off-campus locations owned or operated by the University (i.e., the Jones Observatory and UTC childcare facilities located at Brown and Battle Academies). CPD will respond to all calls

for police assistance on City property and City streets within the University area. UTCPD communications officers route all such calls involving students occurring on City property or City streets in the University area to CPD. Additionally, the Animal Services Unit of CPD will respond to requests for services from UTCPD.

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

The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at the General Sessions, Criminal, or Federal Courts of Hamilton County.

MONITORING OF CRIME(S) OFF-CAMPUS

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 by students at non-campus locations of student organizations officially recognized the institution, including student organizations with non-campus housing facilities (See page 123 for definition on non-campus location).

Monitoring of crime(s) off-campus is done by CPD or other local law enforcement agencies that have jurisdiction over the area where the crime took place. If a local law enforcement agency is contacted about criminal activity occurring off campus involving University students, the agency may notify UTCPD. However, there is no official policy requiring such notification.

The Department relies on its working relationships with local law enforcement agencies to receive information about incidents involving students' off-campus. Students in those cases may be subject to arrest and university discipline. UTCPD will cooperate with local law enforcement to investigate information received about any crimes concerning and/or involving a member of the campus community. UTCPD will also supply information regarding the incident as needed or required to local, state or federal law enforcement authorities.

OFF-CAMPUS HOUSING

No UTC office or department provides supervision for off-campus housing, apartments, or individual homes, unless they are controlled by the University as official residence housing. Local law enforcement has primary responsibility for criminal investigations and responding to incidents at those locations. Campus police officers will assist local law enforcement with student related incidents at those locations, when requested, but UTCPD officers do not actively monitor off-campus, non-University sponsored activities or the conduct of individuals when off-campus.

Students, whether they live on or off campus, are encouraged to immediately report all crimes to the appropriate law enforcement agency. If community members report crimes or serious incidents to other University administrators, those administrators should notify UTCPD or the appropriate local law enforcement agency.

Crime awareness information is made available to all students, faculty, and staff via this report, the UTC Daily Crime & Fire

Log, the CUSIA Arrest Log, and the UTC PD website.

CRIME REPORTING PROCEDURES & UNIVERSITY RESPONSE

The University strongly encourages students, employees and visitors to accurately and promptly report crimes, suspicious activity and other public safety related emergencies to the UTC PD, which is the designated University's primary reporting structure for crimes and emergencies. **The emergency telephone number to the UTC PD Communications Center is (423) 425-4357.** You may also use this line for non-emergency reporting.

Accurate and prompt reporting ensures that UTC PD is able to evaluate, consider and send Timely Warnings; disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime & Fire Log and CUSIA Arrest Log; and accurately document reportable crimes in its annual statistical disclosure.

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

Criminal incidents or incidents occurring off campus should be reported to the local law enforcement agency with jurisdiction over the location where the crime occurred. When victims of crimes are unable to make a report, members of the community are encouraged to do so on their behalf.

TO REPORT A CRIME OR EMERGENCY

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

- Dial 911 or 4357 (HELP) **from any University telephone** to reach UTC PD. The caller's location will display automatically on the computer at the communications officers' desk so that help can be dispatched immediately to their location.
- Dial 423-425-4357 from any non-University phone; however, the caller's location will not display automatically.
- Use a "Blue Light" emergency phone/call box that are strategically located throughout the campus. (See Appendix A-Blue Light Phones Map). There are currently 72 on campus.
- Use an emergency phone located in elevators around campus. There are currently 44 on campus.
- Use a red emergency telephones located in classrooms around the University. There are currently 119 on campus.
- Use a panic alarm, which are located in various departments around campus. The panic alarms provide information directly to the UTC PD Communications Center and officers respond appropriately to the activations.
- Dial 911 **from a cell phone or non-University phone.** It is important to

note that a 911 call made from a cell phone will be routed to the Hamilton County 911 System. Once the off-campus telecommunicator at 911 determines the call is coming from the campus, he/she will transfer the call to UTC PD.

- Report in person to the UTC PD at the police department located at 400 Palmetto Street in the Administrative Services Building.
- Sex offenses and other incidents of sexual or relationship violence can also be reported to the University's Title IX Coordinator, Stephanie Rowland, by dialing (423) 425-4255 or on campus extension 4255; or by email at Stephanie-Rowland@utc.edu; or in person at Hooper Hall, Room 206.
- Contact the Office of the Dean of Students by dialing (423) 425-4301 or on campus extension 4301; or in person at the University Center, Room 399.

Communications officers are available 24 hours a day to answer calls. UTC PD procedures require an immediate response to emergency calls. In response to a call, UTC PD will take appropriate action, either dispatching an officer or asking the victim to come to the police department to file an incident report.

If the communications officer determines that assistance is required by the City of Chattanooga Police Department, Hamilton County Emergency Medical Services, or the City of Chattanooga Fire Department, the communications officer will contact the

appropriate unit. Priority response is given to crimes against persons and personal injuries.

IF YOU ARE ASSAULTED

If you are assaulted, call UTC PD as soon as possible. Try to remember as much about the assailant as possible. Characteristics important in locating and identifying suspects include: sex; race; hair color, length and texture; body size; clothing; scars and other noticeable markings; mode of travel; and vehicle color, type, and license plate number. In some incidents, the victim may already know the name of the person committing the assault.

If you report an assault, the campus will be searched immediately for suspects, and neighboring police agencies will be notified.

If a sexual assault or rape should occur on campus, staff on the scene, including UTC PD, will offer the victim a wide variety of resources and services. This includes referrals to UTC's Survivor Advocacy Program which has trained staff who are available to assist a victim 24 hours a day, seven days a week. This report contains information about on and off campus resources and services.

IF YOU SEE A SUSPICIOUS PERSON OR ACTIVITY

Any suspicious activity or person observed in the parking lots or loitering around vehicles, inside buildings or around the residence halls should be reported to University police. This allows law enforcement officers and/or the appropriate personnel to respond and assist.

If you see anyone acting suspiciously, call UTCPSD at once. Do not approach the person yourself. Report the type of activity you observed and describe the person or persons involved. Provide as much information as you can, such as the person's sex, race, location, type of clothing, and type of vehicle. UTCPSD will investigate your report immediately.

If all members of the campus community become security conscious can report suspicious activity, thefts and related incidents can be reduced. Remember, preventing crime is your responsibility, too!

IF YOU RECEIVE A BOMB THREAT

Bomb threats usually occur by telephone. Try to keep the caller on the line as long as possible.

- Try to stay calm and obtain as much information as possible by using the checklist on the next page.
- Contact the Campus Police immediately and give them any information you were able to obtain from the caller, as well as what time you received the call and where you are calling from.
- Inform your supervisor or department head.
- The police will be responsible for building evacuation.

- If you are instructed to evacuate the building, move a safe distance away from the building. Do not re-enter the building until told that it is safe to do so by authorized personnel.
- If you should see a suspicious object or package, report it to the Campus Police. DO NOT TOUCH it or move it in any way.

You will be asked to fill out the following form if you received the threat by phone: [Bomb Threat Call Form](#).

The most important thing to remember about preventing crime is that you should call police whenever you suspect that a crime has been or may be committed. You do not need proof in order to call. If you suspect a crime, call the UTCPSD immediately.

REFERRALS FOR CERTAIN INCIDENTS

All incident reports involving weapons, drug, alcohol, or code of conduct violations are forwarded to the Office of the Dean of Students for review and potential action by Student Conduct, as appropriate.

All incident reports involving sexual misconduct, relationship violence and stalking are forwarded to the Title IX Coordinator for review and potential action, as appropriate. UTCPSD officers will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the appropriate office.

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

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

ANONYMOUS OR VOLUNTARY CONFIDENTIAL REPORTING

The UTCPD allows voluntary anonymous reporting. UTCPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the department. Because police reports are public records under state law, University police cannot hold reports of crime in confidence. Therefore, upon request, UTCPD must make police reports available for public inspection. In certain circumstances, the victim's name is protected, but the crime report is not confidential.

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

number of incidents involving students; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community, through emergency notifications or timely warnings, to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

TO UTCPD

To report an incident anonymously to UTCPD, fill out the Silent Witness Confidential Crime Reporting Form (also known as Confidential Crime Reporting form) at <https://www.utc.edu/police/forms/silent-witness.php>. Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information. UTCPD generally will respond as described in Section III.B of UTC's *Policy on Sexual Misconduct, Relationship Violence, and Stalking*; however, the amount and level of detail of the information provided to UTCPD will affect how thoroughly UTCPD is able to respond to the report.

This form is not intended for crimes in progress. If you are witnessing a crime in progress call 911 from a cell phone or non-university phone, or (423) 425-4357 to reach the UTCPD (extension 4357 from a campus phone.)

TO OFFICE OF THE DEAN OF STUDENTS

To report an incident anonymously to the Office of the Dean of Students, complete the Student of Concern Referral Form,

available at:
https://cm.maxient.com/reportingform.php?UTChattanooga&layout_id=60. Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information.

TO THE SURVIVOR ADVOCACY PROGRAM

To report an incident anonymously to the Survivor Advocacy Program, complete the form at: <https://utc.edu/center-women-gender-equity/survivor-advocacy-services/index.php>. Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information.

Persons also may report a crime anonymously to the Chattanooga Police Department or the Hamilton County Sheriff's Department by calling the Crime Stoppers Hotline, (423) 698-3333.

Anonymous reporting is not an alternative to calling 911; in an emergency, call 911.

CONFIDENTIAL REPORTING: PASTORAL & PROFESSIONAL COUNSELORS

When acting in their roles as pastoral and professional counselors, pastors and counselors are not considered CSA's and are exempt from disclosing reported offenses.

The Clery Act defines these two individuals as follows:

- **Pastoral Counselor:** A person who is associated with a religious order

or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

- **Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of UTC, but are under contract to provide counseling at the institution.

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

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

REPORTING CRIMES TO CAMPUS SECURITY AUTHORITIES

Although UTC wants the campus community to report criminal incidents to UTCPD, we know that this doesn't always happen. A victim of a crime may be more inclined to report it to someone other than the campus police. For this reason, the Clery Act requires universities to collect

crime reports from CSA's for purposes of inclusion in the annual disclosure of crime statistics.

The crime statistics in the Annual Security Report must reflect crimes that are reported to the campus police department or to a campus security authority. CSA's have an important role in university compliance with the Clery Act. CSA crime reports are used by the University to fulfill its responsibility to annually disclose Clery crime statistics, and to issue timely warnings for Clery Act crimes that pose a serious or continuing threat to the campus community.

CSA's can report criminal incidents on your behalf without identifying you, if you do not wish to be identified. If a CSA receives a report, the CSA must report the incident to the Clery Compliance Coordinator; however, a police report will not be made. Reports to CSA's of sexual harassment, sexual assault, sexual violence, or other sexual misconduct against students and employees are also required to be reported to the Title IX Coordinator.

If a crime is reported to a CSA, but goes no further than that, the University will not have fulfilled its obligation under the law, and campus community members might not have the information they need to stay safe on campus. UTC is required to collect crime statistics from CSA's even if there is no police investigation.

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

1. A campus police department. All individuals who work for the police department are CSA's.
2. Individuals who have responsibility for campus security but are not members of the campus police department. Examples, include, but are not limited to, the following:
 - Security at a campus parking booth;
 - People who monitor access into a campus facility;
 - Event security, such as for sporting events or large registered parties; and
 - Those who escort students around campus after dark (including other students).
3. Any individual or organization specified in University policies as an individual or organization to which students and employees should report criminal offenses. Examples, include, but are not limited to, the following:
 - Title IX Coordinator;
 - Housing and Residence Life staff; and
 - Dean of Students Office.
4. An official who has significant responsibility for student and campus activities. "Official" is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the University. Examples, include, but are not limited to, the following:

- A dean of students who oversees student housing, a student center or student extracurricular activities;
- Faculty advisor to a student group;
- Victim advocates or others responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action, etc.; and
- Athletic Administrators including: Director, Assistant Directors and Coaches, Trainers.
- Director, Assistant Director, and Coordinators of Campus Recreation
- Center for Leadership & Service Director & Coordinator
- Education, Health, & Human Sciences Advising Director
- Parking Services – Director, Assistant Director
- Safety and Risk Management - Manager, Inspectors, and Specialists
- International Study Abroad Program Leaders
- Director of Undergraduate Admissions
- Associate & Assistant Directors of Undergraduate Admissions
- Vice Chancellor/Director of Athletics
- Assistant Athletic Director & Associate Athletic Directors
- Head /Co-Head & Assistant Athletic Coaches
- Director of Sports Medicine & Director of Strength and Conditioning
- UTC Police Department - all staff

At UTC, the following positions are examples of Campus Security Authorities (this list is not all inclusive):

- Provost, Associate, and Assistant Provost
- All Executive Vice, Vice & Associate Vice Chancellors
- Dean, Associate Deans, and Assistant Deans of Students
- Title IX Coordinator
- Director of Housing & Residence Life
- Director of Career & Student Employment Center
- Housing & Residence Life Professional Staff
- Director of Counseling Center
- Director of Student Health Services
- University Center Director & Assistant Director
- Disability Resource Center Director & Assistant Directors
- Sorority & Fraternity Life Advisors
- Office of Enrollment Services Director

CSA's have online training available all year and are required to complete the training course yearly. UTC utilizes Everfi's EDU: Clery Act Basics online program. Additionally, the Clery Compliance Coordinator is available to do in person training upon request.

CSA's are trained on what information to obtain, while maintaining the confidentiality of the victim, and how to report the information to the UTCPD for inclusion in the campus crime statistics. Further, CSA's can refer the victim to resources that can assist them, if they so choose.

ASSISTING UTC COMMUNITY MEMBERS OF CONCERN

If someone is an immediate threat to self, others, or property it should be considered an emergency and directed to the UTC PD at (423) 425-4357 or 911 (from on-campus phone).

Please refer to the guidelines below for a quick reference on how to respond when you are concerned for students, faculty and/or staff.

IF THE STUDENT OR FACULTY/STAFF MEMBER:

- Threatens to injure, harm, kill, or risk the safety of self or others
- Acts in a frightening or threatening manner
- Refuses to leave the classroom after being asked to leave
- Reports or initiates a threat or bomb scare

TAKE IMMEDIATE ACTION: CALL 911 OR (423) 425-HELP/4357 FROM A CAMPUS PHONE

IF THE STUDENT OR FACULTY/STAFF MEMBER:

- Appears to be out of touch with reality
- Reports suicidal thoughts or actions, depression, hopelessness, anxiety, or difficulty dealing with grief
- Acts significantly out of character
- Acts in a way that causes alarm

- Displays unhealthy or dangerous patterns of behavior

IMMEDIATELY CONTACT:

FOR STUDENTS:

Student Outreach & Support
(423) 425-CARE/2273
sos@utc.edu

FOR FACULTY/STAFF:

Human Resources
(423) 425-CARE/2273
utc.edu/care

IF THE STUDENT OR FACULTY/STAFF MEMBER:

- Reports having been a victim or perpetrator of sexual misconduct, relationship violence, or stalking

WITHIN 48 HOURS REPORT INFORMATION TO:

Title IX Coordinator
(423) 425-4255
TitleIX@utc.edu
utc.edu/coc

REFER TO/CONSULT WITH:

Survivor Advocacy Services
(423) 425-5648

IF THE STUDENT OR FACULTY/STAFF MEMBER:

- Indicates experiencing hate crimes, bias, or discrimination

REFER OR CONSULT FOR GUIDANCE OR ADVICE:

Office of Equity and Inclusion
(423) 425-5468
utc.edu/equity-inclusion

IF THE STUDENT OR FACULTY/STAFF MEMBER:

- Reports having been a victim of hazing or other crime
- Exhibits behavior that substantially impairs, interferes, or obstructs orderly processes and functions of the University
- Exhibits behavior that is lewd or offensive
- Exhibits behavior that breaches the peace
- Reports feeling overwhelmed by a family or personal emergency
- Is not attending class or work for an extended period of time
- Seems overwhelmed by a problem that could affect class or work attendance or persistence (including financial, emotional, health, and social concerns)

REFER OR CONSULT FOR GUIDANCE OR ADVICE:

FOR STUDENTS:

Office of Student Outreach & Support
(423) 425-CARE/2273
sos@utc.edu

Referral Form found at utc.edu/coc

For more information, visit utc.edu/care

FOR FACULTY/STAFF:

Office of Human Resources

(423) 425-CARE/2273

utc.edu/care

Referral Form found at utc.edu/coc

For more information, visit utc.edu/care

FOR BOTH:

UTC Police Department

(423) 425-HELP/4357 from a campus phone

IF THE STUDENT OR FACULTY/STAFF MEMBER:

- Is having difficulty with academics or work due to physical, psychological or learning disability
- Indicates a need for a disability accommodations

REFER OR CONSULT FOR GUIDANCE OR ADVICE:

Disability Resource Center

(423) 425-4006

IF THE STUDENT OR FACULTY/STAFF MEMBER:

- Reports non-academic misconduct
- Reports academic misconduct or violations of academic integrity, e.g., plagiarism, cheating

REFER OR CONSULT FOR GUIDANCE OR ADVICE:

Office of Student Conduct

(423) 425-4301

conduct@utc.edu

utc.edu/report

VICTIM'S RIGHTS

CRIMES OF VIOLENCE NOTIFICATION

The University will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, 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 alleged victim is deceased as a result of such crime or offense, the next of kin of such victim, shall be treated as the alleged victim for purposes of this paragraph.

According to Section 16 of title 18 of the United States Code, the term "crime of violence" means:

- i. an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- ii. any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

The results of a disciplinary proceeding means: only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

PREVENTING CAMPUS CRIME

Crime prevention at UTC is a community-based program. Its main goal is to improve the quality of life for members of the

campus community, and involvement by all members of the campus community is essential to its success. The UTCPD provide leadership and direction for this effort.

At UTC, positive changes and crime prevention efforts complement reactive measures. A variety of proactive crime prevention efforts are in use by UTCPD. Officers either walk the campus or patrol on bicycles, Segway's or in marked vehicles. The department is available to provide walking escorts across campus.

CAMPUS SAFE RIDE

UTCPCD also has Safe Ride Service on campus between the hours of 8:00 p.m. and 1:30 a.m. Thursday to Sunday during the academic year. Students, staff and faculty may use this service to address any personal safety concerns by calling (423) 425-4357. The escort may or may not be in a vehicle, as contracted security officers often walk the caller to a more comfortable location.

Community members may also call the UTCPCD at any other time to request an escort on campus.

CRIME PREVENTION PROGRAMS

UTC's crime prevention program stresses community awareness and interaction. The UTCPCD disseminates educational materials and makes presentations to acquaint students, faculty, and staff with their responsibility to help reduce the potential for a crime to occur. UTCPCD also provides information on the departmental website. Security and safety programs, including videos and discussions, are also presented to students and other interested

community members in person by professional staff members of UTCPD. Topics range from personal safety and residence hall security to sexual assault and vehicle protection. The importance of citizen involvement in crime reporting is emphasized.

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

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

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

Crime prevention information is provided to all new students, faculty, and staff members at orientation programs. During freshmen and transfer orientation, students and parents are informed of services offered by the Emergency Services &

UTCPCD through video and PowerPoint presentations. The presentations outline ways to maintain personal safety and security in the residence halls. Students are also informed about crime on campus and in surrounding neighborhoods. Similar information is presented to new employees.

For employees, the UTC Onboarding Program includes safety and security presentations from departments such as Safety & Risk Management and UTCPCD. Onboarding sessions are conducted throughout the year by Human Resources.

Representatives from UTCPCD and the Clery Compliance Coordinator participate in Resident Assistant training annually to ensure that Residence Life staff are fully aware of safety issues and resources available to UTC students. Resident Directors and Resident Advisors are also present at these trainings. Residence hall policies, Clery Act compliance, and issues related to general safety and security are among the discussion items. Specific policy issues and problems are routinely addressed at residence hall floor meetings conducted by Resident Assistants. Safety & Risk Management and UTCPCD staff are available to attend floor meetings, upon request, to discuss safety concerns. Additional details concerning student or residence hall regulations are included in the [UTC Student Handbook 2019-20](#).

Additionally, Crime Prevention Programs and Sexual Assault Prevention Programs are offered on a continual basis throughout the year. Periodically during the academic year, and upon request, UTCPCD, in coordination with other university organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), domestic violence/dating violence, stalking, alcohol as

a gateway drug, Rohypnol abuse, theft, and vandalism, as well as educational sessions on personal safety and security in the residence halls.

UTC also offers Rape Aggression Defense (RAD) training to students, employees and the public. It is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors teach the courses provided. The training was offered from March 20-22, 2019.

R.A.D. is the largest organization or program ever endorsed by the International Association of Campus Law Enforcement Administrators (IACLEA). R.A.D.'s self-defense philosophies have been taught at over 3,500 colleges, universities, city, county, and state police departments nationwide. The class does not require any special training or special fitness level. Participants at all levels of ability, age, experience, and strength are provided with techniques and information that can be effectively used from the first day of class. This is a class for women only and provides information on physical and non-physical techniques.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

The UTC campus is part of the city of Chattanooga and, as such, is open to the public. Administrative and academic buildings are open to the public, at a minimum, during normal business hours, Monday to Friday, from 8:00 a.m. to 5:00 p.m. Its facilities are limited to university, academic, and administrative activities and programs sponsored by university groups. Access to all University facilities, after

business hours, is by key or key card (MOCS Card), if issued, or by admittance via UTCPD or Residence Life staff.

Students, faculty, and staff should have their University identification with them when they are on campus.

SECURITY CAMERAS

UTC has more than 900 security cameras throughout the campus, which includes most residence halls. Many streets and all parking garages currently have security cameras in place. Additionally, the Housing and Residence Life Department has upgraded the existing video surveillance systems in many residence life areas.

PANIC ALARMS

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

TRESPASSING

Pursuant to Tennessee Statutory Law, trespassing on University property is strictly prohibited. UTCPD officers routinely inquire as to the visitation status of individuals suspected of violating the trespass law. Non-University personnel who are not bona fide guests will be asked to leave the campus. Failure to comply with the request to leave will constitute trespass as defined by law. Additionally, UTCPD officers complete a Field Interview form on the violator, and the information is retained for future use. Subsequent violations may

subject the violator to arrest and prosecution.

GUEST USE OF FACILITIES

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

SECURITY ASSESSMENT

Upon request, certified and trained officers from UTC PD will conduct a security analysis of university workplace environments and residence halls, which may include suggestions for creating safer and more secure environments. UTC PD also provides crime prevention training to university employees who work in high-risk areas, such as areas that handle money and/or sales of merchandise.

PHYSICAL CAMPUS SECURITY CONSIDERATIONS

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

Additionally, UTC PD regularly patrols the campus, to observe, correct, and/or report any safety or other unsafe conditions that

would impact safety or convenience of the University community, on a daily basis. Any issues or problems are reported to Facilities Planning & Management for correction. Safety & Risk Management staff also conduct scheduled evaluations of campus access. Other members of the University community are also encouraged to report equipment problems to UTC PD or to Facilities Planning & Management.

Security surveys are conducted for any areas that are revealed as problematic. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Administrators from the Dean's Office, Physical Plant, Housing and Residence Life, and other departments review the survey results to determine appropriate actions that may need to be taken.

ACADEMIC AND ADMINISTRATIVE BUILDINGS

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

Most facilities may have individual hours, and the hours may vary at different times of the year. Examples are the Aquatics and Recreation Center (ARC), the Library, and the University Center. The facilities will be secured according to schedules developed by the department responsible for the

facility. Emergency situations may necessitate changes or alterations to any schedule that has been posted. Access to some of these buildings is controlled by card access after normal business hours, and all of these buildings have varied levels of access.

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

RESIDENCE HALLS

Currently, all student housing at UTC consists of 10 buildings on-campus. All buildings except West Campus and Stagmaier are apartment style with a variety of shared and private bedrooms.

Freshmen only buildings are Decosimo and Guerry. Mixed (upperclassmen and freshmen) buildings are Lockmiller I and II, and West Campus Housing.

Upperclassmen only buildings are Boling, Johnson O’Bear, and UC Foundation. Stagmaier Hall houses freshmen and the UTC Honors College. Stophel houses upperclassmen and Residential Learning Communities. Walker houses upperclassmen and Business Residential Learning Community.

All first year Freshmen are required to live on campus. Students may apply for an exception if they: live within a 45 mile radius with a parent or legal guardian, are married, have a child(ren), and/or have medical condition preventing them from living in a campus environment. To apply for the exceptions students must complete the Residency Exception Request Form.

NUMBER OF STUDENTS ENROLLED

During the 2018 Spring and Fall semesters, there were 11,092 undergraduate students and 1,712 graduate students enrolled at UTC.

UNIVERSITY HOUSING CAPACITY

The University had a housing capacity of 3,617 students.

NUMBER OF STUDENTS LIVING IN STUDENT HOUSING

For the Spring semester, 2,943 students were living in residence halls on campus (7 graduate students and 2,936 undergraduate students). For the Fall semester, 3,392 students were living in residence halls on campus (10 graduate students and 3,382 undergraduate students).

OVERFLOW HOUSING

The University did not provide overflow housing for Fall 2018 or Spring 2019.

VISITATION

When reserving a room in housing, resident must agree to a visitation policy, regarding when members of the opposite sex may or may not visit. Resident acting as a host may have an individual overnight guest of the same gender provided permission is secured at least one day in advance from the Resident Director. Guests are not permitted unless the host is present. Guests are subject to the rules of the University and visits are limited to no more than three days. Hosts are responsible for the actions of their guest(s). Overnight visiting by

members of the opposite sex is not allowed.

Visitation options are listed below:

1. TYPE A: Visitation privileges are allowed in the living-dining area from 12:00 noon until 12:00 midnight.
2. TYPE B: This plan involves minimal rules, regulations, and supervision. This option is available to upperclassmen students only.

ROOM ASSIGNMENTS & ROOM CHANGES

The University expects students to continue residency in the room to which they are assigned. However, it realizes that changes are sometime mutually beneficial.

Once on campus, a resident may submit a Request for Room Change. Requests made require a meeting with the Resident Director to establish the need for a room change. If the request is granted, a room change fee of twenty-five dollars (\$25.00) will be assessed. Room changes are contingent upon room availability. Failure to obtain the written prior approval of both the Resident Director and Housing Office will result in a minimum \$25 assessment for administrative costs and also could result in the imposition of disciplinary sanctions.

RESIDENCE LIFE STAFF

Housing and Residence Life employs full-time live-in staff known as Assistant Directors and Resident Directors. The RDs supervise a team of Resident Assistants (RA). Their primary objective as a team is to assist residents in any way possible.

- **Assistant Directors for Residence Education (AD)** are full-time professionals who may or may not live in each area of campus. Assistant Directors are educated in student life issues and are responsible for maintaining safe and friendly residence halls. They have master's degrees in counseling, student development, or a related field or experience. Assistant Directors are responsible for all aspects of the day-to-day operations of either South Campus or North Campus. They train and supervise resident directors, help students with personal or behavioral problems, implement discipline, oversee building operations, and support residence education efforts throughout the area.
- **Resident Directors (RD)** Each residence hall has a Resident Director who are full-time professionals with at least a master's degree living in each complex. The RD manages the day-to-day operations of an apartment complex, supervises RAs, and oversee all residence education efforts and conduct issues.
- **Senior Resident Assistants (SRA)** SRAs are senior level RAs who have at least one year experience as an RA. They provide all the responsibility of an RA as well as serve as assistants to the Resident Directors. They generally help build community within the complex and

provide support to the RAs in residence education efforts.

- **Resident Assistants (RA)** are student staff members, employed by Housing & Residence Life, who assist students in their acclimation to the residence halls and the university. RAs provide information about activities, events, policies and also assist students with roommate conflicts, homesickness, and academic concerns. Each RA also implements residence education efforts in their assigned floor/section, which may include hosting activities for their assigned community or residents, or encouraging attendance at various University events. Your Resident Assistant is the best person to go to if you have questions or concerns. Your RA has received training on responding to concerns and can assist you with most any issue you may be having. In most cases, your RA can help you explore your concerns and refer you to the proper university staff to help you resolve your problem. We are here to help.

Below are examples of questions and problems with which your RA can help:

- My roommate and I don't get along.
- Where is EMCS?
- How do I find out what's for dinner at Crossroads?
- I'm concerned about my chemistry class.

- I want to live somewhere else. How do I switch buildings?

If your RA is unavailable, there are staff members available for general assistance, maintenance concerns & emergencies.

ACCESS TO RESIDENCE HALLS

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

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

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

GUESTS IN RESIDENCE HALLS

Guests of apartments are met at the apartment doors or as they inquire at the apartment office. Residents may have overnight guests of the same sex only, provided that they obtain the permission from the roommates and Resident Director at least one day in advance of the visit. Guests are subject to all of the University

guidelines and are not allowed to stay more than 3 days per visit. Hosts are responsible for guest behavior, and guests must be escorted at all times by their host.

SECURITY OF RESIDENCE HALLS

Because they are living areas, security in the residence halls differs from academic and administrative areas of the campus.

Residence halls are secured 24 hours a day. UTC PD police officers and security officers actively patrol the exterior and interior of all campus residence halls on a regular basis, 24 hours per day, as part of the normal patrols.

Numerous safety and security brochures, pamphlets, and flyers are distributed to all residents on a regular basis. Security personnel hold regular floor meetings with students as well as conduct periodic fire drills. On occasion, guest lectures or video presentations are presented to student residents covering such topics as date rape, theft prevention, fire safety, etc.

The University maintains smoke and fire alarms in all residence halls. These N.F.P.A. approved alarm systems are monitored 24 hours a day in the UTC PD Communications Center as well as in each residence hall. Public safety personnel are trained to assist the Chattanooga Fire Department in building evacuations during fire or other emergencies.

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

door checks during these low-occupancy periods.

Currently, there are 4 full-time housing security officers assigned to the student housing facilities. Each is assigned to a specific area or post and their hours are staggered seven days a week from 6:00 p.m. to 6:00 a.m. All housing security officers are trained annually on fire panel location, activation and deactivation of fire alarms, clearing residence halls, and monitoring and reporting suspicious activity. Each security officer is issued a portable two-way radio and is trained on the proper radio jargon, as well as how to contact police officers regarding suspicious persons or activity. Security officers are also required to monitor PowerDMS for in-service updates and policies or general orders that pertain to their role as housing security officers. Housing security officers also receive annual Campus Security Authority training.

HOUSING INCIDENT REPORTS

Incident reports are used by Resident Assistants to communicate the facts of an incident to the Resident Director and the Housing Office. Incident reports are used to document policy violations, theft, damage, or other emergencies. If you are named in an incident report, you may be asked to speak with your Resident Director or someone from the Office of the Dean of Students. Students found to be responsible for the behavior described in a report will be assigned sanctions.

TIMELY WARNINGS

A Timely Warning is an alert issued after review of all available information concerning an incident or event occurring on campus that is considered to be a

serious or continuing threat to UTC students or employees, or to property.

Timely Warnings will be issued to the campus community concerning crimes reported to UTCPD, a CSA or to a local law enforcement agency that are determined to represent a serious or continuing threat to campus and that occur on the University's Clery geography (which includes university owned or controlled property on campus and public property that is within or immediately adjacent to the campus) and in non-campus properties as defined by the Clery Act. The information is provided with the intent to enable persons to protect themselves and to aid in the prevention of similar crimes.

These notifications will be made without delay unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency.

Timely Warning notices will be issued in a manner which: (1) is timely (i.e. as soon as pertinent information is available); (2) does not disclose the name or other identifying information about the victim, as defined in 42 U.S.C. § 13925(a)(20); and (3) will aid in the prevention of similar crimes.

TIMING & DECISION CRITERIA

A Timely Warning must be sent to the entire campus community and will be issued when it is determined that the reported incident may pose an ongoing or serious threat to members of the UTC community.

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

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

Typically, the department **will** issue Timely Warnings for Clery Act crimes which represent a serious or continuing threat to the person and/or property of students and employees. Those crimes are:

- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger UTC community)

- Robbery involving force or violence (cases involving pocket-picking and purse snatching will typically not result in the issuance of a notification, but will be assessed on a case by case basis)
- Burglary involving force or unlawful entry-no force (the facts and circumstances are considered on a case by case basis)
- Sexual Assault, including rape, incest, fondling, statutory rape (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by UTCPD)
- Major incidents of Arson
- Other crimes as determined necessary by the Chief of Police, or his designee in his absence

The department **may** also issue Timely Warnings for other Clery Act crime classifications, as deemed necessary, which include the following:

(1) Emergency situations that are life threatening. Examples include, but are not limited to:

- Persons on campus with weapons and the intent to use
- Threat of violent crime
- Situations where the identity or location of a suspect(s) is not known

(2) Any act or immediate threat of interpersonal violence. Examples include, but are not limited to:

- Domestic violence

- Dating violence
- Stalking
- Hate crimes (larceny-theft, simple assault, intimidation)
- Consistent pattern of violent behavior

(3) Serious acts or threats to campus-owned or personal property. Examples include, but are not limited to:

- Civil unrest or rioting
- Damage/Destruction/Vandalism of Property
- Motor Vehicle Theft

The department does not issue Timely Warnings for the above listed crimes if:

1. The suspect(s) are apprehended and the threat of imminent danger for members of the UTC community has been mitigated by the apprehension. The apprehension of the alleged perpetrator typically removes the risk to university students and employees.
2. A report was not filed with UTCPD or a Campus Security Authority was not notified of the crime in a manner that would allow the department to issue a “timely” warning to the community. As a general guideline, a report that is filed more than ten (10) days after the date of the reported incident may not allow UTCPD to issue a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

The university is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

RETRACTION

In the event that a Timely Warning is determined to have been issued due to a false or unfounded report, an additional message may be sent retracting the original Timely Warning. An explanation of why it is being retracted will also be included.

STATUS UPDATE

A **Status Update** may also be issued to (1) provide an update on the situation, (2) provide a change in protective actions, or (3) when there is new information or instructions for the campus community regarding a previously issued Timely Warning.

ALL CLEAR NOTIFICATION

An **All Clear Notification** may be issued to indicate that the situation has been contained and there is no longer a threat to the campus community.

CRIMES OUTSIDE CLERY GEOGRAPHY & NON CLERY ACT CRIMES

The Clery Act does not require the university to issue a Timely warning for: (1) a Clery Act crime that occurs outside of the university Clery Geography; or (2) for a crime that is not a Clery Act crime, even if that crime occurs on the university's Clery Geography. However, the Chief of UTCPD or his/her designee may, in his/her discretion, issue a Timely Warning for a crime for which the Clery Act does not require the university to issue a timely Warning. This decision is made on a case by case basis.

CONTENT

A Timely Warning will typically include the following, unless issuing any of this

information would risk compromising law enforcement efforts*:

- Date and time or timeframe of the incident
- Type of crime reported, including a brief description of the incident
- The location of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
- Suspect description(s) when deemed appropriate and if there is sufficient detail**
- Police/Emergency Services agency contact information
- Other information as deemed appropriate by the Chief of Police or his designee

A Timely Warning notice **WILL NOT** include any information that would identify the victim.

***NOTE:** Specific details, such as the exact location, the specific date, etc. may be withheld if releasing that information may compromise law enforcement efforts (such as conducting an investigation, serving a warrant, or conducting an undercover operation). However, the institution will not withhold a basic description of the reported crime under the auspices of the risk of compromising law enforcement efforts.

The description of subjects or suspects in a case will only be included in the notice if there is a sufficient amount of detail to describe the individual. If the only known descriptors are gender and race, that will not be included in the notice.**

NOTIFICATION RESPONSIBILITY & AUTHORITY

UTCPD, in conjunction with Safety and Risk Management, University Relations, and the Chancellor's Office, issues Timely Warnings. The decision to issue a Timely Warning is made in coordination with and consultation by at least two members of the UTC Alert Team.

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

- 1) Executive Vice Chancellor for Finance and Administration
- 2) Executive Director of Emergency Services
- 3) Chief of Police
- 4) Deputy Chief of Police
- 5) Operations Lieutenant
- 6) Director of Safety and Risk Management
- 7) Vice Chancellor for Marketing and Communications
- 8) Assistant Vice Chancellor for Marketing and Communications

Each of these individuals must appoint one or more alternates in the event that they are unavailable.

If a Timely Warning is necessary, the details of the incident are given to a member of Marketing and Communications for review and distribution through UTC ALERT. Marketing and Communications will review the information provided, draft the contents of the Timely Warning, and review the draft with one of the following members of Emergency Services Administration: (1) Executive Director of Emergency Services, (2) Chief of Police, (3) Deputy Chief of Police, or (4) Operations Lieutenant.

Upon approval, Marketing and Communications will then transmit the Timely Warning to the UTC community with UTC ALERT. Marketing and Communications will also draft and transmit Retractions, Status Updates and/or All Clear Notifications.

In emergency situations or if a member of Marketing and Communications is unavailable, a member of Emergency Services Administration can draft the contents of the Timely Warning and transmit the notice to the UTC community with UTC ALERT.

A member of Emergency Services Administration will complete a Timely Warning Determination Form for each incident that requires issuance of Timely Warning. The form and a copy of the Timely Warning message is filed with the corresponding incident or CSA report.

HOW TIMELY WARNINGS ARE ISSUED

The University currently uses an emergency notification system known as UTC ALERT. UTC ALERT is a multipath system used to distribute information related to any safety or security issue on campus. UTC ALERT features several communication pathways, including e-mail, text messaging, Website postings, social media, fire alarm and voice announcements, Alertus beacons, sirens and more. This system is designed to enhance and improve communication so that all members of the campus community can stay informed in the event of an emergency or dangerous situation that could impact the university. The goal is to help keep the campus safe and informed. Students and employees can register multiple phone numbers and e-mail addresses with UTC ALERT.

Timely Warnings may be disseminated to the campus community via a variety of communication pathways. UTCPD will use one or more of the following communication pathways:

- **Raven E-mail:** A mandatory University issued e-mail account. Messages sent through e-mail are labeled as UTC-URGENT or UTC-SAFE & SECURE. Raven E-mails are used independently or in conjunction with one to two other communication pathways for campus wide Timely Warnings.
- **Rave E-mail:** A voluntary, opt-in e-mail system available to all persons with an active UTC MOCS ID number. If users, opt-in, they will receive e-mails labeled as UTC-ALERT. Rave E-mails are used independently or in conjunction with one to two other communication pathways for campus wide notifications.
- **SMS Text Messaging:** A voluntary, opt-in text messaging system available to all persons with an active UTC MOCS ID number. If users opt-in, they will receive a text message on their cell phone with specific instructions. Users also have the option to register multiple phone numbers.
- **Fire Alarm and Voice Announcements:** The fire alarm is a siren system equipped to alert building occupants of a fire or evacuation emergency. Certain facilities on campus contain Voice

Announce speakers which can also be utilized to provide emergency information/instructions.

- **Alertus Desktop & Alertus Exit Signs (Beacons):** Wall-mounted devices, installed in many classrooms throughout campus, which sound an alarm to notify when an emergency has occurred. The devices also have screens to display messages which contain important instructions for how to respond to the emergency situation.
- **UTC Website (RSS Feed):** During an emergency, the UTC website will provide updates, instructions, and information for the campus community.
- **UTC Facebook, Instagram, & Twitter feeds:** Voluntary, opt-in social media outlets. Allows users to keep up with what's happening on campus and also receive emergency information. Social media sites that are not supported by the University are not considered to have verifiable and accurate information.
- **UTC Phone Line (425-4SNO):** Provides recorded messages regarding inclement weather, closings, and emergency information to the campus community.
- **Media Release/Press Conference:** Depending on the nature and severity of the emergency, the local media may post breaking news or periodic updates regarding an emergency at UTC.

- **Vehicle Public Address Speakers:** In cases where an isolated or targeted message may be required, UTCPD vehicles equipped with public address speakers may utilize this method.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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

An “Abnormal Conditions Preparedness Guide” is available to all students, faculty and staff on the UTC Safety and Risk Management web page at:

<https://www.utc.edu/safety-risk-management/emergency-management/emergency-preparedness/index.php>.

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

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

- [Unsafe Conditions](#)
- [Injury or Illness](#)
- [Suspicious Mail](#)
- [Hazardous Waste Removal Procedures](#)
- [Chemical Release/Spill](#)
- [Fire](#)
- [Emergency Evacuation](#)
- [Inclement Weather Operations](#)
- [High Winds or Tornado](#)

- [Bomb Threat](#)
- [Acts of Violence](#) (Active Shooter)
- [Student In Distress](#)
- [Building Modifications](#)
- [Reporting a Crime](#)
- [Areas of Refuge](#)
- [Multicultural Resources](#)
- [Persons with Disability](#)
- [Disaster Kits](#)

EMERGENCY EVACUATION

In the event of an emergency situation it may be necessary to evacuate the building. Causes for evacuation may be fire, hazardous chemical incidents, explosion, severe weather or other conditions. UTC campus buildings are equipped with fire evacuation alarm systems that include smoke and heat alarms, sprinkler water-flow alarms and wall-mounted pull stations. If you hear a fire/evacuation alarm, you should evacuate the building immediately. Go to the emergency assembly area (or at least 500 feet away) indicated on the emergency evacuation signage in each building.

Stay at the emergency assembly area until you receive an “all clear” from local responders.

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

Any questions concerning this evacuation procedure should be referred to the UTC Office of Safety & Risk Management at extension 5741.

EVACUATING PEOPLE WITH DISABILITIES

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

Any questions concerning this evacuation procedure should be referred to the UTC Office of Safety & Risk Management at (423) 425-5949 or (423) 425-5741. Additional information can also be found at:

<https://www.utc.edu/safety-risk-management/emergency-management/emergency-preparedness/emergency-evacuation.php>

TESTING EMERGENCY RESPONSE & EVACUATION PROCEDURES

UTCPD, in coordination and conjunction with Safety and Risk Management, will test its emergency response and evacuation procedures on at least an annual basis, including publicizing its procedures in conjunction with at least one test per calendar year, and documenting a description of the exercise as well as the date and time of the exercise. Tests may be announced or unannounced.

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

Safety and Risk Management will develop and maintain specific operational procedures which cover, at a minimum:

1. Activation of UTC ALERT,
2. Response to errors and system abnormalities, and
3. System testing/monitoring.

To ensure constant emergency access to the campus community, UTCPD shall inspect and test all campus emergency elevators, classroom emergency phones and Blue Light phones on a monthly basis. UTCPD will contact Facilities for any needed repairs.

Emergency phone tests and inspections shall be documented by UTCPD. All records shall be kept for a minimum of (3) years and are subject to review by Safety and Risk Management and/or UTCPD Emergency Services Administration.

IMMEDIATE NOTIFICATIONS

It is the policy of the UTCPD, in conjunction with Safety and Risk Management, University Relations, and the Chancellor's Office, to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus and/or the surrounding area.

TIMING AND DECISION CRITERIA

The department will immediately notify the campus community once it is confirmed that an emergency or dangerous situation exists. Confirmation means that the department or other university officials have verified that a legitimate emergency or dangerous situation exists.

The department will not issue the notification if it will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Immediate Notifications **will** be issued for events or incidents on campus that meet the following criteria:

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

Examples of events or incidents that may result in the issuance of an immediate notification:

- Active Shooter
- Armed Robbery (including attempts)
- Bomb Threat
- Tornado Warning

WHO RECEIVES THE NOTIFICATION?

Unlike a Timely Warning that must be sent campus wide, an Immediate Notification may be segmented to a specific group of individuals in a designated building or area. A member of the UTC Alert Team will determine the appropriate segment or segments of the campus community to receive the notification.

In some situations, the department will notify only the segment of the campus population that is at risk. The entire campus community **will** be notified when there is at least the potential that a very large segment of the community will be affected by the situation, or when a situation threatens the operation of the campus as a whole. For example, in the case of a gas leak, the department may choose to notify only individuals in the building that has the leak, whereas for a meningitis outbreak, the department may choose to notify the entire campus community.

There will be a continuing assessment of the situation and additional segments of the campus community **may** be notified if a situation warrants such action.

If the department determines that notification of audiences other than students and employees is necessary and appropriate, UTC's procedures for disseminating emergency information to the larger community will include making pertinent information available on the UTC Website (www.utc.edu), as well as UTC's Facebook, Instagram and Twitter feeds. In addition, the University will provide emergency information to the media as appropriate.

NOTIFICATION CONTENT

An Immediate Notification will describe procedures for both response and evacuation in emergency or dangerous situations. The department will determine how much information is appropriate to disseminate at different points in time. The content of an Immediate Notification may differ depending on what segments of the community the notification targets. For example, in the case of an approaching

tornado, the department may tell students in residence halls to take shelter in the basement but may tell commuter students to stay away from the campus.

After the initial notification, follow-up information or a status update will be disseminated to the community via the communication pathways described above to (1) provide an update on the situation, or (2) provide a change in response or evacuation actions.

NOTIFICATION RESPONSIBILITY AND AUTHORITY

UTCPD is responsible for issuing Immediate Notifications. The decision to issue an Immediate Notification is made in coordination and consultation by at least two members of the UTC Alert Team, as described above. Each of these individuals must appoint one or more alternates in the event that they are unavailable.

PROCESS & NOTIFICATION METHODS

UTCPD will inform members of the University community of any immediate threat to the health or safety of students or employees occurring on the campus and/or the surrounding area. University currently uses an emergency notification system known as UTC ALERT, as described above.

Upon confirmation of an emergency situation that requires an immediate response, a member of the Decision Team will communicate without delay to implement the notification process.

- A. A police supervisor or officer in charge (OIC) will report to the scene of the incident, and together with local first responders on the

scene of a critical incident or dangerous situation, will confirm and verify the nature of the incident or emergency.

- B. The police supervisor or OIC will communicate the information to the On Call Administrator who will immediately determine whether an Immediate Notification is warranted.
- C. If an Immediate Notification is deemed necessary, the details of the emergency or incident will be given to a member of Marketing and Communications to request activation of UTC ALERT.
- D. Marketing and Communications will review the information provided, draft the contents of the notification, and forward the draft to be reviewed by one of the following members of Emergency Services Administration: (1) Director of Public Safety, (2) Chief of Police, (3) Deputy Chief of Police, or (4) Operations Lieutenant.
- E. Upon approval, Marketing and Communications will then determine the means of dissemination and transmit the Immediate Notification to the UTC community with UTC ALERT. Marketing and Communications will also draft and transmit Follow-Up Information/Status Updates.
- F. In an extreme emergency, the notification process will be implemented at the sole discretion of a member of Emergency Services Administration. The member will draft the contents of the Immediate

Notification, determine the method of dissemination, and transmit the notice to the UTC community with UTC ALERT.

- G. The Chief of Police, or designee, will complete an Immediate Notification Determination Form for each incident that requires issuance of an Immediate Notification. The Immediate Notification Determination Form and a copy of the Immediate Notification is filed with the corresponding incident report, if any.

SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE & STALKING

The University of Tennessee at Chattanooga is committed to creating and maintaining a learning, living, and working environment free from Sexual Misconduct, Relationship Violence, Stalking, and Retaliation. Those prohibited types of conduct will not be tolerated and will be grounds for disciplinary action up to, and including, permanent dismissal from UTC and/or termination of employment.

UTC updated its policy regarding incidents of sexual misconduct, relationship violence and stalking on June 3, 2019. You can find a complete copy of that policy and additional information and resources at UTC's Sexual Misconduct and Relationship Violence website at <https://www.utc.edu/sexual-misconduct/pdfs/smrvs-policy-june-2019-final.pdf>. Information is excerpted below for your convenience.

Questions about this policy should be directed to the Title IX Coordinator or a Deputy Title IX Coordinator.

Additional information about UTC's procedures and programs relating to Prohibited Conduct can be found online at: utc.edu/sexual-misconduct.

PROHIBITED CONDUCT DEFINED

- I. Sexual Misconduct: A term that encompasses Sexual Assault, Sexual Harassment, Sexual Exploitation, and all other words and/or conduct that would constitute a Sex Offense Crime. Sexual Misconduct may be a form of Sex Discrimination prohibited by federal and state antidiscrimination laws, such as Title VII and Title IX.

(a) Sexual Assault: Engaging in Sexual Contact or Sexual Intercourse with another person without the Consent of that person.

(1) Sexual Contact: The intentional touching of another person (including another person's clothing) in a sexual manner with any part of one's body or with any object. Sexual Contact also includes intentionally causing another person to touch themselves (including their clothing) in a sexual manner. Whether a touching was done in a sexual manner is determined from the perspective of a sober, objectively reasonable person in the same situation and with the same sex, gender identity, and sexual orientation as the person who was touched.

(2) Sexual Intercourse: 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.

(b) Sexual Harassment: Sexual Harassment is a form of Sex Discrimination. To

determine whether conduct constitutes Sexual Harassment, consideration shall be given to 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 conduct and/or words.

(1) With respect to an employee's conduct directed toward another employee, Sexual Harassment means: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." (The source of this definition is: University of Tennessee System Human Resources Policy 0280 ("Sexual Harassment") (http://policy.tennessee.edu/hr_policy/hr0280/))

(2) With respect to an employee's conduct directed toward a student or another nonemployee, Sexual Harassment means: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's participation in an educational program; (2) submission to or rejection of such conduct by an individual is used as the basis for evaluation or advancement in an educational program; or (3) such conduct has the purpose or

effect of unreasonably interfering with an individual's educational performance or creates an intimidating, hostile or offensive educational environment." (This definition is based on: University of Tennessee System Human Resources Policy 0280 ("Sexual Harassment") (http://policy.tennessee.edu/hr_policy/hr0280/))

(3) With respect to the conduct of a student or other non-employee, Sexual Harassment is defined as unwelcome conduct of a sexual nature that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by UTC. 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). Sexual Harassment may include, for example, unwelcome sexual advances, requests for sexual favors, and acts of Sexual Assault. (This definition is based on Standard of Conduct Number 6 for students, a copy of which can be found in the UTC Student Handbook.)

(c) Sexual Exploitation: An act or attempted act by a person for the purpose of sexual arousal or gratification, financial gain, or other personal benefit through the abuse or exploitation of another person's sexuality. Examples of Sexual Exploitation include, without limitation: observation of a person who is undressed or engaging in Sexual Contact or Sexual Intercourse, without the Consent of all persons being observed (in a place where a person has a reasonable expectation of privacy); creation or distribution of images, photography, an audiotape, or videotape of Sexual Contact,

Sexual Intercourse, or a person's intimate parts (i.e., genitalia, groin, breasts, buttocks) without the Consent of all persons being recorded or photographed; prostituting another person; allowing others to observe, either in person or electronically, Sexual Contact or Sexual Intercourse without the Consent of all persons involved in the Sexual Contact or Sexual Intercourse (in a place where a person has a reasonable expectation of privacy); and knowingly exposing another person to a sexually transmitted infection without informing the other person that one has a sexually transmitted infection.

(d) Sex Offense Crime: This term is defined in Appendix A.

2. Relationship Violence: A term that encompasses Dating Violence, Domestic Violence, and all other words and/or conduct that would constitute a Relationship Violence Crime. Relationship Violence may be a form of Sex Discrimination prohibited by federal and state antidiscrimination laws, such as Title VII and Title IX.

(a) 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 of the violence. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:

- (1) the length of the relationship;
- (2) the type of relationship; and
- (3) the frequency of interaction between the persons involved in the relationship.

Dating Violence includes, without limitation, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

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

(c) Relationship Violence Crime: This term is defined in Appendix A

3. Stalking: Stalking includes both the crime of stalking in Tennessee and the crime of stalking defined by the Clery Act:

(a) Tennessee Crime: The crime of stalking in Tennessee is defined in Tennessee Code Annotated § 39-17-315.

(b) Clery Act Crime: Engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's safety or the safety of others; or (2) suffer Substantial Emotional Distress. For the purposes of this definition:

(1) "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or

through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property;

(2) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and

(3) "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Stalking may be a form of Sex Discrimination prohibited by federal and state antidiscrimination laws, such as Title VII and Title IX.

4. Retaliation: An act or attempted act taken because of a person's participation in a protected activity that would discourage a Reasonable Person from engaging in protected activity. Protected activity includes a person's Good Faith: (1) opposition to Prohibited Conduct; (2) report of Prohibited Conduct to the University; (3) participation (or reasonable expectation of participation) in any manner in an investigation, proceeding, hearing, or Interim Measure under this policy; or (4) exercise of rights or responsibilities under any provision of the Clery Act. 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. Retaliation should be reported in the same manner in which Prohibited Conduct is reported under this policy (Section III). When the University receives notice of alleged Retaliation, the University will take immediate and appropriate steps to investigate the alleged Retaliation. The University will take strong responsive action

if it determines that Retaliation occurred, which may include disciplinary action independent of any sanction or Interim Measures imposed in response to the underlying allegation of misconduct. The University generally will investigate and resolve reports of Retaliation in the same manner in which it handles reports of other Prohibited Conduct under this policy (Section V).

DEFINITIONS: VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) OF 2013

VAWA defines the crimes of dating violence, domestic violence, sexual assault, and stalking based on the definitions provided in the Clery Act. Those definitions are as follows:

Crime of Violence: According to Section 16 of title 18 of the United States Code, the term "crime of violence" means:

- iii. An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- iv. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed

against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **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 his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- counseling.

JURISDICTIONAL DEFINITIONS: TENNESSEE CODE ANNOTATED

Tennessee defines domestic violence as follows:

§ 36-3-601. Domestic Abuse.

As used in this part, unless the context otherwise requires:

(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;

(3) (A) "Court," in counties having a population of not less than two hundred thousand (200,000) nor more than eight hundred thousand (800,000), according to the 1980 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters;

(B) Notwithstanding subdivision (3)(A), "court," in counties with a metropolitan form of government with a population of more than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters and the general sessions court. In such county having a metropolitan form of government, a judicial commissioner may issue an ex parte order of protection. Nothing in this definition may be construed to grant jurisdiction to the general sessions court for matters relating to child custody, visitation, or support;

(C) "Court," in all other counties, means any court of record with jurisdiction over domestic relation matters or the general sessions court;

(D) "Court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing ex parte orders of protection when a judge of one of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available;

(E) In counties having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, "court" means any court of record with jurisdiction over domestic relations matters or the general sessions criminal court. In such counties, "court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing any order of protection pursuant to this part when a judge of one of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available. Nothing in this definition may be construed to grant jurisdiction to the general sessions court, both criminal and civil, for matters relating to child custody, visitation, or support;

(F) Any appeal from a final ruling on an order of protection by a general sessions court or by any official authorized to issue an order of protection under this subdivision (3) shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo;

(4) "Domestic abuse" means committing abuse against a victim, as defined in subdivision (5);

(5) "Domestic abuse victim" means any person who falls within the following categories:

(A) Adults or minors who are current or former spouses;

(B) Adults or minors who live together or who have lived together;

(C) Adults or minors who are dating or who have dated or who have or had a sexual relationship. As used herein, "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context;

(D) Adults or minors related by blood or adoption;

(E) Adults or minors who are related or were formerly related by marriage; or

(F) Adult or minor children of a person in a relationship that is described in subdivisions (5)(A)-(E);

(6) "Firearm" means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;

(7) "Petitioner" means the person alleging domestic abuse, sexual assault or stalking in a petition for an order for protection;

(8) "Preferred response" means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest;

(9) "Respondent" means the person alleged to have abused, stalked or sexually assaulted another in a petition for an order for protection;

(10) "Sexual assault victim" means any person, regardless of the relationship with the perpetrator, who has been subjected to,

threatened with, or placed in fear of any form of rape, as defined in § 39-13-502, § 39-13-503, § 39-13-506 or § 39-13-522, or sexual battery, as defined in § 39-13-504, § 39-13-505, or § 39-13-527;

(11) "Stalking victim" means any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of the offense of stalking, as defined in § 39-17-315; and

(12) "Weapon" means a firearm or a device listed in § 39-17-1302(a)(1) -(7).

§ 39-13-111. Domestic assault.

(a) As used in this section, "domestic abuse victim" means 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 (2) 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 (a)(1) -(5).

(b) A person commits domestic assault who commits an assault as defined in § 39-13-101 against a domestic abuse victim.

§ 39-13-101. Assault.

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

Dating Violence: The state of Tennessee does not have a definition of dating violence.

Sexual Assault: The state of Tennessee defines sexual assault as follows:

§ 39-13-505. Sexual battery.

(a) Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

- 1) Force or coercion is used to accomplish the act;
- 2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;
- 3) The defendant knows or has reason to know that the victim is mentally

defective, mentally incapacitated or physically helpless; or

- 4) The sexual contact is accomplished by fraud.

(b) As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

(c) Sexual battery is a Class E felony.

§ 39-13-504. Aggravated sexual battery.

(a) Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

- 1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;
- 2) The defendant causes bodily injury to the victim;
- 3) The defendant is aided or abetted by one (1) or more other persons; and (a) force or coercion is used to accomplish the act; or (b) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
- 4) The victim is less than thirteen (13) years of age.

(b) Aggravated sexual battery is a Class B felony.

§ 39-13-503. Rape.

(a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

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

(b) Rape is a Class B felony.

§ 39-13-502. Aggravated rape.

(a) Aggravated rape is unlawful sexual penetration of 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 and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;
- 2) The defendant causes bodily injury to the victim;
- 3) The defendant is aided or abetted by one (1) or more other persons; and (a) force or coercion is used to

accomplish the act; or (b) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.

(b) Aggravated rape is a Class A felony.

**§ 39-13-506. Mitigated statutory rape -
- Statutory rape -- Aggravated
statutory rape.**

(a) Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.

(b) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

- 1) The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or
- 2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.

(c) Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.

(d)(1) Mitigated statutory rape is a Class E felony.

(2)(A) Statutory rape is a Class E felony.

(b) In addition to the punishment provided for a person who commits statutory rape for the first time, the trial judge may order, after taking into account the facts and circumstances surrounding the offense, including the offense for which the person was originally charged and whether the conviction was the result of a plea bargain agreement, that the person be required to register as a sexual offender pursuant to title 40, chapter 39, part 2.

(3) Aggravated statutory rape is a Class D felony.

**§ 39-13-532. Statutory rape by an
authority figure.**

(a) Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

- 1) The victim is at least thirteen (13) but less than eighteen (18) years of age;
- 2) The defendant is at least four (4) years older than the victim; and
- 3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or
- 4) The defendant had, at the time of the offense, parental or custodial authority over the victim and used

the authority to accomplish the sexual penetration.

(b) Statutory rape by an authority figure is a Class C felony and no person who is found guilty of or pleads guilty to the offense shall be eligible for probation pursuant to § 40-35-303 or judicial diversion pursuant to § 40-35-313.

§ 39-15-302. Incest.

(a) A person commits incest 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.

(b) Incest is a Class C felony.

§ 39-17-315. Stalking, aggravated stalking, and especially aggravated stalking.

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

- 1) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate non-continuous acts evidencing a continuity of purpose;
- 2) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;

- 3) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing un-consented 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;
- 4) "Stalking" means 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;
- 5) "Un-consented 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. Un-consented 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 mail or electronic communications to that person; or

(g) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person; and

- 6) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(b)(1) A person commits an offense who intentionally engages in stalking.

(2) Stalking is a Class A misdemeanor.

(3) Stalking is a Class E felony if the defendant, at the time of the offense, was required to or was registered with the Tennessee bureau of investigation as a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in § 40-39-202.

(c)(1) A person commits aggravated stalking who commits the offense of stalking as prohibited by subsection (b), and:

- A) In the course and furtherance of stalking, displays a deadly weapon;
- B) The victim of the offense was less than eighteen (18) years of age at any time during the person's course of conduct, and the person is five (5) or more years older than the victim;

C) Has previously been convicted of stalking within seven (7) years of the instant offense;

D) Makes a credible threat to the victim, the victim's child, sibling, spouse, parent or dependents with the intent to place any such person in reasonable fear of death or bodily injury; or

E) At the time of the offense, was prohibited from making contact with the victim under a restraining order or injunction for protection, an order of protection, or any other court-imposed prohibition of conduct toward the victim or the victim's property, and the person knowingly violates the injunction, order or court-imposed prohibition.

(2) Aggravated stalking is a Class E felony.

(d)(1) A person commits especially aggravated stalking who:

A) Commits the offense of stalking or aggravated stalking, and has previously been convicted of stalking or aggravated stalking involving the same victim of the instant offense; or

B) Commits the offense of aggravated stalking, and intentionally or recklessly causes serious bodily injury to the victim of the offense or to the victim's child, sibling, spouse, parent or dependent.

(2) Especially aggravated stalking is a Class C felony.

(e) Notwithstanding any other law, if the court grants probation to a person

convicted of stalking, aggravated stalking or especially aggravated stalking, the court may keep the person on probation for a period not to exceed the maximum punishment for the appropriate classification of offense.

Regardless of whether a term of probation is ordered, the court may, in addition to any other punishment otherwise authorized by law, order the defendant to do the following:

- 1) Refrain from stalking any individual during the term of probation;
- 2) Refrain from having any contact with the victim of the offense or the victim's child, sibling, spouse, parent or dependent;
- 3) Be evaluated to determine the need for psychiatric, psychological, or social counseling, and, if determined appropriate by the court, to receive psychiatric, psychological or social counseling at the defendant's own expense;
- 4) If, as the result of such treatment or otherwise, the defendant is required to take medication, order that the defendant submit to drug testing or some other method by which the court can monitor whether the defendant is taking the required medication; and
- 5) Submit to the use of an electronic tracking device, with the cost of the device and monitoring the

defendant's whereabouts, to be paid by the defendant.

(f) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated un-consented contact with the victim after having been requested by the victim to discontinue the conduct or a different form of un-consented contact, and to refrain from any further un-consented contact with the victim, is prima facie evidence that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(g)(1) If a person is convicted of aggravated or especially aggravated stalking, or another felony offense arising out of a charge based on this section, the court may order an independent professional mental health assessment of the defendant's need for mental health treatment. The court may waive the assessment, if an adequate assessment was conducted prior to the conviction.

(2) If the assessment indicates that the defendant is in need of and amenable to mental health treatment, the court may include in the sentence a requirement that the offender undergo treatment, and that the drug intake of the defendant be monitored in the manner best suited to the particular situation. Monitoring may include periodic determinations as to whether the defendant is ingesting any illegal controlled substances or controlled substance analogues, as well as determinations as to whether the defendant is complying with any required or recommended course of treatment that includes the taking of medications.

(3) The court shall order the offender to pay the costs of assessment under this subsection (g), unless the offender is indigent under § 40-14-202.

(h) Any person who reasonably believes they are a victim of an offense under this section, regardless of whether the alleged perpetrator has been arrested, charged or convicted of a stalking-related offense, shall be entitled to seek and obtain an order of protection in the same manner, and under the same circumstances, as is provided for victims of domestic abuse by title 36, chapter 3, part 6.

(i) When a person is charged and arrested for the offense of stalking, aggravated stalking or especially aggravated stalking, the arresting law enforcement officer shall inform the victim that the person arrested may be eligible to post bail for the offense and to be released until the date of trial for the offense.

(j) If a law enforcement officer or district attorney general believes that the life of a possible victim of stalking is in immediate danger, unless and until sufficient evidence can be processed linking a particular person to the offense, the district attorney general may petition the judge of a court of record having criminal jurisdiction in that district to enter an order expediting the processing of any evidence in a particular stalking case. If, after hearing the petition, the court is of the opinion that the life of the victim may be in immediate danger if the alleged perpetrator is not apprehended, the court may enter such an order, directed to the Tennessee bureau of investigation, or any other agency or laboratory that may be in the process of analyzing evidence for that particular investigation.

(k)(1) For purposes of determining if a course of conduct amounting to stalking is a single offense or multiple offenses, the occurrence of any of the following events breaks the continuous course of conduct, with respect to the same victim, that constitutes the offense:

- A) The defendant is arrested and charged with stalking, aggravated stalking or especially aggravated stalking;
- B) The defendant is found by a court of competent jurisdiction to have violated an order of protection issued to prohibit the defendant from engaging in the conduct of stalking; or
- C) The defendant is convicted of the offense of stalking, aggravated stalking or especially aggravated stalking.

(2) If a continuing course of conduct amounting to stalking engaged in by a defendant against the same victim is broken by any of the events set out in subdivision (k)(1), any such conduct that occurs after that event commences a new and separate offense.

Consent is defined in Tennessee under § 39-11-106 –Title Definitions as:

(9) "Effective consent" means assent in fact, whether express or apparent, including assent by one legally authorized to act for another. Consent is not effective when:

- A) Induced by deception or coercion;
- B) Given by a person the defendant knows is not authorized to act as an agent;

- C) Given by a person who, by reason of youth, mental disease or defect, or intoxication, is known by the defendant to be unable to make reasonable decisions regarding the subject matter; or
- D) Given solely to detect the commission of an offense.

UTC DEFINITIONS OF CONSENT AS IT RELATES TO SEXUAL ACTIVITY

Consent (or Consensual): Consent is an affirmative and voluntary agreement by a person to engage in a specific sexual act.

Consent Must Be Obtained: Consent must be obtained, and the responsibility for obtaining Consent rests with the individual who voluntarily and physically initiates a specific sexual act, even if the other person initiated the sexual encounter. One’s own use of alcohol, drugs, or other substances does not diminish one’s responsibility to obtain Consent from the other person. Moreover, the other person’s use of alcohol, drugs, or other substances does not diminish one’s responsibility to obtain Consent from that person.

Consent Must Be Affirmative: Consent must be affirmative, which means that Consent is communicated only through words and/or non-verbal actions that convey a clear agreement to engage in a specific sexual act. Whether a person has communicated an agreement to engage in a specific sexual act generally is evaluated from the perspective of what a reasonable person who perceived the individual’s words and/or non-verbal actions would have understood; however, in the context of a long-term relationship between

persons 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 specific sexual act conclude?). A verbal “no” (or words equivalent to “no”) or the nonverbal communication of “no,” even if it sounds or appears insincere or indecisive, always 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. Because interpreting non-verbal actions may lead to misunderstanding and a violation of this policy, students are strongly encouraged to err on the side of caution and not rely solely on the non-verbal actions of another person in concluding that the other person has communicated consent. The University urges students to communicate with one another before engaging in a sexual act to ensure that they both wish to engage in the same sexual act.

Consent cannot be obtained by or inferred from:

- Silence that is not accompanied by non-verbal actions conveying a clear agreement to engage in a particular sexual act;
- Consent communicated by the other person on a previous occasion;
- Consent communicated to another person;
- The other person’s failure to resist physical force (however, for purposes of this policy, the other person’s resistance to physical force

will be viewed as a clear demonstration that the person has not communicated Consent);

- The sexual arousal of the other person;
- A current or previous dating, romantic, intimate, or sexual relationship with the other person;
- Currently or previously cohabitating with the other person;
- The other person's attire;
- The other person's reputation;
- The other person's giving or acceptance of gifts; or
- The other person's extension or acceptance of an invitation to go to a private residence, room, or another location.

Consent must be Voluntary: Consent is not voluntary if it is obtained by Coercion. Nor is Consent voluntary if it is obtained from a person who is Incapacitated if one knows (or a Reasonable Person would know) that the other person is Incapacitated. Because the Incapacitation of another person may be difficult for one to discern, persons subject to this policy are strongly encouraged to err on the side of caution (i.e., when in doubt, assume that the other person is Incapacitated and therefore unable to give Consent.)

Consent must be Continual: Consent must be continual, which means that consent must exist from the beginning to the end of each sexual encounter and for each specific sexual act that occurs during a sexual encounter. A person has a right to change his/her mind; thus, Consent to engage in a specific sexual act may be withdrawn by a person at any time. A withdrawal of Consent is communicated through clear words and/or clear non-

verbal actions that indicate that a person no longer agrees to engage in a specific sexual act. Once a person's withdrawal of Consent has been communicated, the other person must cease the specific sexual act and must obtain Consent before reinitiating the specific sexual act or any other sexual act. Consent is automatically withdrawn when a person becomes Incapacitated. Consent to one type of Sexual Contact or Sexual Intercourse (e.g., oral intercourse) does not constitute or imply Consent for another type of Sexual Contact or Sexual Intercourse (e.g., vaginal intercourse), whether during a sexual encounter or during a previous sexual encounter. The University urges persons' subject to this policy to communicate with one another throughout a sexual encounter to ensure that any progression of sexual activity is done with Consent.

Coercion: 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 engage in a particular sexual act (e.g., Sexual Contact or Sexual Intercourse). Coercion is something more than mere seduction or persuasion.

Coercion includes, without limitation:

- physical force; and
- words and/or conduct that would cause a Reasonable Person to fear imminent: harm to the person's health, safety, or property or that of a third person; threat of the loss or impairment of a job benefit; threat of the loss or impairment of an academic benefit; kidnapping of the person or a third person; or disclosure of sensitive personal information (e.g., disclosure of a

person's sexual orientation, gender identity, or gender expression).

Incapacitated (or Incapacitation): A temporary or permanent physical or mental state in which a person cannot make informed, rational judgments (e.g., judgments concerning Sexual Contact, Sexual Intercourse, or Sexual Exploitation) because: the person lacks the physical or mental capacity to understand the nature or consequences of their words and/or conduct; and/or the person is unable to physically or verbally communicate Consent. Incapacitation can be voluntary or involuntary. Incapacitation is determined based on the totality of the circumstances.

Incapacitation may result from: sleep; unconsciousness; intermittent consciousness; temporary or permanent physical or mental disability; involuntary physical restraint; or the influence of alcohol, drugs, or other substances, including, without limitation, substances used to facilitate Sexual Assault (e.g., Rohypnol, Ketamine, GHB, and Burundanga).

Alcohol and drugs are common causes of Incapacitation. When alcohol or drugs are involved, Incapacitation is a state beyond mere drunkenness or intoxication. The impact of alcohol and drugs varies from person to person; however, warning signs of Incapacitation may include, without limitation: 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; vomiting; unresponsiveness; and inability to communicate coherently.

A person who is under the age of eighteen (18) (i.e., a minor) is incapable of giving Consent; however, a person who is at least the age of thirteen (13) and less than the age of eighteen (18) is capable of giving Consent to sexual acts with another person who is less than four (4) years older than them.

Good Faith: Having a belief in the truth of information that a Reasonable Person in the same situation could have, based on the information known to the person communicating the information at the time the information was communicated by that person. A report or other information communicated during an investigation, hearing, or other proceeding under this policy is not made in good faith if made with knowing or reckless disregard for information that would negate the report or information.

Reasonable Person: A sober, objectively reasonable person in the same situation, and with the same sex, gender identity, and sexual orientation as the person whose words and/or conduct are being evaluated.

TITLE IX AND DEPUTY TITLE IX COORDINATORS

UTC's Title IX Coordinator is:

Stephanie Rowland, Title IX Coordinator
Enrollment Management and Student Affairs
Department 5675
615 McCallie Ave., 206 Hooper Hall
Chattanooga, TN 37403
Phone: 423-425-4255
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Stephanie-rowland@utc.edu
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The Title IX Coordinator's responsibilities generally include:

- Coordinating and maintaining ultimate oversight responsibility with respect to UTC's compliance with Title IX;
- Receiving, tracking, and monitoring reports of Sex Discrimination, including prohibited conduct, and ensuring that records of such reports are maintained;
- Preparing an annual report that informs the UTC community about: reports of prohibited conduct made by student-complainants concerning student-respondents; interim measures and support services provided to complainants; and a summary of UTC's efforts to prevent Sexual Assault;
- Interacting with UTC's Survivor Advocacy Services;
- Ensuring prompt, thorough, and equitable reviews, investigations and resolutions of reports of Sex Discrimination, including Prohibited conduct, generally by the Office of Equity and Inclusion (if the Respondent is an employee or third party) or the Office of Student Conduct (if the Respondent is a student);
- Identifying and addressing patterns or systemic problems concerning Prohibited conduct;
- Coordinating training, prevention, and awareness efforts concerning Prohibited conduct;
- Supporting the Deputy Title IX Coordinators;
- Providing information to students, employees, and third parties concerning this policy;
- Coordinating the provision of Interim Measures;
- Making appropriate reports to UTCPD for purposes of Clery Act crime statistics; and
- Being available to meet with students, employees, and third parties, including, without limitation, Complainants, Reporters, and Respondents.

The Title IX Coordinator is assisted by three trained Deputy Title IX Coordinators, who are also accessible to members of the UTC community for consultation and assistance.

Deputy Title IX Coordinator for Students:

James S. Hicks, Dean of Students
 Office of the Dean of Students
 Department 195 I
 615 McCallie Ave.
 Chattanooga, TN 37403
 (423) 425-4761
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utc.edu/dean-students/

The Deputy Title IX Coordinator for Students is responsible for Title IX compliance for matters involving students, including:

- Coordinating with the Survivor Advocacy Services;
- Coordinating and maintaining oversight responsibility with respect to the Division of Enrollment Management and Student Affairs' compliance with Title IX;
- Receiving, tracking, and monitoring reports of Sex Discrimination involving students, including Prohibited conduct;
- Identifying and addressing patterns or systematic problems concerning Prohibited conduct involving students, in coordination with the Title IX Coordinator;
- Coordinating training, prevention, and awareness efforts for students concerning Prohibited conduct;
- Assisting the Title IX Coordinator;
- Providing information to students about this policy;
- Coordinating the provision of Interim Measures to students; and
- Being available to meet with students, including, without limitation, Complainants, Reporters, and Respondents.

Deputy Title IX Coordinator for Employees:

Rosite Delgado
Office of Equity and Inclusion

Department 5455
720 McCallie Ave., Human Resources Building
Chattanooga, TN 37403
(423) 425-5468
rosite-delgadol@utc.edu
utc.edu/equity-diversity

The Deputy Title IX Coordinator for Employees is responsible for Title IX compliance for matters involving employees, including:

- Receiving, tracking, and monitoring reports of Sex Discrimination involving employees, including Prohibited conduct;
- Identifying and addressing patterns or systemic problems concerning Prohibited Conduct involving employees, in coordination with the Title IX Coordinator;
- Coordinating training, prevention, and awareness efforts for employees concerning Prohibited conduct;
- Assisting the Title IX Coordinator;
- Providing information to employees about this policy;
- Coordinating the provision of Interim Measures to employees; and
- Being available to meet with employees, including, without limitation, Complainants, Reporters, and Respondents.

Deputy Title IX Coordinator for Athletics:

Laura Herron Executive Associate Athletics Director/Senior Woman Administrator
Department 3503
615 McCallie Ave., 407-B Arena
Chattanooga, TN 37403
(423) 425-4583
Laura-Herron@utc.edu

The Deputy IX Coordinator for Athletics is responsible for Title IX compliance for matters involving students and employees associated with intercollegiate athletics, including:

- Coordinating and maintaining oversight responsibility with respect to the Athletic Department’s compliance with Title IX, including gender equity;
- Receiving reports of Sex Discrimination, including Prohibited conduct, involving student-athletes, and referring those reports to the Title IX Coordinator and/or the Deputy Title IX Coordinators;
- Assisting the Title IX Coordinator and the Deputy Title IX Coordinator for Students;
- Providing information to students and employees involved in intercollegiate athletics on this policy;
- Being available to meet with students and employees involved in intercollegiate athletics, including, without limitation, Complainants, Reporters, and Respondents.

Inquiries or complaints concerning Title IX also may be referred to the United States Department of Education:

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

SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE AND STALKING RESPONSE TEAM

The Sexual Misconduct, Relationship Violence and Stalking Response Team (SRT) is a multidisciplinary team of University employees who work collaboratively to address situations involving Prohibited Conduct in which a student is a Complainant and/or a Respondent by:

- Utilizing a trauma-informed approach to create a support network for Complainants and focusing on minimizing the trauma experienced by Complainants in a sensitive and proficient manner;
- Assisting students with accessing the support resources identified in Section IV including Interim Measures;
- Coordinating the provision of Interim Measures to students;
- Promoting the consistent application of this policy to all persons subject to this policy and enabling UTC to

respond promptly, thoroughly, and equitably to eliminate Prohibited Conduct, prevent recurrence, and eliminate its effects; and

- Answering questions about UTC's policies, procedures, or programs concerning Prohibited Conduct.

More information about members of the SRT can be found at <http://www.utc.edu/sexual-misconduct/sexualmisconduct-relationship-violence-prevention-committee.php>.

HOT TO REPORT SEXUAL MISCONDUCT & RELATIONSHIP VIOLENCE

UTC encourages complainants and others who are aware of prohibited conduct to promptly report incidents to UTCPD and/or to law enforcement.

HOW TO REPORT TO UTC (NOT UTCPD)

Complainants are not required to report Prohibited Conduct to UTC if they do not want UTC to respond to the incident or assist with Interim Measures. However, reporting a violation of this policy to UTC empowers Complainants to obtain the support they need and enables UTC to respond appropriately, including conducting a prompt, thorough, and equitable investigation and, if warranted, taking disciplinary action against a Respondent.

If a person reports an incident of Prohibited Conduct to UTC, 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 UTC, a Complainant does not have to decide whether to request any particular course of action.

The SMRVS policy requires certain University employees, called Mandatory Reporters, to report information they receive concerning Prohibited Conduct to UTC in accordance with Section VI. Not all UTC employees are Mandatory

Reporters. Some University employees are encouraged but are not obligated to disclose Prohibited Conduct to UTC. Other University employees are able to provide complete confidentiality (Confidential Employees – Section IV.A.1) or limited confidentiality (Survivor Advocates – Section IV.A.2) for information shared with them except in the limited circumstances described in Section IV.A and Appendix D.

The only way for a Complainant (or any other person) to provide notice to UTC of an incident of Prohibited Conduct is to report the incident to a Mandatory Reporter. A Complainant may opt to report an incident of Prohibited Conduct to a Mandatory Reporter but decline to disclose the identity of the Respondent; in that case, UTC will offer Complainant Interim Measures, but UTC's ability to investigate the incident and pursue disciplinary action against the Respondent or take other remedial action will be limited. If an incident is not reported to a Mandatory Reporter, then UTC will not be able to take steps to: identify resources for the Complainant, such as Interim Measures; or promptly, thoroughly, and equitably

investigate the incident and/or resolve the situation in order to eliminate the Prohibited Conduct, prevent its recurrence, and address its effects on the Complainant or the UTC community. Because Prohibited Conduct often involves behaviors or interactions that are not witnessed by third parties, reports of Prohibited Conduct cannot always be corroborated by additional evidence. However, UTC encourages Complainants to not allow a perceived lack of such evidence to dissuade them from reporting Prohibited Conduct to a Mandatory Reporter.

Because Mandatory Reporters have an obligation to report information they receive about Prohibited Conduct (and take other responsive actions), one of the purposes of this Section III.A is to inform students, employees and other persons about which University employees are Mandatory Reporters so that students, employees and other persons can make informed decisions about whether to disclose information to those University employees. Whether an employee is a Mandatory Reporter will vary based on factors such as the status of the Complainant and the Respondent (i.e., whether they are students, employees, and/or persons who are neither students nor employees) and the employee's authority to address violations of this policy. In addition to this Section III.A, Appendix B and Appendix C identify Mandatory Reporters. Questions concerning whether a particular employee is a Mandatory Reporter should be directed to the Title IX Coordinator.

Mandatory Reporters are not confidential University resources like the Confidential Employees or Survivor Advocates identified in Sections IV.A.1 and IV.A.2. However, subject to a Complainant's Request for

Limited Action (Section III.A.5) and applicable legal disclosure obligations (Section III.E), information communicated to a Mandatory Reporter will initially be shared only within the limited circle of those University employees whom UTC reasonably needs to involve in UTC's response to an incident of Prohibited Conduct. Subsequently, information about the report will be shared only as reasonably necessary with investigators, witnesses, and the Respondent, subject to a Complainant's Request for Limited Action and applicable legal disclosure obligations. In accordance with FERPA, Mandatory Reporters who are not employees of UTCPD will not share information with UTCPD or any other law enforcement agency without a Complainant's written consent or unless required by law.

An employee-Complainant's report of Prohibited Conduct that alleges Sex Discrimination committed by an employee-Respondent generally must be filed within 300 days of the alleged discriminatory action. In certain circumstances, however, at the discretion of the Title IX Coordinator, a report communicated to UTC outside of that time limit may be investigated. The University does not limit the time frame for reporting an incident of Prohibited Conduct committed by a Respondent who is not an employee, although a delay in reporting may impact UTC's ability to: obtain evidence (e.g., evidence erodes; memories fade); conduct a prompt, thorough, and equitable investigation; and/or otherwise respond and take appropriate action (e.g., the Respondent may no longer be affiliated with the University).

The following are not considered notice to UTC about Prohibited Conduct for purposes of triggering an obligation by UTC

to investigate or otherwise respond to a particular incident (e.g., to provide Interim Measures to a Complainant):

- Prohibited Conduct disclosed to a Confidential Employee (Section IV.A.1), a Survivor Advocate (Section IV.A.2), or other UTC employee who is not a Mandatory Reporter;
- Prohibited Conduct disclosed by students or employees during public awareness events such as “Take Back the Night,” candlelight vigils, protests, “survivor speak outs” or other forums. Such events may, however, inform the need for campus-wide education and prevention efforts, and UTC may provide information about Title IX rights at those events.
- Prohibited Conduct disclosed by a UTC student during such student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol.
- Prohibited Conduct disclosed by a UTC student in writing in a class paper or other academic assignment.

MANDATORY REPORTS WHEN THE COMPLAINANT IS A STUDENT

This Section III.A.1 describes the non-law enforcement options for a Complainant who is a UTC student to report Prohibited Conduct to UTC.

A Complainant who is a student is encouraged to report Prohibited Conduct to one of the following UTC employees, who are Mandatory Reporters:

- Title IX Coordinator (Section IV.B)
- Deputy Title IX Coordinators (Section IV.B)
- Office of Student Conduct (Section IV.B)

A Complainant who is a student may also report Prohibited Conduct to one of the University’s other non-law enforcement Mandatory Reporters, who are identified in Appendix B.

Questions about how to contact any of the individuals identified above may be directed to the Title IX Coordinator.

MANDATORY REPORTS WHEN THE COMPLAINANT IS AN EMPLOYEE

This Section III.A.2 describes the non-law enforcement options for a Complainant who is a University employee to report Prohibited Conduct to the University.

A Complainant who is a University employee is encouraged to report Prohibited Conduct to one of the following University employees, who are Mandatory Reporters:

- Title IX Coordinator or the Office of Equity & Inclusion
- The Director of Human Resources, Assistant Director of Human Resources, or Human Resources Generalist
- The immediate supervisor of the Complainant
- The immediate supervisor of the Respondent (if the Respondent is a University employee)

A Complainant who is a University employee may also report Prohibited Conduct to one of the University's other non-law enforcement Mandatory Reporters, who are identified in Appendix C.

Questions about how to contact any of the individuals identified above may be directed to the Title IX Coordinator.

MANDATORY REPORTS WHEN THE COMPLAINANT IS NOT A UTC STUDENT NOR EMPLOYEE

For a Complainant who is neither a UTC student nor a UTC employee, the Title IX Coordinator is the only non-law enforcement option to report a violation of this policy to UTC.

WHAT TO EXPECT AFTER REPORTING PROHIBITED CONDUCT

After receiving a report of Prohibited Conduct (either directly from a Reporter or indirectly from a Mandatory Reporter), the Title IX Coordinator, a Deputy Title IX Coordinator, and/or an employee in UTC's Division of Student Development will initiate immediate and appropriate steps by UTC to: have an appropriate UTC employee meet with or otherwise communicate with the Complainant; in cases of Sexual Assault, Relationship Violence, or Stalking, provide a complainant with a copy of this policy and/or another written publication approved by the Title IX Coordinator to inform the Complainant of the Complainant's rights under this policy (if that has not already been done by a

Mandatory Reporter); evaluate whether Interim Measures need to be implemented and assist with the implementation of Interim Measures; and, subject to a Complainant's Request for Limited Action (Section III.A.5), initiate the investigation and resolution procedures outlined in Section V of this policy if, based on an initial assessment, the alleged conduct meets the definition of Prohibited Conduct. Upon request, the Title IX Coordinator, a Deputy Title IX Coordinator, and/or an employee in UTC's Division of Enrollment Management and Student Affairs also can assist a Complainant in reporting the incident to law enforcement.

REQUESTS FOR LIMITED ACTION: CONFIDENTIALITY

A complainant has the right under the SMRVS policy to make the following requests to UTC when a complainant discloses an incident of prohibited conduct:

- Request that the complainant's name not be disclosed to the respondent; and/or
- Request that UTC not investigate the incident further or pursue disciplinary action against the respondent.

Such a request is referred to in the policy as a "Request for Limited Action." The Title IX Coordinator will evaluate a Request for Limited Action. If the complainant makes a Request for Limited Action, UTC will seriously weigh the request against UTC's obligation to provide a safe, non-discriminatory environment for all members of the UTC community, including the complainant.

If UTC honors the Complainant's Request for Limited Action, then UTC's ability to respond fully to the incident (e.g.,

meaningfully investigate the incident and pursue disciplinary action against the respondent(s) or take other remedial action) may be limited.

There are limited circumstances in which UTC may not be able to grant a complainant's request in order to provide a safe, non-discriminatory environment. For example, if UTC has credible information that the respondent has committed one or more prior acts of prohibited conduct, then the balance of factors might compel UTC to investigate the allegation, and, if appropriate, pursue disciplinary action in a manner that may make known the complainant's identity to the respondent.

When evaluating a Request for Limited Action, UTC will consider a range of factors, including, without limitation:

- The risk that the respondent will commit additional acts of prohibited conduct, such as: (1) Whether there have been other reports of prohibited conduct about the same respondent; (2) Whether the respondent has a history of prohibited conduct; (3) Whether the respondent threatened further prohibited conduct or other misconduct against the complainant or others; and (4) 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 UTC can pursue an investigation and/or resolution 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., via illicit use of drugs or alcohol) at a given location or by a particular group; and
- UTC'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.

The presence of one or more of those factors could lead UTC to deny the Request for Limited Action. If UTC determines that it can grant a Request for Limited Action, UTC will take reasonable steps to respond to the report consistent with the Request for Limited Action and will take prompt actions that UTC determines are necessary to protect and assist the complainant while not disclosing the complainant's identity to the respondent (e.g., providing the complainant with Interim Measures).

If UTC determines that it cannot grant a Request for Limited Action, then UTC will inform the complainant prior to starting an investigation and will, to the extent possible and unless otherwise required by law, only share information with people responsible for handling UTC's response. If UTC determines that it must disclose the complainant's identity to the respondent,

then UTC will inform the complainant of that determination prior to the disclosure. UTC will honor a request by the complainant that UTC inform the respondent that the complainant asked UTC not to investigate or seek discipline. UTC 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.

Retaliation against the complainant, whether by students or UTC employees, will not be tolerated. UTC will also assist the complainant to access the support resources identified in Section IV, including Interim Measures, 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).

Because UTC is under a continuing obligation to address the issues of prohibited conduct campus-wide, reports of prohibited conduct (including non-identifying reports) may also prompt UTC 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.

COMPLAINANTS PARTICIPATION IN AN INVESTIGATION OR DISCIPLINARY PROCEEDING

UTC will not require a Complainant to participate in any investigation or a hearing before the Student Conduct Board or a University hearing officer. A Complainant may be required to participate in a TUAPA hearing if the Complainant receives a subpoena.

AMNESTY FOR STUDENTS WHO REPORT PROHIBITED CONDUCT TO UTC

UTC recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident may be hesitant to report an incident to UTC because of a fear of UTC disciplinary sanctions for student's own violation of the Standards of Conduct. Because of the importance to UTC of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to UTC or testifies or provides information in a University investigation into alleged Prohibited Conduct will not be subject to disciplinary action by UTC 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

REPORTING TO CAMPUS POLICE AND LOCAL LAW ENFORCEMENT

Prohibited Conduct may constitute both a violation of this policy and the criminal law. Therefore, UTC encourages persons to report incidents of Prohibited Conduct to law enforcement. Prompt reporting of an incident to law enforcement is especially critical for incidents of Sexual Assault and Relationship Violence because the collection and preservation of evidence relating to Sexual Assault and Relationship Violence often is essential for law enforcement investigations and criminal prosecutions.

A Complainant has the right to decline to report the incident to law enforcement. Even if a Complainant does not report the incident to law enforcement, the Complainant may still request Interim Measures from UTC by reporting the incident to the Title IX Coordinator, a Deputy Title IX Coordinator, or another Mandatory Reporter.

The following options are available 24 hours, seven days a week, for reporting an incident of prohibited conduct to law enforcement:

Incident Location	Contact
Regardless of where the incident occurred	Call 911 in an emergency or UTCPD 400 Palmetto Street Chattanooga, TN 37403 Phone: 423-425-4357 utc.edu/public-safety/
In the City of Chattanooga	Chattanooga Police Dept. 3410 Amnicola Hwy., Chattanooga, TN 37406 Phone: (423-298-2525 chattanooga.gov/police-department or UTCPD
In Hamilton County but outside of the City of Chattanooga	Hamilton County Sheriff 600 Market St. G10 Chattanooga, TN 37402 Phone: 423-209-7000 hcsheriff.gov or UTCPD
Outside of Hamilton County	Contact the law enforcement agency that has jurisdiction over the location where the incident occurred or Contact UTCPD for assistance in contacting another jurisdiction's law enforcement agency

Upon the complainant's request, the Title IX Coordinator, a Deputy Title IX Coordinator, and/or an employee in UTC's Division of Enrollment Management and Student Affairs will assist a complainant in contacting UTCPD or the appropriate local law enforcement agency.

Employees of UTCPD are also Mandatory Reporters. Accordingly, if a person reports an incident to UTCPD, and the incident has not been previously reported to a Mandatory Reporter outside of UTCPD,

then UTCPD will contact the Title IX Coordinator, a Deputy Title IX Coordinator, and/or an employee in UTC's Division of Enrollment Management and Student Affairs who has been designated to receive such reports. The Title IX Coordinator, a Deputy Title IX Coordinator, and/or an employee in UTC's Division of Student Development will contact the Complainant regarding UTC's response to the report (Section III.A.4). In contrast, if a Complainant reports the incident to CPD or another law enforcement agency other than UTCPD, then the Complainant also will need to report the incident to a Mandatory Reporter if the Complainant wants UTC to take any action under this policy.

WHAT TO EXPECT AFTER REPORTING TO LAW ENFORCEMENT

Even if the Complainant is unsure whether to pursue criminal prosecution or an order of protection, UTC recommends that the Complainant report the incident to law enforcement as soon as possible. In most cases, after addressing a Complainant's immediate safety needs and/or needs for medical care, a law enforcement officer will meet with the Complainant and take a statement about what occurred. It may help a Complainant to write down every detail the Complainant can remember, as soon as possible, so the Complainant can communicate the details to law enforcement. In cases of Sexual Assault and Relationship Violence, in addition to taking a statement, the law enforcement officer may ask to examine the scene of the incident and collect bedding, clothing, or other items of evidentiary value. A law enforcement officer also will conduct a thorough

interview to record as many details as possible and as precisely as possible.

If law enforcement determines that a crime occurred after concluding its investigation, then law enforcement 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 law enforcement 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 Sexual Assault or Relationship Violence.

HOW UNIVERSITY POLICIES/PROCEDURES RELATE TO CRIMINAL LAW/PROCEDURES

UTC will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, UTC's policies and procedures relating to Prohibited Conduct (e.g., this policy) may differ in significant respects from Tennessee criminal law. A Complainant may seek resolution through UTC's procedures outlined in this policy, may pursue criminal action, may choose one but not the other, may choose both, or may choose neither. Neither law enforcement's determination whether to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether Prohibited Conduct has occurred in violation of this policy. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off

campus. UTC normally does not wait until a criminal investigation or proceeding is concluded before conducting its own investigation, implementing Interim Measures, or taking other appropriate action. Although UTC may need to delay temporarily the fact-finding portion of its investigation while law enforcement is gathering evidence, UTC will take Interim Measures to support the Complainant during such a delay. Decisions made or sanctions imposed by UTC are not affected as a result of criminal or civil charges 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, at UTC's discretion, be used by UTC in a UTC disciplinary proceeding.

ANONYMOUS REPORTING

Persons may report prohibited conduct anonymously through the following methods:

1. To report an incident anonymously to UTCPD, fill out the Silent Witness Confidential Crime Reporting Form at <https://www.utc.edu/police/forms/silent-witness.php>. Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information. UTCPD generally will respond as described in the SMRVS policy; however, the amount and level of detail of the information provided to UTCPD will affect how thoroughly UTCPD is able to respond to the report.

2. To report an incident anonymously to the Office of the Dean of Students, complete the Student of Concern Referral Form, available at: https://cm.maxient.com/reportingform.php?UTChattanooga&layout_id=60. Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information.
3. To report an incident anonymously to the Survivor Advocacy Program, complete the form at: <https://www.utc.edu/center-women-gender-equity/survivor-advocacy-services/index.php>. Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information.

Persons also may report a crime anonymously to the Chattanooga Police Department or the Hamilton County Sheriff's Department by calling the Crime Stoppers Hotline, (423) 698-3333.

Anonymous reporting is not an alternative to calling 911; in an emergency, call 911.

CARE & SUPPORT

UTC RESOURCES:

Complete Confidentiality: UTC "Confidential Employees"

If a complainant does not desire action by UTC and would like the details of the incident to be kept completely confidential, but desires to confide in someone employed by UTC, the complainant may

Speak with the following persons, who are called “Confidential Employees” for purposes of the SMRVS policy:

- A licensed psychologist, professional counselor or social worker in UTC’s Counseling Center (423-425-4438, from 8 a.m. to 5:00 p.m. on a normal weekday);
- A licensed medical professional in Student Health Services (423-425-2266 from 8-5 on a normal weekday);
- Physicians or psychiatrists who are contracted through UTC’s Counseling Center or Student Health Services;
- A counselor with the Employee Assistance Program (855- Here4TN (855-437-3486)) (option for employees);
- An 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; and

The following persons associated with UTC Athletics (*resource options for intercollegiate student athletes only*):

1. A Team Physician (Team Physicians are University contractors, not employees);
2. A Team Psychiatrist or Team Psychologist (Team Psychiatrists and Team Psychologists are University contractors, not employees); and
3. A staff member in Sports Medicine and employees working under their supervision (e.g., an athletic trainer).

Complete confidentiality means that Confidential Employees will not disclose information shared by the Complainant to the Title IX Coordinator, the Clery Compliance Officer, UTCPD, or any other person except in the limited circumstances described in Appendix D of the SMRVS policy.

A person identified in this section is a Confidential Employee only if the student or employee is communicating with that person as a patient or client.

Confidential Employees include the persons identified above, University employees working under their supervision, and University employees providing administrative, operational, and/or related support for such persons.

Limited Confidentially: UTC’s Survivor Advocacy Services:

Advocates who work within UTC’s Survivor Advocacy Services are UTC employees who are able to provide more limited confidentiality than Confidential Employees because they are not licensed professionals in Tennessee. Limited confidentiality means that a Survivor Advocate will disclose information shared by the Complainant only to the Title IX

Coordinator and/or the Clery Compliance Officer (except in the limited circumstances described in Appendix D), but the information they disclose will be limited to information that does not personally identify the complainant or the respondent (e.g., date and time of incident; location of the incident; description of the incident). Disclosure of this information to the Clery Compliance Coordinator is required by the Clery Act if the report is of a Clery Act crime that occurred on Clery geography. Disclosure of this information to the Title IX Coordinator helps keep the Title IX Coordinator informed of the general extent and nature of prohibited conduct on and off campus, and allows for tracking patterns, evaluating the scope of the problem, and formulating appropriate campus-wide responses.

Information shared with the Title IX Coordinator and/or the Clery Compliance Coordinator will **not** include personally identifiable information such as: name, home address or other physical address, contact information (including a postal, email or Internet protocol address, or telephone or facsimile number), a social security number, driver license number, passport number, student identification number, date of birth, racial or ethnic background, or religious affiliation.

Survivor Advocates only have limited confidentiality if the student or employee is communicating with the advocate as a patient or client.

An advocate in Survivor Advocacy Services may be contacted from 8 a.m. to 5 p.m. Monday through Friday on UTC business days at (423) 425-5648. Advocates in the Survivor Advocacy Program:

- Utilize a survivor-centered approach to create a support network for survivors and focus on minimizing the trauma experienced by survivors in a sensitive and proficient manner;
- Provide information to survivors regarding Interim Measures and assist in coordinating Interim Measures for survivors (however, the Survivor Advocacy Program may be limited in what Interim Measures it can facilitate if the Complainant wants to maintain confidentiality);
- Inform survivors of the right to report a crime to campus or local law enforcement and provide the survivor with assistance if the survivor wishes to do so;
- Collaborate with the Title IX Coordinator and/or a Deputy Title IX Coordinator (with the permission of the survivor) after a report of Prohibited Conduct to ensure contact with and support of the survivor;
- Coordinate and implement safety plans for survivors;
- Answer survivors' questions about UTC's policies, procedures, or programs concerning Prohibited Conduct;
- Provide the survivors with referrals to community resources; and
- Advocate for the survivor during any University law enforcement investigation and ensuing criminal or University proceeding.

CONFIDENTIAL RESOURCES OUTSIDE OF UTC:

Complainants of prohibited conduct also have options to communicate confidentially with someone who is **not** affiliated with UTC or law enforcement.

Complainants who desire to speak confidentially with someone not affiliated with UTC or law enforcement may contact one of the following:

- **Partnership for Families, Children, and Adults Crisis Services** 423-755-2700 (24HRS)
www.partnershipfca.com/programs/crisis-services/

The Partnership's Rape Crisis Center provides forensic medical examinations, crisis counseling, legal advocacy, court advocacy, follow-up case management and resource referrals. All services are confidential and at no cost to victims. A complainant does not have to report a sexual assault to law enforcement in order to receive services.

- **Tennessee Coalition Against Domestic and Sexual Violence** 800-356-6767 Tncoalition.org
- **RAINN National Sexual Assault Crisis Hotline** 800-656-HOPE (4673)
www.rainn.org/get-help/national-sexual-assault-hotline
- **National Domestic Violence Hotline** 800-799-SAFE (7233)
www.thehotline.org

- **Love is Respect – National Dating Abuse Hotline** 866-331-9474
www.loveisrespect.org/
- A personal attorney;
- A clergy member;
- A physician or Qualified Mental Health Professional who is not an employee or contractor of UTC; or
- A licensed marital or family therapist, licensed professional counselor, or certified clinical pastoral therapist.

Non-UTC counselors, advocates, and health care providers will generally maintain confidentiality unless state law otherwise requires (Appendix D) or the complainant requests the disclosure and signs a consent or waiver form.

NON-CONFIDENTIAL RESOURCES AT UTC:

UTC employees/units identified below are trained to support complainants. While not bound by confidentiality (i.e., they are Mandatory Reporters who are required to report knowledge of incidents of prohibited conduct to UTC and/or take other responsive action), these UTC employees/units will maintain the privacy of information shared by a complainant within the limited circle of those UTC employees involved in UTC's response to an incident of prohibited conduct, including the Sexual Misconduct, Relationship Violence and Stalking Response Team. When speaking with one of the resources below, complainants are free to limit the details

they share while they decide whether to report an incident to UTC.

The following UTC employees/units are generally available Monday-Friday from 8:00 a.m. to 5:00 p.m. on UTC business days:

- **Title IX Coordinator**
Stephanie Rowland
Office of the Chancellor
Department 5675
615 McCallie Ave., 206 Hooper Hall
423-425-4255
Fax: 423-425-4088
Stephanie-rowland@utc.edu
utc.edu/sexual-misconduct
- **Deputy Title IX Coordinator for Employees**
Rosite Delgado, Director
Office of Equity and Inclusion
Department 5455
720 McCallie Ave., Human Resources Center
423-425-5468
utc.edu/equity-inclusion
- **Deputy Title IX Coordinator for Students**
James S. Hicks, Dean of Students
Office of the Dean of Students
Department 1951
615 McCallie Ave., 399 University Center Chattanooga, TN 37403
423-425-4761
jim-hicks@utc.edu
- **Deputy Title IX Coordinator for Athletics**
Laura Herron
Executive Associate Athletics
Director/Senior Woman Administrator
Department 3503
615 McCallie Ave., 407-B Arena

Chattanooga, TN 37403
423-425-4583
Laura-Herron@utc.edu

- **Office of Student Conduct**
423-425-4301

(The Office of Student Conduct investigates and resolves allegations of Sexual Misconduct, Relationship Violence, Stalking, and Retaliation against students. Reports of Sexual Misconduct, Relationship Violence, Stalking and Retaliation concerning students may be filed with the Office of Student Conduct. The Dean of Students and the Associate Dean of Students for Student Conduct are Mandatory Reporters. Reports of prohibited conduct concerning students may be reported online at: https://cm.maxient.com/reportingform.php?UTChattanooga&layout_id=60).

- **Office of Human Resources**
Department 3603
720 McCallie Ave., Human Resources Center
Chattanooga, TN 37403
423-425-4221
utc.edu/human-resources/
- **UTC Police Department**
400 Palmetto Street
Chattanooga, TN 37403
423-425-4357
utc.edu/public-safety/

ON CAMPUS SUPPORT

CONFIDENTIAL SUPPORT OPTIONS

Survivor Advocacy Services

- This option is available for faculty, staff, and students.
- Location: 350 University Center (located within the Center for Women and Gender Equity)
- Phone: 423-425-5648 (M-F, 8 a.m.-5 p.m.)

Survivor Advocacy Services strives to reduce the impact of power-based violence on UTC's campus and in the Chattanooga community through advocacy to support survivors of relationship violence, sexual assault, stalking, and sexual harassment.

*Staff members acting as advocates through Survivor Advocacy Services have limited confidentiality. That means that they are required to report general information about incidents of sexual misconduct, relationship violence and stalking, including the type of incident and the date, time, and general location of the incident. Personally-identifiable information, including the survivor's name, will not be reported to the University.

Counseling Center

- This option is available for students.
- Location: 338 University Center
- Phone: 423-425-4438 (M-F, 8 a.m.-5 p.m.); after hours/weekends: Contact UTC PD at 423-425-HELP/4357 and ask for the counselor on call

The Counseling Center is the university's primary facility for personal counseling, psychotherapy, and psychological outreach and consultation services. The center promotes the psychological, educational, and social well-being of UTC students and helps prepare them to be productive members of society. Staff members provide a variety of services for students, including walk-in sessions; crisis intervention; group, individual, and couples counseling. A group for survivors of sexual assault or sexual abuse is facilitated in the Center as needed by students. For more information on the group, please call the Center.

Students or employees in crisis may walk into the Center between 8:00 a.m. to 5:00 p.m. Monday through Friday. Students who are not in crisis and have not been to the Center before can walk in from 9:00 a.m. to 11:30 a.m. and from 1:00 p.m. to 3:30 p.m. Monday through Friday. Staff who are not in crisis can contact the Center for assistance with referrals to off campus counseling services.

University Health Services

- This option is available for faculty, staff, and students.
- Location: Maclellan Gym, Room 205
- Phone: 423-425-2266

The mission of UTC SHS is to deliver high quality healthcare that is holistic in nature and easily accessible for all UTC students. We are committed to meeting the health service needs of our diverse student population while treating each individual with dignity. Delivery of care will be a collaboration between the health care

provider and patient; one that is built on trust and mutual understanding.

NON-CONFIDENTIAL SUPPORT OPTIONS

Student Outreach and Support

- This option is available for students.
- Location: 310 University Center
- Phone: 423-425-4301
- Email: sos@utc.edu

The Office of Student Outreach & Support (SOS) advocates and supports students experiencing challenges in their personal and/or academic lives. SOS staff help students navigate University administrative processes; connect with University and community resources; and develop coping, resiliency, and self-advocacy skills. SOS also educates faculty and staff on how to work with students of concern, including how and when to make appropriate referrals.

Assistant Director for Education & Prevention, Megan McKnight

- Location: 354 University Center
- Phone: 423-425-4301
- Email: megan-mcknight@utc.edu

The Assistant Director for Education & Prevention supports students who have reported experiencing sexual misconduct, relationship violence and/or stalking. Ms. McKnight is available to assist students with academic concerns, housing concerns, financial aid concerns and more.

Respondent Support Services

- This option is available for students.
- Location: 310 University Center
- Phone: 423-425-4301
- Email: sos@utc.edu

The role of Respondent Support Services (RSS) is to provide trained advisors who can assist students going through the student conduct process.

Title IX Coordinator, Stephanie Rowland

- This option is available for faculty, staff, and students.
- Location: 206 Hooper Hall
- Phone: 423-425-4255
- Email: stephanie-rowland@utc.edu

The Title IX Coordinator coordinates campus Title IX education and prevention efforts and the response on all sexual misconduct and relationship violence allegations and complaints.

UTC Police Department

- Location: Administrative Services Building, 400 Palmetto Street
- Phone: 423-425-HELP/4357; dial 911 in an emergency

The UTC Police Department provides professional police services while working with faculty, staff, and students to reduce criminal opportunity and community anxiety. The UTCPD is committed to treating all people fairly while supporting an environment where diverse social, cultural, and academic values are allowed to develop.

Employee Assistance Program

- This option is available for faculty and staff.
- Phone: (855) HERE4TN/437-3486

Employees and their eligible dependents, regardless of whether they participate in the Group Insurance Program, who may be experiencing personal or work place

problems may access the Employee Assistance Program (EAP). EAP services are provided at no cost and all services are strictly confidential and can be accessed 24 hours a day, seven days a week. The EAP can help with issues such as family and relationships; child and elder care; anxiety and depression; workplace conflicts; dealing with addiction; grief and loss; legal and financial issues; work/life balance.

OFF CAMPUS SUPPORT

CONFIDENTIAL SUPPORT OPTIONS

Partnership Rape Crisis and Family Violence Center

- Location: 300 E. 8th St., Chattanooga
- Phone: 423-755-2700 (available 24/7)

[National Suicide Prevention Lifeline](#) : (800) 273-8255; [Online Crisis Chat](#)

[Crisis Text Line](#): Text “TN” to 741-741

MEDICAL CARE

Medical Care may be obtained from the following:

- The Partnership’s Rape Crisis Center, 423-755-2700 (24 hours a day, seven days a week);
- UTC Student Health Services, 423-425-2266 (except for evenings, weekends, and holidays); or

- A local hospital (24 hours a day, seven days a week).

PRESERVATION OF EVIDENCE

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

The key to success in collecting physical evidence of a sexual assault is to collect the evidence as soon as possible after a sexual assault (ideally within 24 hours of a sexual assault but no later than 72 hours after a sexual assault). Prior to seeking medical care, complainants of sexual assault should not change their clothing, bathe, shower, douche, use the bathroom, brush their teeth, drink liquids, wash their hands or face, or comb their hair. If complainants change clothes, they should place all of their clothing that was worn at the time of the incident in a paper (not plastic) bag.

The collection of evidence for use in a criminal prosecution or an order of protection hearing relating to sexual assault can only be performed by trained personnel at the Partnership’s Rape Crisis Center – physical examinations by other healthcare providers are likely to impede potential future legal remedies. In cases of sexual assault, a medical professional usually will: examine the complainant; provide appropriate medical treatment; collect evidence of the attack, such as hairs, fluids, and fibers; and, if applicable, talk with the complainant about the prevention of

venereal disease and pregnancy. A medical examination preserves evidence for forensic analysis in the event that 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, a nurse who is specially trained to collect evidence in cases of sexual assault.

If the complainant chooses not to report the incident to law enforcement at the time of the medical examination, the medical provider will provide the examination materials to local law enforcement with a unique identifying number that will also be provided to the complainant. The law enforcement agency 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, the complainant may report to the law enforcement agency with jurisdiction and refer to the unique identifying number so that the complainant's examination materials may be matched with the complainant's law enforcement report for evidentiary purposes.

INTERIM MEASURES

After a mandatory reporter receives a report of prohibited conduct, UTC will implement Interim Measures designed to eliminate the reported prohibited conduct and protect the persons involved in the matter (e.g., complainant, reporter, respondent, and potential witnesses).

Interim Measures are available:

- Even if a complainant does not want to report the incident to law enforcement;
- Even if the complainant has made a Request for Limited Action and

UTC has granted the Request for Limited Action, in which case UTC may be able to take measures to protect the complainant while keeping the identity of the complainant confidential, 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;

- Prior to or during an investigation of prohibited conduct; and
- Prior to and after a final determination that prohibited conduct occurred.

Interim Measures include:

- Informing the complainant of the complainant's rights under UTC's procedures for complaints against students or procedures for complaints against employees or other non-students;
- Informing the complainant of the complainant's right to report the incident to law enforcement for criminal investigation and prosecution and assisting the complainant in reporting an incident to law enforcement, if the complainant wants to report the incident;
- Issuing a no-contact directive to the respondent, which prohibits the respondent from having verbal, physical, or written contact with the complainant for a definite or indefinite period of time

(the complainant may also receive a directive to not contact the respondent);

- Issuing an interim suspension to the respondent (if a student) prior to the conclusion of the investigation and resolution of a complaint of prohibited conduct (an interim suspension may be issued when the Vice Chancellor for Student Development (or designee) has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of UTC);
- 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 of prohibited conduct;
- Providing medical and counseling services (for students);
- Exploring changes in living, transportation, dining, and working arrangements for the complainant and the respondent;
- Providing an escort to ensure that a complainant who is a student can move safely between classes and activities;
- Arranging appointments for follow-up on-campus support services (if a student) or off-campus support services;
- Exploring changes in class and extracurricular schedules, including

adjustments so that the complainant and the respondent do not share the same classes (if both the complainant and the respondent are students);

- Assisting in communicating with faculty (for students);
- Reviewing any disciplinary action(s) taken against the complainant to see if there is a causal connection between the respondent's misconduct and the misconduct that may have resulted in the complainant being disciplined;
- Providing academic support, including tutoring (for students); and
- Exploring the options of re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty (for students).

The specific Interim Measures implemented and the process for implementing those measures will vary depending on the facts of each case and the student or employee status of the complainant and the respondent. The Title IX Coordinator and/or Deputy Title IX Coordinator, in consultation with the UTC Survivor Advocacy Program or other appropriate UTC employees as needed (e.g., an employee who would be involved in implementing the Interim Measure being considered), will consider a number of factors in determining what Interim Measures UTC will implement, including, for example: the specific desire(s) expressed by the person who will benefit from the Interim Measures (e.g., the complainant); whether the complainant has made a Request for Limited Action (Section

III.A.5); the age of the persons involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and respondent share the same residence hall, dining hall, classes, extracurricular activities, transportation, or job location; and whether judicial measures have been taken to protect the complainant (e.g., civil protection orders).

In implementing Interim Measures, UTC attempts to minimize the burden on the complainant while balancing the due process rights, if any, of the respondent.

UTC will strive to maintain consistent contact with the Complainant and the Respondent to ensure that all safety, emotional, and physical well-being concerns are being addressed. Persons are encouraged to report to the Title IX Coordinator concerns about the failure of another person to abide by the terms of an Interim Measure. UTC will take immediate and responsive action to enforce a previously implemented Interim Measure and violations will be addressed by the appropriate office

ORDERS OF PROTECTION AND OTHER LEGAL REMEDIES

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

Family Justice Center
7505 Uptain Rd.
Chattanooga, TN 37411
423-643-7600

<http://www.chattanooga.gov/mayors-office/family-justice-center>

Hamilton County Circuit Court Clerk
500 Courthouse
625 Georgia Ave.
Chattanooga, TN 37402
423-209-6700

Domestic Violence Coalition of Chattanooga
423-875-0120
<http://www.dvcchatt.8m.com/>

Legal Aid of East Tennessee
535 Chestnut St. #360
Chattanooga, TN 37402
423-756-4013
<http://www.laet.org/>

Southeast Tennessee Legal Services
821 Houston Street
Chattanooga, TN 37403
423-756-1028
www.selegal.org/

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

The Tennessee Coalition to End Domestic and Sexual Violence provides information about orders of protection on its website: www.tncoalition.org/documents/orders-of-protection-%28under-faq%29.pdf.

PRIVATE LEGAL ASSISTANCE

UTC does not provide private legal assistance to complainants or respondents. The Chattanooga Bar Association provides

assistance with finding an attorney in the greater Chattanooga area:
<https://www.chattanoogalaw.org/>.

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

VISA & IMMIGRATION ASSISTANCE

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

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.

U.S. Citizenship and Immigration Services (USCIS) (www.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:
www.uscis.gov/citizenship/learners/find-help-yourcommunity
- USCIS Find Legal Services Webpage:
www.uscis.gov/avoid-scams/find-legal-services

The Board of Immigration Appeals (www.justice.gov/eoir/board-of-immigration-appeals) provides a listing of attorneys by state who provide immigration services either for free or for little cost:
www.justice.gov/eoir/list-probono-legal-service-providers-map.

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

The Chattanooga Bar Association provides assistance with finding an attorney in the greater Chattanooga area:
<http://www.chattanoogalaw.org/www>.

The American Bar Association also provides information on finding legal services by state:
apps.americanbar.org/legalservices/findlegalhelp/home.cfm.

STUDENT FINANCIAL AID

Complainants or respondents who need assistance with financial aid issues may contact the Title IX Coordinator, a Deputy Title IX Coordinator, or the Mocs One Center (<http://www.utc.edu/mocs-one-center/index.php>).

DISCLOSURE OF OBLIGATIONS UNDER FEDERAL & TENNESSEE LAW RELATING TO REPORTS OF PROHIBITED CONDUCT

CLERY ACT

Certain University employees, called Campus Security Authorities, have a duty to report certain incidents of prohibited conduct to UTCPD to comply with the Clery Act. Campus Security Authorities are **not** required to report personally identifiable information, but statistical information must be sent to UTCPD regarding the type of incident that occurred and its general location (e.g., on or off-campus, in the surrounding area, but no address are given to UTCPD) for publication in an annual report of crime statistics, called the Annual Security Report.

A copy of the Annual Security Report can be found on the website of the Department of Emergency Services, utc.edu/police/.

Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, **but the statistics do not personally identify complainants or respondents.** In addition to the Annual Security Report and in compliance with the Clery Act,

UTCPD maintains a daily crime log that includes entries for all crimes and alleged crimes that occurred within UTC's Clery Geography or the patrol jurisdiction of UTCPD. The crime log does not include personally identifying information about the complainant or the respondent.

Complainants of prohibited conduct should also be aware that the Clery Act requires UTC to issue timely warnings for Clery Act crimes reported to UTCPD or Campus Security Authorities that pose an ongoing threat to the safety of the campus community. UTC 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.

Personally identifying information about the victim, is defined in the Violence Against Women Act of 1994. Per section 40002(a)(20) of the Violence Against Women Act of 1994, "individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

- A first and last name;
- A home or other physical address;
- Contact information (including a postal, e-mail, or Internet protocol address, or telephone or facsimile number);
- A social security number, driver license number, passport number, or student identification number; and

- Any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.”

FERPA

In accordance with FERPA, personally identifiable information about a Complainant, Respondent, or Reporter who is a student that has been communicated to a Mandatory Reporter regarding Prohibited Conduct will be shared within UTC only with the Title IX Coordinator and those UTC employees who “need to know” in order to assist with UTC’s response to the Prohibited Conduct. Personally identifiable information concerning a Complainant who is a student or a Respondent who is a student will not be disclosed by UTC to third parties unaffiliated with UTC 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, during UTC’s investigation or resolution of Prohibited Conduct, a Respondent who is a student makes a request to review documents concerning the investigation, UTC will be required by FERPA to grant the Respondent’s request to inspect and review records that relate specifically to him/her, but UTC will redact the Complainant’s name and any other identifying information to the maximum extent allowed by law.

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 UTCPD to notify the

Chattanooga Police Department upon UTCPD’s receipt of a report from a victim alleging that any degree of rape has occurred on University property.

The Nottingham Act requires UTCPD and the Chattanooga Police Department to participate in a joint investigation of the rape, with UTCPD leading the investigation.

TENNESSEE PUBLIC RECORDS ACT

Incident reports prepared by UTCPD for law enforcement purposes are generally considered public records under the Tennessee Public Records Act and are not protected by FERPA, which means UTC 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 UTC officials (e.g., the Office of Equity & Inclusion) that do not contain personally identifiable student information also are generally considered public records under the Tennessee Public Records Act.

Upon request by a citizen of Tennessee, the Tennessee Public Records Act requires UTC to disclose the final results of any disciplinary proceeding conducted by UTC 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 UTC determines as a result of that disciplinary proceeding that the student committed a violation of UTC’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 UTC on the student. The names of other students, such as a Complainant, are not disclosed.

DUE PROCESS

After UTC has formally accused a student or employee with violating University policy, the accused student or employee may have a constitutionally-protected due process right to be informed of the nature of the allegations against him/her, including the identity of the person who accused him/her of misconduct.

FALSE REPORTING

An accusation of Prohibited Conduct may have severe consequences for a Respondent. A Reporter who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action, up to and including termination of employment or dismissal from UTC. This provision does not apply to reports made in Good Faith (as defined in Section II.B.4). Similarly, a Respondent or other person who is later proven to have intentionally given false information during the course of a UTC investigation or disciplinary proceeding may be subject to disciplinary action, up to and including termination of employment or dismissal from UTC.

PROCEDURES FOR INVESTIGATING & RESOLVING REPORTS OF PROHIBITED CONDUCT

SUMMARY OF STUDENT AND EMPLOYEE PROCEDURES

UTC has specific procedures for investigating and resolving reports of Prohibited Conduct based on the relationship of the Respondent to UTC and the type of Prohibited Conduct that was reported. Appendix E contains a chart that summarizes which complaint procedures will be used to resolve reports of Prohibited Conduct.

- The procedures used to investigate and resolve Prohibited Conduct involving a Respondent who is a student as described in Section V.B and Section V.D.
- The procedures used to investigate and resolve Prohibited Conduct involving a Respondent who is an employee or other non-student generally depends on whether the incident allegedly involved non-Consensual physical contact with the Complainant.
- A report involving Sexual Assault, a Sex Offense Crime, a Relationship Violence Crime, Dating Violence, Domestic Violence, or Stalking generally will be resolved in accordance with the procedures described in Section V.B and Section V.C.
- A report of Sex Discrimination (including, but not limited to Sexual Harassment) that does not involve Sexual Assault, a Sex Offense Crime, a Relationship Violence Crime, Dating Violence, Domestic Violence, or Stalking will be resolved by the Office of Equity & Diversity in accordance with UTC's Discrimination Complaint Procedure

(<http://www.utc.edu/equity-inclusion/file-complaint.php>).

Appendix E contains a chart that summarizes which complaint procedures will be used to resolve reports of Prohibited Conduct.

STANDARDS APPLICABLE TO ALL PROCEDURES

The standards in this Section V.B apply to all procedures under this policy (i.e., Section V.C and Section V.D) for investigating and resolving reports of Prohibited Conduct, regardless of whether the Complainant or Respondent is a UTC student, UTC employee, or a person who is neither a student nor an employee.

DETERMINING THE APPROPRIATE PROCEDURE

The appropriate UTC procedure for investigating and resolving reports of Prohibited Conduct generally is determined by whether the Respondent is a student, employee, or a person who is neither a student nor an employee. In all of the procedures described below, UTC is committed to providing a prompt, thorough, and equitable investigation and resolution. A UTC investigation may occur alongside, rather than in lieu of, a law

enforcement investigation. UTC does not use mediation to resolve incidents of Sexual Assault. The Title IX Coordinator will resolve issues regarding the appropriate investigatory and resolution procedure.

SELECTING AN INVESTIGATOR

For each report of Prohibited Conduct to be investigated, UTC may select an investigator(s) of its choosing, 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. The investigator(s) may be a UTC employee, a team of UTC employees, an external investigator(s) engaged to assist UTC in its fact-gathering, or a team of investigators that pairs an external investigator(s) with a UTC employee.

Investigations of reports of Prohibited Conduct are usually performed by the Office of Equity and Inclusion (if the Respondent is an employee or other non-student) or the Office of Student Conduct (if the Respondent is a student).

A separate law enforcement investigation may be conducted by UTCPD.

PREPONDERANCE OF THE EVIDENCE STANDARD

All investigations and proceedings, including disciplinary hearings, relating to Prohibited Conduct must be conducted using a “Preponderance of the Evidence” standard.

ADVISORS AND SUPPORT PERSONS

Both the complainant and the respondent are entitled to bring a person of their choice to UTC meetings and hearings, but the person’s role is limited to providing advice, guidance, and/or support for the complainant or the respondent, not acting as an advocate or participant (except in a TUAPA Hearing, in which a complainant and a respondent are entitled to have an attorney advocate on their behalf).

TRAINING OF HEARING OFFICIALS

UTC employees and students participating in UTC investigations and disciplinary hearings involving prohibited conduct receive annual training on issues related to prohibited conduct and how to conduct an investigation and/or hearing in a way that protects the safety of complainants and promotes accountability.

RIGHTS OF THE COMPLAINANT AND THE RESPONDENT

In addition to the rights for Complainants and Respondents described in other parts of this Section V and other sections of this policy, Complainants and Respondents have the following rights in cases involving Prohibited Conduct:

- Notice concerning the procedure by which UTC will handle the Complainant's report and an opportunity to ask questions about UTC policies and procedures;
- A prompt, thorough, and equitable investigation of the Complainant's report;
- The same opportunity as the other party to present an explanation of the facts during UTC's investigation;
- Notice of the outcome of UTC's investigation;
- Notice of the date, time, and location of a disciplinary hearing; the right to have a disciplinary hearing closed to the public if a hearing involves a student Complainant or Respondent; and the right to

request rescheduling of a disciplinary hearing for good cause;

- The same access as the other party to any information or documents that will be used by UTC during a disciplinary hearing, unless prohibited by law;
- To challenge the seating of any TUAPA administrative judge or hearing officer/examiner for good cause (determined at the discretion of the Chancellor/Agency Head); any member of a hearing board, panel, or committee for good cause (determined at the discretion of the chairperson of the hearing board, or, if the seating of the chairperson is challenged, then at the discretion of the majority of the hearing board; or any other hearing decision maker for good cause (determined at the discretion of UTC employee responsible for supervising the hearing board));
- The same opportunity as the other party to be present during a disciplinary hearing, present witnesses and other evidence, challenge the admissibility of evidence, and cross-examine adverse witnesses during the disciplinary hearing;
- To testify or remain silent in an investigation or disciplinary hearing;
- Not to be questioned directly by the other party during a disciplinary hearing or at any other time during UTC's investigation or resolution;

- To submit a written impact statement (Complainant) or a written mitigation statement (Respondent) to a hearing board, panel, or committee, or other hearing decision maker, for consideration during the sanctioning phase of a disciplinary hearing, if the Respondent is found responsible for the charges, or to the Office of Student Conduct or other administrator for consideration during the sanctioning phase of an administrative hearing, if the Respondent admits responsibility for the charges;
- To be provided with the same or equivalent rights as the other party to challenge or appeal the decision of a UTC investigation or disciplinary hearing panel, board, or other decision maker.

NOTICE TO COMPLAINANTS & RESPONDENTS

Unless prohibited by federal law, with respect to any UTC disciplinary hearing that arises from an allegation of Prohibited Conduct, UTC will provide simultaneous written notification to the Complainant and the Respondent of:

- The results of the hearing;
- UTC’s procedures for the Complainant and the Respondent to appeal the results of the UTC disciplinary hearing, if such procedures are available (any such procedures shall be available to both

the Complainant and the Respondent);

- Any change to the results of the hearing before the results are final; and
- When the results of the hearing become final.

For the purposes of this Section V.A.7, “results” means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within UTC. The results include any sanctions imposed by UTC and include the rationale for the results.

Notice to the Complainant and the Respondent concerning other matters (e.g., appeals) shall be provided in writing simultaneously to the Complainant and Respondent.

TIME FRAMES

UTC will strive to meet the time frames described in the SMRVS policy. In each case, however, UTC will balance the need to complete a prompt investigation and resolution with the need to conduct a thorough investigation and a resolution that complies with due process.

Thus, the actual time to complete an investigation and resolution may require a reasonable adjustment of the time frames in the policy depending on many factors, including, without limitation: the complexity of the allegations; the complexity of the investigation and resolution; 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, witnesses, and evidence (e.g., forensic

evidence); a request by a complainant to conduct an investigation or resolution at a slower pace; the effect of a concurrent criminal investigation; any intervening UTC holidays, breaks, or other closures; and/or other unforeseen circumstances.

In the event that the need arises to significantly adjust the time frames in the policy or those previously communicated to the complainant and the respondent for good cause, UTC will notify the complainant and the respondent in writing of the reason for the delay and the expected adjustment in time frames.

PROMPT, FAIR, AND IMPARTIAL PROCEEDINGS

All activities related to a non-criminal resolution of a UTC disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings conducted by UTC under the SMRVS policy shall be prompt, fair, and impartial. Those activities shall be conducted in a manner that: (1) is consistent with UTC's policies and transparent to the complainant and the respondent; (2) includes timely notice of meetings at which the complainant or the respondent, or both, may be present; and (3) provides timely access to the complainant, the respondent, and appropriate officials to any information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings. Decision makers concerning appeals shall not have a conflict of interest or bias for or against the complainant or the respondent.

ALTERNATIVE RESOLUTION

At any point during the investigation and resolution process, a report may be

resolved through an alternative other than the procedures outlined in Section V.C or Section V.D. When an alternative resolution is proposed, the Title IX Coordinator will determine whether exploration of an alternative resolution is appropriate (including a determination of whether the Complainant has been pressured by others to pursue alternative resolution). UTC will not use mediation to resolve reports of Sexual Assault. If exploration of an alternative resolution is appropriate, the Title IX Coordinator will serve as an impartial facilitator (or designate another trained employee to do so) so that the Complainant and the Respondent do not have direct contact (unless both parties consent to direct contact). UTC will not compel a Complainant or a Respondent to participate in an alternative resolution process. At any time during an alternative resolution process, either the Complainant or the Respondent may request that the process cease and the investigation and resolution process continue pursuant to Section V.C or Section V.D. The Title IX Coordinator will not approve an alternative resolution unless the Complainant and the Respondent agree to the alternative resolution. The Title IX Coordinator will ensure that any proposed alternative resolution is consistent with UTC's Title IX obligations. If no alternative resolution is reached, then UTC will continue with the investigation and resolution process.

PROCEDURES FOR INVESTIGATING & RESOLVING REPORTS WHEN THE RESPONDENT IS A UTC EMPLOYEE OR OTHER NON-STUDENT

This section describes procedures for investigating and resolving a report of

sexual assault, a sex offense crime, relationship violence, a relationship violence crime, or stalking involving a respondent who is an employee or other non-student. A report of sex discrimination (e.g., including, but not limited to sexual harassment) that does not include sexual assault, a sex offense crime, a relationship violence crime, relationship violence, or stalking involving a respondent who is an employee or other non-student generally will be resolved by the Office of Equity & Inclusion in accordance with UTC's Discrimination Complaint Procedure.

COMMUNICATION WITH THE COMPLAINANT

After receiving a report of prohibited conduct (either directly from a reporter or indirectly from a Mandatory Reporter), the Title IX Coordinator will initiate immediate and appropriate steps by UTC to:

- have an appropriate UTC employee offer to meet with, or otherwise communicate with, the complainant;
- in cases of sexual assault, relationship violence, or stalking, provide a complainant with a copy of the SMRVS policy and/or another written publication approved by the Title IX Coordinator to inform the complainant of the complainant's rights under the policy (if that has not already been done by a Mandatory Reporter), which will include notification about options for , available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- evaluate whether Interim Measures need to be implemented and assist

with implementation of Interim Measures; and

- subject to a complainant's Request for Limited Action, initiate the investigation and resolution procedures outlined in this section if, based on an initial assessment, the alleged conduct meets the definition of prohibited conduct and falls within the scope and applicability of the policy.
- The Title IX Coordinator also can assist a complainant in reporting the incident to law enforcement.

INVESTIGATION AND RESOLUTION

Unless UTC grants a complainant's Request for Limited Action and decides not to further investigate a report of prohibited conduct, the Title IX Coordinator will designate one or more persons to investigate the report. The investigator selected by UTC will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses.

As part of the investigation, UTC will provide an equal opportunity for the complainant and the respondent to be heard, to submit information, and to identify witnesses and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough and equitable, and all persons will be treated with appropriate sensitivity and respect. The

investigation will be conducted in a manner that is respectful of individual privacy concerns.

UTC's investigator will make written findings and recommendations (including a statement outlining the basis for them) and transmit the findings and recommendations to the appropriate UTC administrator. The findings and recommendations will be made available simultaneously to the complainant and the respondent. The appropriate administrator will review the investigator's findings and recommendations, make a determination whether this policy was violated (and, if so, what disciplinary and/or other corrective actions should be imposed), and will provide simultaneous written notification of the determination to the complainant and the respondent. UTC strives to complete the procedures in this section within 60 calendar days of the receipt of a report of prohibited conduct.

APPEALS

A respondent who is an employee who is not satisfied with the administrator's determination may appeal in accordance with applicable University policies and procedures, including, without limitation, University of Tennessee System Human Resources Policy 0525 (Disciplinary Action), University of Tennessee System Human Resources Policy 0640 (Grievances), and the University of Tennessee, Chattanooga Faculty Handbook. A complainant shall be provided the same opportunity as a respondent to submit information to the decision maker on appeal.

Within fifteen (15) calendar days after receipt of the administrator's determination, a complainant who is not satisfied with the determination may appeal in writing to the next higher administrative

level. UTC will inform the complainant in writing of the person to whom an appeal may be made. Any administrator who receives a complainant's appeal shall make a decision on the appeal within ten (10) calendar days of the administrator's receipt of the appeal.

Decision makers concerning appeals must be impartial and free of any conflict of interest. Decisions on appeals shall be provided in writing simultaneously to the complainant and respondent.

DISCIPLINARY OR OTHER CORRECTIVE ACTIONS

Disciplinary actions with respect to an employee found to have committed prohibited conduct can include, without limitation: termination, demotion, suspension without pay, and/or oral or written corrective action. When the person found to have committed prohibited conduct is neither a student nor an employee, UTC's corrective action(s) will vary based on UTC's ability to implement corrective action(s).

PROCEDURES FOR INVESTIGATING & RESOLVING REPORT WHEN THE RESPONDENT IS A UTC STUDENT

COMMUNICATION WITH THE COMPLAINANT

After receiving a report of prohibited conduct from a Reporter or a Mandatory Reporter, the Title IX Coordinator, a Deputy Title IX Coordinator, or an employee of the Division of Student Development will initiate immediate and appropriate steps by UTC to:

- have an appropriate UTC employee meet with or otherwise communicate with the complainant;
- in cases of sexual assault, relationship violence, or stalking, provide a complainant with a copy of the SMRVS policy and/or another written publication approved by the Title IX Coordinator to inform the complainant of the complainant's rights under this policy (if that has not already been done by a Mandatory Reporter);
- evaluate whether Interim Measures need to be implemented and assist with the implementation of Interim Measures; and,
- subject to a complainant's Request for Limited Action, initiate the investigation and resolution procedures outlined in this section if, based on an initial assessment, the alleged conduct meets the definition of prohibited conduct.
- The Title IX Coordinator, a Deputy Title IX Coordinator, and/or an employee of the Division of Student Development also can assist a complainant in reporting the incident to law enforcement.

INVESTIGATION

Unless UTC grants complainant's Request for Limited Action and decides not to further investigate a report of Prohibited Conduct, the investigator(s) selected by UTC will conduct the investigation in a manner appropriate in light of the

circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses. As part of the investigation, UTC will provide an equal opportunity for the complainant and the respondent to be heard, to submit information, and to identify witnesses and other evidence.

The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough and equitable, and all persons will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns. Investigations usually will be conducted by the Office of Student Conduct.

The investigator(s) will prepare a written report at the conclusion of the investigation and submit the report to the Associate Dean of Students (Student Conduct) for further action, as necessary. The report will contain a conclusion, based on a Preponderance of the Evidence standard, concerning whether the respondent violated the SMRVS policy. If the investigator is someone other than the Associate Dean of Students (Student Conduct), the report will not contain recommendations concerning a disciplinary penalty even if the investigator concludes that the Respondent violated the policy; recommended disciplinary penalties are made by the Associate Dean of Students (Student Conduct).

The Associate Dean of Students (Student Conduct) will provide simultaneous written notice of the investigative finding and

disciplinary penalty/remedy (if any) to the Complainant and the Respondent. UTC strives to complete the procedures described in this section within 60 calendar days of the receipt of a report of prohibited conduct.

RESOLUTION

If UTC determines after an investigation that a student has engaged in prohibited conduct, then UTC will take prompt and effective steps reasonably calculated to end the misconduct, prevent the misconduct from recurring, and address its effects. One of those steps likely will involve the Office of Student Conduct charging the respondent with a violation of the Standards of Conduct and resolving the matter in accordance with the SMRVS policy and UTC's student disciplinary regulations and procedures, a complete copy of which can be found in the [UTC Student Handbook](#). A respondent accused of committing prohibited conduct may accept responsibility for the disciplinary charge(s) and accept the proposed disciplinary penalty(s), or the respondent may contest the accusation(s) and/or disciplinary penalty(s) either through a hearing before the Student Conduct Board or a University hearing officer, following the procedures set forth in the [UTC Student Handbook](#), or a TUAPA Hearing.

UTC strives to conduct disciplinary hearings concerning prohibited conduct within ten (10) calendar days of the notice to the complainant and respondent of the outcome of UTC's investigation. UTC strives to provide notice of the decision of the Student Conduct Board or an administrative judge or hearing officer/examiner within ten (10) calendar days after the hearing.

Decisions concerning resolutions shall be provided in writing simultaneously to the complainant and respondent. Before a respondent accused of committing prohibited conduct accepts responsibility for a disciplinary charge(s) and accepts a proposed disciplinary penalty(s), the complainant shall be offered an opportunity to appeal the proposed disciplinary penalty.

APPEALS

A complainant may appeal a decision of the Office of Student Conduct to not charge a respondent with violating UTC's Standards of Conduct to the Vice Chancellor for Student Development by filing a written request for appeal within seven (7) calendar days after date of notification of the decision from the Office of Student Conduct. Upon receipt of the appeal, the Office of Student Conduct will send a copy of the appeal to the respondent. The respondent may respond to the appeal by filing a written response within three (3) calendar days after receipt of the complainant's appeal. The Vice Chancellor for Student Development may affirm the decision of the Office of Student Conduct, reverse the decision and direct the Office of Student Conduct to charge the respondent with violating the Standards of Conduct, or remand the matter for additional investigation or consideration. The Vice Chancellor for Student Development will issue a decision in writing, sent to the complainant and the respondent simultaneously, within ten (10) calendar days of receipt of the complainant's appeal or the respondent's response, whichever is later. The decision of the Vice Chancellor for Student Development is final.

In a case in which the respondent has indicated a willingness to accept

responsibility for violating a Standard of Conduct, but the complainant does not agree with the disciplinary penalty proposed by the Office of Student Conduct for the respondent's violation of the Standard of Conduct, the complainant may appeal to the Vice Chancellor for Student Development by filing a written request for appeal within seven (7) calendar days after notification of the proposed disciplinary penalty by UTC. Upon receipt of the appeal, the Office of Student Conduct will send a copy of the appeal to the Respondent. The Respondent may respond to the appeal by filing a written response within three (3) calendar days after receipt of the Complainant's appeal. The Vice Chancellor for Student Development may affirm the disciplinary penalty proposed by the Office of Student Conduct, modify the disciplinary penalty proposed by the Office of Student Conduct, or remand the matter for additional consideration by the Office of Student Conduct. The Vice Chancellor for Student Development shall issue a decision in writing, sent to the complainant and the respondent simultaneously, within ten (10) calendar days of receipt of the complainant's appeal or the respondent's response, whichever is later. The decision of the Vice Chancellor for Student Development is final.

Decisions of a Student Conduct Board or a University hearing officer may be appealed to the Vice Chancellor for Student Development by filing a written appeal with the Office of Student Conduct within five (5) business days of the written notification of the decision of the Student Conduct Board or UTC hearing officer. Upon receipt of the appeal, the Office of Student Conduct will send a copy of the appeal to the non-appealing party. The non-appealing party may respond to the appeal by filing a

written response within three (3) calendar days after receipt of the appeal. The grounds for an appeal are limited to the following: (1) the student's rights were violated in the hearing process; (2) new relevant material evidence or information has been provided that could not have been discovered at the time of the hearing; (3) the information presented did not support the decision by a preponderance of the evidence standard; (4) the sanction(s) imposed were not appropriate for the violation; or (5) a member of the Student Conduct Board or the University hearing officer had a conflict of interest or bias for or against the complainant or the respondent. Within ten (10) calendar days of the Office of Student Conduct's receipt of the appeal or the response to the appeal, whichever is later, the Vice Chancellor for Student Development shall: (1) uphold the decision; (2) amend the decision; (3) return the case to the Student Conduct Board or University hearing officer for reconsideration; or (4) overturn the decision. The decision of the Vice Chancellor for Student Development may be appealed by either party to the Chancellor within five (5) business days of the written notification of the decision. The procedures and grounds for appeals to the Chancellor shall be the same as the procedures and grounds for appeals to the Vice Chancellor for Student Development.

An appeal of an initial order in a TUAPA Hearing shall be filed with the Chancellor/Agency Head within fifteen (15) calendar days after entry of the initial order. In cases involving sexual assault or relationship violence, the Chancellor/Agency Head will strive to issue a final order or an order remanding the matter for further proceedings within ten

(10) calendar days after the filing of an appeal.

Decisions on appeals shall be provided in writing simultaneously to the complainant and respondent.

DISCIPLINARY SANCTIONS AND OTHER REMEDIAL AND PROTECTIVE MEASURES

Following a final determination under UTC procedures that a student committed prohibited conduct (e.g., after all appeals have been exhausted), UTC will take prompt and effective steps reasonably calculated to end the misconduct, prevent the misconduct from recurring, and address its effects. Such steps likely will include imposing one or more of the following disciplinary sanctions: permanent dismissal, suspension for a specific period of time, disciplinary probation, disciplinary reprimand, revocation of admission or degree, restitution, removal from University Housing, University Housing transfer, education, loss of privilege, and/or warning. In addition to imposing disciplinary sanctions, UTC may implement other remedial and protective actions, including: issuing a no-contact directive to the respondent; providing medical and counseling services to the complainant (for a student complainant); exploring changes in living, transportation, dining, and working arrangements for the complainant and the respondent; providing an escort to ensure that the complainant can move safely between classes and activities (for a student complainant); exploring changes in class and extracurricular schedules, including adjustments so that the complainant and the respondent do not share the same classes (for a student complainant); assisting the complainant in communicating with faculty

(for a student complainant); providing academic support for the complainant, including tutoring (for a student complainant); and exploring options for re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty (for a student complainant).

In order to be proactive in preventing prohibited conduct, following a report of prohibited conduct that has a substantial nexus to the activities of a registered student organization (or its members) or another University-affiliated student group, the Title IX Coordinator may coordinate with the Division of Enrollment Management and Student Affairs to provide the leaders of the registered student organization or University-affiliated student group with prevention and awareness programming concerning prohibited conduct (e.g., programming about Bystander Intervention; programming about Consent) at UTC's expense. Such efforts should not be interpreted as a UTC finding that the student organization or group engaged in wrongful conduct.

PREVENTION, EDUCATION AND TRAINING

UTC is committed to the prevention of sexual assault, sexual harassment and other sexual misconduct. The educational programs review strategies for prevention and risk reduction, inform students and employees of the procedures UTC will follow, including the procedural requirements for disciplinary action, when one of these crimes is reported, and options and resources should such an incident occur.

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking 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.

UTC's sexual misconduct, relationship violence and stalking prevention and awareness campaign, KnowMore @ UTC, is a partnership between the Title IX Coordinator, the Office of the Dean of Students, the Center for Women and Gender Equity, the Office of Equity & Inclusion, the Office of Human Resources and other campus partners.

PRIMARY PREVENTION PROGRAMS

UTC implements programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop prohibited conduct before it occurs through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe Bystander Intervention, and seek to change behavior and social norms in healthy and safe directions.

UTC implements programs for incoming students that inform them about: The SMRVS policy, including: UTC's prohibition

against prohibited conduct; the definitions of Tennessee sex offense crimes and Tennessee relationship violence crimes; the definition of consent with respect to crimes relating to sexual activity in the State of Tennessee; and the information that is included in the SMRVS policy in accordance with 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2); Bystander Intervention; and Risk Reduction.

Questions about UTC's current Primary Prevention Programs should be directed to the Title IX Coordinator, the Deputy Title IX Coordinator for Students, or the Center for Women and Gender Equity.

PRIMARY AWARENESS PROGRAMS

UTC implements comprehensive, intentional, and integrated community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent prohibited conduct, promote safety, and reduce the perpetration of prohibited conduct.

Questions about UTC's Primary Awareness Programs should be directed to the Title IX Coordinator, the Deputy Title IX Coordinator for Students, or the Center for Women and Gender Equity.

ONGOING PREVENTION AND AWARENESS CAMPAIGNS FOR STUDENTS AND EMPLOYEES

UTC implements programming, initiatives, and strategies for students and employees that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with

audiences throughout UTC and including information about: The SMRVS policy, including: UTC's prohibition against prohibited conduct; the definitions of Tennessee sex offense crimes and Tennessee relationship violence crimes; the definition of consent with respect to crimes relating to sexual activity in the State of Tennessee; and the information that is included in the SMRVS policy in accordance with 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2); Bystander Intervention; and Risk Reduction.

Questions about UTC's current Primary Prevention Programs should be directed to the Title IX Coordinator, the Deputy Title IX Coordinator for Students, or the Center for Women and Gender Equity.

The University is dedicated to providing students, faculty, and staff ongoing prevention and awareness programs that will provide continuing education about sexual assault, domestic violence, dating violence, and stalking. These efforts include bystander intervention, risk reduction, information about Title IX, and the Clery Act.

PROGRAMS OFFERED IN 2018-STUDENT EDUCATION

The University offered the following primary prevention and awareness programs, for both incoming students and parents:

Orientation: UTC provides mandatory in-person training regarding Title IX, consent, UTC support and resources and many other related topics to all incoming freshmen and transfer students and their support persons. This training is conducted by the Title IX Coordinator, the Director of the Center of Women and Gender

Equity and UTC Police Department's Sexual Assault Relationship Violence Liaison Officer. During summer 2018, 15 total presentations were conducted and approximately 3,200 students were reached.

Online Education: Everfi's Sexual Assault Prevention for Undergraduates is an online education module for incoming freshmen and transfer students; more than 2,722 students completed the program in 2018. Sexual Assault Prevention for Undergraduates includes information about consent, prohibited conduct, bystander intervention and available UTC support and resources. UTC also offers ongoing educational programming through Everfi's Sexual Assault Prevention-Ongoing Training program, which is available at utc.edu/sexual-misconduct.

Step UP! Bystander Intervention Training: Step UP! Is a bystander intervention program designed to educate students to be proactive in helping others. Step UP! Is offered to all students and is required for student-athletes. 395 students completed the program in 2018. For more information about UTC's Step UP! Bystander intervention program, please see utc.edu/step-up.

PROGRAMS OFFERED IN 2018-EMPLOYEE EDUCATION

The University offered the following primary prevention and awareness programs, for new employees:

Online Education: UTC utilizes Everfi's Bridges: Building A Supportive Community, an online program intended to provide faculty and staff with a yearly refresher regarding sexual misconduct, relationship violence and stalking prevention and

response, bystander intervention, supporting students and other related topics. Approximately 1,300 employees completed the program in 2018.

In-person Mandatory Reporter

Training: UTC's Title IX Coordinator has conducted more than 70 in-person training sessions about employee mandatory reporting responsibilities with different groups and departments across campus in 2018.

Employee Onboarding: UTC's Title IX Coordinator conducts in-person education sessions with new employees that cover a wide variety of topics, including Title IX, resources and support available for students, faculty and staff and mandatory reporting.

New Faculty Orientation: UTC's Title IX Coordinator conducted an hour-long session during New Faculty Orientation. Topics included Title IX, resources and support available for students, faculty and staff, and mandatory reporting.

AWARENESS CAMPAIGNS

BROCHURES AND PRINTED MATERIALS

• Consent Poster Campaign – spring 2018

“[Blank] is not consent” posters were distributed during spring 2018. The slogan ideas were submitted by students during fall semester 2017. The concept and design for the posters were developed in collaboration with the University of Tennessee, Knoxville's Center for Health Education & Wellness and Creative Communications.

• Consent Poster Campaign – fall 2018

New consent posters with the “Obtained & Affirmative & Voluntary & Continual” slogan were developed for fall 2018 to correspond with and reinforce the consent messages on the consent T-shirts that were distributed to students during the first six weeks of the fall semester. The posters were designed to expand upon the definition of consent and to provide examples of each of the four elements of consent. Three hundred posters were distributed across campus during fall semester 2018.

• Reporting Poster Campaign – fall 2018

Four different reporting posters also were developed for fall 2018. The posters were designed to increase reporting by dispelling myths related to reporting. The four posters included the slogan “Reporting is your right” with the variations “Don't let shame or embarrassment keep you silent”; “Don't let a lack of physical evidence keep you silent”; “Don't let alcohol or drug use keep you silent”; “Don't let fear of retaliation keep you silent.” Three hundred reporting posters were distributed across campus during fall semester 2018.

• Bathroom Resource Flyers

In spring 2018, bathroom-stall flyers were expanded from installations in the University Center, the Aquatic and Recreation Center and McKenzie Arena into the bathroom stalls of all academic buildings. Approximately 400 flyers were distributed each semester. The flyers included a topic of interest related to Title IX and resources and support contact information. Spring 2018 flyers included statistics from our spring 2017 campus climate survey results; summer 2018 flyers

included messages about healthy relationships, and fall 2018 flyers included information about alcohol and drug amnesty

• **Consent T-shirt and Button Campaign**

During the first six weeks of fall 2018, UTC's Sexual Misconduct, Relationship Violence and Stalking Prevention Committee gave away 900 "Obtained &

Affirmative & Voluntary & Continual" T-shirts that were designed to spark conversation about the topic of consent. One thousand buttons with the same design also were distributed. During the button and T-shirt giveaways, students were given information about campus support and resources.

• **Resource magnets**

In fall 2018, resource magnets were placed in all on-campus housing units. The magnets detailed confidential and non-confidential resources available to students who may have experienced sexual misconduct, relationship violence and stalking.

• **Consent bulletin boards**

In August 2018 and October 2018, Resident Assistants created and displayed bulletin boards in their residence halls that discussed consent and resources available on campus.

EVENTS AND PRESENTATIONS

Below are some of the on-campus events provided for students, faculty and staff. Many on-campus events were conducted by campus partners, including the Office of the Dean of Students, UTC's Center for Women and Gender Equity, and Athletics.

• **Sexual Assault Awareness Month:** UTC observes Sexual Assault Awareness Month (April) every year. Events in April 2018 included a Title IX and Dine event (question-and-answer session with the Title

IX Coordinator), a screening of *I am Evidence*, a documentary that shines light on the number of untested rape kits in jurisdictions across the United States, and self-care/fun events throughout the month. Sexual Assault Awareness Month events are planned by the Center for Women and Gender Equity.

• **Take Back the Night:**

Take Back the Night is a yearly event at UTC. The event's three guiding goals are: heal individuals impacted by sexual violence; empower those who have been victimized; and take a stand to help shatter the silence and end the violence. The October 17, 2018 event included tabling and resources from campus and local partners, a march and an opportunity for survivor speak-outs. Take Back the Night is planned by the Center for Women and Gender Equity.

ONLINE TRAINING MODULES

UTC utilized online training modules for faculty, staff and students. Incoming freshman, transfer, and graduate students were required to complete Everfi's Sexual Assault Prevention program. Faculty and staff were required to complete Lawroom's Bridges: Building a Supportive Community program.

BYSTANDER INTERVENTION

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault

or stalking. Bystander interventions 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.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.

4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

² Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

RISK REDUCTION

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert.** When you're moving around on campus or in

the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.

- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other [social media settings](#).
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time earn your trust before relying on them.
- **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the

dorm or apartment, tell security or a trusted authority figure.

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In [drug-facilitated sexual assault](#), a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay

to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, **pressured**, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.

- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to **keep your friends safe** in social settings.

TENNESSEE SEX OFFENDER REGISTRY

Incarceration may remove a sex offender from the streets but it does nothing to prevent the offender from committing another crime when released. The Federal Campus Sex Crimes Prevention Act and the Tennessee College and University Sex Crimes Prevention Act of 2002 require that whenever a sex offender becomes employed, enrolls as a student or volunteers at an institution of higher education in the State of Tennessee, he or she must complete or update the Tennessee Bureau of Investigation sexual offender registration/monitoring form.

Both Acts designate certain information concerning a registered sexual offender as public information and therefore amend and supersede the Family Education Rights and

Privacy Act (FERPA) and other federal and state laws the previously prohibited the disclosure of such personal information.

In accordance with these Acts, the UTC PD is providing a link to the Tennessee Bureau of Investigation (TBI) Sex Offender Registry. You can access this information, which appears on the TBI website, by accessing the following link:

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

ALCOHOL & ILLEGAL DRUGS

The following information is presented in compliance with the *Drug-Free Schools and Communities Act Amendment of 1989*:

As an academic community, UTC is committed to providing an environment in which learning and education can flourish. The possession or use of illegal drugs, or the abuse substances which may otherwise be legally possessed, seriously affects the University environment, as well as the individual potential of our students and staff. The University enforces state laws and related University policies, including those prohibiting the following activities on campus:

- Providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21.
- Distribution, possession, or use of illegal drugs or controlled substances.

The abuse of alcohol and other drugs by students, regardless of age and of location (on-campus or off campus), is prohibited by the Student Code of Conduct IV; Student

Rights & Responsibilities (Appendix A). Student Code of Conduct IV: Standards of Conduct states:

A student or student organization may be disciplined for the following types of misconduct:

(19) 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.

(20) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.

(21) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age.

(22) Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued”

The University can, and will, impose disciplinary sanctions for violations. Students are also subject to city ordinances and state and federal laws. A separate policy addresses violations by University staff.

In compliance with applicable state and federal laws, Human Resources Policy 720 (Appendix B), prohibits the unlawful use, manufacture, possession, distribution or dispensing of drugs ("controlled substances" as defined in the Controlled Substances Act,

21 U.S.C. 812) and alcohol on University property or during University activities.

The UTC PD enforces Federal and State drug laws and State underage drinking laws.

DRUG FREE CAMPUS AND WORKPALCE POLICY

A copy of the following [HR0720-Drug Free Campus and Workplace](https://policy.tennessee.edu/wp-content/uploads//policytech/system-wide/hr/HR0720-Drug-Free-Campus-and-Workplace.pdf) policy can be found at <https://policy.tennessee.edu/wp-content/uploads//policytech/system-wide/hr/HR0720-Drug-Free-Campus-and-Workplace.pdf>.

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

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

Individuals who are paid by UT through federal grants or contracts must notify the University in writing of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. The university is, in turn, required to inform the granting or contracting agency of such a violation within 10 days of the university's receipt of notification.

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

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

A complete set of the drug screening procedures for employees in positions requiring the use of a commercial driver's

license (CDL) is available for those employees and their supervisors from their campus or institute human resources office. The procedures discuss the types of screenings, when and how they are to be conducted, and the actions that will be taken by the university should the employee receive a confirmed positive alcohol or drug test.

To view links to campus policies and procedures, click here:

<https://policy.tennessee.edu/campus-policies-procedures/>

ALCOHOL

Per the UTC Student Handbook 2019-20 (“*Students Rights and Responsibilities: Standards of Conduct*”) students are prohibited from (1) 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, (2) consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law, or (3) providing an alcoholic beverage to a person younger than twenty-one (21) years of age.

UTC also strictly prohibits “using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.” (UTC Student Handbook 2019-20,

“*Students Rights and Responsibilities: Standards of Conduct*”).

Students who use and/or possess drugs and/or alcohol on campus may face disciplinary sanctions and criminal charges (when legal violations occur in addition to policy violations.)

AVAILABILITY OF COUNSELING RESOURCES

The University strongly encourages students and staff members to voluntarily obtain assistance for dependency or abuse problem before such behavior results in an arrest and/or disciplinary referral which might result in their separation from the institution.

The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of the Student Conduct Code or staff expectations, and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

Help is available both on campus and within the community for students and staff members who are dependent on, or who abuse the use of alcohol or other drugs. Students can contact the UTC Counseling Center 423-425-4438 for counseling and crisis services and 423-425-4357 for after-hours crisis services. Faculty and staff can contact 1-855-HERE4TN (1-855-437-3486), and other professional agencies will maintain the confidentiality of persons seeking help for personal dependency and will not report them to institutional or state authorities. UTC Counseling Center, Center for Student Wellbeing, and the Office of the Dean of Students provides educational and awareness programming,

information, and assistance for the UTC community.

The UTC Medical Amnesty Policy encourages all students to seek assistance for themselves or someone else who may be experiencing an alcohol or drug related medical emergency.

For more detailed information and available support services for those with substance abuse problems, see the University’s Alcohol and Other Drug Education webpage at: <https://www.utc.edu/alcohol-drug-education/>.

As mandated by the Drug-Free Schools and Campuses Act, UTC’s Annual Notification is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted. For more information concerning current programs, interventions and policies, contact Tricia Henderson at triciahenderson@utc.edu or 423-425-4301.

ALCOHOL, OTHER DRUG, AND MENTAL HEALTH PREVENTION & EDUCATION IN 2018

PROGRAMS & OUTREACH

- AlcoholEdu & Sexual Assault Implementation: Implied mandate for all incoming freshman, transfer, and graduate to complete a web based alcohol and drug awareness program/course.
- Social Norms Campaign: Uses campus specific data (CORE 2015 results) to correct false beliefs, shape student choices, provide accurate information about campus

norms, present positive role model for healthy behaviors and convey social rewards for specific choices. This project is grant funded by CHASCo. Campaign includes print materials and advertisements in FSL recruitment book, Echo, and Orientation handbooks (students, parents, transfer).

- UTC Step UP Bystander Intervention program coordinator, trained approximately 395 (athletes, fraternity and sorority members, UHON, etc).
- On-Call for the Transformation Project and the Counseling and Personal Development Center.
- Completed implementation of the Smoke Free UTC initiative.
- Certified as a Youth Mental Health First Aid Instructor.
- Certified as a Clinical Supervisor for individuals seeking licensure as a LPC-MHSP.
- Supervisor for Motivational Interviewing with BSW and MSW students.
- Active Minds- Advisor.
- Students for Opioid Solutions- Advisor.
- Opioid Overdose Reversal Training- trained 60 people.
- Suicide Prevention (QPR & Assist) Trainings for faculty, staff, and students (trained 337 people).
- Safe Zone committee member and presenter.

- Coordinate Residence Life trainings (Alcohol and Other Drug, Step UP! & MH): Resident Directors and Resident Assistants.
- Faculty and Staff CARE team member.
- UTC Sexual Misconduct & Relationship Violence Committee Member.
- UTC Sexual Misconduct & Relationship Violence Education and Programming Committee Member.
- Responsible for maintain and updating utc.edu/aod , utc.edu/stepup, and utc.edu/advocateinitiative
- **Programs** (2350 students/faculty/staff attended):

Goat Yoga

Prescription Drug Take-Back- Partnership with community coalitions, Blood Assurance, Tennessee American Water, and US District Attorney's Office. Collected over 30lbs.

Worked with UTC PD to bring a permanent take-back box to campus.

Active Minds programming and meetings.

Stress Less Fair: provides alternative resources to alcohol and drug use during finals and end of the year.

Suicide Prevention and Awareness signs posted around campus.

Fresh Check Day- Addressing mental health awareness and suicide prevention.

Safe Spring Break information: Coordinated Spring Break or Bust Bags and Splash into Spring Break pool party.

Suicide Awareness Month: Kevin Hines, training, and conference.

Sending Silence Packing

Collaboration with campus law enforcement and other departments to provide educational events-tables, residence life programs, and fraternity and sorority awareness.

Hamilton County Community Coalition and partnership to address underage drinking and community issues: Environmental Review of 15 locations during high-risk times.

- Hamilton County Alcohol and Drug Coalition: Chair
- Coalition for Healthy and Safe Campus Communities (CHASCo): Vice Chair
- Campus Leadership Consortium (CHASCo and Sexual Assault Center): Member
- Chattanooga Embracing Hope Committee: Member

PRESCRIPTION DRUG TAKE-BACK BOX

Prescription drug take-back boxes provide a place where unused prescription drugs can be safely disposed. These permanent boxes prevent prescription and over-the-counter medications from getting into the hands of children and into the waterways. They make sure they are disposed of in a safe, environmentally-friendly manner. Medication collection events and programs are part of a nationwide effort to reduce the amount of pharmaceutical products being flushed or poured down drains.

UTC has a prescription drug take-back box at the UTC PD. Students and employees can drop items off 24 hours a day, 7 days a week.

Items Accepted for the Pharmaceutical Collection Program

- Prescriptions
- Liquid medications (in leak-proof containers)
- Medicated ointment, lotions, or drops
- Pills in any packaging (glass bottles, plastic containers, plastic bags, etc.)

MEMBERSHIP ORGANIZATIONS & COMMUNITY PARTNERSHIP

- Tennessee Suicide Prevention Network: Southeast Regional Chair
- Tennessee Suicide Prevention Network: Governor's Advisory Board
- Tennessee Suicide Prevention Network: Higher Education Taskforce
- Hamilton County Health Department Alcohol and Drug Coalition: Community Partner

- Over-the-counter medications
Liquid medications (in leak-proof containers)
- Pet medications

Items Not Accepted in the Program

- Blood sugar equipment
- Sharps/needles
- Illegal drugs & narcotics (although police will accept these items if placed in the container)
- Thermometers
- IV bags
- Bloody or infectious waste
- Personal care products (shampoo, lotions, etc.)

MEDICAL AMNESTY POLICY

In the event of a drug or alcohol emergency, the primary concern is the well-being, health and safety of the individual(s) involved. UTC recognizes that the potential of disciplinary action creates a barrier for students seeking medical assistance for themselves or other students in alcohol or other drug-related emergencies. Therefore, a medical amnesty protocol has been established.

Students/organizations who call for medical assistance for themselves or for another student who they observe to be or feel is dangerously intoxicated/under the influence of alcohol or drugs will not be face formal conduct action by the Dean of Students office for the mere possession of alcohol or drugs.

- The student/organization, who calls on behalf of another student, is required to remain with the student experiencing the emergency until medical assistance arrives.

- Sufficient evidence must be provided to confirm medical assistance was received at the time of the incident for the medical amnesty policy to apply.

- The student(s) requiring medical assistance and the referring student(s)/organization will be required to contact the Dean of Students Office at UTC within two (2) business days of the incident to schedule a meeting.
- Students will be required to complete an assessment and any recommend action with a reasonable time frame to be determined by the Dean of Students Office. There will be no disciplinary action taken related to the violation of possession or consumption of alcohol or drugs.
- Student Organizations will be required to complete a review of their risk management policies and/or participate in educational programs with the Dean of Students Office. The organization will be responsible for any costs associated with these measures.
- Failure of the student or referring student organization to complete this assessment/action plan may result in charges being filed with the Dean of Students Office.

This policy is only applicable to the individual(s)/organization who are directly involved in the effort to seek medical assistance or the individual in direct need of medical assistance. This policy does not

apply to any situation where a campus official or employee (residence hall staff, police officer, or administrative staff) initiates the response for medical assistance or where the reporting student does not stay until assistance arrives.

Medical amnesty applies only to alcohol or other drug-related emergencies but does not apply to other conduct violations such as assault, property damage, or distribution of illicit substances. The use/or abuse of alcohol or drugs is never considered a mitigating circumstance for any other violations of the Student Code of Conduct. Medical amnesty applies specifically to UTC's conduct and judicial policies and has no influence over criminal or police action or authority. If multiple violations occur, the Dean of Students Office will review the additional violations separately and assess the need for further intervention. This policy is not intended to provide a shield or protect students/organizations who conspire to misuse or abuse the policy: instead, it is intended to empower students and organization to seek medical attention for those in need without question.

WEAPONS ON CAMPUS

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

TENNESSEE CRIMINAL LAW

Per T.C.A. § 39-17-1309(b)(1), it is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bow ie knife, hawk bill

knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.

Per T.C.A. § 39-17-1309(c)(1)(A), It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, operated, or while in use by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.

(B) It is not an offense under this subsection (c) for a nonstudent adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult, while the vehicle is on school property.

Notification of the T.C.A. provisions are posted throughout various buildings on campus. Signs are prominently displayed with the following language: **FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A**

FINE NOT TO EXCEED \$3,000 FOR CARRYING WEAPONS ON SCHOOL PROPERTY.

Pursuant to T.C.A. § 49-7-118, all campus police officers and their supervisors carry regulation firearms while on duty. These weapons may be used only when there is a serious, imminent, identifiable threat to life or a threat of great bodily harm. Other duly sworn law enforcement officers and agents of the state and federal governments are also permitted to follow their departmental guidelines and state laws regarding possession and use of weapons, as described in T.C.A.

UNIVERSITY POLICIES

At UTC, no person other than police department personnel, or permitted full-time university employees who have properly notified UTCPD, may carry or possess firearms on campus.

Students who violate this regulation may face disciplinary sanctions and criminal charges, and have the potential to receive the maximum sentence by the courts of 6 years in prison and a \$3,000 fine.

To ensure that professional standards are maintained in the use of firearms by campus police officers, UTCPD employs a POST certified firearms instructor and maintains a list of all officers who complete firearms training.

Per the UTC Student Handbook 2019-20, “*Students Rights and Responsibilities: Standards of Conduct*”, UTC policy prohibits “possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated

activity, unless authorized in writing by the Chief of Police or his/her designee.”

Weapons that are brought to campus by students for sporting purposes must be checked in and stored at the UTCPD. Students must contact the UTCPD prior to arriving on campus with the weapon.

The University of Tennessee system’s policy on firearms can be found at:

<https://policy.tennessee.edu/wp-content/uploads/policytech/system-wide/sa/SA0875-Firearms.pdf>.

CAMPUS CONCEALED CARRY

As of July 1, 2016, T.C.A. § 39-17-1309 allows generally all University of Tennessee full-time employees with a valid handgun permit to carry a concealed handgun on University of Tennessee property.

NOTICE OF INTENT TO CARRY A CONCEALED HANDGUN

Full-time employees who work in the Chattanooga area and intend to carry a concealed handgun on UT property in the Chattanooga area are required to appear at the UTC Police Department to notify police of their intent by completing registration paperwork in the presence of a sworn officer. The police department is located in the Administrative Services Building at 400 Palmetto Street, Chattanooga, TN 37403.

No person may carry a weapon on campus prior to filing notice of intent.

Do not carry a weapon to the police department prior to filing notice of intent.

Registrants must bring their:

- Faculty/staff identification card
- Valid Tennessee driver’s license
- Valid Tennessee handgun permit

EXCEPTIONS

Full-time employees who are enrolled in a class or classes at the university *may not* carry a concealed handgun on UT property.

Full-time employees are prohibited from carrying a concealed weapon into meetings regarding tenure and employee discipline.

PROHIBITED LOCATIONS

Full-time employees may *not* carry a handgun into any stadium, gymnasium, arena, or auditorium when university-sponsored events are underway.

Other prohibited locations include facilities and offices where medical and mental health services are the primary services provided, such as hospitals, health centers, clinics and counseling centers.

VOLUNTARY TRAINING

UTCPD will offer voluntary training that will cover firearm safety, reiteration of statutory requirements and limitations, a review of prohibited locations, personal liabilities, and other pertinent topics. Information on this training will be provided to registrants.

For more information: *please contact the UTC Police Department: (423) 425-4357* or visit the following website that contains information for commonly asked questions about firearms

<https://policy.tennessee.edu/sa0875-firearms-faq/>.

HAZING POLICY

Hazing is defined as any intentional or reckless act, on or off University-controlled property, by one 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 his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful, insulting, or humiliating nature. Without limiting the foregoing, such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.

To report a hazing incident, students and employees can complete the Student of Concern form located at:

<https://cm.maxient.com/reportingform.php?UTChattanooga>.

A student or student organization involved in an act of hazing is subject to disciplinary action in accordance with the Student Code of Conduct.

STUDENTS OR EMPLOYEES WITH CRIMINAL RECORDS

Universities, like society as a whole, encompass a widely diverse global population. It is possible that some members of this population have committed past crimes of which the University may or may not be aware. There are a total of 1,888 non-student employees working on the campus.

Background investigations are conducted, as a matter of University policy, for all new faculty and staff hires and for all individuals associated with programs in which minor children are participants. Decisions for staff hires will reside with the Director of Human Resources. Decisions for faculty hires will reside with the Provost. A decision not to hire based on results of any

background checks, including any approved alternative background check, will not be made without approval of the Director of Human Resources or designee (staff hires) or the Provost or designee (faculty hires).

Although background checks are not performed on student applicants, the University's applications require prospective students to disclose whether they have ever been convicted of a misdemeanor, felony or other crime. If an applicant discloses a criminal conviction, their application is flagged and the application process is stopped. The applicant is contacted and asked to forward documentation regarding the conviction to the Assistant Director or Director of Admissions. The documentation is reviewed by a discipline committee, through the Office of the Dean of Students, to determine if the applicant will be admitted to the University.

Some affiliated clinical facilities may require a criminal background check before allowing students to participate in training programs at those facilities. Information revealed by a criminal background check may cause an affiliated clinical facility to determine that you will not be allowed to participate in a training program at the facility. In that event, you may be unable to complete the requirements of this program. In addition, information revealed by a criminal background check may preclude licensure or employment. Please see the program director for additional information.

EEO/AA NON-DISCRIMINATION POLICY STATEMENT

The full University of Tennessee Chattanooga, Non-Discrimination

Statement EEO/AA statement reads as follows:

All qualified applicants will receive equal consideration for employment and admissions without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability or covered veteran status. Eligibility and other terms and conditions of employment benefits at the University of Tennessee Chattanooga are governed by laws and regulations of the state of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.

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

Inquiries and charges of violation of Title VI (race, color, national origin), Title VII (sex, race, color, national origin, and religion), Section 504 of the Rehabilitation Act (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Director of the Office of Equity and Inclusion.

The Director of the Office of Equity and Inclusion is also the ADA Coordinator and is located at 201 Human Resources Center, Dept. 5455, 615 McCallie Ave, Chattanooga, Tennessee 37403-2598; telephone 423-425-5468 or oed@utc.edu.

Requests for accommodation of a disability should be directed to the Director of Disability Resource Center, Michelle Rigler, 423-425-4006 (V/TTY).

Questions about Title IX and complaints of violations should be directed to the University of Tennessee at Chattanooga Title IX Coordinator Stephanie Rowland, at 423-425-4255 or via email at stephanie-rowland@utc.edu.

If the student or employee does not wish to contact UTC's Title IX Coordinator, he or she may contact the Department of Education Office for Civil Rights at 61 Forsyth Street S.W., Suite 19T10, Atlanta, Georgia 30303-8927, telephone: 404-974-9406, Email: OCR.Atlanta@ed.gov.

This statement must be included in the following:

- Position announcements (which are not paid advertisements) sent to potential referral sources and other institutions of higher education to solicit applications or nominations.
- Catalogs, application forms, posters and other material used in conjunction with the referral and/or recruitment of students, faculty or staff.
- Publications which contain general information and are made available to alumni/ae, faculty, staff, students or other participants in or beneficiaries of University programs.

SEXUAL HARASSMENT POLICY

The University of Tennessee at Chattanooga recognizes that harassment in the University on the basis of sex is a violation of Section 703 of Title VII.

Sexual advances by any UTC employee (faculty or staff member) toward another employee or student which become a condition of employment or affect the academic relationship constitute an unlawful practice. Unsolicited or unwelcome physical or verbal behavior of a sexual nature which has the purpose or effect of creating an atmosphere of intimidation is a violation of Title VII.

In the case of such harassment, an employee or student has the right to pursue the EEO grievance procedure for redress. The Office of Equity and Inclusion should be contacted for this procedure. They can be reached at (423) 425- 5468.

UT's policy on sexual harassment can be viewed at:
<https://universitytennessee.policytech.com/dotNet/documents/?docid=115&public=true>.

POLICY ON SEXIST LANGUAGE

It is the policy at UTC to avoid the use of sexist words and terms in all official correspondence and publications. Every reasonable attempt should be made to comply with this policy and to assist in making UTC a model for real as well as perceived equal treatment in organizational communications. The following serves as a guideline for all written materials.

- Avoid sexist words and terms. Do not avoid them, however, at the expense of correct grammar. Almost all sexist language problems—especially "he or she"

constructions—can be eliminated by careful writing or rewriting.

- When possible, use chair instead of chairman, chairwoman, chairperson, etc.
- The use of non-academic titles (Ms., Mr., Miss, etc.) should be avoided, if possible, and replaced with Professor or Dr. For a female, if such a title is necessary, use Ms. When marital status is known and the individual in question has expressed a preference, use the appropriate designation.

See the Office of Equity and Inclusion for additional information.

COMPLAINT PROCEDURES

The University of Tennessee, Chattanooga, welcomes and respects people of all races, creeds, cultures, and sexual orientations. The University values intellectual curiosity, pursuit of knowledge, and academic freedom and integrity. In keeping with those values, the policies of UT Chattanooga and its UT Area Units expressly prohibit the following:

- discrimination against employees, students, or applicants for employment or admission, on the basis of race, color, religion, sex (including sexual harassment, sexual orientation, gender identity, marital status, parental status), national origin, age, disability, or protected veteran status;
- discrimination against other participants in educational programs and activities (which includes certain individuals who are not employees,

students, or applicants for employment or admission) on the basis of race, color, national origin, sex, or disability; and

- retaliation against any person who in good faith reports a practice that he/she believes violates non-discrimination policies.

If you are an employee, student, applicant for employment, applicant for admission, or are otherwise a participant in a UT Chattanooga program or activity, and you believe you have been discriminated against in violation of the policies outlined above, the process below is designed to help you resolve your complaint.

WHERE AND WHEN TO FILE A COMPLAINT

Complaints of discrimination should be directed to the UT Chattanooga Office of Equity and Inclusion, 720 McCallie Avenue, Second Floor, Dept. 5455, 615 McCallie Avenue, Chattanooga, Tennessee 37403-2598, Telephone (423) 425-5670.

Complaints must be in writing and filed within 300 days of the alleged discriminatory action. In certain circumstances, at the discretion of the Diversity Officer, complaints filed outside that time limit, or not submitted in writing, may be investigated.

Employees and students are encouraged to attempt to resolve a complaint through the administrative structure of the employment unit or academic department. The Director of Equity and Inclusion will provide assistance to the complainant, employment unit, and/or academic department in order to resolve the complaint. **Supervisors and other administrators who become aware of unlawful discrimination or**

harassment must take immediate and appropriate action to stop such practices or behaviors and prevent their recurrence. It is the responsibility of the administrator who receives a complaint or becomes aware of the existence of unlawful discrimination or harassment, to contact the Director of Equity and Inclusion to seek counsel regarding appropriate action.

Complaints received directly to the Director of Equity and Inclusion will be reported by the director to the appropriate administrator(s), who will attempt to resolve the matter working in conjunction with the Director of Equity and Inclusion. Confidentiality will be maintained **to the extent possible.**

If the complaint is not resolved through the methods described above, the Director of Equity and Inclusion may use the following:

- Complaints should be submitted in writing to the Director of Equity and Inclusion. The complaint must include (1) the name of the complainant, (2) an explanation of the action or conduct complained of, and (3) the person or department responsible for the action. The complainant should include the resolution sought by the complainant. The head of the responding unit or academic department and the party against whom the complaint has been lodged (respondent) will be notified of the complaint.
- The Office of Equity and Inclusion will conduct an investigation, the nature and scope of which will be determined by the Director of

Equity and Inclusion on a case-by-case basis. The investigation may include any or all of the following, as well as such other action as the Director of Equity and Inclusion deems appropriate: interviewing the complainant, interviewing the respondent, interviewing witnesses, submitting questions to or taking statements from parties or witnesses, reviewing documents, and/or setting up an investigative committee.

- If an investigative committee is deemed appropriate, the relevant chancellor/vice chancellor/vice president or the president (in the event that the complaint is made against a chancellor/vice chancellor/vice president) will be asked by the Director of Equity and Inclusion to appoint the members of such a committee. The Director of Equity and Inclusion may assist the appropriate administrator in appointing committee members.
- The investigative committee, or the Director of Equity and Inclusion if there is no investigative committee, will make findings of fact and will determine whether sufficient evidence exists to support a charge of discrimination. Those findings, together with a statement outlining the basis for them, will be transmitted by the Director of Equity and Inclusion to the appropriate administrator. A copy will also be available to the complainant.

- The appropriate vice chancellor or the chancellor will review the findings, make a determination, and notify the complainant in writing. Within 15 workdays after receipt of that decision, complainants who are in staff nonexempt positions may pursue a grievance under UTC Personnel Policy and Procedure, contained in the UTC Policy and Procedures Manual, if they are not satisfied with the determination.
- If the complainant is not satisfied with the determination and is not eligible to or has not elected to file a grievance, the complainant may appeal in writing within 15 workdays after receipt of the decision to the next higher administrative level. The decision on the appeal will be provided in writing to the complainant. Decisions by the chancellor/vice chancellor/vice president may be appealed to the president.

Individuals who wish to file a Title VI complaint with the Tennessee Human Rights Commission (THRC) have up to 180 days from the date of the discriminatory act. Individuals who wish to file a complaint about employment discrimination may do so with the U.S. Equal Employment Opportunity Commission within 300 days from the date of the discriminatory act.

MISSING STUDENT NOTIFICATION POLICY

In compliance with the Missing Student Notification Policy (20 USC 1092 C-Section 488 of the Higher Education Opportunity

Act of 2008), it is the policy of Housing and Residence Life, Office of the Dean of Students, and the Department of Emergency Services to actively investigate any report of a missing student currently enrolled at the university. Students have the option to provide an emergency person/number to be contacted if they are believed to be (a) missing for more than 24 hours and/or (b) in potential danger.

Missing student is defined as (1) any person currently enrolled at UTC who resides in on-campus housing; and (2) whose absence is contrary to his/her normal patterns of behavior or (3) whose whereabouts are unknown to his/her parent, guardian or other legal custodian. A missing student case arises when the student is believed to be missing for more than twenty-four (24) hours; the absence is contrary to his/her normal patterns of behavior; the student's whereabouts are unknown to his/her parent or guardian; and/or the student is believed to be in potential danger.

Upon receiving information that a student cannot be located and may be missing, the UTCPD in collaboration with Housing and Residence Life personnel and the Office of the Dean of Students will initiate an investigation.

UTCPD employees will obtain information from the reporting individual about the student, such as a physical description, including clothes he/she may have been wearing when last seen; who he/she may be with or where he/she may be; his/her physical and mental well-being; and the reasons he/she believes the student is missing.

University officials may report a student missing at any time, there is no requirement for the official to wait until they believe that

the student has been missing for more than twenty-four (24) hours.

Unless there is evidence to the contrary, a student living on campus will not necessarily be considered missing if the student made his/her intended location known to others or if the student is absent during recognized university holidays or breaks.

If the missing student is under the age of eighteen (18) and not emancipated, UTC PD personnel and/or Housing and Residence Life personnel will report the student to the Office of the Dean of Students. The Office of the Dean of Students must contact the parents or legal guardians within 24 hours of the determination that the student is missing. This notification will be made in addition to notifying any additional contact person designated by the student within 24 hours.

If the missing student is over the age of eighteen (18), the Office of the Dean of Students will only contact the student's Confidential Contact within 24 hours of the determination that the student is missing.

The UTC PD, Director of Housing and Residence Life (or his/her designee), or the Dean of Students (or his/her designee) will notify other University officials who have a need to know about a missing student report.

Housing and Residence Life personnel will conduct initial contacts in missing student cases and attempt to contact the student via his/her phone using the numbers provided.

If the student cannot be reached by telephone, two members of Housing and Residence Life staff will visit the student's room to:

- see if he/she is present; or
- verify the student's location and/or wellness; and
- in some cases, deliver a message to the student to contact a parent or other family member who is searching for the student.

If there is no response when Housing and Residence Life personnel knock on the door of the room or there are occupants who do not know the student's location, Housing and Residence Life personnel will enter into the room in question, by key if necessary, to perform a health and safety inspection.

Housing and Residence Life personnel will take note of the condition of the room and look for visible personal property (wallet, keys, cell phone, clothing, etc.) which might provide clues as to whether the student has taken an extended trip or leave from the residential facility.

If the student is not found in the room, Housing and Residence Life personnel will attempt to obtain information about the student's location from roommates, friends, employers, members of clubs and organizations the student may be affiliated with, if known, or other members of the residential community.

Housing and Residence Life personnel will also attempt to acquire additional contact information for the student (if not already on file) and use it to initiate contact.

If Housing and Residence Life personnel speak with the missing student:

- Verification of the student's state of health and intention of returning to campus should be made.
- A referral, if needed, will be made to the Counseling Center.
- In addition, the Housing and Residence Life office will update other offices as well as the university official who made the initial missing student report.

If Housing and Residence Life personnel do not speak with the missing student or learn the student's location, UTC PD will be contacted to investigate further.

At any step in the process, Housing and Residence Life personnel will immediately report any suspicious findings to UTC PD.

UTC PD may perform the following investigative actions in missing student cases:

- The UTC PD may contact the student's professors to ascertain the student's recent attendance in class.
- The UTC PD may obtain a photograph of the student, if available, from student ID card records and use this information (and/or the physical description) to conduct a search, with possible assistance from Housing and Residence Life personnel or others, of the campus and buildings where the student has classes. The UTC PD Chief of Police may issue an ID card photograph to personnel involved to assist in the identification of the missing student.
- The UTC PD may contact Parking Services to determine if the student

has a vehicle registered on campus; if the student has a vehicle, UTC PD officers will attempt to locate the vehicle on campus.

- The UTC PD may check access card logs to determine the last time the student's MOCS ID card was used, access logs to UTC email and/or UTC computer accounts, as well as any surveillance video.

A student's confidential contact information will be registered confidentially, and this information will be accessible only to authorized campus officials and law enforcement. The information may not be disclosed outside of a missing person investigation.

All reports of missing students (missing for 24 hours) should be made immediately to UTC PD, the Director of Housing (or his/her designee), and the Dean of Students (or his/her designee). Those individuals will contact other University officials who have a need to know about the missing student report.

The University will notify the appropriate local law enforcement agency in the jurisdiction where the student went missing within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

PROGRAMS FOR MINORS POLICY AND CHILD ABUSE REPORTING

UTC is dedicated to the welfare and safety of minors who visit UTCS's campus, who participate in UTC's programs, or who are entrusted to UTC's care. Minors visit

campuses in the University of Tennessee system for a variety of reasons and are involved in a variety of programs and activities sponsored by the University or by third parties using University facilities or resources. The objective of this policy is to promote a safe environment for minors by fostering a University culture that is committed to preventing, recognizing, reporting and addressing child abuse and child sexual abuse. Child Protection Training is part of the policy initiative and is available campus-wide. For more information about policy implementation, go to <https://www.utc.edu/safety-risk-management/risk-management/programms-for-minors/index.php>.

UNIVERSITY SECURITY POLICY

To comply with state and federal laws, UTCPD collects and maintains statistics concerning crime on campus and in areas of the University community, including a public crime log accessible during business hours or online at:

<https://www.utc.edu/police/clery/daily-crime-logs.php>. UTCPD also sends monthly reports on campus crime to the Tennessee Bureau of Investigation (TBI) via the *Tennessee-Incident Based Reporting System (TIBRS)*. These statistics are then reported by TBI to the Federal Bureau of Investigation.

To comply with the Clery Act, UTCPD also sends reports regarding crime on and around campus to the United States Department of Education. Each October, UTCPD publishes the Annual Security and Fire Safety Report which contains statistics for the past three years not including the year of production. A free copy of this report may be obtained from UTCPD, 400

Palmetto Street, Dept. 3954, Chattanooga, TN 37403-2598. For more current statistics and helpful links for research, please refer to <http://www.utc.edu/police>.

ANNUAL DISCLOSURE OF CRIME STATISTICS

The UTC Emergency Services Department is primarily responsible for preparing the Annual Security & Fire Safety Report. The UTCPD has the responsibility to identify reportable crimes, collect and report crime statistics to the Department of Education (DOE), FBI, TBI, and to the general public. Reporting requirements involving types of crimes, definitions, and geographic locations vary depending upon the governmental recipient. For example, TBI reporting requirements are different from that of the DOE. DOE requires the reporting of student disciplinary referrals that are not required by either state or federal agencies. DOE also mandates the collection of crime data from non-law enforcement personnel, identified as Campus Security Authorities.

The Annual Security & Fire Safety Report contains crime statistics compiled from the 2017 calendar year and a reprint of the crime statistics from the two previous calendar years. UTCPD collects statistics of campus crime, arrests and referrals including those reported to student conduct, the Title IX Coordinator, Campus Security Authorities, and from the appropriate law enforcement agencies for non-campus properties as well as public property within or immediately adjacent to UTC's campus. UTCPD submits the annual crime statistics published in this report to the Department of Education.

The statistics reflect reports of specified crimes that occur on and adjacent to, a university campus and certain properties

associated with the campus. This statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime.

Campuses must also provide a geographic breakdown of the crime statistics reported according to defined geographic areas.

UTCPD sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report. The email also includes the address for the UTCPD website where the Annual Security and Fire Safety Report can be found online, and notification that a paper copy may be obtained by making a request to UTCPD by calling or emailing the Clery Compliance Coordinator.

CLERY ACT REPORTABLE CRIMES: TYPE OF OFFENSE

The statistics in this report reflect crimes reported according to the following definitions:

Murder and Non-Negligent

Manslaughter: The willful (non-negligent) killing of one human being by another. Includes any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

Negligent Manslaughter: The killing of another person through gross negligence.

Sexual Assault: Any sexual act directed against another person, without 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 consent of the victim. Includes the rape of both males and females.

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

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 is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Includes assaults with intent to kill and attempts to murder.

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 larceny or felony; breaking and entering with intent to commit a larceny;

housebreaking; safecracking; and all attempts at these offenses.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Theft of any self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs.

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.

Larceny-Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

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 the use of 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.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on (1) the reporting party's statement and with consideration of (2) the length of the relationship, (3) the type of relationship, and (4) the frequency of interaction between the persons involved in the relationship.

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others, or (2) suffer substantial emotional distress. (e.g., following, monitoring, threatening, communicating to or about the victim, or interfering with a victim's property.)

Weapons 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; carrying deadly weapons, concealed or openly;

furnishing deadly weapons to minors; aliens possessing deadly weapons; manufacture, sale, or possession of deadly weapons; all attempts to commit any of the aforementioned.

Drug Law Violations: The violation of laws prohibiting (1) the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use (2) the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance, or (3) arrests for violation of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

- The relevant substances include: opium or cocaine, morphine, heroin, codeine, marijuana, synthetic narcotics (manufactured narcotics that can cause addiction such as Demerol and Methadone), non-narcotic drugs such as barbiturates and Benzedrine, and all illegally obtained prescription drugs.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned.

The University is also required to report statistics for hate (bias) related crimes by

the type of bias, as defined below, for the following classifications: murder/non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

Hate Crimes: Crime motivated by the perpetrator's bias or against the victim and the bias is based on the following categories: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

- **Race:** A performed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion:** A performed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g. Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A performed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

- **Gender Identity:** A performed negative opinion or attitude toward a person group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A performed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A performed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

to the campus that is controlled by another person, is frequented by students and supports the university’s educational purposes (such as a food or other retail vendor).

- Reasonably contiguous refers to a building or property that UTC owns or controls that is in a location that students consider to be, and treat as, part of the “campus”.
- Locations within one mile from the campus border are considered reasonably contiguous with the campus (i.e. Scrappy Moore Field and the Rowing Team Barges).
- Includes academic, administrative, and support buildings; grounds; streets, residence halls and parking lots located within campus or UTC boundaries.
- Educational purposes can mean classes, housing, internships, jobs or work-study, locations used to access campus services like parking office, counseling center, student health center, or to play sports.

**REPORTABLE LOCATIONS:
CLERY GEOGRAPHY
DESCRIPTION**

ON-CAMPUS

This category includes (1) any UTC owned or controlled (rented/leased) buildings or property that is within the same reasonably contiguous geographic area of the campus and used for educational or housing purposes; and (2) UTC owned buildings or property within or reasonably contiguous

RESIDENTIAL FACILITY

A subset of the On-Campus category and include any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

- Includes the following types of housing: undergraduate, graduate,

and married student housing; single family houses used for student housing; summer school student housing; and buildings used for student housing that also have faculty, staff or other individuals living there.

- Includes buildings that are owned by a third party that has a written agreement with UTC to provide student housing (i.e. Palmetto Place Apartments and The Chattannogan Hotel).

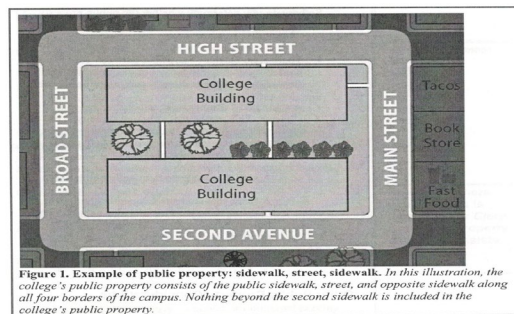
PUBLIC PROPERTY

All public property, including thoroughfares, streets, sidewalks, and parking facilities that are (1) within the campus, or (2) immediately borders **and** is accessible from the campus. **NOTE:** *UTC crime statistics do not include crimes that occur in privately-owned homes or business within or adjacent to the campus boundaries.*

- Includes a public road or bike path that runs through campus; public parks, public waterways, public parking facilities, and public transit stations/stops.
- Accessible means there is no barrier of any kind between the campus border and public property. For example, you can step off UTC campus directly onto a public sidewalk.
- Public property is also considered accessible if a standard of use has been established by students. This

means that although some type of barrier is present, students frequently ignore, overcome or even use it, to gain access to public property. Some examples are a wall that students frequently climb over, a fence that students frequently climb over, under or through, or a fence with a missing or broken gate that students frequently walk or drive through.

- In many cases, this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street. Only the portions of the sidewalk, street, and sidewalk that are adjacent to the campus are included in the public property. It does not include anything beyond the second sidewalk. If there is not a second sidewalk, it does not include anything beyond the street.



NON-CAMPUS

The Clery Act defines non-campus property as either:

- A. Any building or property, located off campus, that is owned or controlled by an officially recognized or registered student organization at UTC (i.e. privately owned fraternity), or
- B. Any buildings or property, not considered part of the core campus, that is owned or controlled by UTC, is frequently used by students, and supports or is used for the institution's educational purposes (i.e. Alternative Energy laboratory and Clarence T. Jones Observatory).

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

CONSIDERATIONS FOR TRIPS TO OFF-CAMPUS LOCATIONS

FIELD TRIPS

Disclosure of statistics for crimes that occur on field trips at locations UTC does not own or control is not required.

OVERNIGHT, UNIVERSITY-SPONSORED TRIPS

An overnight trip that does not meet the “frequently used by students” criterion does not have to be disclosed. For example, the trip is not repeated every year and the students do not stay in the same hotel every year.

REPEATED USE OF A LOCATION FOR UNIVERSITY –SPONSORED TRIPS

If UTC sponsors students on an overnight trip **every year** and the students stay in the **same hotel each year**, portions of the hotel must be included in UTC’s non-campus geography and statistics for crimes that occur in those portions of the hotel must be reported.

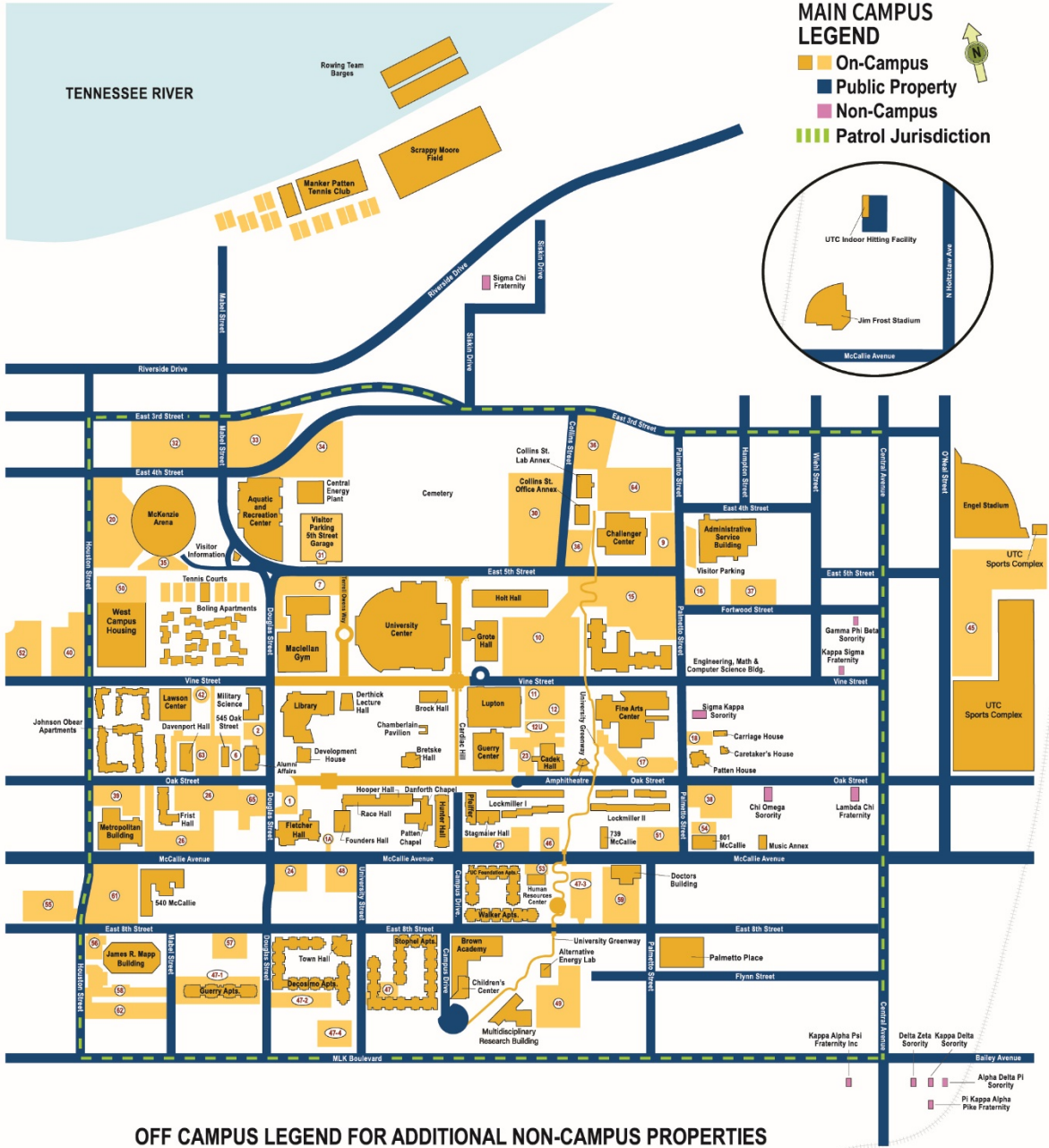
SHORT-STAY “AWAY” TRIPS

If UTC sponsors short-stay “away” trips of more than one night for students, all locations used by students during the trip, controlled by UTC during the trip and used to support educational purposes are treated as non-campus property (i.e. a three-week marine biology study trip to Florida. Any classroom or housing space specified in the agreement between UTC and a third-party providing the space is non-campus property).

STUDY ABROAD PROGRAMS

If UTC sends students to study abroad at an institution that is not owned or controlled by UTC, we do not have to disclose statistics for crimes that occur in those facilities. However, if UTC rents or leases space for our students in a hotel or student housing facility, we are in control of that space for the time period covered. Host family situations do not normally qualify as non-campus locations unless a written agreement with the family gives the school some significant control over space in the family home.

UTC CLERY GEOGRAPHY & PATROL JURISDICTION



- 1 Battle Academy**
1601 South Market Street
- 2 Clarence T. Jones Observatory**
10 N. Tuxedo Avenue
- 3 Advance Vehicle Test Facility**
4605 Amincola Highway
- 4 TVA Test Track**
4800 Amincola Highway
- 5 Enterprise South Visitor Center and Nature Park**
190 Still Hollow Loop
697 Still Hollow Loop (Gate 1A)
698 Still Hollow Loop (Gate 1)
- 6 The Chattanooga Hotel**
1201 Broad Street

CLERY ACT CRIME STATISTICS

Type of Offense	Year	On-Campus	Non-Campus	Public Property	TOTAL	On-Campus Residential Facility
Murder and Non-Negligent Manslaughter	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Rape	2016	6	0	0	6	2
	2017	19	0	0	19	8
	2018	19	0	2	21	13
Incest	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Fondling	2016	3	0	0	3	1
	2017	1	0	0	1	0
	2018	3	0	0	3	3
Robbery	2016	1	0	1	2	0
	2017	1	0	3	4	0
	2018	0	0	3	3	0
Aggravated Assault	2016	5	0	2	7	4
	2017	5	0	1	6	3
	2018	6	1	3	10	5
Burglary	2016	7	0	0	7	5
	2017	6	2	0	8	3
	2018	17	1	0	18	8
Arson	2016	1	0	0	1	1
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Motor Vehicle Theft	2016	9	0	1	10	0
	2017	8	0	7	15	0
	2018	9	0	9	18	0

NOTE: 10/9/17 update to Arson on-campus/residential facility for incident on 4/14/16 which was classified as intentional for housing but did not meet Clery classification at the time. This incident was later identified as reportable for Clery statistics and added to this report.

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

VAWA OFFENSES: DOMESTIC VIOLENCE, DATING VIOLENCE & STALKING STATISTICS

Type of Offense	Year	On Campus	Non-Campus	Public Property	TOTAL	On-Campus Residential Facility
Stalking	2016	28	0	1	29	5
	2017	17	0	0	17	2
	2018	22	0	0	22	2
Domestic Violence	2016	2	0	2	4	1
	2017	2	0	1	3	1
	2018	7	0	0	7	5
Dating Violence	2016	3	0	0	4	1
	2017	3	0	0	3	2
	2018	8	0	1	9	1

NOTE: Roommates are included for our jurisdiction’s family protection laws and their relationship is included for domestic violence incidents.

ARREST STATISTICS FOR ALCOHOL, DRUG & WEAPONS VIOLATIONS

For reporting purposes, arrest statistics for alcohol, drug/narcotics or weapons violations reflect the number of persons arrested, not the number of reported incidents.

When a person is arrested for multiple violations involving alcohol, drugs/narcotics, and/or weapons because of a single incident, the “hierarchy rule” will apply and only the most serious violation shall be counted for statistical purposes. At UTC, the hierarchy of the most serious violations in descending order are as follows: 1-weapons, 2-drugs/narcotics and 3-alcohol violations.

Type of Offense	Year	On Campus	Non-Campus	Public Property	TOTAL	Residential Facility
Liquor Law Violations	2016	17	0	8	25	10
	2017	17	0	14	31	12
	2018	4	0	2	6	2
Drug Law Violations	2016	21	0	6	27	15
	2017	21	0	28	49	15
	2018	12	0	24	36	10
Weapons Law Violations	2016	1	0	0	1	0
	2017	0	0	1	1	0
	2018	1	0	2	3	0

NOTE: The information listed above includes citations issued in lieu of arrest.

NOTE: The “on-campus” category covers all incidents that occurred on campus, including those listed in the category labeled, “residential facility.” Therefore, those incidents are counted in both categories.

DISCIPLINARY REFERRAL STATISTICS FOR ALCOHOL, DRUG & WEAPON VIOLATIONS

An alcohol, drug or weapon disciplinary referral is the referral of any person (student, faculty or staff) to an official who initiates an (informal or formal) disciplinary action of which a record is kept and which may result in the imposition of a sanction (i.e. warnings, discipline, probation, including those referrals where no sanction was imposed).

Type of Offense	Year	On Campus	Non-Campus	Public Property	TOTAL	Residential Facility
Liquor Law Violations	2016	226	0	6	232	205
	2017	304	0	14	318	301
	2018	224	0	3	227	220
Drug Law Violations	2016	129	0	1	130	124
	2017	129	0	2	131	129
	2018	132	0	5	137	118
Weapons Law Violations	2016	1	0	0	1	1
	2017	1	0	0	1	1
	2018	0	0	0	0	0

NOTE: The “on-campus” category covers all incidents that occurred on campus, including those listed in the category labeled, “residential facility.” Therefore, those incidents are counted in both categories.

HATE CRIMES

There were no reports of hate crimes in 2016, 2017 or 2018.

UNFOUNDED CRIMES

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

Year	On Campus	Residential Facility	Non-Campus	Public Property	TOTAL
2016	0	0	0	0	0
2017	1-Motor Vehicle Theft 1-Aggravated Assault	0	1-Rape	0	3
2018	0	0	0	0	0

NOTE: The 2017 rape offense was reported as unfounded by Chattanooga Police Department in their response to UTC PD’s request for annual crime statistics from local law enforcement.

NOTE: The following 2017 reported crimes were investigated by UTC PD and found to be false or baseless: (1) Motor Vehicle Theft report was a misremembering of where the individual parked (parked at an off campus location and the vehicle was towed from that location); and (1) Aggravated Assault report was determined to not have occurred.

UTC CRIME STATISTICS FOR TENNESSEE REPORTING PURPOSES

CRIME ON CAMPUS REPORTS

We believe an informed public is a safety conscious public. The “*Crime on Campus*” reporting program is operated pursuant to the requirements of the “College and University Security Information Act”, (T.C.A. §49-7-2201 et seq.). The Act requires each institution of higher education to report to the Tennessee Bureau of Investigation (TBI) data relating to crimes occurring on the campus and in student housing. All crimes that occur on campus are reported by UTCPD on a monthly basis to TBI for publication in the annual *Crime in Tennessee* and *Crime on Campus* Reports <https://www.tn.gov/content/tn/tbi/divisions/cjis-division/recent-publications.html>. The *Crime on Campus Report* is compiled using data from the Tennessee Incident Based Reporting System (TIBRS). The TIBRS offense classifications are based on FBI definitions, which are used as the national standard for statistical crime reporting.

Below are statistics submitted by UTCPD to TBI for the most recent three-year period (2016-2018). To view a full copy of crime statistics published by TBI, including statistics from each institution in Tennessee, go to: <https://crimeinsight.tbi.tn.gov/>.

CRIME ON CAMPUS 2016

University of Tennessee at Chattanooga - 2016				
GROUP A OFFENSES	Offense	Rate per 1,000	Cleared	% Cleared
Homicide Offenses (Total)	0	0.0	0	0.0
Murder	0	0.0	0	0.0
Negligent Manslaughter	0	0.0	0	0.0
Negligent Vehicular Manslaughter	0	0.0	0	0.0
Kidnapping/Abduction	0	0.0	0	0.0
Sex Offenses (Forcible) (Total)	4	0.0	0	0.0
Forcible Rape	0	0.0	0	0.0
Forcible Sodomy	1	0.0	0	0.0
Sexual Assault W/Object	0	0.0	0	0.0
Forcible Fondling	3	0.0	0	0.0
Robbery	1	0.0	0	0.0
Assault Offenses (Total)	21	0.0	5	23.8
Aggravated Assault	1	0.0	0	0.0
Simple Assault	8	0.0	3	37.5
Intimidation	7	0.0	1	14.3
Stalking	5	0.0	1	20.0
Arson	0	0.0	0	0.0
Extortion/Blackmail	0	0.0	0	0.0
Burglary	5	0.0	1	20.0
Larceny/Theft Offenses (Total)	65	0.0	8	12.3
Theft - Pocket-picking	0	0.0	0	0.0
Theft - Purse Snatching	0	0.0	0	0.0
Theft - Shoplifting	1	0.0	1	100.0
Theft From Building	19	0.0	3	15.8
Theft From Coin Machine	0	0.0	0	0.0
Theft From Motor Vehicle	19	0.0	1	5.3
Theft of Motor Vehicle Parts	1	0.0	0	0.0
Theft - All Other Larceny	25	0.0	3	12.0
Motor Vehicle Theft	5	0.0	0	0.0
Counterfeiting/Forgery	3	0.0	0	0.0
Fraud Offenses (Total)	2	0.0	0	0.0
Fraud - Computer Hacking/Invasion	0	0.0	0	0.0
Fraud - Credit Card/ATM	0	0.0	0	0.0
Fraud - False Pretenses	2	0.0	0	0.0
Fraud - Identity Theft	0	0.0	0	0.0
Fraud - Impersonation	0	0.0	0	0.0
Fraud - Welfare	0	0.0	0	0.0
Fraud - Wire	0	0.0	0	0.0
Embezzlement	0	0.0	0	0.0
Stolen Property Offenses	0	0.0	0	0.0
Destruction/Damage/Vandalism	31	0.0	6	19.4
Drug/Narcotic Violations (Total)	116	0.0	113	97.4
Drug/Narcotic Violations	59	0.0	57	96.6
Drug/Narcotic Equipment Violations	57	0.0	56	98.2

GROUP A OFFENSES	Offense	Rate per 1,000	Cleared	% Cleared
Sex Offenses (Nonforcible) (Total)	0	0.0	0	0.0
Incest	0	0.0	0	0.0
Statutory Rape	0	0.0	0	0.0
Pornography/Obscene Material	0	0.0	0	0.0
Gambling Offenses (Total)	0	0.0	0	0.0
Gambling - Betting/Wagering	0	0.0	0	0.0
Gambling - Operating/Promoting	0	0.0	0	0.0
Gambling - Equipment Violations	0	0.0	0	0.0
Gambling - Sports Tampering	0	0.0	0	0.0
Prostitution Offenses (Total)	0	0.0	0	0.0
Prostitution	0	0.0	0	0.0
Prostitution Assisting/Promoting	0	0.0	0	0.0
Purchasing Prostitution	0	0.0	0	0.0
Human Trafficking Offenses (Total)	0	0.0	0	0.0
Commercial Sex Acts	0	0.0	0	0.0
Involuntary Servitude	0	0.0	0	0.0
Bribery	1	0.0	1	100.0
Weapon Law Violations	0	0.0	0	0.0
Animal Cruelty	0	0.0	0	0.0

GROUP B OFFENSES	Offenses	Rate per 1,000
Bad Checks	0	0.0
Curfew/Vagrancy	0	0.0
Disorderly Conduct	5	0.0
DUI	3	0.0
Drunkenness	18	0.0
Family-Non Violent	0	0.0
Liquor Law Violations	69	0.0
Peeping Tom	0	0.0
Trespass	5	0.0
All Other Offenses	16	0.0

2016 Fall Term Campus Population	
Undergraduate Enrollment	10,086
Graduate Enrollment	1,546
Staff Personnel	757
Faculty Personnel	484
Security Personnel	67
Total Campus Population	12,940



Crime on Campus 2016

CRIME ON CAMPUS 2017

University of Tennessee at Chattanooga - 2017

GROUP A OFFENSES	Offense	Rate per 1,000	Cleared	% Cleared
Homicide Offenses (Total)	0	0.0	0	0.0
Murder	0	0.0	0	0.0
Negligent Manslaughter	0	0.0	0	0.0
Negligent Vehicular Manslaughter	0	0.0	0	0.0
Kidnapping/Abduction	0	0.0	0	0.0
Sex Offenses (Forcible) (Total)	4	0.0	0	0.0
Forcible Rape	2	0.0	0	0.0
Forcible Sodomy	0	0.0	0	0.0
Sexual Assault W/Object	0	0.0	0	0.0
Forcible Fondling	2	0.0	0	0.0
Robbery	1	0.0	0	0.0
Assault Offenses (Total)	24	0.0	5	20.8
Aggravated Assault	4	0.0	2	50.0
Simple Assault	6	0.0	3	50.0
Intimidation	7	0.0	0	0.0
Stalking	7	0.0	0	0.0
Arson	0	0.0	0	0.0
Extortion/Blackmail	0	0.0	0	0.0
Burglary	11	0.0	2	18.2
Larceny/Theft Offenses (Total)	83	0.0	5	6.0
Theft - Pocket-picking	2	0.0	0	0.0
Theft - Purse Snatching	0	0.0	0	0.0
Theft - Shoplifting	0	0.0	0	0.0
Theft From Building	22	0.0	1	4.5
Theft From Coin Machine	0	0.0	0	0.0
Theft From Motor Vehicle	13	0.0	0	0.0
Theft of Motor Vehicle Parts	8	0.0	0	0.0
Theft - All Other Larceny	38	0.0	4	10.5
Motor Vehicle Theft	5	0.0	0	0.0
Counterfeiting/Forgery	1	0.0	0	0.0
Fraud Offenses (Total)	11	0.0	1	9.1
Fraud - Computer Hacking/Invasion	0	0.0	0	0.0
Fraud - Credit Card/ATM	7	0.0	0	0.0
Fraud - False Pretenses	2	0.0	0	0.0
Fraud - Identity Theft	0	0.0	0	0.0
Fraud - Impersonation	2	0.0	1	50.0
Fraud - Welfare	0	0.0	0	0.0
Fraud - Wire	0	0.0	0	0.0
Embezzlement	0	0.0	0	0.0
Stolen Property Offenses	3	0.0	1	33.3
Destruction/Damage/Vandalism	35	0.0	4	11.4
Drug/Narcotic Violations (Total)	155	0.0	150	96.8
Drug/Narcotic Violations	79	0.0	76	96.2
Drug/Narcotic Equipment Violations	76	0.0	74	97.4

GROUP A OFFENSES	Offense	Rate per 1,000	Cleared	% Cleared
Sex Offenses (Nonforcible) (Total)	0	0.0	0	0.0
Incest	0	0.0	0	0.0
Statutory Rape	0	0.0	0	0.0
Pornography/Obscene Material	0	0.0	0	0.0
Gambling Offenses (Total)	0	0.0	0	0.0
Gambling - Betting/Wagering	0	0.0	0	0.0
Gambling - Operating/Promoting	0	0.0	0	0.0
Gambling - Equipment Violations	0	0.0	0	0.0
Gambling - Sports Tampering	0	0.0	0	0.0
Prostitution Offenses (Total)	0	0.0	0	0.0
Prostitution	0	0.0	0	0.0
Prostitution Assisting/Promoting	0	0.0	0	0.0
Purchasing Prostitution	0	0.0	0	0.0
Human Trafficking Offenses (Total)	0	0.0	0	0.0
Commercial Sex Acts	0	0.0	0	0.0
Involuntary Servitude	0	0.0	0	0.0
Bribery	0	0.0	0	0.0
Weapon Law Violations	0	0.0	0	0.0
Animal Cruelty	0	0.0	0	0.0

GROUP B OFFENSES	Offenses	Rate per 1,000
Bad Checks	0	0.0
Curfew/Vagrancy	0	0.0
Disorderly Conduct	8	0.0
DUI	9	0.0
Drunkenness	24	0.0
Family-Non Violent	0	0.0
Liquor Law Violations	149	0.0
Peeping Tom	0	0.0
Trespass	10	0.0
All Other Offenses	35	0.0

2017 Fall Term Campus Population	
Undergraduate Enrollment	9,300
Graduate Enrollment	1,010
Staff Personnel	1,191
Faculty Personnel	696
Security Personnel	70
Total Campus Population	12,267



Crime on Campus 2017

CRIME ON CAMPUS 2018

University of Tennessee at Chattanooga - 2018

GROUP A OFFENSES	Offense	Rate per 1,000	Cleared	% Cleared
Homicide Offenses (Total)	0	0.0	0	0.0
Murder	0	0.0	0	0.0
Negligent Manslaughter	0	0.0	0	0.0
Negligent Vehicular Manslaughter	0	0.0	0	0.0
Kidnapping/Abduction	0	0.0	0	0.0
Sex Offenses (Forcible) (Total)	4	0.3	0	0.0
Forcible Rape	3	0.2	0	0.0
Forcible Sodomy	0	0.0	0	0.0
Sexual Assault W/Object	0	0.0	0	0.0
Forcible Fondling	1	0.1	0	0.0
Robbery	0	0.0	0	0.0
Assault Offenses (Total)	26	2.0	9	34.6
Aggravated Assault	5	0.4	5	100.0
Simple Assault	9	0.7	4	44.4
Intimidation	4	0.3	0	0.0
Stalking	8	0.6	0	0.0
Arson	0	0.0	0	0.0
Extortion/Blackmail	1	0.1	0	0.0
Burglary	28	2.1	2	7.1
Larceny/Theft Offenses (Total)	84	6.4	4	4.8
Theft - Pocket-picking	0	0.0	0	0.0
Theft - Purse Snatching	0	0.0	0	0.0
Theft - Shoplifting	0	0.0	0	0.0
Theft From Building	16	1.2	0	0.0
Theft From Coin Machine	9	0.7	1	11.1
Theft From Motor Vehicle	17	1.3	0	0.0
Theft of Motor Vehicle Parts	2	0.2	0	0.0
Theft - All Other Larceny	40	3.0	3	7.5
Motor Vehicle Theft	9	0.7	0	0.0
Counterfeiting/Forgery	0	0.0	0	0.0
Fraud Offenses (Total)	5	0.4	1	20.0
Fraud - Computer Hacking/Invasion	0	0.0	0	0.0
Fraud - Credit Card/ATM	1	0.1	0	0.0
Fraud - False Pretenses	2	0.2	0	0.0
Fraud - Identity Theft	0	0.0	0	0.0
Fraud - Impersonation	2	0.2	1	50.0
Fraud - Welfare	0	0.0	0	0.0
Fraud - Wire	0	0.0	0	0.0
Embezzlement	0	0.0	0	0.0
Stolen Property Offenses	0	0.0	0	0.0
Destruction/Damage/Vandalism	39	2.9	4	10.3
Drug/Narcotic Violations (Total)	105	7.9	105	100.0
Drug/Narcotic Violations	56	4.2	56	100.0
Drug/Narcotic Equipment Violations	49	3.7	49	100.0

GROUP A OFFENSES	Offense	Rate per 1,000	Cleared	% Cleared
Sex Offenses (Nonforcible) (Total)	0	0.0	0	0.0
Incest	0	0.0	0	0.0
Statutory Rape	0	0.0	0	0.0
Pornography/Obscene Material	0	0.0	0	0.0
Gambling Offenses (Total)	0	0.0	0	0.0
Gambling - Betting/Wagering	0	0.0	0	0.0
Gambling - Operating/Promoting	0	0.0	0	0.0
Gambling - Equipment Violations	0	0.0	0	0.0
Gambling - Sports Tampering	0	0.0	0	0.0
Prostitution Offenses (Total)	0	0.0	0	0.0
Prostitution	0	0.0	0	0.0
Prostitution Assisting/Promoting	0	0.0	0	0.0
Purchasing Prostitution	0	0.0	0	0.0
Human Trafficking Offenses (Total)	0	0.0	0	0.0
Commercial Sex Acts	0	0.0	0	0.0
Involuntary Servitude	0	0.0	0	0.0
Bribery	0	0.0	0	0.0
Weapon Law Violations	2	0.2	2	100.0
Animal Cruelty	0	0.0	0	0.0

GROUP B OFFENSES	Offenses	Rate per 1,000
Bad Checks	0	0.0
Curfew/Vagrancy	0	0.0
Disorderly Conduct	0	0.0
DUI	3	0.2
Drunkenness	17	1.3
Family-Non Violent	0	0.0
Liquor Law Violations	44	3.3
Peeping Tom	0	0.0
Trespass	3	0.2
All Other Offenses	14	1.1

2018 Fall Term Campus Population	
Undergraduate Enrollment	9,859
Graduate Enrollment	822
Staff Personnel	1,795
Faculty Personnel	674
Security Personnel	71
Total Campus Population	13,221



Crime on Campus 2018

ANNUAL FIRE SAFETY REPORT

As required under the Clery Act, an institution with on-campus student housing facilities is required to:

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

The Clery Act defines an on-campus student housing facility as housing built by institutionally-related foundations or third parties, such as developers.

The following report outlines the University of Tennessee at Chattanooga's fire safety systems, policies and fire statistics as required under both the Clery Act and the Higher Education Opportunity Act of 2008.

FIRE LOG AND REPORTING NON-EMERGENCY FIRES

Emergency Services maintains a log of all reported crimes for the past 60 days, which is available for public inspection. In addition to crimes, the log also contains all actual fires reported or discovered within University-owned residence halls for the past 60 days.

UTCPD's Daily Crime & Fire Log is available for inspection, in person, during normal business hours at the UTCPD or 24 hours a day online at <https://www.utc.edu/police/clery/daily->

[crime-logs.php](#). Log entries older than 60 days will be made available, upon request, within two business days, free of charge, during normal business hours. If you would like to see records beyond 60-days you must contact the Clery Compliance Coordinator at 423-425-5961 or clery@utc.edu.

For purposes of including a fire in the statistics of the Annual Fire Safety Report, students and employees should report that a fire occurred to the Housing and Residential Life at (423) 425-4304, UTCPD at (423) 425-4357, or Safety and Risk Management at (423) 425-5209. These are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. These are fires for which you are unsure whether UTCPD, Housing and Residential Life, or Safety and Risk Management may already be aware of. If you find evidence of such a fire or if you hear about such a fire, please contact one of those departments. When calling, please include as much information as possible about the location, date, time, and cause of the fire.

POLICIES AND RULES FOR APPLIANCES, SMOKING AND OPEN FLAMES

PROHIBITED ITEMS AND CONDUCT

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

identification and correction of any of the following prohibited items or conduct inside the residence halls:

- (1) No candles (with or without wicks), candle warmers, oil burners, open flames, or incense burning.
- (2) Extension cords must be Underwriter Laboratories- approved or equal. The cords protective covers must be in good condition. Plugs and cords must be the same size or larger than appliance wire and not hidden under rugs, debris, paper, clothing, books, or near heat sources.
- (3) Smoking is prohibited in all buildings owned or operated by UTC.
- (4) No use of heaters/heating units, hookahs, fog machines, percolators, hotplates, immersion heaters, grills, popcorn poppers, flammable liquids, outside antennae, and halogen lamps.
- (5) Due to fire regulations, hot plates, microwaves, and other cooking appliances may not be used in bedrooms. Students should instead use the kitchen area provided.
- (6) Small amounts of paint thinner, rubber cement or other art supplies may be kept in rooms, but only in metal containers away from heat sources.

SMOKING POLICY

Effective January 1, 2019, UTC became a smoke free campus. The purpose of this policy is to protect the health and safety of

University of Tennessee at Chattanooga (UTC) students, employees, and visitors; to promote a healthy and safe work, educational, and living environment; and to comply with applicable state laws regarding smoking. This policy is enacted by UTC pursuant to the express authority granted by the Board of Trustees in [UT Policy BT0022 - Policy on Smoking](#).

DEFINITIONS

- A. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette (including an electronic cigarette or similar device), pipe, or other lighted tobacco product, in any manner or in any form.
- B. "University" or "UTC" for purposes of this policy, means the institution, departments, offices, programs and services of the University of Tennessee at Chattanooga.
- C. "University-controlled property" means:
 1. All land, grounds, buildings, structures, and any other physical property owned, operated, or otherwise controlled by the University; and
 2. All motor vehicles owned, leased, or operated by the University.

SCOPE AND APPLICATION

This policy applies to all University students, employees, contractors, and visitors. This policy is intended to comply with, and shall be interpreted consistently with, all applicable state law, including Tennessee

Code Annotated § 49-7-135; the Non-Smoker Protection Act, Tennessee Code Annotated § 39-17-1801 et seq.; and Tennessee Code Annotated § 50-1-304.

PROHIBITION OF SMOKING AND LITTERING OF TOBACCO PRODUCTS IN OR ON UNIVERSITY CONTROLLED PROPERTY

- A. The campus of UTC is a smoke-free campus. Smoking is prohibited in and on all University-controlled property, including in private vehicles when parked or operated on University-controlled property.
- B. Littering with tobacco products or the remains of any tobacco products on University controlled property is prohibited.

CESSATION RESOURCES FOR STUDENTS AND EMPLOYEES

Assistance with smoking cessation for students and employees is available through Student Health Services, the Office of Alcohol, Other Drug, and Mental Health Education, and the Employee Assistance Program (EAP). More information about cessation resources can be found at <https://www.utc.edu/smoke-free-utc>.

COMPLIANCE AND ENFORCEMENT

- A. Any individual may report a good-faith concern about a violation of this policy using the following procedure:
 - I. Concerns about employees should be directed to the employee's immediate supervisor or Office of Human Resources;

- 2. Concerns about students should be directed to the Office of Student Conduct;
- 3. Concerns about contractors should be directed to the contract administrator or the Office of Budget and Finance; and
- 4. Concerns about visitors should be directed to the UTC Police Department.

B. Violation of this policy may subject individuals according to the following:

- I. Violations by an employee may result in disciplinary action in accordance with applicable University policies (e.g., [UT Policy HR0580 - Code of Conduct](#), [UT Policy HR0525 – Disciplinary Action](#), or the [UTC Faculty Handbook](#));
 - 2. Violations by a student may result in disciplinary action in accordance with the Student Code of Conduct;
 - 3. Violations by a contractor may result in a contractor being directed to leave University property, in accordance with Comp. R. & Regs. § 1720-01-02; and
 - 4. Violations by a visitor may result in a visitor being directed to leave University property, in accordance with Comp. R. & Regs. § 1720-01-02.
- C. Nothing in this policy shall be construed to limit a supervisor's ability to establish, regulate, or limit employee work breaks, whether for smoking or otherwise.

EXCEPTIONS

This policy does not apply to smoking for controlled research or educational, theatrical, or religious ceremonial purposes, provided prior written approval has been obtained from the dean, director, or

department head responsible for the facility in which the smoking will occur.

Smoking is prohibited on all university property. This includes the use of e-cigarettes and all other electronic smoking devices. UTC's Smoke-Free Campus Policy can be found at:

<https://www.utc.edu/academic-affairs/policies-procedures/safety-environmental-health/smoke-free-campus.php> The University of Tennessee system's policy on smoking can be found at: <https://policy.tennessee.edu/wp-content/uploads//policytech/system-wide/sa/SA0900-Smoking.pdf>

FALSE REPORTS AND INTERFERENCE WITH FIRE SAFETY SYSTEMS

Per the UTC Student Handbook 2019-20, "Students Rights and Responsibilities: Standards of Conduct", UTC policy prohibits "Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment." Students who are found to be in violation of this Standard of Conduct will be subject to discipline in accordance with the procedures outlined in Hnadbook.

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

PROCEDURES FOR STUDENTS AND EMPLOYEES IN THE EVENT OF A FIRE

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

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

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

Fire extinguishers are located throughout campus buildings and are openly available for use against incipient fires. Emergency Services and Housing personnel are regularly trained on use of a fire extinguisher.

- Never assume a fire alarm is false.
- When a fire alarm sounds, immediately evacuate.
- Once outside, move approximately 500 feet from the building. Stay clear of streets and driveways. In case of inclement weather, move to the nearest building lobby.

- Do not re-enter the building until you are instructed to do so by a UTC PD officer.

Additional information can be found at: <https://www.utc.edu/safety-risk-management/safety/fire.php>

DESCRIPTION OF ON-CAMPUS RESIDENCE HALL FIRE SAFETY SYSTEMS

All UTC housing facility fire alarm systems report to the UTC PD where they are monitored 24 hours a day, 365 days a year.

Johnson Obear Apartments – 501 Oak Street – Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horns strobes, sprinkler systems, and pull stations.

Boling Apartments – 541 Vine Street - Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horn strobes and sprinkler systems.

Lockmiller I Apartments – 720 Oak Street - Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horn strobes and sprinkler systems.

Lockmiller II Apartments – 742 Oak Street - Masonry construction, fire wall separation between apartments, exterior entrance to all apartments, smoke detectors, horn strobes and sprinkler systems.

Guerry Apartments – 805 Douglas Street - Interior entrance to all apartments,

smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

Decosimo Apartments - 815 University Street - Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

Stophel Apartments – 818 University Street - Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

Walker Apartments – 801 E. 8th Street - Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

UC Foundation Apartments – 718 McCallie Ave - Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

Stagmaier Hall – 705 McCallie Ave – Masonry construction, fire wall separation between apartments, interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems and pull stations.

West Campus Housing -515 Vine Street - Interior entrance to all apartments, smoke detectors, duct detectors, horn strobes, sprinkler systems, and pull stations.

NOTE: This facility opened in the Fall of 2018.

FIRE EVACUATION PROCEDURES FOR RESIDENTS OF STUDENT HOUSING

- Fire extinguishers are located under the kitchen sink in apartments that have kitchens, and are available for

students who want to use the extinguisher against an incipient fire.

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

EVACUATION PROCEDURES FOR RESIDENTS WITH ACCESS AND FUNCTIONAL NEEDS

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

FIRE EVACUATION PROCEDURES FOR STAFF REGARDING RESIDENCE HALLS

- When a fire alarm sounds, immediately evacuate your residents (whether on duty or not). Knock on each door as you pass by, moving

quickly to alert residents of the fire alarm and to evacuate.

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

FIRE DRILLS

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

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

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

FIRE EDUCATION AND TRAINING

Fire education is provided to all Housing staff at least once a year by Emergency Services with the City of Chattanooga Fire Department. The training includes presented material and hands-on fire

extinguisher use, and also situation-based follow-up discussions during the year.

Emergency Services sends brochures, posters, and other printed material on fire prevention and response to Housing for distribution to the residents. Emergency Services hosts education and training presentations on fire and other emergency topics throughout the year that are open to all students, faculty, and staff.

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

UTC regularly evaluates its fire safety systems at the residence halls. Topics for review include information to students, training for staff and students, documentation, maintenance workflow, drills, and building systems which contribute to the prevention, mitigation, and reporting of fire emergencies.

UTC will continually review its prevention strategies (education, inspections, fire drills, and device maintenance), and will continue to access and upgrade fire safety systems throughout the campus as necessary.

FIRE STATISTICS

The **2016** fire statistics are as follows:

Residential Facility	Facility Address	# of Fires	Cause of Fire	# of Injuries	# of Deaths	Property Damage
Stagmaier Hall	705 McCallie Ave.	0	None	None	None	None
Lockmiller I Apts.	720 Oak St.	0	None	None	None	None
Lockmiller II Apts.	742 Oak St.	1	Unintentional-Smoking Materials	None	None	\$0-99
Boiling Apts.	541 Vine St.	1	Unintentional - Cooking	None	None	\$0-99
Johnson Obear Apts.	501 Oak St.	0	None	None	None	None
Guerry Apts.	805 Douglas St.	0	None	None	None	None
Decosimo Apts.	815 University St.	1	Unintentional-Open Flames	None	None	\$0-99
Stophel Apts.	818 University St.	2	I-Unintentional-Cooking	None	None	\$0-99
			I-Unintentional-Electrical (vehicle in parking garage ignited)	None	None	\$1,000-9,999
Walker Apts.	801 E. 8 th St.	0	None	None	None	None
UC Foundation Apts.	718 McCallie Ave.	1	Intentional-Toilet paper ignited to cover bad smell	None	None	\$0-99

The **2017** fire statistics are as follows:

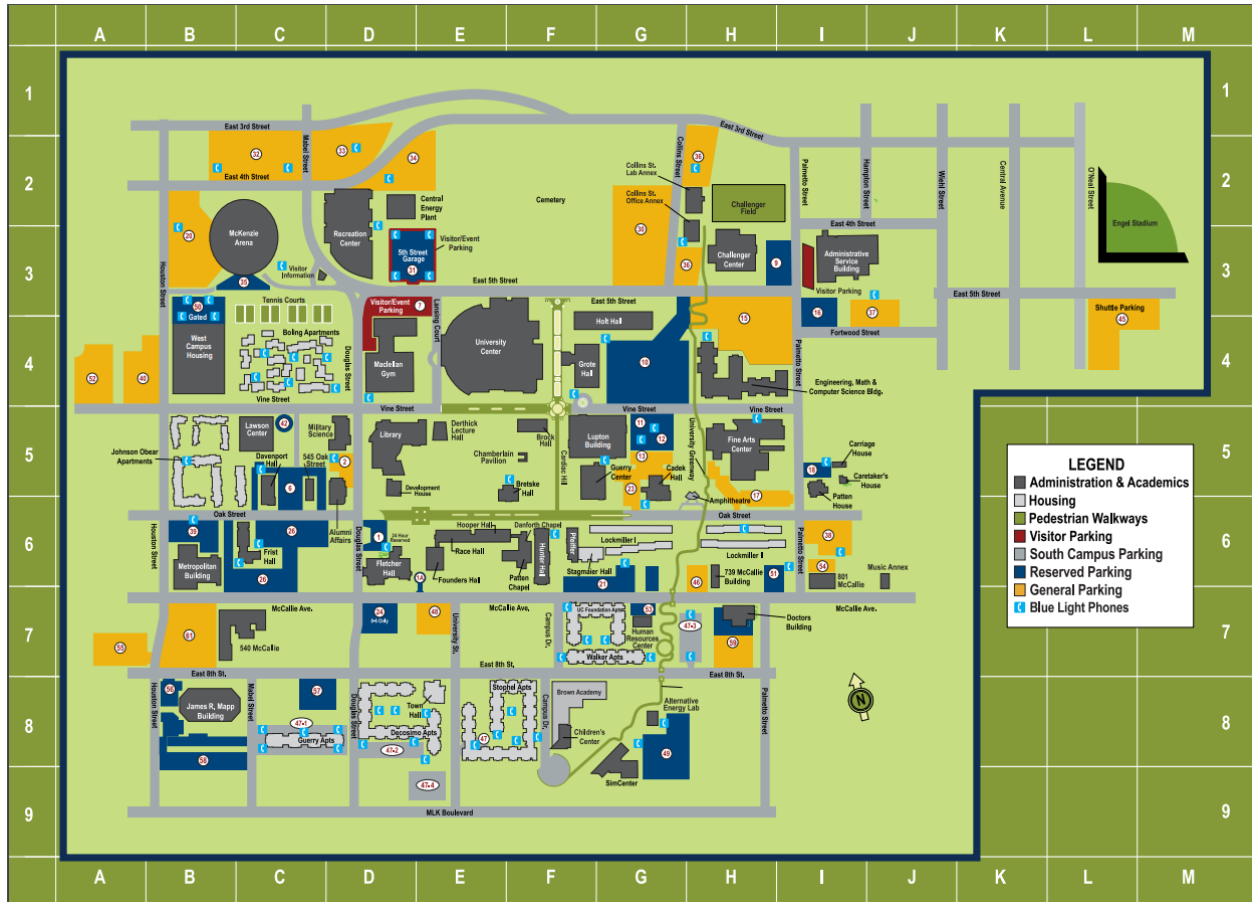
Residential Facility	Facility Address	# of Fires	Cause of Fire	# of Injuries	# of Deaths	Property Damage
Stagmaier Hall	705 McCallie Ave.	1	Unintentional-Cooking	None	None	\$0-99
Lockmiller I Apts.	720 Oak St.	0	None	None	None	None
Lockmiller II Apts.	742 Oak St.	1	Unintentional-Cooking	None	None	\$0-99
Boiling Apts.	541 Vine St.	0	None	None	None	None
Johnson Obear Apts.	501 Oak St.	0	None	None	None	None
Guerry Apts.	805 Douglas St.	0	None	None	None	None
Decosimo Apts.	815 University St.	1	Heating Equipment-Water Heater Element	None	None	\$0-99
Stophel Apts.	818 University St.	1	Unintentional-Cooking	None	None	\$0-99
Walker Apts.	801 E. 8 th St.	1	Unintentional-Cooking	None	None	\$0-99
UC Foundation Apts.	718 McCallie Ave.	1	Unintentional-Hand towel left on hot burner on stove ignited	None	None	\$0-99

The **2018** fire statistics are as follows:

Residential Facility	Facility Address	# of Fires	Cause of Fire	# of Injuries	# of Deaths	Property Damage
Stagmaier Hall	705 McCallie Ave.	0	None	None	None	None
Lockmiller I Apts.	720 Oak St.	0	None	None	None	None
Lockmiller II Apts.	742 Oak St.	0	None	None	None	None
Boiling Apts.	541 Vine St.	1	Unintentional- Pizza box in the oven	None	None	\$0-99
Johnson Obear Apts.	501 Oak St.	0	None	None	None	None
Guerry Apts.	805 Douglas St.	0	None	None	None	None
Decosimo Apts.	815 University St.	0	None	None	None	None
Stophel Apts.	818 University St.	0	None	None	None	None
Walker Apts.	801 E. 8 th St.	1	Unintentional- Cooking	None	None	\$0-99
UC Foundation Apts.	718 McCallie Ave.	0	None	None	None	None
West Campus Housing	515 Vine St.	0	None	None	None	None

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

APPENDIX A-BLUE LIGHT PHONES MAP



Appendix B: Mandatory Reporters When The Complainant Is A University Student¹⁷

Employee	Is the Employee a Mandatory Reporter when the Complainant is a University <u>Student</u> ?
Title IX Coordinator/Office of Equity & Diversity	Yes
Deputy Title IX Coordinators	Yes
Faculty members	Yes
UTCPD employees	Yes
Exempt, non-student staff members	Yes (except for Confidential Employees and Survivor Advocates identified in Section IV.A.1 and Section IV.A.2, who are not Mandatory Reporters if they receive the information from a Complainant who is a patient or a client)
Academic advisors, but not including student tutors	Yes
Faculty and staff advisors to registered student organizations	Yes
Resident Assistants and Graduate Assistants (e.g., Graduate Teaching Assistants, Academic Advisors, Graduate Assistants in Athletics)	Yes, if the report is received in the assistant's University employment capacity (except for a graduate assistant who receives the information while working for a Confidential Employee identified in Section IV.A.1 or Section IV.A.2)
A University employee whom the University has designated as a "Campus Security Authority" for purposes of Clery Act compliance https://www.utc.edu/police/clery/campus-security-authority-training.php	Yes, if the report concerns a Clery Act crime that occurred on Clery Act Geography (the report shall be sent to UTCPD), except employees referenced in Section IV.A.1 and Section IV.A.2 are not Mandatory Reporters
Employees who are not identified in this Appendix B	No

¹⁷ If an employee has multiple roles, the employee is a Mandatory Reporter if the answer is "Yes" on this chart with respect to any of the employee's roles in a particular situation. Also, as described in Article III.B.1, employees of UTCPD are Mandatory Reporters for reports received in a law enforcement capacity.

Appendix C: Mandatory Reporters When The Complainant Is A University Employee¹⁸

Employee	Is the Employee a Mandatory Reporter when the Complainant is a University <u>Employee</u> ?
Title IX Coordinator/Office of Equity & Diversity and Deputy Title IX Coordinators	Yes
Director of Human Resources, Asst. Director of Human Resources, or Human Resources Generalist	Yes
UTCPD employees	Yes, if the report is received in a law enforcement capacity. Even if the report is not received in a law enforcement capacity, UTCPD supervisors must report if the report is made to the immediate supervisor of either the Complainant or the Respondent.
Employees who are supervisors	Yes, if the report is made to: (1) the immediate supervisor of either the Complainant or the Respondent; or (2) other employee who has the authority to redress the prohibited conduct. However, Confidential Employees identified in Article IV.A.1 of this policy are not Mandatory Reporters if they receive the information from a person who is a patient or a client.
A University employee whom the University has designated as a "Campus Security Authority" for purposes of Clery Act compliance (http://www.utc.edu/public-safety/clery/campus-security-authority-training.php)	Yes, if the report concerns a Clery Act crime that occurred on Clery Act Geography (the report shall be sent to UTCPD), except that employees referenced in Section IV.A of this policy are not Mandatory Reporters.
Employees who are not identified in this Appendix C	No

¹⁸ If an employee has multiple roles, the employee is a Mandatory Reporter if the answer is "Yes" on this chart with respect to any of the employee's roles in a particular situation. Also, as described in Article III.B.1, employees of UTCPD are Mandatory Reporters for reports received in a law enforcement capacity.

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Appendix D: Confidentiality Exceptions

1. Written consent. Confidential Employees and Survivor Advocates may disclose information reported to them by the Complainant with the Complainant's written consent, if the written consent satisfies the requirements of applicable state and/or federal law.
2. Report of non-personally identifiable information to the Title IX Coordinator. Survivor Advocates report non-personally identifiable information about Prohibited Conduct to the Title IX Coordinator to keep the Title IX Coordinator informed about the general extent and nature of Prohibited Conduct on and off campus and allow the Title IX Coordinator to track patterns, evaluate the scope of the problem and formulate appropriate campus-wide responses.
3. Campus Security Authorities – Clery Act. UTC employees, including Confidential Employees and Survivor Advocates who do not meet the Clery Act definition of a pastoral or professional counselor but who meet the Clery Act definition of a "Campus Security Authority" have a duty to report non-personally identifiable information about certain incidents of Prohibited Conduct to UTCPD to comply with the Clery Act. Campus Security Authorities report non-personally identifiable information to UTCPD regarding the type of incident that occurred and its general location (e.g., on or off-campus, in the surrounding area, but no addresses are given to UTCPD) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. In addition to the Annual Security Report and in compliance with the Clery Act, UTCPD maintains a daily crime log that includes entries for all crimes and alleged crimes that occurred within UTC's Clery Geography or the patrol jurisdiction of UTCPD. The crime log does not include personally identifying information about the Complainant or the Respondent. Complainants of Prohibited Conduct also should be aware that the Clery Act requires UTC to issue timely warnings for Clery Act crimes reported to UTCPD or Campus Security Authorities that pose an ongoing threat to the safety of the campus community. UTC 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.
4. Child abuse or child sexual abuse (Tennessee Code Annotated §§ 37-1-401 et seq.; 37-1-601 et seq.; 37-1-614). Tennessee law mandates reporting by any person, including a psychiatrist, psychologist, physician, or social worker, who has knowledge of physical or mental harm to a child if: (1) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or (2) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether the child has sustained any apparent injury as a result of the abuse. State law requires a report of child abuse or child sexual abuse to be made immediately to one of the following authorities outside UTC: (1) 911, in the case of an emergency; (2) the Tennessee Department of Children's Services; (3) the sheriff of the county where the child resides; (4) the chief law enforcement official of the city where the child resides; or (5) a judge having juvenile jurisdiction over the child. The Tennessee mandatory reporting laws apply to all UTC employees, contractors, and volunteers, even if the child abuse or child sexual abuse does not occur in connection with a UTC educational program or activity. For purposes of the Tennessee mandatory reporting law, UTC students who are under the age of eighteen (18) are not excluded from the definition of a child.
5. Persons called upon to tender aid to certain victims (Tennessee Code Annotated § 38-1-101). Tennessee law requires all physicians, surgeons, nurses, pharmacists, or other persons to immediately report an incident in which they were called upon to tender aid to a victim suffering from any wound or other injury inflicted by means of a knife, pistol, gun, or other deadly weapon, or by other means of violence, or suffering from the effects of poison, or suffocation, or where a wound or injury is reasonably believed to have resulted from exposure to a methamphetamine laboratory or a methamphetamine related fire,

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explosion, or chemical release, or appears to be suffering from or to have been the victim of female genital mutilation in violation of Tennessee Code Annotated § 39-13-110. The report is required to be made to certain law enforcement officials. Generally, such report must state the name, residence, and employer of the victim, if known, the victim's whereabouts at the time the report is made, the place the injury occurred, and the character and extent of the victim's injuries. However, the reporting obligations do not apply if: (1) the victim is at least 18 years of age; (2) the victim objects to the release of any identifying information to law enforcement officials; (3) the victim is a victim of a sexual assault offense or domestic abuse as defined in Tennessee Code Annotated § 36-3-601; and (4) the victim's injuries are not considered by the treating healthcare professional to be life threatening, or the victim is not being treated for injuries inflicted by strangulation, a knife, pistol, gun, or other deadly weapon.

6. Subpoenas or court orders. A person, including a physician, can be required to testify concerning confidential information by a subpoena or court order.
7. Court orders – Qualified Mental Health Professionals (Tennessee Code Ann. § 33-3-114). A court can order a Qualified Mental Health Professional to disclose confidential information if, after a hearing, the court determines that disclosure is necessary for the conduct of proceedings before it.
8. Duty to warn third parties (Tennessee Code Annotated §§ 33-3-206; 33-3-210). A Qualified Mental Health Professional (e.g., a licensed psychiatrist or psychologist) is required by state law to take reasonable care to predict, warn of, or take precautions to protect an identified victim from a patient/client's violent behavior if: (1) a patient/client has communicated to a Qualified Mental Health Professional an actual threat of bodily harm against a clearly identified victim; and (2) the Qualified Mental Health Professional, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's specialty under similar circumstances, has determined that the patient/client has the apparent ability to commit such an act and is likely to carry out the threat unless prevented from doing so. If the threat communicated by a patient/client to a Qualified Mental Health Professional is an actual threat of serious bodily harm or death against a reasonably identifiable victim or victims, then the Qualified Mental Health Professional is required to report the patient/client to local law enforcement.
9. Threat of Harm to Self or Others – UTC Survivor Advocacy Services. If a Complainant has communicated information to a Survivor Advocate and indicates that the Complainant may attempt to harm themselves or a third party, then the UTC Survivor Advocate may refer the information to a licensed psychologist, professional counselor or social worker in UTC's Counseling and Personal Development Center in order for the psychologist, professional counselor or social worker to make a professional assessment about the information and determine what action should be taken.
10. Sexually transmitted diseases (Tennessee Code Annotated §§ 68-10-102; 68-10-115).
 - A person who has a reasonable belief that a person has knowingly exposed another to HIV may inform the potential victim without incurring any liability. Please note that Tennessee law is not clear whether this obligation applies to a physician or a Qualified Mental Health Professional.
 - If any attending physician or other person knows or has good reason to suspect that a person having a STD is behaving so as to expose other persons to infection, or is about to so behave, the attending physician or other person shall notify the municipal or county health officer of the name and address of the diseased person and the essential facts in the case. Please note that Tennessee law is not clear whether this obligation applies to a Qualified Mental Health Professional.
11. Tennessee Adult Protection Act (protection of the elderly and other vulnerable persons) (Tennessee Code Annotated § 71-6-101 et seq.). Generally, Tennessee law requires any person who has reasonable cause to suspect that a person age 60 or older, or a person with certain physical and mental disabilities, has been subject abuse, neglect, or exploitation to report the situation to the Tennessee Department of Human Services, which will notify the appropriate law enforcement agency.

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Appendix E: UTC Complaint Procedures

Nature of the Report	Status of the Respondent	UTC Complaint Procedure
Sexual Assault or a Sex Offense Crime	Student	<u>Section V.B</u> and <u>Section V.D</u> of this policy
Dating Violence, Domestic Violence, Stalking, or a Relationship Violence Crime	Student	<u>Section V.B</u> and <u>Section V.D</u> of this policy
Sex Discrimination (e.g., Sexual Harassment, Sexual Exploitation) that does not involve Sexual Assault, a Sex Offense Crime, a Relationship Violence Crime, Dating Violence, Domestic Violence, or Stalking	Student	<u>Section V.B</u> and <u>Section V.D</u> of this policy
Retaliation	Student	<u>Section V.B</u> and <u>Section V.D</u> of this policy
Sexual Assault or a Sex Offense Crime	Employee or Other Non-Student	<u>Section V.B</u> and <u>Section V.C</u> of this policy
Dating Violence, Domestic Violence, Stalking, or a Relationship Violence Crime	Employee or Other Non-Student	<u>Section V.B</u> and <u>Section V.C</u> of this policy
Sex Discrimination (e.g., Sexual Harassment, Sexual Exploitation) that does not involve Sexual Assault, a Sex Offense Crime, a Relationship Violence Crime, Dating Violence, Domestic Violence, or Stalking	Employee or Other Non-Student	<u>Discrimination Complaint Procedure</u>
Retaliation	Employee or Other Non-Student	<u>Discrimination Complaint Procedure</u>