



2022 Annual Security and Fire Safety Report

University of Tennessee at Chattanooga

Prepared by the Department of Public Safety

Includes Policy Statements for the 2022-2023 Academic Year *and*

Crime Statistics for Calendar Years (CYs) 2019, 2020 & 2021

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MESSAGE FROM CHIEF ROBERT RATCHFORD



The University of Tennessee at Chattanooga gives precedence to the safety of the students, faculty, staff, and visitors to our campus by creating a safe and secure environment for our campus community. Numerous departments and individuals continually strive to accomplish these goals by working together in order to ensure that UTC students can learn and develop into the future leaders of our society. We hope that you will take time to review the information contained in this brochure to help foster a safe environment for yourself and others on the University campus.

Chief Ratchford

HISTORY OF THE UNIVERSITY

When the Methodist Episcopal Church began to explore the possibilities of developing a central university in the South, Chattanooga came forward to work with the church in this effort and became UTC. Since its founding as Chattanooga University in 1886, the University of Tennessee at Chattanooga has developed an institutional excellence on a blend of private and public traditions of higher education.

For 83 years, the University was private. Three years after its founding, the University consolidated with another religious church-related school, East Tennessee Wesleyan University at Athens, under the name of Grant University. In 1907, University of Chattanooga became the name.

In 1969, the University of Chattanooga and a junior college, Chattanooga City College, merged and affiliated with the University of Tennessee, one of the oldest land-grant universities and became UTC. Pledged to the service of nation, the University of Tennessee has become a statewide system of higher education comprised of four primary campuses. UTC's mandate was to focus its resources on excellence in undergraduate education and in selected areas of graduate study.

ACCREDITATIONS AND MEMBERSHIPS

The University of Tennessee at Chattanooga is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award bachelor's, master's and doctoral degrees. Use the contact information below (1) to learn more about UTC's accreditation status, (2) to file a third-party comment at the time of the institution's decennial review, or (3) to file a complaint against the institution for alleged non-compliance with a standard or requirement. Standard inquiries about the institution, such as admission requirements, financial aid, educational programs, and the like should be directed to the appropriate institution office and not to the Commission.

Southern Association of Colleges and Schools Commission on Colleges

1866 Southern Lane
Decatur, Georgia 30033-4097
Phone 404-679-4501
Fax 404-679-4558

The University also has earned accreditation from additional organizations. A complete listing can be found on the [Planning, Evaluation and Institutional Research site](#).

UTC'S RESPONSE TO COVID-19

At UTC, we're doing all we can to continue to mitigate the COVID-19 risk to our campus community.

Virus mitigation recommendations are in place for the protection of our students, faculty, staff and visitors—whether alumni, prospective students or those with business on campus. The recommendations will remain in place and policy is effective as of August 10, 2022 and shall be revoked or modified at such time as the Chancellor deems appropriate.

UTC working, learning, living and dining environments are adapted for safety best practices. Thank you for complying with these protocols. For the most recent information on the Interim COVID-19 Related Policies, please see the webpage: [Interim COVID-19 Related Policies](#).

INTRODUCTION TO CLERY ACT POLICIES AND PROCEDURES

CLERY ACT REQUIREMENTS

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”
- 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 (2019 – 2021) 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 the police department at 423-425-4357 or email at clery@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.

UTC POLICE DEPARTMENT: WHO WE ARE & WHAT WE DO

Emergency Services, which is comprised of Safety & Risk Management and the Police Department, is under the leadership of the Office of the Vice Chancellor for Finance & Operations and the Assistant Vice Chancellor for Emergency Services. Institutional Clery compliance initiatives are managed by the Coordinator of Clery Compliance 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 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 PRESENCE |
|---|
| 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 AND 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
- Emergency vehicle operation
- Child abuse
- Community Policing
- Officer health and wellbeing
- De-escalation techniques
- Safety, fire and evacuation response
- Ethnic and cultural sensitivity
- Stress management
- Suicide prevention
- Active shooter response
- Cardiopulmonary Resuscitation (CPR) and basic first aid

CURRENTLY, UTCPD personnel consists of the following

| FULL-TIME | PART-TIME |
|--|--------------------------------|
| 17 Sworn Officers | 14 Sworn Officers |
| 7 Non-Sworn Security Officers | 12 Non-Sworn Security Officers |
| 11 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 security services 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 UTCPD.

UTCPD operations is supported by the Communications Center of UTCPD, which 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.

UTCPD is also a part of the Hamilton County 911 Emergency System (Hamilton County 911). By mutual agreement with state and federal agencies, the Communications Center maintains a NLETS (National Law Enforcement Telecommunications Network) terminal. Through this system, communications officers 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.

ACCREDITATION

In 2019, the University of Tennessee at Chattanooga Police Department received their first accreditation awarded through the Tennessee Law Enforcement Accreditation (TLEA) program with their second award received in 2022. The Tennessee Law Enforcement Accreditation 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 UTCPD incorporated into their General Orders and daily operations planning.

The University of Tennessee at Chattanooga Police Department (UTCPD) 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, UTCPD joins 55 other state, county, and municipal agencies with TLEA accreditation awards.

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 ongoing coordination with Chattanooga Police Department happens including working with the 11th Street Precinct including special investigations, and through 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, Law Enforcement Instructor Development, and other areas of law enforcement training which benefit the region.

MEMORANDUM OF UNDERSTANDING WITH LOCAL LAW ENFORCEMENT

UTC has a written Memorandum of Understanding (MOU) with Chattanooga Police Department (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.

UTCPD 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.

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

UTCPD has primary responsibility for maintaining order on UTC property, and CPD will assist in maintaining order upon request by UTCPD. UTCPD will handle

primary response to all incidents requiring crisis intervention on University property. CPD will respond when requested by UTCPD to crisis situations on University property involving hazardous materials, hostage negotiations, bomb threats, civil disorders, and suicide attempts.

UTCPD 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 law enforcement 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 Office, 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 **Definitions** section for description of 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 & Arrest Log, and the [UTCPD website](#).

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 UTCPD 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>

EMERGENCIES ON CAMPUS

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: [Emergency Preparedness Guide](#)

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](#)
- [Student In Distress](#)
- [Building Modifications](#)
- [Reporting a Crime](#)
- [Critical Incidents](#)
- Learn more on the UTC Police site about responding to an active shooter, hostage or bomb threat situation.

Personal Preparedness

- [Areas of Refuge](#)

- [Multicultural Resources](#)
- [Persons with Disability](#)
- [Disaster Kits](#)

EMERGENCY RESPONSE & EVACUATION PROCEDURES

In the event of an emergency, 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.

EVACUATION OF INDIVIDUALS WITH FUNCTIONAL AND ACCESS NEEDS

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: [Disability Preparedness](#)

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. Documentation regarding each test will indicate whether the test was 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 be administered with 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, in conjunction with Safety and Risk Management, shall inspect and test all campus emergency elevator phones, classroom emergency phones, Blue Light phones and Alertus® beacons on a monthly basis. Any device found out of service will be reported to the appropriate office for repair.

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.

MISSING STUDENT NOTIFICATION POLICY

In compliance with the Missing Student Notification Policy and Procedures 20 USC 1092 J; (Section 488 of the Higher Education Opportunity Act of 2008), it is the policy of Housing and Residence Life, Student Affairs, and 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 UTC PD in collaboration with Housing and Residence Life personnel and the Office of the Dean of Students will initiate an investigation.

UTC PD 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.

CARE TEAM

The mission of the Case Assessment, Review, and Evaluation (CARE) Team refers to three multi-disciplinary teams who prevent, mitigate, and reduce crisis situations from occurring within the University community. These teams achieve their goal by assessing, supporting, and intervening when concerns arise regarding a member (student or employee) of the University of Tennessee at Chattanooga (UTC) community.

STUDENT OF CONCERN TEAM

The Student of Concern (SOC) Team reviews and evaluates all reported student community members of concern. The SOC Team provides referrals, support, and case management to ensure overall health, safety, and wellbeing of University of Tennessee at Chattanooga (UTC) students.

BEHAVIORAL INTERVENTION TEAM

The Behavioral Intervention Team (BIT) reviews and evaluates all community members of concern reports where there is a high-risk concern. The Team provides appropriate referrals, support, and case management to ensure the health, safety, and wellbeing of the University of Tennessee at Chattanooga (UTC) community.

THREAT ASSESSMENT TEAM

The Threat Assessment Team (TAT) evaluates any community member of concern reports where there is an immediate or imminent threat of danger to the University of Tennessee at Chattanooga (UTC) community. The TAT recommends and oversees the implementation of an appropriate response to ensure campus health, safety, and wellbeing.

If you believe an individual poses an immediate threat to themselves or other members of the community, please consider the situation an emergency. Immediately contact the UTC Police Department at 423-425-HELP/4357.

For access to assistance 24/7, call 423-425-CARE/2273. For more information visit www.utc.edu/care/.

REPORTING CRIMES, FIRES, MEDICAL OR OTHER EMERGENCIES

The University strongly encourages students, employees and visitors to accurately and promptly report crimes, suspicious activity and other public safety related emergencies to the UTCPD, which is the University's primary reporting structure for crimes and emergencies. **911 emergency calls dialed from University land lines, telephones, 911 red phones in class rooms and emergency blue light telephones located throughout campus will be routed to the UTCPD Communications Center. 911 emergency calls placed from a cell phone will be received by the Hamilton County 9-1-1 Communications Center. You may also call direct to the UTCPD Communications Center at (423) 425-3257 for both emergency and non-emergency reporting.**

Accurate and prompt reporting ensures that UTCPD 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, UTCPD, 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 423-425-4357/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. NOTE: 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 62 on campus.
- Use an emergency phone located in elevators around campus. There are currently 44 on campus.
- Use a red emergency telephone located in classrooms around the University. There are currently 25 on campus. (See Appendix B-Red Phones Map)
- Use a panic alarm, which are 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 other non-University phone. It is important to note that a 911 call made in this manner will be routed to the Hamilton County 911 System. Once the off campus telecommunicator determines the call is coming from the campus, he/she will transfer the call to UTC PD.
- Report in person 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 by dialing (423) 425-4255 or on campus extension 4255; or by email at TitleIX@utc.edu; or in person at University Center, Room 399.
- Contact the Office of the Dean of Students by dialing (423) 425-4761 or on campus extension 4761; or in person at the University Center, Room 399.

- Contact the Office of Student Conduct 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 Services which has trained staff who are available to assist during business hours. After hours and weekend support is available 24-hours a day, 7 days a week is available through the Partnership Rape Crisis Center (Crisis Hotline: 423-755-2700).

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 UTC PD 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. UTC PD will investigate your report immediately.

If all members of the campus community become security conscious and 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 at the link below.
- 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.**

Please use this form to record necessary information when receiving a Bomb threat call. Please provide this form to UTC PD immediately after the call. [Bomb Threat Call Taking](#); [Bomb Threat 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 all of the facts or relevant information before you call. If you suspect a crime, call the UTC PD immediately.

CAMPUS REFERRALS FOR CERTAIN INCIDENTS

All incident reports involving weapons, drug, alcohol, or code of conduct violations are forwarded to the Office of Student Conduct for review and potential action under the [Student Code of 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, under the [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic](#)

[Violence, and Stalking \(SHADDVS Policy\)](#) as appropriate. UTCPD officers will investigate a report when requested by the victim. Additional information obtained via any 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 regarding 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.

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

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: [Silent Witness Form](#).

Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information. The form will be forwarded to the appropriate division of the police department for follow-up; however, the amount and level of detail of the information provided 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 STUDENT CONDUCT

To report an incident anonymously to the Office of Student Conduct, complete the [Incident Reporting Form](#). Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information.

TO LOCAL LAW ENFORCEMENT

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.

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, 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 UTC 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 individuals known as Campus Security Authorities (CSAs) 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. CSAs 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.

CSAs 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 CSAs 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 CSAs 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 CSAs.
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:
 - a. Security at a campus parking booth
 - b. People who monitor access into a campus facility
 - c. Event security, such as for sporting events or large registered parties; and
 - d. 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:
 - a. Title IX Coordinator
 - b. Housing and Residence Life staff
 - c. 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 act or respond to issues on behalf of the University. Examples, include, but are not limited to, the following:
 - a. A Dean of students who oversees student housing, a student center or student extracurricular activities
 - b. Faculty advisor to a student group
 - c. Victim advocates or others responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action, etc.; and
 - d. Athletic Administrators including Directors, Assistant Directors and Coaches, Trainers.

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 and Associate Deans of Students
- Director, Associate and Assistant Director or Coordinators of Student Conduct
- Director, Associate and Assistant Director or Coordinators of Student Outreach and Support
- Title IX Coordinator and Deputy Title IX Coordinators
- Director, Associate Directors, and Assistant Directors of Housing & Residence Life
- Housing & Residence Life Professional Staff (e.g., Residential Directors)

- Housing & Residence life Para-professional Staff (e.g., Resident Assistants)
- Director, Associate and Assistant Directors, and Coordinators of Career Services and Leadership Development
- Director and Associate Director of Counseling Center
- Director of University Health Services
- Director, Assistant Director, and Coordinators of the University Center
- Director, Assistant Directors, and Coordinators of the Disability Resource Center
- Director, Associate and Assistant Directors, and Coordinators of Student and Family Engagement
- Sorority & Fraternity Life Advisors
- Director, Associate and Assistant Directors of Admissions
- Director, Associate and Assistant Directors, and Coordinators of Campus Recreation
- Education, Health, & Human Sciences Advising Director
- Director, Associate and Assistant Director, or Coordinators of Parking Services
- Director, Manager, Coordinator, inspectors, and Specialists of Safety and Risk Management
- Director, Associate and Assistant Directors, and Coordinators of Global Education (International Services, Study Abroad)
- Director, Associate and Assistant Directors of Athletics
- Assistant Athletic Director & Associate Athletic Directors
- Head, Co-Head. Associate, Assistant and Coordinator Athletic Coaches
- Director of Sports Medicine
- Director of Strength and Conditioning
- UTC Police Department staff

CSAs 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.

CSAs are trained on what information to obtain while maintaining victim confidentiality, and how to report the information to the UTCPD for inclusion in the campus crime statistics. Further, CSAs can refer victims to resources for additional assistance and support.

COMMUNICATION ABOUT CAMPUS CRIMES & SAFETY

TIMELY WARNINGS

In an effort to provide timely notice to the UTC community in the event of a criminal situation that, in the judgement of the Chief of Police or designee, may pose a serious or continuing threat to members of the campus community, a Timely Warning notice will be issued.

Timely warnings will be distributed to students and employees in a manner that is timely, that withholds the names of victims as confidential as defined in 42 U.S.C. § 13925(a)(20), and that will aid in the prevention of similar occurrences.

Timely Warnings will be issued to the campus community concerning specific Clery Act crimes reported to UTCPD, a CSA or to a local law enforcement agency that after review and assessment it is determined that the incident may pose a serious or continuing threat to the health or safety of members of the campus community and that have occurred on or within 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 intent of the Timely Warning is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

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.

If there is an immediate threat to the health or safety of students or employees occurring on campus, as described above, the university must follow its Emergency Notification procedures described below. If the university is following its Emergency Notification Procedures below, the university is not required to additionally issue a timely warning based on the same circumstances; however, the university will provide adequate follow-up information to the community as needed.

TIMING & DECISION CRITERIA

UTCPD supervisors confer with the On-Call Administrator during the response to a crime to ensure the proper review of all Clery crimes (and other criminal incidents as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of a Timely Warning is Warranted.

Decisions whether to issue a Timely Warning are made on a case-by-case basis considering 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
- Whether the perpetrator targeted specific individuals to the exclusion of others, such as with domestic violence.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR/National Incident Based Reporting System (NIBRS) crime classifications

- 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 Timely Warning, 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 the Chief of Police or designee) . In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for a potential issuance of a Timely Warning.
- 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:
 - a. Persons on campus with weapons and the intent to use
 - b. Threat of violent crime
 - c. 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:
 - a. Domestic violence
 - b. Dating violence
 - c. Stalking
 - d. Hate crimes (larceny-theft, simple assault, intimidation)
 - e. Consistent pattern of violent behavior
3. Serious acts or threats to campus-owned or personal property. Examples include, but are not limited to:
 - a. Civil unrest or rioting
 - b. Damage/Destruction/Vandalism of Property
 - c. 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.

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.

NOTIFICATION RESPONSIBILITY & AUTHORITY

UTCPD, in conjunction with Safety and Risk Management, Communications and Marketing 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. Vice Chancellor for Finance and Administration
2. Assistant Vice Chancellor of Emergency Services
3. Chief of Police
4. Police Captain
5. Director of Safety and Risk Management
6. Vice Chancellor of Communications and Marketing
7. Assistant Vice Chancellor of Communications and Marketing

Each of these individuals must appoint one or more alternates if they are unavailable or are directly impacted and involved in an incident response.

If a Timely Warning is necessary, a member of Communications and Marketing is given detailed information of the incident. Communications and Marketing 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) Assistant Vice Chancellor of Emergency Services, (2) Chief of Police, or (3) Police Captain. Upon confirmation that the Timely Warning contains adequate information, Communications and Marketing member will distribute the Timely Warning via UTC ALERT.

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

In emergency situations or if a member of Communications and Marketing 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.

Typically, alerts are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the University to react in a timely manner.

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. Updates will be distributed via UTC-SAFE-AND-SECURE email, canvas, and social media (Facebook and Twitter)

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.

NOTIFICATION 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.

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

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 Raven E-mail as the primary method of communication.

PRIMARY METHOD: Raven E-mail (Primary method of communication) : A mandatory University issued e-mail account. Messages sent through e-mail are labeled as UTC-URGENT or UTC-SAFE-AND-SECURE. Raven E-mails are used independently or in conjunction with one to two other communication pathways for campus wide Timely Warnings.

SECONDARY METHODS:

- **Rave E-mail:** These e-mails are generated by the UTC-ALERT system and sent to all accounts. Accounts are established automatically for all students by harvesting cell phone data and e-mail addresses at the time of student registration. This data base is updated not less than once each semester. Students will receive e-mails from this system labeled as UTC-ALERT. Rave e-mails are used independently or in conjunction with other communication pathways for campus-wide notifications. Any Rave e-mail sent to all users will automatically be copied and resent by Raven using the UTC-URGENT address. This ensures delivery to all members of the UTC community.
- **SMS Text Messaging:** A voluntary, opt-in text messaging system available to all persons with an active UTC MOCS ID number. These text messages are generated by the UTC-ALERT system and sent to all accounts. Accounts are established automatically for all students by harvesting cell phone data and e-mail addresses at the time of student registration. This database is updated not less than once each semester. Users 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. The Desktop function of the system allows messages to be pushed to all university owned computers including those used to display content in the classroom while instruction is ongoing. Students, faculty, and staff have the option of installing the Alertus® desktop client on their personal devices in order to receive messages there as well.
- **UTC Website (RSS Feed):** During an emergency, the UTC-ALERT system will automatically post updates, instructions, and information for the campus community to the University website and Canvas (Learning Management System – LMS),.
- **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. These messages are generated within the UTC-ALERT platform and automatically posted to the appropriate sites. Social media sites that are not supported by the University are not considered to have verifiable and accurate information.
- **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.

EMERGENCY NOTIFICATIONS

It is the policy of the UTCPD, in conjunction with Safety and Risk Management, Communications and Marketing, 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
- Fire
- Hazardous Materials emergency
- Tornado Warning

WHO RECEIVES THE NOTIFICATION?

While the University may elect to target Emergency Notifications to a segment of the population we do not do so. When it is necessary to send an Emergency Notification the University will, out of an abundance of caution, notify the campus at large.

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 & 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 Emergency Notification is deemed necessary, the details of the emergency or incident will be given to a member of the Division of Communications and Marketing to request activation of UTC-ALERT.

- D. The Division of Communications and Marketing 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) Assistant Vice Chancellor of Emergency Services, (2) Chief of Police, or (3) Police Captain.
- E. Upon approval, the Division of Communications and Marketing will then determine the means of dissemination and transmit the Emergency Notification to the UTC community with UTC-ALERT. The Division of Communications and Marketing 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 Emergency 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 Emergency Notification Determination Form for each incident that requires issuance of an Immediate Notification. The Emergency Notification Determination Form and a copy of the Immediate Notification is filed with the corresponding incident report, if any.

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 how 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 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 [The Clery Act webpage](#). 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, UTCPD is also required to publish an arrest log. This is a chronological log of all crimes against persons or property reported to the UTCPD in which an arrest is 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 is 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 UTCPD. The CUSIA Arrest Log is combined with the Crime and Fire log and is available online for inspection at: [The Clery Act webpage](#).

PROGRAMMING: 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 provides 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

The UTC Police Department has an available escort service on campus during the academic year. Students, staff, and faculty may use this service to address any personal safety concerns by calling our UTCPD Communication Center (423-425-4357). The escort may or may not be in a vehicle, as Security Officers or Patrol Officers may often walk with the caller to a more comfortable location.

CRIME PREVENTION PROGRAMS

UTC's crime prevention program stresses community awareness and interaction. The UTCPD 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. UTCPD 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 & UTCPD 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 UTCPD. Onboarding sessions are conducted throughout the year by Human Resources.

Representatives from UTCPD and the Clery Compliance Coordinator participate in Resident Director (RD) and Resident Assistant (RA) training annually to ensure that Residence Life staff are fully aware of safety issues and resources available to UTC students. 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 UTCPD 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 [Housing and Residence Life Student Handbook 2022-2023](#).

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, UTCPD, 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. 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 are 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. R.A.D. is a class for women only and provides information on physical and non-physical self-defense techniques. 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.

SAFETY & SECURITY: 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 Department of Housing and Residence Life 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 campus police 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, (423) 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 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 these buildings have varied levels of access.

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

SAFETY & SECURITY: HOUSING & RESIDENCE LIFE

Student housing at UTC consists of 10 buildings on-campus. Eight buildings are apartment style with a variety of shared and private bedrooms and 2 buildings are suite style with shared bedrooms.

Freshmen only buildings are Lockmiller Apartments, Stagmaier Hall, Guerry Apartments, and West Campus Housing. Mixed (upperclassmen and freshmen) buildings are Decosimo and Boling Apartments. Upperclassmen only buildings are Johnson O' Bear and Stophel Apartments. Walker houses Business Residential College for freshmen and upperclassmen students. UC Foundation Apartments houses primarily upperclassmen and Engineering and Computer Science Residential College.

NUMBER OF STUDENTS ENROLLED

The number of students enrolled for Spring 2021 were 9162 Undergraduate and 1374 graduate students for a total of 10,536 students. For Fall 2021, undergraduate student enrollment was 10,016 and graduate enrollment was 1441 for a total of 11,457 students. Additional information regarding overall enrollment by classification, program, online enrollment, and demographics can be found online at the UTC Factbook webpage:

<https://www.utc.edu/academic-affairs/planning-evaluation-and-institutionalresearch/factbook>

UNIVERSITY HOUSING CAPACITY

The University had a housing capacity on campus of 3,450 students in both the spring and fall of 2021. An additional 100 beds were available for isolation and quarantine.

NUMBER OF STUDENTS LIVING IN STUDENT HOUSING

For Spring 2021, 2914 students were living in residence halls on campus (18 graduate students and 2896 undergraduate students).

For Summer 2021, 86 students resided on campus.

For Fall 2021, 3292 students were living in residence halls on campus (9 graduate students and 3283 undergraduate students).

OVERFLOW HOUSING

The University provided overflow housing for Fall 2020 at Palmetto Place Apartments located at 910 E. 8th Street, Chattanooga, TN 37403. Students lived at this location from August 13, 2020 through April 28, 2021. The University did not provide overflow housing for Fall 2021.

PROGRAMS REGARDING HOUSING SECURITY & ENFORCEMENT PROCEDURES

Resident Assistants meet with residents every semester to cover policies and procedures for Housing & Residence Life. Additionally, programs are held, informational bulletins are created, and newsletters are shared throughout the semester regarding security.

HOUSING

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.

SECURITY OF RESIDENCE HALLS

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. Emergency Services 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 written by the Resident Assistants to communicate incidents to the Department of Housing and Residence Life, Office of Student Conduct,

Office of Student Outreach and Support, Clery Compliance Coordinator, and the Office of the Title IX Coordinator (as applicable). Incident reports are used to document policy violations, theft, damage, as well as other emergency circumstances or need-to-know information. If you are named in an incident report, you may be required to speak with the Office of Student Conduct, the Department of Housing and Residence Life, the Office Student Outreach & Support or the Title IX Coordinator. Students found to be responsible for the violating the Student Code of Conduct or other University policies may be assigned disciplinary sanctions.

HOUSING & RESIDENCE LIFE STAFF

Housing and Residence Life employs a wide variety of student and professional staff members who works to ensure that our on-campus residents have the best experience. Staff receive background checks every four years and receive extensive training during the summer which covers topics such as: health and safety, crisis response, incident report writing, and mental health. Below are descriptions of some of the staff members you will find in your complex along with what they do.

- **Executive Director of Residence Education and Campus Life** oversees the overall operation of the department's administrative services and Residence Education.
- **Associate Director for Administrative Services** supervises the Assistant Director of Occupancy Management, Assistant Director for Guest Relations and the Marketing Coordinator. The Associate Director works to ensure the department is serving the students in the areas of room assignments, move-in, room changes, billing, marketing, communication, and guest housing.
- **Assistant Director of Occupancy Management** oversees room assignments, room selection, room changes and student housing charges. The Administrative Services Coordinator supervises two full-time assignments specialists.
- **Associate Director for Residence Education** supervises three Assistant Directors for Residence Education and Academic Initiatives. The Associate Director works to ensure the department is serving the students in the areas of Residential Curriculum, programming, Residential Learning Communities and conflict resolution.
- **Assistant Directors for Residence Education** are full-time professionals who are responsible for developing and administering a comprehensive residence life program in an area of campus. There are two Assistant Directors, one serving North Campus and one serving South Campus.

Each AD supervises four Resident Directors and indirectly supervises student staff in the area.

- **Assistant Resident Directors (ARDs)** are the Graduate students who assist the Resident Director in the management and operation of the complex, which they are located. One ARD are currently located in West Campus Housing.
- **Resident Director(s)** serves as full-time, live-in professionals who are responsible for community development, management, and overall operation of a housing complex. The University currently employs seven full-time RD's and two Graduate RD's. The RDs supervise a team of Senior Resident Assistants (SRA) and Resident Assistants (RA).
- **Resident Assistants** are student staff members that are responsible for community development on a floor or section of an apartment complex on campus. RAs perform many roles in the Residence Halls including resource, educator, policy enforcer, and community developer. There are 3-14 RAs per complex.
- **Building Assistants** are in each complex to assist with both facilities and residence education concerns. They are involved in the day-to-day operations involved in our complexes. They assist with everything from mail to maintenance requests. They are an excellent resource if you have any questions during your time on campus.

RESIDENCE LIFE COMMUNITY ACTIVITIES

Residence Hall Association (RHA) is an organization dedicated to the community of students living on campus at the University of Tennessee

Chattanooga. RHA believes in the importance of community and the well-being of all on-campus residents. RHA will strive to make the on-campus housing experience meaningful and educational. RHA will provide many leadership opportunities and learning experiences through programming, leadership conferences, student advocacy, and community involvement.

RESIDENT CURRICULUM MODEL

The University of Tennessee at Chattanooga Department of Housing and Residence Life connects living and learning to enhance the overall student experience. The Residential Curriculum Model: **WISE** (Wellness, Identity, Scholarship, and Engagement). The Residential Curriculum provides intentional learning opportunities within the residence halls that will aid in students' growth, development and student success. At UTC, our model has four pillars: Wellness, Identity, Scholarship, and Engagement.

Wellness

For many students, living on campus for the first time offers them the first opportunities to independently take personal responsibility for their actions and decision-making. We are committed to helping students develop the skills to live independently in manner that is safe, healthy, and supportive of their ongoing growth and development.

Objectives

1. Residents should be able to identify resources on campus that can assist with their personal well-being.
2. Residents shall develop skills to help them engage in conflict resolution.
3. Residents should be able to understand the importance of responsible decision making and shall hold themselves accountable for the actions they make.

Identity

Through the residential experience, residents shall take the time to explore the identities that they hold, how those identities shape how they view the world, and how they can engage and contribute to diverse society.

Objectives

1. Residents should be able to demonstrate an awareness of their personal identities and where those identities intersect.
2. Residents shall develop an appreciation of the differences of others and have the skills to effectively engage with those with different identities than them.
3. Residents should become aware of local, national, and global issues involving diversity and inclusion.

Scholarship

In conjunction with the Academic Mission of the University of Tennessee at Chattanooga, we believe that fostering academic success in the residence halls will lead to greater student retention and persistence to graduation. Effective scholarship starts by successfully navigating the transition from high school to college and continues as students explore their chosen course of study and potential career opportunities.

Objectives

1. Residents should be able to identify resources on campus and three skills that can help them succeed academically.
2. Residents should be able to make a personal connection with at least one faculty member during their time living on campus.
3. Residents shall develop skills and engage with resources on campus that will help them in major exploration and in the post-graduation career

Engagement

Students do not have to go through college alone. The on-campus experience poses many opportunities for students to engage with their Resident Assistant, their peers, the campus community, and greater Chattanooga community.

Objectives

1. Resident should be able to identify who their RA is and what their role in the community is.
2. Residents shall attend at least one event in the residence hall each semester that allows them to connect with other residents in the community.
3. Residents shall development a sense of belonging to the UTC community by attending events happening in the greater campus community and to get involved in student organizations.
4. Residents shall be given opportunities to go off-campus and engage with the local Chattanooga community as well as the Greater East Tennessee community

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 could result in the imposition of disciplinary sanctions.

LOCK OUT

When students are locked out of their room, they should visit the Complex Office in order to reach the RA on duty or a Housing staff member who will let them back into their room. After two lockouts in a semester, a service charge will be assessed.

KEYS

Residents are issued keys to their apartment/bedroom and mailbox where applicable. Misuse of keys, such as loss or lending to others, jeopardizes safety and may be grounds for disciplinary action. Loss of a key or damaged key should be reported to the Resident Director. If keys are lost, the locks will be changed at the resident's expense. In the event a resident loses their key, the resident should report it to their Resident Assistant. The resident may be given up to 24 hours to find their key before changing the core. The resident may be issued a loaner key while a core change is being performed.

If the resident knows where their key is, the Resident Director may choose to give the student up to 72 hours to recover the key and notify their RD. In the meantime, a loaner key may be issued. If the resident doesn't know where their key is, the Resident Director will request a lock core change. It is expected that cores will be changed on the same business day.

LOANER KEYS

Loaner keys may be temporarily issued to a resident if they are reasonably certain that they know where their key(s) are located, and the key(s) can be retrieved within 72 hours. It is up to the Resident Director to determine if there is a reasonable chance that the key(s) will be returned within 72 hours. If the Resident Director deems appropriate, then a loaner key will be issued to the resident for up to 72 hours until the resident's key(s) are found. If the resident fails to return loaner key within 72 hours, then the core change will occur at the resident's expense.

If a loaner key is lost, the resident is financially responsible for replacing that key.

SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE & STALKING: PREVENTION AND RESPONSE

POLICY

The University of Tennessee at Chattanooga (UTC) is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, "Prohibited Conduct"). Prohibited Conduct will not be tolerated

and will be grounds for disciplinary action up to and including expulsion from the University and termination of employment.

UTC's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking ("SHSADDVS Policy") can be found in Appendix [C] of this report. The primary purposes of the Policy are to: (1) define, eliminate, prevent, and remedy the effects of Prohibited Conduct; (2) identify care, support, and reporting options for students and employees; (3) explain the obligations of employees to report Prohibited Conduct to the University; and (4) identify the grievance procedures the University will follow to thoroughly, equitably, and promptly investigate and resolve reports of Prohibited Conduct. Additional information about UTC's procedures and training and prevention programs relating to Prohibited Conduct can be found online at <https://www.utc.edu/sexual-misconduct/>

(SHSADDVS POLICY, SECTION 1, 1.1)

PROHIBITED CONDUCT

The University prohibits the following conduct:

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

(SHSADDVS POLICY, SECTION 2, 2.1)

SCOPE AND APPLICABILITY

The Policy applies to the conduct of and protects:

- Students of the University of Tennessee at Chattanooga;
- Employees and affiliates of the University¹; and
- University contractors and third parties participating or attempting to participate in the University's operations or education.

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

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

Those terms do not imply pre-judgement concerning whether Prohibited Conduct occurred. Other key terms used in the Policy are defined in other places in this policy.

(SHSADDVS Policy, Section 1, 1.2.1)

JURISDICTION

With respect to employees and other non-students, this Policy applies to conduct which: (i) occurs on University controlled property, (ii) occurs in the context of a University education program or activity, including University employment; and/or (iii) occurs outside the context of a University education program or activity, but has continuing adverse effects or creates a sexually hostile environment on University-controlled property or in any University education program or activity, including University employment.

The University's jurisdiction concerning misconduct by students is governed by the University's Student Code of Conduct (“Code”). The Code applies to the conduct of a student that occurs on University-controlled property. With respect to conduct that does not occur on University-owned property, the University has the discretion to discipline a student for conduct in violation of the Code if the student's conduct adversely affects the interests of the University, including without limitation, when the conduct: a) occurs dur or in connection with a University affiliated activity including, without limitation, an overseas study program, clinical or field placement, internship, or in-service, an overseas study program, clinical or field placement, internship, or i-service experience; b) consists of academic dishonesty or research misconduct; c) is prohibited by local, state, or federal law; d) involves another member of the University community or e) threatens, or indicates that the student may pose a threat to the health or safety of the student or other person, or the security of any person's property, including, without limitation, alcohol-related misconduct, drug-related

misconduct, arson, battery, fraud, hazing, participation in group violence, sexual misconduct, relationship violence, stalking, and theft.

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

(SHSADDVS Policy, Section 1, 1.2.2)

PROCEDURES STUDENTS SHOULD FOLLOW

PRESERVING EVIDENCE

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

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 120 hours after the incident;
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, emails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

(SHSADDVS Policy, Appendix A, 2.1)

GENERAL MEDICAL CARE

In cases of Sexual Assault, it is important to seek immediate medical attention to determine the presence of physical injury, address pregnancy concerns, determine the possibility of exposure to sexually transmitted diseases, and, if the victim 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; however, the Partnership for Families, Children

and Adults' Rape Crisis Center states that evidence can be collected up to 120 hours after a Sexual Assault. Assaults do not have to be reported to law enforcement to receive Sexual Assault Nurse Examiner (SANE) services. Prior to seeing medical care following a Sexual Assault, a Complainant should avoid changing their clothing, bathing, showering, using a douche, using the bathroom, brushing their teeth, drinking liquids, washing their hands or face, or combing their hair. If the Complainant changes their clothes, then the best way to preserve evidence relating to clothing is to put the clothing in a paper (not plastic) bag. Other tips on the preservation of evidence are described in Appendix A, Section 2.1.

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

(SHSADDVS Policy, Appendix A, Section 1, 1.1)

REPORTING OPTIONS

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

(SHSADDVS Policy, Section 4, 4.5)

REPORT TO POLICE

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

(SHSADDVS Policy, Section 4, 4.5.1)

REPORT TO THE UNIVERSITY

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

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

(SHSADDVS Policy, Section 4, 4.5.2)

INITIAL RESPONSE & ASSESSMENT BY TITLE IX COORDINATOR

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

- Promptly contact the Complainant to offer to meet with, or otherwise communicate with, the Complainant
- Discuss the availability of Supportive Measures
- Consider the Complainant's wishes with respect to Supportive Measures
- Inform the Complainant of the availability of Supportive Measures with or without filing of a formal complaint
- Explain to the Complainant the process for filing a formal complaint
- Implement Supportive Measures to eliminate and prevent the recurrence of Prohibited Conduct, deter Retaliation, and remedy the effects of Prohibited Conduct through reasonable support services, accommodations, and other assistance
- In cases of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, **whether the Prohibited Conduct occurred on or off campus**, provide a Complainant with a paper or electronic copy of this Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant's rights and options under this Policy (if that has not already been done by a Mandatory Reporter), which will include: (1) notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and (2) notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- If the Complainant chooses to file a formal complaint, the Title IX Coordinator must make an initial evaluation based on the nature of the conduct alleged and the reported location of the alleged conduct to determine whether the alleged conduct meets the definition of Sexual Harassment that occurs in a University education program or activity in the United States, in which case the formal complaint will be received as a Title IX Sexual Harassment Complaint. If the Title IX Coordinator determines that the alleged conduct is not Title IX Sexual Harassment that occurs in a University education program or activity in the United States
- but is otherwise Prohibited Conduct to which this Policy applies, the formal complaint will be received as a Prohibited Conduct Complaint.
- Regardless of the designation of the formal complaint,³ the Title IX Coordinator will initiate the grievance procedures outlined in *Appendix C or Appendix D* of the Policy; and
- **If the Complainant requests, assist the Complainant in reporting the incident to the police.**

(SHSADDVS Policy, Appendix A, Section 2, 2.3.2)

SUPPORTIVE AND REMEDIAL MEASURES

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement interim protective and remedial measures (“Supportive Measures”) while the University assesses, investigates, and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator’s initiative. Section 4.6 of the Policy explains the availability of Supportive Measures and how they are determined, implemented, and enforced.

(SHSADDVS Policy, Section 1, 1.5)

The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent.⁴ In fairly assessing the need for an individual to receive Supportive Measures, the Title IX Coordinator does not rely on fixed rules or operating assumptions in favor of one party over another.

(SHSADDVS Policy, Appendix A, Section 4, 4.6)

The following are examples of Supportive Measures:

- Issuing a no-contact directive, which provides mutual restrictions between parties from having verbal, physical, written, and/or electronic contact and/or from being present on designated University controlled property for a definite or indefinite period of time.
- Issuing an Emergency Removal (i.e. Interim Suspension) of the Respondent (student or employee) based on an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The Respondent will have the ability to challenge the decision immediately (within 3 business days) following the removal;
- Informing the Complainant of the right to report the incident to the police for criminal investigation and prosecution and offering to assist the Complainant in reporting an incident to the police;
- Putting a Respondent (if an employee) on leave, in accordance with other applicable University policies, prior to the conclusion of the investigation and resolution of a report or formal complaint of Prohibited Conduct;

- Assisting an individual in obtaining medical, advocacy, and counseling services;
- Exploring changes in living, transportation, dining, and working arrangements;
- Arranging appointments for an individual for follow-up on-campus support services or off-campus support services, such as those identified in this Section 1 (e.g., arranging an appointment with the Chattanooga Family Justice Center to discuss options for pursuing an order of protection in Hamilton County Circuit Court);
- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes;
- Assisting an individual in communicating with faculty;
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Office of Records;
- Accessing academic support for an individual, including tutoring;
- Assisting with requesting academic accommodations such as rescheduling exams, obtaining extensions of time for assignments, re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty.

(SHSADDVS Policy, Section 1, 1.5)

LEGAL RESOURCES FOR COMPLAINANTS AND RESPONDENTS

ORDERS OF PROTECTION

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
connect.chattanooga.gov/fjc/

Hamilton County Circuit Court Clerk

500 Courthouse 625 Georgia Ave.
Chattanooga, TN 37402
423-209-6700

Legal Aid of East Tennessee

535 Chestnut St. #360

Chattanooga, TN 37402
423-756-4013 laet.org/

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

Additional information on orders of protection can be found here:

The Hamilton County Circuit Court provides information about orders of protection on its website: www.hamiltontn.gov/CircuitCourt_FAQ.aspx . The Partnership for Families, Children and Adults provides a list of community resources for victims of dating/domestic violence here: partnershipfca.com/123/victim-supportservices.

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

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

(SHSADDVS Policy, Section 1, 1.3.1)

PROTECTING CONFIDENTIALITY

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

- Certain University employees, called Campus Security Authorities, have a duty to report certain incidents of Sexual Assault, Domestic Violence, Dating Violence, and Stalking to the University's Clery Compliance Coordinator to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information to the Clery Compliance Coordinator for Clery Act purposes, but statistical information must be sent to the Clery Compliance Coordinator regarding the type of

incident that occurred and its general location (e.g., on or non-campus) for publication in an annual report of crime statistics, called the Annual Security and Fire Safety Report. Statistics published in the Annual Security and Fire Safety Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Information about how the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim can be found in Appendix C of this report.

- Information about how the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures can be found in Appendix C of this report.

PROCEDURES FOR DISCIPLINARY PROCEEDINGS AND ACTION

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

- *Appendix C* of the Policy describes the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is a **student**.
- *Appendix D and D.1* of the Policy describe the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is an **employee**.
- *Appendix D* of the Policy describes the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is a **third party**, such as a visitor or vendor. The University's ability to take disciplinary, remedial, and/or protective measures with respect to a third party will depend on the nature of the relationship between the third party and the University. The Title IX Coordinator (or designee) has the authority to alter the manner of resolving a report of Prohibited Conduct alleged to be committed by a third party if the procedures in *Appendix D* of the Policy are not appropriate.
- When the Respondent is **both a student and an employee** the Title IX Coordinator will determine the appropriate procedures to use to

address the report of Prohibited Conduct based on the facts and circumstances of the situation.

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

PROMPT, FAIR, AND IMPARTIAL PROCEEDINGS

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

TRAINING

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

PREPONDERANCE OF THE EVIDENCE STANDARD

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

RIGHT TO AN ADVISOR

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

NOTIFICATION TO THE COMPLAINANT & RESPONDENT

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

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

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

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

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 without the other student's consent.

PREVENTION AND AWARENESS PROGRAMS

UTC implements comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to prevent prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking) by and against members of the [Institution] community. UTC intends that its Prevention Programs: (1) be culturally relevant, inclusive of diverse communities and

identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and (2) consider environmental risk and protective factors as they occur on the individual, relationship, University, community, and societal levels. Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

PRIMARY PREVENTION PROGRAMS

UTC implements programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to prevent incidents of prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking) 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 and new employees that inform them about:

- The fact that the University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking, as those terms are defined by the Clery Act regulations, 34 C.F.R. § 668.46(a); the definitions of dating violence, domestic violence, stalking, and sexual assault under Tennessee criminal law; the definition of consent with respect to crimes relating to sexual activity in Tennessee; and the information that is included in the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking in accordance with Clery Act regulations, 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2);
- Bystander Intervention; and
- Risk Reduction.

Questions about the University's current Primary Prevention Programs should be directed to the Title IX Coordinator, the Director of the Center for Wellbeing, or the Director of 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 (e.g. sexual assault, dating violence, domestic violence, and stalking), 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 Director of the Center for Wellbeing, or the Director of the Center for Women and Gender Equity.

The University's primary prevention and awareness programs for incoming students include:

- **Orientation:** UTC's new student orientation was online for summer 2021. Incoming freshman and transfer students were provided with a short video that included an appearance by UTC's Title IX Coordinator and information about Title IX, consent, and resources. In addition, eighteen 45-minute Campus Safety, Title IX, and Emergency Management Sessions were held throughout June and July. During the sessions, the Title IX Coordinator, UTCPD, Safety and Risk Management staff, and the Associate Dean of Students provided short presentations and then answered questions from attendees. UTC's Title IX Coordinator and the Director of the Center for Women and Gender Equity also created a short, narrated PowerPoint that new students could view in UTC's learning platform, Canvas. The PowerPoint gave more detailed information about consent and UTC's support and resources. New graduate students completed a mandatory reporting video and quiz that was created by the Title IX Coordinator.
- **Online Education:** Freshmen and transfer students were required to complete Sexual Assault Prevention for Undergraduates (SAPU), an online module created by training provider Everfi. The module includes information about sexual assault, relationship violence stalking, bystander intervention, consent and other important topics. Incoming graduate students were required to complete Everfi's Sexual Assault Prevention for Graduate Students, which includes information on all the same topics as SAPU but is geared toward graduate students.
- **Step UP! Bystander Intervention Training:** Step UP! is a bystander intervention program administered by the Center for Student Wellbeing. It is designed to educate students to be proactive in helping others. Step UP! is offered to all students and is required for student-athletes and fraternity and sorority new members.

For more information about the Step UP! bystander intervention program, please see <https://www.utc.edu/enrollment-management-and-studentaffairs/center-for-wellbeing/step> .

The University's primary prevention and awareness programs for new employees include:

- **Online Education:** UTC utilized Everfi's Building Supportive Communities to educate both new and ongoing faculty and staff about sexual misconduct relationship violence, stalking, bystander intervention and how to support a student who reports an incident. 1,454 employees completed this program in 2021. New employees were required to complete Bridges: Building A Supportive Community, which provides more expansive knowledge. Employees in Athletics were required to complete Sexual Assault Prevention for Athletic Staff.
- **In-person Mandatory Reporter Training:** UTC's Title IX Coordinator conducted Zoom training sessions about employee mandatory reporter responsibilities with different groups and departments across campus in 2021 including: Resident Assistants; Aquatic and Recreation Center student staff and professional staff; Veteran Student Services; Resident Directors; and First Year Experience instructors.
- **New Faculty Orientation:** UTC's Title IX Coordinator conducted an hour-long session during New Faculty Orientation in August 2021. Topics included Title IX, resources and support available for students, faculty and staff, and mandatory reporting.

ONGOING PREVENTION AND AWARENESS CAMPAIGNS

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 prohibited conduct (e.g., sexual assault, dating violence, domestic violence, and stalking) using a range of strategies with audiences throughout the University and including information about:

- The fact that the University prohibits the crimes of dating violence domestic violence, sexual assault and stalking, as those terms are defined by the Clery Act regulations, 34 C.F.R. § 668.46(a); the definitions of dating violence, domestic violence, stalking, and sexual assault under Tennessee criminal law; the definition of consent with respect to crimes relating to sexual activity in Tennessee; and the information that is included in the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking in accordance with Clery Act regulations, 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2);
- Bystander Intervention; and
- Risk Reduction.

Questions about the University's ongoing prevention and awareness campaigns should be directed to Title IX Coordinator, the Director of the Center for Wellbeing, or the Director of the Center for Women and Gender Equity. The University's ongoing prevention and awareness campaigns include:

- **Consent T-shirt Campaign:** The Title IX Coordinator, in partnership with the Center for Student Wellbeing and the Office of Student Conduct, gave away Obtained & Affirmative & Voluntary & Continual T-shirts during six general giveaways open to the campus and as part of consent and Title IX education to various student groups, including: First-Year Experience students, Resident Assistants, Student-Athletes, new members of fraternities and sororities, Aquatic and Recreation Center student-staff, international students, Marching Mocs, The Perch, The Echo, Brother-to-Brother, Student Government Association, Freshman Senate and Honors College new students. All students were encouraged to wear their consent T-shirts during T-shirt Tuesday, which took place every Tuesday during the fall semester.
- **Bathroom Resource Flyers:** Approximately 400 bathroom stall flyers are posted in 23 buildings around campus each semester. Flyers included information about resources and reporting options.
- **Resource Magnets:** Resource magnets were placed in all on campus housing units. The magnets detailed confidential and nonconfidential resources available to students who may have experienced sexual misconduct, relationship violence and stalking.
- **Consent Bulletin Boards:** Housing and Residence Life Resident Assistants created and displayed bulletin boards in residence halls that discussed consent and resources available on campus.

CAMPUS EVENT HIGHLIGHTS

The following are some of the on-campus events provided for students, faculty and staff. Many of these events were conducted by campus partners, including the Office of the Dean of Students, the Center for Student Wellbeing, the Center for Women and Gender Equity and Athletics.

- **Consent Workshops:** UTC's Center for Student Wellbeing hosted several consent workshops. In addition, the Center for Women and Gender Equity held two events: Cookies and Consent and Consent and Cocoa to engage students in learning more about consent.
- **Domestic Violence Awareness Month:** UTC's Center for Student Wellbeing hosted several events during Domestic Violence Awareness Month (October). Events included Domestic Violence Awareness Month chalking, tabling and educational programs like Intimate Partner Violence in LGBTQ+ Communities and Debunking Interpersonal Violence: From Prevention to Advocacy, which was hosted in partnership with the Center for Women and Gender Equity.
- **Take Back the Night:** Take Back the Night is a yearly event at UTC. The Oct. 21 event was offered on campus and community members were encouraged to anonymously share their survival in order to help other participants and survivors move forward in the healing process.

BYSTANDER INTERVENTION

Safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of Prohibited Conduct. Bystander Intervention includes: 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.

RISK REDUCTION

Options designed to decrease perpetration and bystander inaction, and to increase empowerment for Complainants in order to promote safety and to help individuals and communities address conditions that facilitate violence.

DRUGS AND ALCOHOL

DRUG & ALCOHOL POLICY STATEMENT

UTCPD enforces Federal and State drug laws and State underage drinking laws.

UTC's compliance with provisions of the Department of Education's *Drug-Free Schools and Communities Act (DFSCA)* is achieved through a comprehensive alcohol and other drug prevention program, which includes policy enforcement, education programs, counseling supports and referral to treatment services.

UTC will provide a biennial review of the university's prevention efforts, disciplinary sanctions, and procedures for distributing the annual alcohol and drug notification to students and employees. The UTC Biennial Review will include data related to alcohol and drug incidents and arrests and recommendations for revising university prevention, education, and disciplinary efforts.

The UTC Biennial Review is conducted by the UTC Center for Wellbeing. The UTC Biennial Review will utilize information provided by the UTC Dean of Students Office, UTC Counseling & Personal Development Center, UTC General Counsel, UTC Police Department, UTC Residence Life, and UTC Athletic Department. As mandated by DFSCA, 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. A copy of the Biennial Review reports can be found at:

STANDARDS OF CONDUCT FOR STUDENTS

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 of those 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:

- 1) Providing alcoholic beverages to individuals under 21 or possession or consumption of alcoholic beverages by individuals under 21.
- 2) 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 UTC Student Code of Conduct. The Student Code of Conduct outlines that that all students are prohibited from engaging in the following:

(19) **Alcohol-Related Misconduct:** Consuming, manufacturing, possessing, distributing, dispensing, or selling alcohol or alcohol paraphernalia, or being under the influence of alcohol, on University-controlled property or in connection with a University-affiliated activity, unless expressly permitted by University rules or policy.

(20) **Violation of Federal, State, or Local Alcohol Laws:** Consuming, manufacturing, possessing, distributing, dispensing, or selling alcohol or alcohol paraphernalia, or being under the influence of alcohol, if prohibited by federal, state, or local law.

(21) **Providing Alcohol to Minors:** Providing alcohol to a person younger than twenty-one (21) years of age, unless permitted by law.

(22) **Drug-Related Misconduct:** Using, manufacturing, possessing, distributing, selling, or dispensing drugs or drug paraphernalia, or being under the influence of drugs, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription is not issued to the student using or in possession of the prescription drug; 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.

CODE OF CONDUCT FOR EMPLOYEES

HR 0720-DRUG FREE CAMPUS AND WORKPLACE POLICY

It is the policy of the University of Tennessee to maintain a safe and healthful environment for its students and employees. Therefore, university policy *HR0720*, 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.

A complete copy of [HR0720-Drug Free Campus and Workplace](https://policy.tennessee.edu/procedure/hr0720-h-drug-free-campus-workplace/) can be found at <https://policy.tennessee.edu/procedure/hr0720-h-drug-free-campus-workplace/>

PARENT/GUARDIAN NOTIFICATION

On June 19, 2008, Tennessee Governor Bredesen signed a law requiring Tennessee public colleges and universities notify the parents or legal guardians of students under twenty-one years of age that have violated the alcohol or drug policies of the institution (T.C.A. 49-7-146). This state law is pursuant to an exception in the Family Educational Rights and Privacy Act (FERPA) that allows, but does not require, colleges and universities to notify parents of this information.

Given the seriousness of alcohol and drug issues, as well as the potentially negative impact that these issues can have on college students and campus communities, we hope that parents will address these concerns with their students to help students make better choices in the future. While we recognize that students are adults and need to assume responsibility for their actions, we also acknowledge that parents and guardians play a critical role in their personal development.

The University of Tennessee at Chattanooga sends parent/guardian notifications at the conclusion of the student conduct process via mailed letter. **Please note**

that the University is unable to discuss further information about the student's conduct record without written consent from the student.

UTC'S EVENT ALCOHOL SERVICE AND USE POLICY

In compliance with all state and local laws, regulations, rules and ordinances, allows lawful and responsible alcohol consumption at UTC sponsored events, subject to the restrictions of this policy. This policy has been adopted to provide guidance to UTC employees and units (e.g., departments, colleges, divisions, etc.) and non-UTC persons and entities on the authorized possession, use, and purchase of alcoholic beverages at UTC-sponsored events. This policy applies to all employees and constituent units of UTC, and to any non-UTC persons or entities holding events at any facilities owned, leased, or controlled by UTC. This policy is intended to be consistent with all state and local laws, rules, and regulations. In the event of a conflict between this policy and any state or local law, rule, or regulation, the state or local law, rule, or regulation will prevail. This policy is also intended to be consistent with all University of Tennessee System and Board of Trustee policies. In the event of a conflict between this policy and any University of Tennessee System or Board of Trustee policy, the University of Tennessee System or Board of Trustee policy will prevail. To review the policy in its entirety visit <https://new.utc.edu/academicaffairs/university-policies-and-procedures/administration-and-operations/eventalcohol-service-and-use-policy>

AVAILABILITY OF SUBSTANCE ABUSE COUNSELING RESOURCES

The University strongly encourages students and staff members to voluntarily obtain assistance for dependency or abuse problems 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 at 423-425-4438 during regular business hours. For counseling and crisis services after hours, contact UTC CARE Line at 423-425-CARE/2273.

The Mocs Recovery Program provides a recovery-minded community in which UTC Students in all phases of recovery, can pursue their personal, professional, and academic goals for the purpose of enhancing personal wellness and contributions to the global community. CRP staff collaborate with UTC professionals to support a continuum of care model (prevention, treatment, and recovery) for substance use disorders. Information on this program can be found here: <https://www.utc.edu/enrollment-management-and-student-affairs/center-for-wellbeing/collegiate-recovery-program>

Faculty and staff can contact the Employee Assistance Program (EAP) at 1-855-HERE4TN (1-855-437-3486), 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; suicide prevention; grief and loss; legal and financial issues; work/life balance. Individuals receive up to 5 (five) free counseling sessions per episode at no cost to the participant; however, sessions must be pre-authorized by calling phoning 1-855-HERE4TN (1855-437-3486).

HEALTH RISKS

The following information on health risks is from What Works: Schools Without Drugs, U. S. Department of Education (2012). The drugs students are taking today are more potent, more dangerous, and more addictive than ever. Adolescents are particularly vulnerable to the effects of drugs. Drugs threaten normal development in a number of ways:

- Drugs can interfere with memory, sensation, and perception. They distort experiences and cause a loss of self-control that can lead users to harm themselves and others.
- Drugs interfere with the brain's ability to take in, sort, and synthesize information. As a result, sensory information runs together, providing new sensations while blocking normal ability to understand the information received.
- Drugs can have an insidious effect on perception; for example, cocaine and amphetamines often give users a false sense of functioning at their best while on the drug. Drug suppliers have responded to the increasing demand for drugs by developing new strains, producing reprocessed, purified drugs, and using underground laboratories to create more powerful forms of illegal drugs. Consequently, users are exposed to heightened or unknown levels of risk.
- The marijuana produced today is from five to 20 times stronger than that available as recently as 10 years ago. Regular use by adolescents has been associated with an "a motivational syndrome," characterized by

apathy and loss of goals. Research has shown that severe psychological damage, including paranoia and psychosis, can occur when marijuana contains 2 percent THC, its major psychoactive ingredient. Since the early 1980s, most marijuana has contained from 4 to 6 percent THC—two to three times the amount capable of causing serious damage.

- Crack is a purified and highly addictive form of cocaine.
- Phencyclidine (PCP), first developed as an animal tranquilizer, has unpredictable and often violent effects. Often children do not even know that they are using this drug when PCP-laced parsley in cigarette form is passed off as marijuana, or when PCP in crystal form is sold as lysergic acid (LSD).
- Some of the new "designer" drugs, slight chemical variations of existing illegal drugs, have been known to cause permanent brain damage with a single dose.

Drug Use and Learning

Drugs erode the self-discipline and motivation necessary for learning. Pervasive drug use among students creates a climate in the schools that is destructive to learning. Research shows that drug use can cause a decline in academic performance. This has been found to be true for students who excelled in school prior to drug use as well as for those with academic or behavioral problems prior to use. According to one study, students using marijuana were twice as likely to average D's and F's as other students. The decline in grades often reverses when drug use is stopped.

Drug use is associated with crime and misconduct that disrupt the maintenance of an orderly and safe school conducive to learning. Drugs not only transform schools into marketplaces for dope deals, they also lead to the destruction of property and to classroom disorder. Heavy drug users are two-and-one-half times as likely to vandalize school property and almost three times as likely to be involved in a fight at school as nonusers. Students on drugs create a climate of apathy, disruption, and disrespect for others. A drug-ridden environment is a strong deterrent to learning not only for drug users, but for other students as well. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

| Substance | Nicknames/Slang Terms | Short Term Effects | Long Term Effects |
|------------------|------------------------------|---------------------------|--------------------------|
| | | | |

| | | | |
|--------------------------------|---|---|--|
| Alcohol | | slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts | toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence |
| Amphetamines | uppers, speed, meth, crack, crystal, ice, pep pills | increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety | delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence |
| Barbiturates and Tranquilizers | barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's | slurred speech, muscle relaxation, dizziness, decreased motor control | severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence |
| Cocaine | coke, cracks, snow, powder, blow, rock | loss of appetite, increased blood pressure and heart rate, contracted blood vessels, nausea, hyperstimulation, anxiety, paranoia, increased hostility, increased rate of breathing, muscle spasms and convulsions, dilated pupils, disturbed sleep, | depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage |

| | | | |
|------------------------|--|---|--|
| Gamma Hydroxy Butyrate | GHB, liquid B, liquid X, liquid ecstasy, G, Georgia homeboy, | euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure | memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence |
| Heroin | H, junk, smack, horse, skag | euphoria, flushing of the skin, dry mouth, "heavy" arms and legs, slowed breathing, muscular weakness | constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence |
| Ketamine | K, super K, special K | dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression | Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence |
| LSD | acid, stamps, dots, blotter, Abombs | dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes | may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence |

| | | | |
|--------------------|---|---|---|
| MDMA | ecstasy, XTC, adam, X, rolls, pills | impaired judgment, confusion, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension | same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss kidney failure, cardiovascular problems, convulsions death, physical dependence, psychological dependence |
| Marijuana/Cannabis | pot, grass, dope, weed, joint, bud, reefer, doobie, roach | sensory distortion, poor coordination of movement slowed reaction time, panic, anxiety | bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some |
| Mescaline | peyote cactus | nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature, | lasting physical and mental trauma, intensified existing psychosis, psychological dependence |
| Morphine/Opiates | M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff | euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs | constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence |

| | | | |
|------------|--|---|--|
| PCP | crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone | shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking | memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence |
| Psilocybin | mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn | nausea, distorted perceptions, nervousness, paranoia, | confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis, |
| Steroids | roids, juice | increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure | Cholesterol imbalance, anger management problems, masculinization or women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence |

FEDERAL DRUG LAWS

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Denial of Federal Aid (20 USC 1091) Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Forfeiture of Personal Property and Real Estate (21 USC 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 USC 841) Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

Drug/Substance- Amount-Penalty - 1st Conviction

Barbiturates: Any amount Up to 5 years prison. Fine up to \$250,000

Cocaine: 5 kgs. or more Not less than 10 years prison, not more than life. Fine up to \$4 million

- Less than 100 grams 10-63 months prison. Fine up to \$1 million

Crack Cocaine: 50 grams or more Not less than 10 years prison, not more than life. Fine up to \$4 million

- 5-49 grams Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
- grams or less 10-63 months prison. Fine up to \$1 million

Ecstasy: Any amount Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)

GHB: Any amount Up to 20 years imprisonment. Fine up to \$1 million. 3 years of supervised releases (following prison)

Hashish: 10-100 kg Up to 20 years imprisonment. Fine up to \$1 million.

- 10 kg or less Up to 5 years imprisonment. Fine up to \$250,000

Hash Oil: 1-100 kg Up to 20 years imprisonment. Fine up to \$1 million.

- 1 kg or less Up to 5 years imprisonment. Fine up to \$250,000

Heroin: 1 kg or more Not less than 10 years prison, not more than life. Fine up to \$4 million

- 100-999 grams Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
- 100 grams or less 10-63 months prison. Fine up to \$1 million

Ketamine: Any amount Up to 5 years imprisonment. Fine up to \$250,000. 2 years supervised release

LSD: 10 grams or more Not less than 10 years prison, not more than life. Fine up to \$4 million

- 1-10 grams Not less than 5 years prison, not more than 40 years. Fine up to \$2 million

Marijuana: 1000 kg or more Not less than 10 years prison, not more than life. Fine up to \$4 million

- 100-999 kg Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
- 50-99 kg Up to 20 years imprisonment. Fine up to \$1 million
- 50 kg or less Up to 5 years imprisonment. Fine up to \$250,000

Methamphetamine: 50 grams or more Not less than 10 years prison, not more than life. Fine up to \$4 million

- 10-49 grams Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
- 10grams or less 10-21 months prison. Fine up to \$1 million

PCP: 100 grams or more Not less than 10 years prison, not more than life. Fine up to \$4 million

- 10-99 grams Not less than 5 years prison, not more than 40 years. Fine up to \$2 million
- 10 grams or less 10-21 months prison. Fine up to \$1 million

Rohypnol: 1 gram or more Up to 20 years imprisonment. Fine up to \$1 million

- less than 30 mgs Up to 5 years imprisonment. Fine up to \$250,000

Federal Drug Possession Penalties (21 USC 844) Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

- It is a first conviction and the amount of crack possessed exceeds 5 grams;
- It is a second conviction and the amount of crack possessed exceeds 3 grams;
- It is a third or subsequent crack conviction and the amount exceeds 1 gram.
- Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

STATE OF TENNESSEE LAWS & SANCTIONS

Gradations of Criminal Offenses Like all jurisdictions (federal and state), Tennessee distinguishes among offenses based on their seriousness. These offenses range from minor misdemeanors to capital crimes. The table below shows the gradations of criminal offenses under Tennessee law. See T.C.A. § 40-

35-111, “Authorized terms of imprisonment and fines for felonies and misdemeanors.”

| Level of Offense | Punishment(s) |
|-------------------------|--|
| Capital Crime | Death; life imprisonment |
| Class A felony | Not less than fifteen (15) nor more than sixty (60) years in prison. In addition, the jury may assess a fine not to exceed fifty thousand dollars (\$50,000), unless otherwise provided by statute |
| Class B felony | Not less than eight (8) nor more than thirty (30) years in prison. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000), unless otherwise provided by statute |
| Class C felony | Not less than three (3) years nor more than fifteen (15) years in prison. In addition, the jury may assess a fine not to exceed ten thousand dollars (\$10,000), unless otherwise provided by statute |
| Class D felony | Not less than two (2) years nor more than twelve (12) years in prison. In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute |
| Class E felony | Not less than one (1) year nor more than six (6) years in prison. In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute |
| Class A misdemeanor | not greater than eleven (11) months twenty-nine (29) days in jail or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute |
| Class B misdemeanor | not greater than six (6) months in jail or a fine not to exceed five hundred dollars (\$500), or both, unless otherwise provided by statute |
| Class C misdemeanor | not greater than thirty (30) days in jail or a fine not to exceed fifty dollars (\$50.00), or both, unless otherwise provided by statute |

Tennessee Sanctions Under 21 Alcohol Offenses

<https://www.nashvilletnlaw.com/criminal-defense/dui-defense/under-21-alcohol-relatedcriminal-offenses/>

| OFFENSE | PENALTY |
|---|--|
| Tenn. Code Ann. § 1-3-113 Unlawful for person under 21 to purchase, possess, transport or consume alcoholic beverages unrelated to employment. | The class of offense is not specified but is a misdemeanor per 39-11-111. Pursuant to TCA 39-11-114, it is a Class A misdemeanor. Therefore, 11 mos. 29 days and fine of up to \$2500 applies. <u>Statute makes no mention of impact to driving privileges. However for individuals under 18, T.C.A. 55-10-701 would require the denial of driving privileges.</u> |
| Tenn. Code Ann. § 37-1-156 Contributing to the delinquency of a minor | Class A misdemeanor. |
| Tenn. Code Ann. 39-15-404 Relates to the furnishing of alcohol to a minor by an adult. | Class A misdemeanor and punishable as such and additionally the offender <u>shall</u> be sentenced to 100 hours of community service work. The court <u>in its discretion</u> may send an order to the Dept. of Safety denying the offender's driving privileges. If the offender does not have driving privileges then the court may impose 200 hours of community service. |
| Tenn Code. Ann § 55-10-415 Driving while impaired 18 to 21 for driving under the influence of any intoxicant or with a BAC over .02 | >18 years and <21 years old: Class A Misdemeanor that is punishable only by suspension of driving privileges for 1 year and by a fine of \$250. Court may impose community service. No provision for restricted license. Not eligible for judicial diversion since no incarceration and thus no probation is permitted, but would be eligible for pre-trial diversion. >16<18: Same as above, but delinquent act not misdemeanor. Note that no jail time is applicable in conflict with general penalty relating to delinquent children, see T.C.A. § 37-1-131. |
| Tenn. Code Ann. § 57-3-412 (a)(3)(A) Prohibits the possession, consumption, or transporting of alcoholic beverages unrelated to employment by anyone under 21. | Class A misdemeanor. <u>Regardless of disposition, the record can be expunged 6 months after the date of the violation and such offense cannot be used against them in any criminal proceeding.</u> <u>Under section (a)(5)(C), an order denying the offender of driving privileges is required, and the court and dept of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.</u> |
| Tenn. Code Ann. § 57-3-412 (a)(4) Prohibits the purchase of alcohol for or at the request of anyone that is under 21. | Class A misdemeanor. 1st offense: fine of not less than \$25 nor more than \$500, 2nd and subsequent offenses: minimum \$50 fine with max of \$1,000. In addition to the fines stated above, all offenders are additionally subject to all penalties imposed by T.C.A. 39-15-404. (see above, 100 hours community service work, potential loss of license). |
| Tenn. Code Ann. § 57-3-412 (a)(5)(A) Prohibits the purchase or attempted | Class A misdemeanor. "In addition to any criminal penalty imposed by this section (see above)," an order denying the offender of driving privileges is required, and the court and dept of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18. |

| OFFENSE | PENALTY |
|---|---|
| purchase of alcoholic beverages by anyone under 21. | |
| Tenn. Code Ann. § 57-3-412 (c) Penalty for someone under 21 using a fake id. | Class A misdemeanor. (1) Less than 18: fine of \$50 and not less than 20 hours community service. (2) >18<21: Fine of not less than \$50 but no more than \$200 OR by imprisonment in jail for a minimum of 5 days and a max of 30 days. In addition to above, an order denying the offender of driving privileges is required, and the court and dept of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18. |
| Tenn. Code Ann. § 57-4-203 (b)(2) (A) Prohibits the purchase, attempted purchase, or possession of alcohol by a person under 21 <u>in a public place.</u> (B) Exhibiting a fake id saying you are 21. | Exact same penalty as stated in 57-3-412 (c). see above. |
| Tenn. Code Ann. § 57-5-301(d)(1)(A) Unlawful for minor to purchase or attempt to purchase any “such beverage.” (presumed beer). | Such Statutes under Title 57, Part 5 appear to relate particularly to beer. Punishment is under 57-5-303, which defines it as a Class C misdemeanor. An order denying the offender of driving privileges is required, and the court and dept of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18. |
| Tenn Code. Ann. § 57-5-301(d)(1)(A)(2) Prohibits purchasing beer for someone under 21. | Class A misdemeanor that shall also be punished pursuant to 39-15-404. |
| Tenn Code. Ann. § 57-5-301(d)(1)(A)(3) Making a fake Id to show you are 21 or presenting such. | Statute provides exact same punishment as in 57-3-412(c). |
| Tenn. Code Ann. § 57-5-301(e) unlawful for someone under 21 to have beer in their possession. | Class A misdemeanor. <u>Regardless of disposition, the record can be expunged 6 months after the date of the violation and such offense cannot be used against them in any criminal proceeding. Under section (d)(1)(B)(i), an order denying the offender of driving privileges is required, and the court and dept of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.</u> |

Tennessee Sanctions Driving Under the Influence T.C.A § 55-10-401

(<https://www.tn.gov/safety/publicsafety/duioutline.html>)

Implied Consent - Refusal to Submit to Blood Alcohol (BAC) [55-10-406]

- Revocation of Driver's License for 1 year - 1st offense
- Revocation of Driver's License for 2 years - 2nd offense
- Revocation of Driver's License for 2 years if crash resulted in bodily injury (Most Aggravated Drunk Driving Law)
- Revocation of Driver's License for 5 years if crash resulted in a death (Most Aggravated Drunk Driving Law)

1st Time DUI Offender - .08 (BAC) [55-10-401] [55-10-403]

- 48 hours up to 11 months, 29 days for offenders in violation of 55-10-401
- .20 BAC or greater minimum jail time 7 consecutive days
- License revocation for 1 year -Restricted License available
- You will be ordered to participate in an alcohol and drug treatment program
- Pay restitution to any person suffering physical injury or personal loss \$350-\$1,500 fine
- With towing, bail, attorney, high risk insurance, court costs, school, and reinstatement fees, your first offense average costs could add up to \$4,900
- Judge can order you to install an Ignition Interlock Device at your expense. Minimum first year costs could exceed \$1,000.00
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for months after reinstatement at your expense
- Drug and Alcohol Treatment may be required at the judge's discretion

2nd Time DUI Offender

- 45 days to 11 months, 29 days in jail
- \$600-\$3,500 mandatory fine
- License revocation for 2 years/Restricted License available after first year
- Subject to vehicle seizure/forfeiture
- You will be ordered to attend an alcohol and drug treatment program
- The judge can order you to install an Ignition Interlock Device at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Pay restitution to any person suffering personal injury or loss

3rd Time DUI Offender

- 120 days to 11 months, 29 days in jail
- \$1,100 to \$10,000 mandatory fines

- License revocation for 6-10 years/NO restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Judge could order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

4th and Subsequent DUI Offender

- Class E Felony
- 1 Year (365) days of jail time with a minimum of 150 consecutive days served
- \$3,000 to \$15,000 mandatory fine
- License revocation for 8 years/NO restricted license available
- Subject to vehicle seizure/forfeiture
- Alcohol and drug treatment program
- Judge could order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

Vehicular Assault - Serious injury to another person by a DUI driver

- Class D Felony [39-13-106]
- License revocation from 1 to 5 years according to number of prior offenses
- Jail time 2 to 12 years according to range [40-35-112]
- Plus fines and court costs
- No restricted driver license is available

Child Endangerment - DUI with passenger under 18 years old

- Class D felony if child suffers serious injury [55-10-403] [40-35-112]
- 2 to 12 years jail time
- Class B Felony if child death involved
- 8 to 30 years jail time
- License revocation

Note: Sentence length depends on a number of factors, including the person's criminal history

Vehicular Homicide

- Class B Felony [39-13-213] [40-35-112]
- Fatal crash caused by DUI with .08 BAC or more
- License revocation for 3-10 years/NO restricted license available No restricted driver license is available

Aggravated Vehicular Assault While Driving Intoxicated

- Class A Felony [39-13-218] [40-35-112]
- If any of the following conditions are present: Two or more prior (a) DUI conviction, (b) Vehicular assault convictions or, (c) any combination
- One prior Vehicular Homicide
- A BAC of .20 or greater at the time of the vehicular homicide has (1) one prior DUI or Vehicular Assault offense

Fees to reinstate a driver license after alcohol-related offenses

Implied Consent Refusal to Submit to Blood Alcohol T.C.A. 55-10-406

- \$100 reinstatement fee
- \$50 fee if filing of financial responsibility (SR-22) is required
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

Drug Free Youth Act Offenses (Ages 13 – 17) (T.C.A. 55-10-701) & Underage Possession of Alcohol (Age 18 -21) (T.C.A. 57-5-301)

- \$20 reinstatement fee
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

All other DUI Type Offenses

- \$100 reinstatement fee
- \$3 certification fee if violation occurred in Tennessee
- \$50 fee if filing of financial responsibility (SR-22) is required
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

Penalties for drug and alcohol-related offenses committed by minors

Drug Free Youth Act Offenses (Ages 13 – 17) T.C.A. 55-10-701

- License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
- License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
- Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted Underage

Possession of Alcohol (Age 18 -21) T.C.A. 57-5-301

- License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
- License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
- Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted

Driving While Impaired (Age 16 – 20) T.C.A 55-10-415

- License revocation for 1 year/No provision for restricted license
- \$250 fine
- Court may impose public service work

TENNESSEE STATUTORY SANCTIONS FOR ILLEGAL DRUGS MANUFACTURE OR DELIVERY

It is a crime in Tennessee for a person to knowingly manufacture a controlled substance; deliver a controlled substance; sell a controlled substance; or possess a controlled substance with intent to manufacture, deliver or sell such controlled substance. T.C.A. § 39-17-417. Controlled substances are classified according to their potential for abuse, utility in medical treatment, and potential for dependency. The Tennessee Drug Control Act of 1989, T.C.A. § 39-17-401 et seq., establishes the following schedule of controlled substances:

Schedule I High potential for abuse; no accepted medical use in treatment or lacks accepted safety for use in treatment under medical supervision. This includes certain opiates (e.g., heroin); hallucinogens (e.g., LSD) depressants (e.g., methaqualone) and stimulants (e.g., MDMA).

Schedule II High potential for abuse; has currently accepted medical use in treatment, or currently accepted medical use with severe restrictions; abuse of the substance may lead to severe psychic or physical dependence Examples: cocaine, morphine, amphetamines, amobarbital.

Schedule III Potential for abuse less than the substances listed in Schedules I and II; has currently accepted medical use in treatment; and may lead to moderate or low physical dependence or high psychological dependence. Examples:

Anabolic steroids.

Schedule IV Low potential for abuse relative to substances in Schedule III; has currently accepted medical use in treatment; and may lead to limited physical dependence or psychological dependence relative to the substances in

Schedule III. Examples: Phenobarbital and Fenfluramine

Schedule V Low potential for abuse relative to the controlled substances listed in

Schedule IV; has currently accepted medical use in treatment in the United States; and has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV. Example: A medicine containing not more than two hundred (200) milligrams of codeine per one hundred (100) grams;

Schedule VI Tetrahydrocannabinols Marijuana; hashish; synthetic equivalents

Schedule VII Butyl nitrite and any isomer thereof

The following table sets forth the basic levels of offenses involving manufacture, sale, distribution, or possession with intent distribute, the various levels of scheduled controlled substances. However, one must understand that the law provides additional penalties for violations involving large amounts of numerous substances, including heroin, cocaine, LSD, morphine, peyote, barbiturates and amphetamines.

| Level of Controlled Substance | Level of Offense |
|---|--|
| Schedule I | Class B felony |
| Cocaine (.5 grams or more) | Class B felony and an additional fine of no more than one hundred thousand dollars (\$100,000) |
| Schedule II, including cocaine (less than .5 grams) | Class C felony |
| Schedule III | Class D felony |
| Schedule IV | Class D felony |
| Schedule V | Class E felony |
| Schedule VI | Depends on amount; see table below |
| Schedule VII | Class E Felony |

The following table sets forth the levels of offenses involving manufacture, sale, distribution, or possession with intent distribute, of marijuana and hashish (resin containing the active ingredient THC), based on quantities seized:

| Marijuana | Hashish | Level of Offense (and additional fine) |
|---|-----------------|--|
| Less than ½ ounce | -- | Class A misdemeanor |
| 1/2 ounce to 10 lbs. | up to 2 lbs. | Class E felony + \$5,000 fine |
| 10 to 70 lbs.; 10 to 19 plants regardless of weight | 2 to 4 lbs. | Class D felony + \$50,000 fine |
| 20 to 99 plants regardless of weight | 4 to 8 lbs. | Class C felony + \$100,000 fine |
| 70 to 300 lbs.; 100 to 499 plants regardless of weight | 8 to 15 lbs. | Class B felony + \$200,000 fine |
| More than 300 lbs.; 500 or more plants regardless of weight | 15 lbs. or more | Class A felony + \$500,000 fine |

EDUCATIONAL AND AWARENESS PROGRAMMING

The UTC Center for Wellbeing provides educational and awareness programming. Once each semester the UTC Center for wellbeing also participates in the National Rx Take Back days. 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/enrollment-management-and-student-affairs/center-for-wellbeing/alcohol-drug-education> .

AMNESTY FOR GOOD SAMARITANS AND IMPAIRED STUDENTS

The University holds paramount the health, safety, and welfare of students. Accordingly, all students are expected to alert appropriate officials in the event of a health, safety, or welfare emergency, including, without limitation, a situation involving the abuse of alcohol or drugs.

EXPECTATIONS

When a student knows or reasonably should know that another student is in need of emergency medical attention, the student is expected to: (i) contact appropriate persons (including, but not limited to, University faculty or staff members, law enforcement officials, etc.) to report the incident and request assistance, including providing his or her name and contact information and the

name and contact information of the impaired student; and (ii) demonstrate cooperation and care by remaining with the impaired student and providing reasonable assistance during and after the incident. A student who complies with the expectations described in this Section 17 is referred to as a "Good Samaritan." A student in need of emergency medical attention is referred to as an "impaired student" under this Section 17.

AMNESTY FOR GOOD SAMARITANS

Unless a Good Samaritan has engaged in repeated or serious violations of the Code (including, but not limited to, physical or sexual assault, property destruction, disorderly behavior, theft, multiple alcohol or drug violations), a Good Samaritan will not be subject to formal University disciplinary action for any Code violation(s) discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, a Good Samaritan may be required to meet with the Office of Student Conduct to discuss the Good Samaritan's Code violation(s) and adhere to appropriate remedial and/or educational recommendations.

AMNESTY FOR IMPAIRED STUDENT

Unless an impaired student has engaged in repeated or serious violations of the Code (including, but not limited to, physical or sexual assault, property destruction, disorderly behavior, theft, multiple alcohol or drug violations), an impaired student will not be subject to formal University disciplinary action for any Code violation(s) discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, the impaired student may be required to meet with the Office of Student Conduct to discuss the impaired student's Code violation(s), participate in educational activities, and/or establish that he or she has addressed the issues that contributed to the Code violation(s).

APPLICATION TO STUDENT ORGANIZATIONS

Student organizations, through their officers and members, are also expected to take responsible action in emergency situations in accordance with the expectations under Section 17(2) of this Chapter. A student organization may receive amnesty for any Code violation(s) discovered by the University as a result of the Good Samaritan reports of its officers and/or members, but if not granted amnesty, the responsible actions of its officers and/or members will be considered a mitigating factor when determining disciplinary sanctions, if any, for any Code violation(s) for which the student organization is found responsible. Conversely, the failure of a student organization's officers and/or members to take responsible action in emergency situations in accordance with the expectations under Section 17(2) of this Chapter may be considered an

aggravating factor when determining disciplinary sanctions, if any, for any Code violation(s) for which the student organization is found responsible.

(Student Code of Conduct, Section 17)

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 number 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.)
- 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.)

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, bowie 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 FIREARM POLICIES

At UTC, no person other than police department personnel, or permitted fulltime 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 Code, all students are prohibited from engaging in the following: "Possessing, using, storing, or manufacturing any weapon on

University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police (or his or her designee) of the University Police Department or unless federal or state law affirmatively gives a student a right, irrespective of the Code, to possess or carry a weapon on University-controlled property or in connection with a University-affiliated activity.." (Student Code of Conduct, Section 4(18))

The University of Tennessee system's policy on firearms can be found at:

<https://policy.tennessee.edu/policy/sa0875-firearms/>

CONCEALED CARRY BY FULL-TIME EMPLOYEES

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 UTC employees who work on the Chattanooga campus and intend to carry a concealed handgun on UTC property are required to appear at the UTC Police Department to notify police of their intent by completing registration paperwork in the presence of the police chief. 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 and being vetted by the agency. Registrants must bring their:

- Faculty/Staff identification card
- Valid Driver's License
- Valid handgun carry permit

EXCEPTIONS

Full-time employees who are enrolled in an onsite class or classes at the university *cannot* 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/>.

THE LAW & OTHER UNIVERSITY POLICIES

HAZING

"Hazing" is defined as any intentional or reckless act, on or off University controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is

limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

To report a hazing incident, students and employees can complete the Incident Report form:

https://cm.maxient.com/reportingform.php?UTChattanooga&layout_id=0

A student or student organization involved in an act of hazing is subject to disciplinary action in accordance with the UTC 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 1,789 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 STATEMENTS

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 nondiscrimination 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 loed@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 Anitra Barrett, at 423-425-4255 or via email at Anitra-Barrett@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: 404-9749406, 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.

SHORT EEO

The University of Tennessee Chattanooga is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services. All qualified applicants will receive equal consideration for employment 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.

Inclusion of the short EEO/AA/Non-Discrimination Statement is required in, but not limited to, the following:

- Paid advertisements to solicit applications for faculty and staff positions of employment.
- Contracts for goods or services.
- Purchase orders.
- Brochures and newsletters.

Please note that in meeting the requirements of the federal regulations, it is permissible to use reduced-size print.

ONLINE EEO

The University of Tennessee at Chattanooga is an equal employment opportunity/affirmative action/Title VI/Title IX/Section 504/ADA/ADEA institution.

ABBREVIATED EEO

UTC is an EEO/AA/Titles VI and IX/Section 504/ADA/ADEA institution.

Required Statements

All publications that require publication numbers also require the EEO statement and the affiliation statement.

These statements can be small on the publication so as not to interfere with the design. A common placement is at the bottom or on the back of the publication.

- **When space permits, the statements should appear as follows:** The University of Tennessee at Chattanooga is a comprehensive, community engaged campus of the University of Tennessee System. The University of Tennessee at Chattanooga is an equal employment opportunity/affirmative action/Title VI/Title IX/Section 504/ADA/ADEA institution.
- **When space is limited, you may use:** UTC is a comprehensive, community engaged campus of the UT System. UTC is an EEO/AA/Titles VI and IX Section 504/ADA/ADEA institution.
- For details about the EEO statement and its meaning, visit the [Equal Employment Opportunity webpage](#).

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://www.utc.edu/sites/default/files/2020-06/unlawful-discrimination-sexual-harassment_0.pdf

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.

Contact 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, policies 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 UTC 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 UTC 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.

PROGRAMS FOR MINORS POLICY AND CHILD ABUSE REPORTING

UTC is dedicated to the welfare and safety of minors who visit UTC'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/administration-and-finance/emergency-services/safety-and-risk-management/riskmanagement/programs-for-minors>

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/finance-and-administration/emergency-services/police/clery-act>. 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 2021 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 Coordinator of Clery Compliance.

DEFINITIONS

DEFINITIONS OF TERMS USED IN THIS REPORT

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

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

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

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

Clery Geography: Property for which the Institute is required to report crime statistics pursuant to the Clery Act (i.e., On-Campus buildings or property, Non-Campus buildings or property, and Public Property). **[See UTC Clery Geography & Patrol Jurisdiction Map]**

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

- 1) 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
- 2) 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.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. For the purpose of this definition, dating

violence includes, but it not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. For the purposes of complying with the requirements of this section, and §668.41, any incident meeting this definition is considered a crime for Clery Act reporting.

Domestic Violence: A felony or misdemeanor crime of violence committed by:

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

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

Disciplinary Referral(s): Those individuals referred to the Office of Student Conduct for liquor law, drug law, and illegal weapons violations.

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

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

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

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

- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals
- **Religion:** A preformed negative opinion or attitude toward a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

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

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

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

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

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

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

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

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

NOTE: Crime statistics for university housing facilities are recorded and included in both the "All On-Campus Property" category and the "On-Campus Residential Only" category.

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

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

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

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of

another person, without the consent of the victim. This offense includes the rape of both males and females.

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) fear for his or her safety or the safety of others
- (2) suffer substantial emotional distress.

University, Institute or UTC: The University of Tennessee at Chattanooga.

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

DEFINITIONS OF TERMS FOR LOCAL JURISDICTION

For the community's education and awareness, the terms stalking, sexual assault, domestic violence and dating violence are defined by the University's local jurisdiction. The local jurisdiction uses the Tennessee Code Annotated (TCA) to define criminal offenses. These definitions may differ from those within the Clery Act and are not used for the purposes of reporting Clery Act statistics.

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

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

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

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

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

- (A) Following or appearing within the sight of that person
- (B) Approaching or confronting that person in a public place or on private property
- (C) Appearing at that person's workplace or residence
- (D) Entering onto or remaining on property owned, leased, or occupied by that person
- (E) Contacting that person by telephone
- (F) Sending to that person mail or any electronic communications, including, but not limited to, electronic mail, text messages, or any other type of electronic message sent using the Internet, web sites, or a social media platform
- (G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person

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

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

1. TCA § 39-13-503 **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:

- a. Force or coercion is used to accomplish the act
 - b. 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
 - c. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless
 - d. The sexual penetration is accomplished by fraud.
2. TCA § 39-13-505 **Sexual battery** is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
 - a. Force or coercion is used to accomplish the act
 - b. The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent
 - c. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless
 - d. The sexual contact is accomplished by fraud
3. TCA § 39-15-302 A person commits **Incest** who engages in sexual penetration as defined in TCA § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:
 - a. The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
 - b. The person's brother or sister of the whole or half-blood or by adoption.
 4. TCA § 39-13-506 **Statutory rape** is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
 - a. The victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim
 - b. The victim is at least fifteen but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim.
 5. Several other offenses are included under TCA Sexual Offenses. For a list of offenses and their definitions, see TCA codes § 39-13-501 through 39-13-511.

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

Any person who falls within the following categories:

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

For purposes of this definition, TCA § 39-13-101 defines "**Assault**" as

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

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

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

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

- the activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent
- force or coercion is used to accomplish the activity

- the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless
- The sexual activity is accomplished by fraud.

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

“Coercion” means a threat of kidnapping, extortion, force, or violence to be performed immediately or in the future.

(TCA § 39-13-501(1)) “Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct.

(TCA § 39-13-501(3)) “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent.

(TCA § 39-13-501(4)) “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act.

(TCA § 39-13-501(5)) With respect to criminal offenses relating to sexual activity with a person under the age of eighteen (18) years of age, consent is irrelevant because Tennessee law deems a minor as incapable of consenting to sexual activity. However, Tennessee law provides a close-in-age exception to that general rule that allows minors who are at least the age of thirteen (13) and less than the age of eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor.

University's Definition of Consent:

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

Examples of sexual act(s) include, without limitation: vaginal intercourse; anal intercourse; oral sex; any other intrusion, however slight, of a person's finger or any object into any other person's genitals or anus; the intentional touching of a person's intimate parts (genital area, groin, inner thigh, buttock or breast), the intentional touching of the clothing covering the immediate area of a person's intimate parts, or the intentional touching of any other person with a person's

own intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual gratification.

Consent can be revoked at any time.

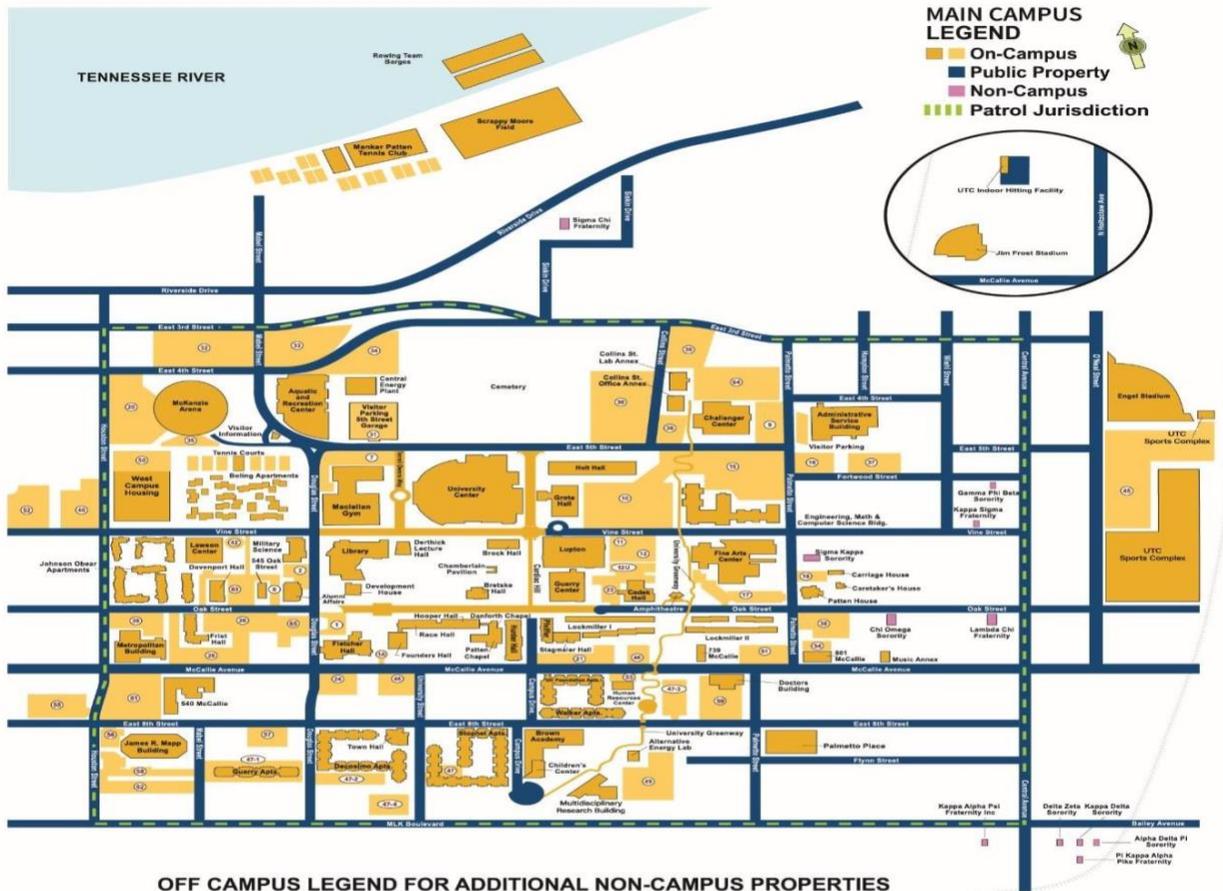
Valid Consent cannot be given if:

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

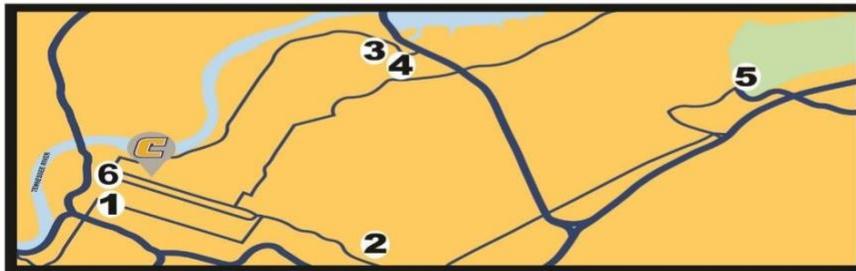
(SHSADDVS Policy, Section 2, 2.3.1)

UTC CLERY GEOGRAPHY & PATROL JURISDICTION MAP

UTC CLERY GEOGRAPHY & PATROL JURISDICTION



OFF CAMPUS LEGEND FOR ADDITIONAL NON-CAMPUS PROPERTIES



- 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



CRIME STATISTICS FOR 2019-2021

CRIME STATISTICS FOR 2019 – 2021

| Type of Offense | Year | On-Campus | Non-Campus | Public Property | TOTAL | On-Campus Residential Facility |
|---------------------------------------|------|-------------------|------------|-----------------------|-------|--------------------------------|
| Murder and Non-Negligent Manslaughter | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 | 0 |
| Rape | 2019 | 9 | 0 | 0 | 9 | 8 |
| | 2020 | 8 ^{*(1)} | 0 | 0 | 8 | 5 |
| | 2021 | 8 | 0 | 0 | 8 | 8 |
| Incest | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 2019 | 6 | 0 | 0 | 6 | 6 |
| | 2020 | 5 | 0 | 0 | 5 | 5 |
| | 2021 | 6 | 5 | 1 | 12 | 5 |
| Robbery | 2019 | 1 | 0 | 0 | 1 | 0 |
| | 2020 | 0 | 0 | 3 ^{*(4)} | 3 | 0 |
| | 2021 | 1 | 0 | 0 | 1 | 0 |
| Aggravated Assault | 2019 | 3 | 0 | 6 | 9 | 1 |
| | 2020 | 1 | 0 | 1 ^{*(4)} | 2 | 0 |
| | 2021 | 3 | 4 | 4 | 11 | 1 |
| Burglary | 2019 | 13 | 4 | 0 | 17 | 6 |
| | 2020 | 11 | 2 | 3 ^{*(2),(4)} | 16 | 8 |
| | 2021 | 15 | 1 | 0 | 16 | 6 |
| Arson | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 2020 | 1 | 0 | 0 | 1 | 1 |
| | 2021 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2019 | 2 | 1 | 4 | 7 | 0 |
| | 2020 | 3 | 0 | 6 ^{*(3),(4)} | 9 | 0 |
| | 2021 | 3 | 0 | 2 | 5 | 0 |

*Statistics for On-campus Residential Facilities are also counted under the On-Campus category.

*(1) Reported rapes included 2 rapes that occurred in 2016, 1 rape that occurred in 2018, and 1 rape that occurred in 2019 that students first reported to the Title IX Coordinator in the 2020 academic year.

*(2) Reported public burglaries statistics obtained from Chattanooga Police Department.

*(3) Reported public motor vehicle thefts statistics obtained from Chattanooga Police Department.

*(4) Statistics updated on 10/1/21 to reflect updates provided by non-UTC reporting agency

VAWA OFFENSES: DOMESTIC VIOLENCE, DATING VIOLENCE & STALKING

| Type of Offense | Year | On Campus | Non-Campus | Public Property | TOTAL | OnCampus Residential Facility |
|-------------------|------|-----------|------------|------------------|-------|-------------------------------|
| Stalking | 2019 | 30 | 0 | 0 | 30 | 12 |
| | 2020 | 5 | 2 | 0 | 7 | 1 |
| | 2021 | 8 | 2 | 2 | 12 | 4 |
| Domestic Violence | 2019 | 10 | 1 | 2 | 13 | 10 |
| | 2020 | 3 | 1 | 2 ⁽¹⁾ | 6 | 1 |
| | 2021 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | 2019 | 3 | 0 | 0 | 3 | 2 |
| | 2020 | 4 | 0 | 0 | 4 | 2 |
| | 2021 | 5 | 0 | 0 | 5 | 4 |

**(1) Statistics updated on 10/1/21 to reflect updates provided by non-UTC reporting agency*

NOTE: Roommates are included for our jurisdiction's family protection laws and their relationship is included for domestic violence incidents.

ARRESTS FOR ALCOHOL, DRUG & WEAPONS LAW 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.

NOTE: The statistics listed below 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.

| Type of Offense | Year | On Campus | Non-Campus | Public Property | TOTAL | Residential Facility |
|------------------------|------|-----------|------------|-------------------|-------|----------------------|
| Liquor Law Violations | 2019 | 0 | 0 | 1 | 1 | 0 |
| | 2020 | 4 | 0 | 0 | 4 | 2 |
| | 2021 | 0 | 0 | 2 | 2 | 0 |
| Drug Law Violations | 2019 | 8 | 1 | 14 | 23 | 3 |
| | 2020 | 7 | 0 | 8 ^{*(1)} | 15 | 5 |
| | 2021 | 4 | 0 | 5 | 9 | 3 |
| Weapons Law Violations | 2019 | 0 | 0 | 3 | 3 | 0 |
| | 2020 | 0 | 0 | 3 | 3 | 0 |
| | 2021 | 1 | 0 | 1 | 2 | 1 |

**(1) Statistics updated on 10/1/21 to reflect updates provided by non-UTC reporting agency*

DISCIPLINARY REFERRALS 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 | 2019 | 410 | 6 | 7 | 423 | 391 |
| | 2020 | 404 | 3 | 3 | 410 | 402 |
| | 2021 | 441 | 3 | 0 | 444 | 437 |
| Drug Law Violations | 2019 | 148 | 0 | 21 | 169 | 126 |
| | 2020 | 162 | 0 | 10 | 172 | 147 |
| | 2021 | 103 | 0 | 1 | 104 | 94 |
| Weapons Law Violations | 2019 | 1 | 0 | 0 | 1 | 1 |
| | 2020 | 1 | 0 | 0 | 1 | 1 |
| | 2021 | 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 2019, 2020 or 2021.

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 |
|------|---|-----------------------------------|------------|--------------------------------|-------|
| 2019 | 3-Motor Vehicle Theft 1-Burglary | 1-Burglary 2-Domestic Violence | 0 | 01-Rape 1-Domestic Violence | 9 |
| 2020 | 0 | 0 | 0 | 0 | 0 |
| 2022 | 3 – Burglary 2 – Motor Vehicle Theft | 3 - Burgary | 0 | 0 | 5 |

The crimes reported in 2019 were investigated by UTCPCD and found to be false or baseless: (1) Motor Vehicle Theft-Investigation determined the vehicle was misplaced by owner (parked in another lot); (2) Motor Vehicle Theft-Investigation determined the vehicle was misplaced by owner (left at an off campus location); (3) Motor Vehicle Theft-Investigation determined the vehicle was misplaced by owner (vehicle left at friend’s home). (1) Burglary-On Campus-Investigation determined that no theft was attempted or occurred; (1) Burglary-On Campus-Residential Facility-Investigation determined that the items were misplaced by owner; burglary did not occur and was not attempted; (1) Rape-Public Property-Victim stated that she did not say she was raped, told hospital staff that she felt pain in her anal area and did not know how it happened; (1) Domestic Violence-Public Property-Involved parties stated that they had a verbal argument and no physical altercation occurred as reported; (1) Domestic Violence-On Campus-Residential Facility-Victim, suspect and witness denied reported allegations (no assault attempted or occurred); (1) Domestic Violence-On Campus-Residential Facility-Victim and suspect denied reported allegations (no assault attempted or occurred).

The crimes reported in 2021 were investigate by UTCPCD and found to be false or baseless:
 (1) Burglary – investigation determined that maintenance repaint doors caused cracks that victims feared were the cause of a burglary
 (1) Burglary – investigation and review of cameras determined that maintenance entered the apartment closing doors and turning off lights while checking for water leak damage from apartment above
 (1) Motor Vehicle Theft – Investigation determined that theft of a rental car did not occur, and the vehicle was in fact returned to the rental car company by an associate of the individual who rented the car.
 (1) Motor Vehicle Theft – Investigation determined that theft of a vehicle was misplaced by the owner (parked in another lot)
 (1) Burglary – investigation and review of cameras determined that damage to door to an apartment was caused at move-in and never noticed until continued wear and tear caused burglary to be reported.

UTC CRIME STATISTICS FOR TENNESSEE REPORTING PURPOSES

TBI: 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 UTC PD 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/cjisdivision/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 UTC PD to TBI for the most recent three-year period (2019-2021). 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 2019

University of Tennessee at Chattanooga - 2019

| 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 | 1 | 0.1 | 0 | 0.0 |
| Sex Offenses (Forcible) (Total) | 3 | 0.2 | 1 | 33.3 |
| Forcible Rape | 2 | 0.2 | 1 | 50.0 |
| 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 | 1 | 0.1 | 1 | 100.0 |
| Assault Offenses (Total) | 37 | 2.9 | 12 | 32.4 |
| Aggravated Assault | 8 | 0.6 | 2 | 25.0 |
| Simple Assault | 12 | 0.9 | 9 | 75.0 |
| Intimidation | 8 | 0.6 | 0 | 0.0 |
| Stalking | 9 | 0.7 | 1 | 11.1 |
| Arson | 0 | 0.0 | 0 | 0.0 |
| Extortion/Blackmail | 2 | 0.2 | 0 | 0.0 |
| Burglary | 19 | 1.5 | 1 | 5.3 |
| Larceny/Theft Offenses (Total) | 118 | 9.1 | 5 | 4.2 |
| Theft - Pocket-picking | 0 | 0.0 | 0 | 0.0 |
| Theft - Purse Snatching | 0 | 0.0 | 0 | 0.0 |
| Theft - Shoplifting | 1 | 0.1 | 0 | 0.0 |
| Theft From Building | 21 | 1.6 | 0 | 0.0 |
| Theft From Coin Machine | 0 | 0.0 | 0 | 0.0 |
| Theft From Motor Vehicle | 63 | 4.9 | 2 | 3.2 |
| Theft of Motor Vehicle Parts | 4 | 0.3 | 0 | 0.0 |
| Theft - All Other Larceny | 29 | 2.2 | 3 | 10.3 |
| Motor Vehicle Theft | 4 | 0.3 | 1 | 25.0 |
| Counterfeiting/Forgery | 11 | 0.8 | 5 | 45.5 |
| Fraud Offenses (Total) | 16 | 1.2 | 6 | 37.5 |
| Fraud - Computer Hacking/Invasion | 0 | 0.0 | 0 | 0.0 |
| Fraud - Credit Card/ATM | 3 | 0.2 | 1 | 33.3 |
| Fraud - False Pretenses | 7 | 0.5 | 2 | 28.6 |
| Fraud - Identity Theft | 0 | 0.0 | 0 | 0.0 |
| Fraud - Impersonation | 6 | 0.5 | 3 | 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 | 26 | 2.0 | 5 | 19.2 |
| Drug/Narcotic Violations (Total) | 169 | 13.1 | 139 | 82.2 |
| Drug/Narcotic Violations | 91 | 7.0 | 75 | 82.4 |
| Drug/Narcotic Equipment Violations | 78 | 6.0 | 64 | 82.1 |

| GROUP A OFFENSES | Offense | Rate per 1,000 | Cleared | % Cleared |
|--|----------|----------------|----------|--------------|
| Sex Offenses (Non forcible) (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 | 0.1 | 1 | 100.0 |
| Weapon Law Violations | 4 | 0.3 | 4 | 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 | 6 | 0.5 |
| DUI | 3 | 0.2 |
| Drunkenness | 17 | 1.3 |
| Family-Non Violent | 0 | 0.0 |
| Liquor Law Violations | 60 | 4.6 |
| Peeping Tom | 0 | 0.0 |
| Trespass | 13 | 1.0 |
| All Other Offenses | 12 | 0.9 |

| 2019 Fall Term Campus Population | |
|----------------------------------|---------------|
| Undergraduate Enrollment | 9,939 |
| Graduate Enrollment | 1,136 |
| Staff Personnel | 1,102 |
| Faculty Personnel | 692 |
| Security Personnel | 75 |
| Total Campus Population | 12,944 |



Crime on Campus 2019

CRIME ON CAMPUS 2020

University of Tennessee at Chattanooga - 2020

| 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) | 1 | 0.1 | 0 | 0.0 |
| Forcible Rape | 1 | 0.1 | 0 | 0.0 |
| Forcible Sodomy | 0 | 0.0 | 0 | 0.0 |
| Sexual Assault W/Object | 0 | 0.0 | 0 | 0.0 |
| Forcible Fondling | 0 | 0.0 | 0 | 0.0 |
| Robbery | 1 | 0.1 | 1 | 100.0 |
| Assault Offenses (Total) | 25 | 1.9 | 7 | 28.0 |
| Aggravated Assault | 1 | 0.1 | 0 | 0.0 |
| Simple Assault | 12 | 0.9 | 6 | 50.0 |
| Intimidation | 10 | 0.8 | 0 | 0.0 |
| Stalking | 2 | 0.2 | 1 | 50.0 |
| Arson | 1 | 0.1 | 1 | 100.0 |
| Extortion/Blackmail | 3 | 0.2 | 0 | 0.0 |
| Burglary | 16 | 1.2 | 1 | 6.3 |
| Larceny/Theft Offenses (Total) | 105 | 8.1 | 4 | 3.8 |
| Theft - Pocket-picking | 0 | 0.0 | 0 | 0.0 |
| Theft - Purse Snatching | 0 | 0.0 | 0 | 0.0 |
| Theft - Shoplifting | 1 | 0.1 | 0 | 0.0 |
| Theft From Building | 11 | 0.8 | 0 | 0.0 |
| Theft From Coin Machine | 5 | 0.4 | 1 | 20.0 |
| Theft From Motor Vehicle | 62 | 4.8 | 1 | 1.6 |
| Theft of Motor Vehicle Parts | 4 | 0.3 | 0 | 0.0 |
| Theft - All Other Larceny | 22 | 1.7 | 2 | 9.1 |
| Motor Vehicle Theft | 3 | 0.2 | 2 | 66.7 |
| Counterfeiting/Forgery | 13 | 1.0 | 4 | 30.8 |
| Fraud Offenses (Total) | 19 | 1.5 | 2 | 10.5 |
| Fraud - Computer Hacking/Invasion | 0 | 0.0 | 0 | 0.0 |
| Fraud - Credit Card/ATM | 1 | 0.1 | 0 | 0.0 |
| Fraud - False Pretenses | 13 | 1.0 | 0 | 0.0 |
| Fraud - Identity Theft | 0 | 0.0 | 0 | 0.0 |
| Fraud - Impersonation | 5 | 0.4 | 2 | 40.0 |
| 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 | 28 | 2.2 | 5 | 17.9 |
| Drug/Narcotic Violations (Total) | 129 | 10.0 | 17 | 13.2 |
| Drug/Narcotic Violations | 66 | 5.1 | 11 | 16.7 |
| Drug/Narcotic Equipment Violations | 63 | 4.9 | 6 | 9.5 |

| 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 | 1 | 0.1 | 1 | 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 | 2 | 0.2 |
| DUI | 4 | 0.3 |
| Drunkenness | 1 | 0.1 |
| Family-Non Violent | 0 | 0.0 |
| Liquor Law Violations | 0 | 0.0 |
| Peeping Tom | 0 | 0.0 |
| Trespass | 3 | 0.2 |
| All Other Offenses | 1 | 0.1 |

| 2020 Fall Term Campus Population | |
|----------------------------------|--------|
| Undergraduate Enrollment | 9,972 |
| Graduate Enrollment | 1,171 |
| Staff Personnel | 1,225 |
| Faculty Personnel | 772 |
| Security Personnel | 101 |
| Total Campus Population | 13,241 |



Crime on Campus 2020

CRIME ON CAMPUS 2021

University of Tennessee at Chattanooga - 2021

| 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 | 1 | 25.0 |
| Forcible Rape | 2 | 0.2 | 1 | 50.0 |
| Forcible Sodomy | 0 | 0.0 | 0 | 0.0 |
| Sexual Assault W/Object | 0 | 0.0 | 0 | 0.0 |
| Forcible Fondling | 2 | 0.2 | 0 | 0.0 |
| Robbery | 0 | 0.0 | 0 | 0.0 |
| Assault Offenses (Total) | 34 | 2.7 | 1 | 2.9 |
| Aggravated Assault | 6 | 0.5 | 0 | 0.0 |
| Simple Assault | 11 | 0.9 | 1 | 9.1 |
| Intimidation | 12 | 1.0 | 0 | 0.0 |
| Stalking | 5 | 0.4 | 0 | 0.0 |
| Arson | 0 | 0.0 | 0 | 0.0 |
| Extortion/Blackmail | 1 | 0.1 | 0 | 0.0 |
| Burglary | 15 | 1.2 | 0 | 0.0 |
| Larceny/Theft Offenses (Total) | 171 | 13.8 | 1 | 0.6 |
| 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 | 13 | 1.0 | 0 | 0.0 |
| Theft From Coin Machine | 6 | 0.5 | 0 | 0.0 |
| Theft From Motor Vehicle | 110 | 8.9 | 0 | 0.0 |
| Theft of Motor Vehicle Parts | 11 | 0.9 | 0 | 0.0 |
| Theft - All Other Larceny | 31 | 2.5 | 1 | 3.2 |
| Motor Vehicle Theft | 5 | 0.4 | 0 | 0.0 |
| Counterfeiting/Forgery | 2 | 0.2 | 0 | 0.0 |
| Fraud Offenses (Total) | 2 | 0.2 | 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 | 1 | 0.1 | 0 | 0.0 |
| Fraud - Identity Theft | 0 | 0.0 | 0 | 0.0 |
| Fraud - Impersonation | 1 | 0.1 | 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 | 32 | 2.6 | 3 | 9.4 |
| Drug/Narcotic Violations (Total) | 28 | 2.3 | 2 | 7.1 |
| Drug/Narcotic Violations | 11 | 0.9 | 1 | 9.1 |
| Drug/Narcotic Equipment Violations | 17 | 1.4 | 1 | 5.9 |

| 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 | 1 | 0.1 | 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 | 1 | 0.1 |
| DUI | 3 | 0.2 |
| Drunkenness | 0 | 0.0 |
| Family-Non Violent | 0 | 0.0 |
| Liquor Law Violations | 3 | 0.0 |
| Peeping Tom | 0 | 0.0 |
| Trespass | 3 | 0.2 |
| All Other Offenses | 1 | 0.1 |

| 2021 Fall Term Campus Population | |
|----------------------------------|---------------|
| Undergraduate Enrollment | 9,310 |
| Graduate Enrollment | 976 |
| Staff Personnel | 1,279 |
| Faculty Personnel | 771 |
| Security Personnel | 84 |
| Total Campus Population | 12,420 |



Crime on Campus 2021

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 Coordinator of Clery Compliance 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.

FIRE STATISTICS

2019 FIRE STATISTICS

| 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. | 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 | Unintentional - Electrical | None | None | \$0-99 |
| Stophel Apts. | 818 University St. | 2 | 1 Unintentional-Cooking | None | None | \$0-99 |
| | | | 1 Unintentional-Cooking | None | None | \$0-99 |
| Walker Apts. | 801 E. 8 th St. | 0 | None | None | None | None |
| UC Foundation Apts. | 718 McCallie Ave. | 0 | None | None | None | None |
| West Campus Housing | 515 Vine St. | 1 | Unintentional -Pizza box in the oven | None | None | \$0-99 |

2020 FIRE STATISTICS

| Residential Facility | Facility Address | # of Fires | Cause of Fire | # of Injuries | # of Deaths | Property Damage |
|----------------------|---------------------------------|------------|--------------------|---------------|-------------|-----------------|
| Boling Apts. | 541 Vine Street | 1 | Unattended Cooking | None | None | \$0 to 99 |
| Decosimo Apts. | 815 University Street | 0 | None | None | None | None |
| Guerry Apts. | 805 Douglas Street | 0 | None | None | None | None |
| Johnson Obear Apts. | 501 Oak Street | 1 | Dryer Belt | None | None | \$0 to 99 |
| Lockmiller Apts. | 720 Oak Street | 0 | None | None | None | None |
| Stagmaier Apts. | 705 McCallie Avenue | 0 | None | None | None | None |
| Stophel Apts. | 818 University Street | 2 | Unattended Cooking | None | None | \$0 to 99 |
| UC Foundation Apts. | 718 McCallie Avenue | 1 | HVAC | None | None | \$0 to 99 |
| UC Foundation | 718 McCallie Avenue | 1 | Vandalism | None | None | \$0 to 99 |
| Walker Apts. | 801 East 8 th Street | 0 | None | None | None | None |

2021 FIRE STATISTICS

| Residential Facility | Facility Address | # of Fires | Cause of Fire | # of Injuries | # of Deaths | Property Damage |
|----------------------|---------------------------------|------------|--------------------|---------------|-------------|-----------------|
| Boling | 541 Vine Street | 1 | Unattended Cooking | None | None | \$0 to 99 |
| Decosimo | 815 University Street | 0 | None | None | None | None |
| Guerry | 805 Douglas Street | 0 | None | None | None | None |
| Johnson-Obear | 501 Oak Street | 0 | None | None | None | None |
| Lockmiller | 720 Oak Street | 1 | Unattended Cooking | None | None | \$0 to 99 |
| Stagmaier | 705 McCallie Avenue | 0 | None | None | None | None |
| Stophel | 818 University Street | 2 | Unattended Cooking | None | None | \$0 to 99 |
| UC Foundation | 718 McCallie Avenue | 0 | None | None | None | None |
| Walker | 801 East 8 th Street | 1 | HVAC Circuit Board | None | None | \$0 to 99 |
| West Campus Housing | 515 Vine Street | 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 |

FIRE SAFETY SYSTEMS

All UTC housing facility fire alarm systems report to the UTCPD 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.

FALSE REPORTS AND INTERFERENCE WITH FIRE SAFETY SYSTEMS

Per the UTC Student Code of Conduct (Updated August 14, 2020), all students are prohibited from engaging in the following: 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 the Student Code of Conduct.

Additionally, any person who willfully causes 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.

FIRE SAFETY EDUCATION & TRAINING PROGRAMS

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 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.

FIRE DRILLS

Fire drills are conducted at all 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.

EVACUATION PROCEDURES & GUIDELINES

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 UTCPD officer.

Additional information can be found at: <https://new.utc.edu/finance-andadministration/emergency-services/safety-and-risk-management/emergencyevacuation>

RESIDENTS OF STUDENT HOUSING

Residents of student housing should follow these protocols:

- 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.

RESIDENT 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.

STAFF IN STUDENT HOUSING

Staff in residence halls should follow these protocols:

- 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 SAFETY VIOLATIONS AND PROHIBITIONS

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:

- No candles (with or without wicks), candle warmers, oil burners, open flames, or incense burning.
- 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.
- Smoking is prohibited in all buildings owned or operated by UTC.
- No use of heaters/heating units, hookahs, fog machines, percolators, hotplates, immersion heaters, grills, popcorn poppers, flammable liquids, outside antennae, and halogen lamps.
- 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.
- 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:
 - a. All land, grounds, buildings, structures, and any other physical property owned, operated, or otherwise controlled by the University; and
 - b. 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:
 - a. Concerns about employees should be directed to the employee's immediate supervisor or Office of Human Resources;
 - b. Concerns about students should be directed to the Office of Student Conduct;
 - c. Concerns about contractors should be directed to the contract administrator or the Office of Budget and Finance; and
 - d. Concerns about visitors should be directed to the UTC Police Department.
- B. Violation of this policy may subject individuals according to the following:
 - a. 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](#));
 - b. Violations by a student may result in disciplinary action in accordance with the Student Code of Conduct;

- c. 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
 - d. 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.

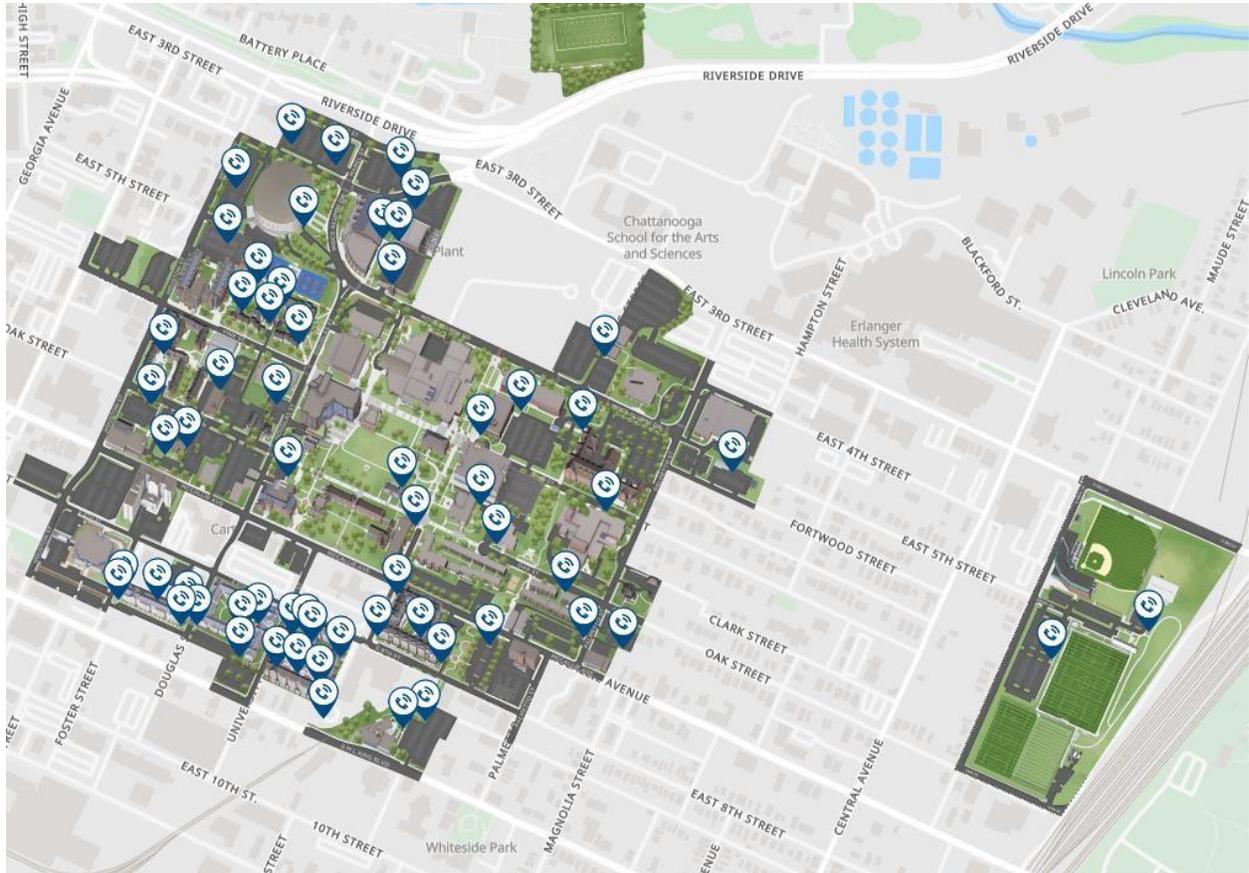
UTC's Smoke-Free Campus Policy can be found at:
<https://www.utc.edu/academic-affairs/policiesprocedures/safety-environmental-health/smoke-free-campus.php>

The University of Tennessee system's policy on smoking can be found at:
<https://policy.tennessee.edu/wp-content/uploads//policytech/systemwide/sa/SA0900-Smoking.pdf>

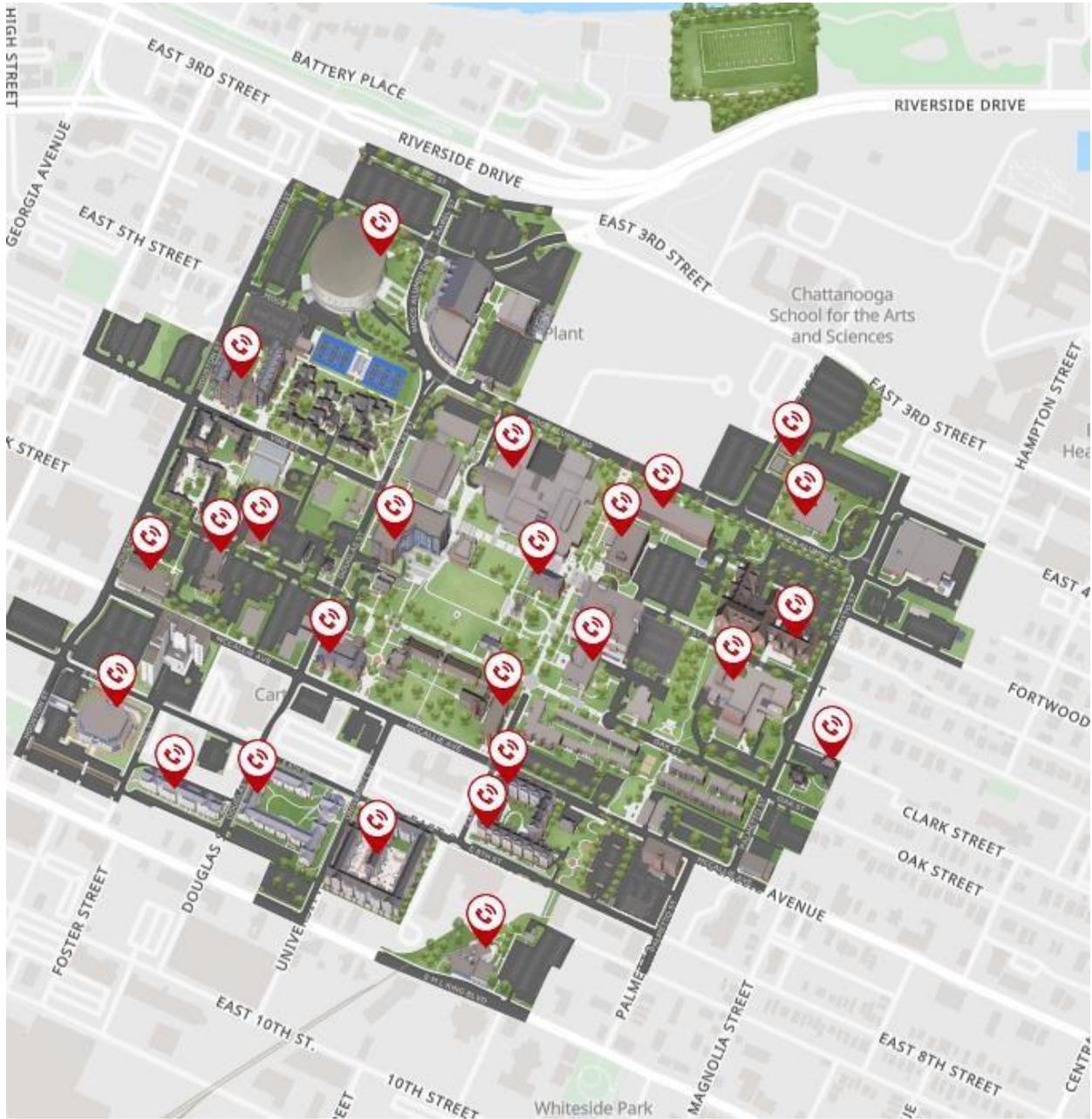
PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

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.

APPENDIX A-BLUE LIGHT PHONES MAP



APPENDIX B-RED PHONES MAP



APPENDIX C-QUICK REFERENCE RESOURCES

Contacts on Campus

| | |
|--|------|
| The Office of Finance and Administration, Vice Chancellor and Chief Information Officer and Interim Vice Chancellor for Finance and Administration | 1756 |
| Assistant Vice Chancellor, Robie Robinson | 4167 |
| Chief of Police, Robert Ratchford | 4004 |
| Captain John Boe | 4074 |
| Safety and Risk Management, Director, Bob Jackson | 5949 |
| Center for Women & Gender Equity, Director, Sara Peters | 5605 |
| Counseling Center, Interim Director, Kelly Drake | 4438 |
| Dean of Students, Jim Hicks | 4761 |
| Housing and Residence Life, Executive Director for Residential Education and Campus Life, Valera Sample | 4304 |
| Human Resources, Assistant Vice Chancellor, Laure Pou | 5742 |
| Office of Equity and Inclusion, Director, Rosite Delgado | 5760 |
| University Health Services, Director, Dr. Yasmine Key | 2266 |

Other Important Phone Numbers Off Campus

| | |
|---|--------------|
| Chattanooga Police Department | 423-698-2525 |
| Domestic Violence and Sexual Assault Crisis | 423-755-2700 |
| Hamilton County Sheriff's Office | 423-209-7000 |
| Hamilton County District Attorney's Office | 423-209-7400 |
| Johnson Mental Health Center | 423-634-8884 |
| Legal Aid of East Tennessee | 423-756-4013 |
| Tennessee State Victim Compensation Information | 615-741-2734 |

APPENDIX D-UTC'S POLICY ON SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, & STALKING

The University's policy on Sexual Harassment, Sexual Assault, and Dating, Domestic Violence and Stalking can be located on the university website: <https://www.utc.edu/titleixpolicy>

The University of Tennessee at Chattanooga does not discriminate on the basis of sex in our education programs or activities, including admissions and employment. The University is required by Title IX not to discriminate in such a manner. The University has a Policy on Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking which may be accessed at: utc.edu/sexual-misconduct. Any inquiries about the application of Title IX should be made to the University's Title IX Coordinator or to the Assistant Secretary in the Department of Education Office for Civil Rights:

- Title IX Coordinator
615 McCallie Ave
Department 1951
Chattanooga, TN 37403
Phone: (423) 425-4255
Email: TitleIX@utc.edu
- Assistant Secretary in the Department of Education Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Phone: 1-800-421-3481
FAX: 202-453-6012
TDD: 1-800-877-8339
Email: OCR@ed.gov



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

EFFECTIVE: AUGUST 12, 2022

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SECTION 1 INTRODUCTION

1.1 OVERVIEW

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

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

1.2 SCOPE AND APPLICABILITY

1.2.1 Individuals Covered by This Policy

This Policy applies to the conduct of and protects:

- Students of the University of Tennessee at Chattanooga;
- Employees and affiliates of the University²; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

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

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

Those terms do not imply pre-judgment concerning whether Prohibited Conduct occurred. Other key terms used in this Policy are defined in other places in this Policy and are capitalized throughout this Policy.

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

² “University” in this Policy means the University of Tennessee at Chattanooga.

1.2.2 Jurisdiction

With respect to employees and other non-students, this Policy applies to conduct which: (i) occurs on University-controlled property; (ii) occurs in the context of a University education program or activity, including University employment; and/or (iii) occurs outside the context of a University education program or activity, but has continuing adverse effects or creates a sexually hostile environment on University-controlled property or in any University education program or activity, including University employment.

The University's jurisdiction concerning misconduct by students is governed by the University's Student Code of Conduct ("Code"). The Code applies to the conduct of a student that occurs on University-controlled property. With respect to conduct that does not occur on University-owned property, the University has the discretion to discipline a student for conduct in violation of the Code if the student's conduct adversely affects the interests of the University, including, without limitation, when the conduct: a) occurs during or in connection with a University-affiliated activity, including, without limitation, an overseas study program, clinical or field placement, internship, or in-service experience; b) consists of academic dishonesty or research misconduct; c) is prohibited by local, state, or federal law; d) involves another member of the University community; or e) threatens, or indicates that the student may pose a threat to, the health or safety of the student or other person, or the security of any person's property, including, without limitation, alcohol-related misconduct, drug-related misconduct, arson, battery, fraud, hazing, participation in group violence, sexual misconduct, relationship violence, stalking, and theft.

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

1.2.3 Effective Date

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

1.2.4 Other University System Policies

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

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

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. For example, the University's Policy on Prohibited Relationships with Students can be found in Section 2.4.2 of the University of Tennessee at Chattanooga Faculty Handbook, which is available at utc.edu/faculty-senate/handbook.php. Even if an amorous or sexual relationship between members of the University community begins as consensual and welcome, it can evolve into situations that lead to allegations of Prohibited Conduct.

1.3 ACADEMIC FREEDOM AND FIRST AMENDMENT RIGHTS

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

SECTION 2

PROHIBITED CONDUCT

2.1 INTRODUCTION

This Policy prohibits the following conduct:³

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

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

2.2 DEFINITIONS OF PROHIBITED CONDUCT

[2.2.1 Sexual Harassment⁴](#)

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

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

³ The University’s Nondiscrimination Statement (www.utc.edu/communications-and-marketing/creative-services/required-elements#2EEOAffiliationStatement) prohibits Sex Discrimination in any University education program or activity, including employment and admissions. Sex Discrimination means conduct directed at a specific person or a group of identifiable persons that subjects the person or group to treatment that adversely affects their employment, education, or ability to participate in or benefit equally in any University program or activity, on the basis of sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Complaints of Sex Discrimination should be reported to the Title IX Coordinator and will be handled in accordance with the procedures in www.utc.edu/diversity-and-engagement/oei/compliance-and-equity

⁴ With respect to conduct by employees, the University also prohibits sexual harassment in accordance with University of Tennessee System Human Resources Policy 0280 (“Sexual Harassment and Other Discriminatory Harassment”) (policy.tennessee.edu/hr_policy/hr0280/). Conduct by employees that does not necessarily violate this Policy may be a violation of University of Tennessee System Human Resources Policy 0280. Complaint of sexual harassment prohibited by University of Tennessee System Human Resources Policy 0280 should be reported to the Title IX Coordinator and will be

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

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

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

2.2.2 Sexual Assault

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

2.2.3 Rape

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

2.2.4 Fondling

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

2.2.5 Incest

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

2.2.6 Statutory Rape

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

2.2.7 Dating Violence

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

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

2.2.8 Domestic Violence

“**Domestic Violence**” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated

to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurs, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurs.

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

2.2.9 Stalking

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

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

(B) suffer substantial emotional distress.

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

2.2.10 Sexual Exploitation

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

Examples of Sexual Exploitation include, without limitation:

- Surreptitiously observing, photographing, audiotaping, videotaping, or recording an image of a person who is engaging in sexual act(s), or a person's breasts, buttocks, groin, or genitals, when the person being observed/ photographed/ audiotaped/ videotaped/ recorded is in a place in which the person has a reasonable expectation of privacy;
- Allowing or enabling a person to surreptitiously observe, photograph, audiotape, videotape, or record an image of another person who is engaging in sexual act(s), or another person's breasts, buttocks, groin, or genitals, when the person being observed/ photographed/ audiotaped/ videotaped/ recorded is in a place in which the person has a reasonable expectation of privacy;
- Showing, posting, or sharing video, audio, or an image that depicts a person who is engaging in sexual act(s), or a person's breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a

reasonable expectation of privacy, if all persons who are depicted have not agreed to having the video/audio/image shown, posted, or shared;

- Prostituting another person or engaging in sex trafficking;
- Knowingly exposing another person to a sexually transmitted infection or disease without informing the other person that one has a sexually transmitted infection or disease;
- Forcing a person to participate in a sexual act(s) with a person other than oneself;
- Forcing a person to expose the person's breasts, buttocks, groin, or genitals;
- Forcing a person to take an action against that person's will by threatening to show, post, or share video, audio, or an image that depicts the person's nudity or depicts the person engaging in sexual act(s);
- Forcing a person to take an action of a sexual nature against that person's will by threatening to disclose information that would harm a person's reputation;
- Forcing a person to take an action against that person's will by threatening to disclose information of a sexual or intimate nature that would harm a person's reputation; or
- Causing or requesting an incapacitated person to expose the person's breasts, buttocks, groin, or genitals or to participate in a sexual act(s) with a person other than oneself.

2.2.11 Retaliation

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

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

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

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

2.3 RELATED DEFINITIONS: CONSENT; FORCE; INCAPACITATION

2.3.1 Consent

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

Examples of sexual act(s) include, without limitation: vaginal intercourse; anal intercourse; oral sex; any other intrusion, however slight, of a person's finger or any object into any other person's genitals or anus; the intentional touching of a person's intimate parts (genital area, groin, inner thigh, buttock or breast), the intentional touching of the clothing covering the immediate area of a person's intimate parts, or the intentional

touching of any other person with a person's own intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual gratification.

Consent can be revoked at any time.

Valid Consent cannot be given if:

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

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

2.3.2 Force

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

Examples of Force include, without limitation:

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

2.3.3 Incapacitation

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

A person violates this Policy when they engage in sexual activity with another person who is Incapacitated under circumstances in which a reasonable person would have known the other person to be Incapacitated. For

evaluating Incapacitation, a “reasonable person” means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.

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

SECTION 3

GRIEVANCE PROCEDURES USED TO ADDRESS PROHIBITED CONDUCT

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

3.1 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A STUDENT

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

3.2 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS AN EMPLOYEE

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

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

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

3.4 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A THIRD PARTY

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

SECTION 4

SUPPORTIVE MEASURES AND REPORTING OPTIONS

4.1 OVERVIEW

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

4.2 TITLE IX COORDINATOR/TITLE IX OFFICIALS

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

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

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

The University's Title IX Coordinator is:

Anitra Barrett
Title IX Coordinator
Enrollment Management and Student Affairs
303 University Center, Dept. 1951
615 McCallie Avenue
Chattanooga, TN 37403
Phone: 423-425-4255
Fax: 423-425-5357
anitra-barrett@utc.edu
titleix@utc.edu
utc.edu/sexual-misconduct

Reports or complaints of Prohibited Conduct or questions about the University's policies, procedures, resources, or programs concerning Prohibited Conduct, may be directed to the University's Title IX Coordinator or other Title IX Officials, who are trained and accessible to members of the University community for consultation and assistance.

The term "Title IX Official" in this Policy means the Title IX Coordinator, a Deputy Title IX Coordinator, or one of their designees.

The responsibilities of Title IX Officials are described in more detail at utc.edu/sexual-misconduct/. The Title IX Coordinator is available to meet with any student, employee, or third party to answer questions about this Policy. Inquiries or complaints concerning Title IX also may be referred to the United States Department of Education, Office for Civil Rights, 61 Forsyth Street, S.W., Suite 19T10, Atlanta, GA 30303-8927, (404) 974-9406 (phone), (404) 974-9471 (fax), OCR.Atlanta@ed.gov.

The University's Title IX Officials can be found on the University's Title IX page: <http://www.utc.edu/enrollment-management-and-student-affairs/title-ix/team-and-committees>

4.3 DISTINCTION BETWEEN PRIVACY AND CONFIDENTIALITY

Under this Policy, privacy should be distinguished from confidentiality.

- **Confidentiality:** If a Complainant desires to communicate with someone who, by law or by University policy, can keep information confidential, then the Complainant should contact one of the resources outlined in Section 4.4.
- **Privacy:** Information communicated to a Title IX Official (Section 4.2) or a Mandatory Reporter (Section 4.5.2.1) will be kept as private as possible, which means that the information will be shared only with the University employees whom a Title IX Official determines need to be involved in responding to the incident, except as required or permitted by law⁵. When speaking with a Title IX Official, Complainants are free to limit the details they share while they decide whether to report an incident to the University.

4.4 CONFIDENTIAL CARE AND SUPPORT

The persons identified below can keep information communicated to them confidential and will not communicate such information to a Title IX Official, the University, the police, or any other third party, unless required or permitted by law. Complainants may pursue these confidential care, support, and reporting options regardless of whether they choose to report the incident to the University or the police (Section 4.5).

4.4.1 Confidential Employees

A student or employee may speak with a Confidential Employee if they do not desire action by the University but desire to confide in a University employee confidentially. Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional's client or patient, or because the University has deemed the employee as someone who can keep information confidential. Appendix A identifies the University's Confidential Employees and explains the limited situations in which Confidential Employees are required or permitted by law to disclose confidential information.

4.4.2 Confidential Care and Support Outside of the University Community

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

4.5 REPORTING OPTIONS

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

4.5.1 Report to the Police

Prohibited Conduct may constitute both a violation of this Policy and criminal law. Therefore, the University encourages Complainants to report incidents of Prohibited Conduct to the police. Prompt reporting of an incident to the police is especially critical because the collection and preservation of evidence is essential for police

⁵ An employee of the UTC PD participates in the University's Sexual Misconduct, Relationship Violence and Stalking Response Team. However, UTC PD will not write a police report unless the Complainant decides to report the incident to the police. A description of the University's SMRVS Response Team can be found at utc.edu/sexual-misconduct/.

investigations and criminal prosecutions. A Complainant has the right to decline to report the incident to the police. Even if a Complainant does not report the incident to the police, the Complainant may still request Supportive Measures (Section 4.6) by reporting the incident to a Title IX Official. Appendix A provides contact information for campus and local police and information about what to expect after reporting an incident to the police. Appendix A, Sections 1.1 and 2.1, also provide suggestions about the preservation of evidence relating to Prohibited Conduct.

4.5.2 Report to the University

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

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

4.5.2.1 Mandatory Reporters

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

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

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

OR

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

Exceptions – No Duty to Report:

- The employee is a Confidential Employee (Section 4.4.1) and receives the information while acting in a professional, confidential capacity;
- The employee receives the information during a public awareness event such as "Take Back the Night," candlelight vigils, protests, "survivor speak outs" or other public forums including online forums such as social networking sites and blogs;

- The employee receives the information through a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
- The employee receives information through an in-class discussion, a class paper, or other academic assignment; or
- The employee is a student employee (e.g., graduate assistant) and did not receive notice of the incident in the student employee’s University employment capacity.

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

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

In some cases, the Title IX Coordinator or designee may refer the allegations that a Mandatory Reporter failed to report Prohibited Conduct to the Office of Equity and Inclusion, which will conduct an investigation. The Office of Equity and Inclusion will make findings of fact and will determine whether, by a preponderance of the evidence, a Mandatory Reporter failed to report Prohibited Conduct. The Title IX Coordinator and the appropriate University administrator will review the findings. The administrator will determine in writing whether to accept the Office of Equity and Inclusion’s findings and conclusion and may include a description of remedial or corrective actions the University will implement. The Title IX Coordinator may also recommend remedial or corrective actions.

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

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

- Child Abuse: Employees who receive information about suspected child abuse or child sexual abuse must comply with University of Tennessee System Safety Policy 0575 (Programs for Minors) (policy.tennessee.edu/safety_policy/sa0575/). Safety Policy 0575 takes precedence over this Policy with respect to reporting suspected child abuse and child sexual abuse. Note that under Tennessee law, the obligation to report child abuse or child sexual abuse is not limited to situations involving University-related activities and programs.
- Campus Security Authorities - Clery Act: Mandatory Reporters who have been designated by UTC PD as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) satisfy their reporting duties with respect to this Policy and the Clery Act if they report the incident to a Title IX Official. The Title IX Official is responsible for timely communicating the appropriate non-personally identifying information to UTC PD. **Employees who have been designated as Campus Security Authorities may have an obligation to report an incident**

to UTCPD even when they do not have an obligation to report the incident under this Policy. Questions about the reporting obligations of Campus Security Authorities should be directed to Rebekah Epperson, the University's Clery Compliance Coordinator, at rebekah-epperson@utc.edu or (423) 425-5961.

4.5.2.2 Benefits of Reporting Prohibited Conduct to the University

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

4.5.2.3 Initial Response and Assessment by the Title IX Coordinator

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

4.5.2.4 Limited Action

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

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

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

There are limited circumstances in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant's participation or assent, because of the University's commitment to providing a safe and non-discriminatory learning, living, and working environment free from Prohibited Conduct. These limited circumstances are referred to as University-initiated investigations. For example, if the University has credible information that the Respondent is alleged to have committed one or more other acts of Prohibited Conduct, then the balance of factors might compel the University to investigate the allegation, and, if appropriate, pursue disciplinary action.

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

- The risk that the Respondent will commit additional acts of Prohibited Conduct, such as:

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

If the Title IX Coordinator determines the University must conduct an investigation, then the Title IX Coordinator will inform the Complainant of the decision prior to starting/continuing the grievance process and will, to the extent possible, and unless otherwise required by law, only share information with people responsible for handling the University's response. The University will honor a request by the Complainant that the University inform the Respondent that the Complainant asked the University not to investigate or seek discipline. The University will take ongoing steps that it determines are reasonable and appropriate to protect the Complainant from Retaliation or harm and may work with the Complainant to create a safety plan. The University will also assist the Complainant to access the support resources identified in Appendix A, and inform the Complainant of the right to report a crime to campus or local law enforcement (and provide the Complainant with assistance in reporting if the Complainant requests it). The University will not tolerate Retaliation against any person, including the Complainant.

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

4.5.2.5 Complainant's Participation in an Investigation or Disciplinary Proceeding

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

4.5.2.6 Amnesty

The University recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident of Prohibited Conduct may be hesitant to report the incident to the University because of a fear of University disciplinary sanctions for the person's own violation of the University standards of conduct. Unless an impaired student has engaged in repeated or serious violations of the Code (including, but not limited to, physical or sexual assault, property destruction, disorderly behavior, theft, multiple alcohol or drug violations), an impaired student will not be subject to formal University disciplinary action for any Code violation(s) discovered by the University as a result of the Good Samaritan's report. While no formal University disciplinary action may be taken, the impaired student may be required to meet with the Office of Student Conduct to discuss the impaired student's Code violation(s), participate in educational activities, and/or establish that he or she has addressed the issues that contributed to the Code violation(s). The Title IX Coordinator has the discretion to grant Amnesty to other persons other than the person who reported Prohibited Conduct (e.g., Complainant, Respondent, witnesses). The Student Code of Conduct also contains a policy on amnesty for individuals acting as Good Samaritans and amnesty for student organizations. This Section 4.5.2.6 does not apply to reports to the police; rather, it applies only to discipline for violations of the University's Student Code of Conduct.

4.5.2.7 False Reports

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

4.6 SUPPORTIVE AND REMEDIAL MEASURES

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

The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent.⁶ In fairly assessing the need for an individual to receive Supportive Measures, the Title IX Coordinator does not rely on fixed rules or operating assumptions in favor of one party over another.

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

Supportive Measures are available:

- Even if the Complainant does not want to report the incident to the police;
- Even if the Complainant does not make a formal report (The University may be limited in the Supportive Measures it can implement while keeping the identity of the Complainant private, such as: providing support services to the Complainant; changing living arrangements or course schedules, assignments, or

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

tests; and providing increased monitoring, supervision, or security at locations or activities where the Prohibited Conduct occurred);

- To the Complainant, the Respondent, and witnesses, when determined to be appropriate by the Title IX Coordinator or designee; and
- Prior to, during, or after the investigation or resolution of a report of Prohibited Conduct.

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

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

APPENDIX A

GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS

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

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

The University has developed resources that highlight some of the areas addressed in this appendix, but this appendix serves as the comprehensive resource.

Section 4 of the Policy identifies the University’s Title IX Coordinator and others who are trained and accessible for consultation and assistance about the available Supportive Measures, the right to file a formal complaint, and how to file a formal complaint. The Title IX Coordinator, the Deputy Title IX Coordinators, and their designees are referred to collectively in the Policy and this guide as “Title IX Officials.”

SECTION 1. CARE AND SUPPORT RESOURCES

This section describes a variety of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services available, both within the University and in the community.

1.1 GENERAL MEDICAL CARE

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

The key to success in collecting physical evidence of a Sexual Assault is to collect the evidence as soon as possible; however, the Partnership for Families, Children and Adults’ Rape Crisis Center states that evidence can be collected up to 120 hours after a Sexual Assault. Assaults do not have to be reported to law enforcement to receive Sexual Assault Nurse Examiner (SANE) services. Prior to seeking medical care following a Sexual Assault, a Complainant should avoid changing their clothing, bathing, showering, using a douche, using the bathroom, brushing their teeth, drinking liquids, washing their hands or face, or combing their hair. If the Complainant changes their clothes, then the best way to preserve evidence relating to clothing is to put the clothing in a paper (not plastic) bag. Other tips on the preservation of evidence are described in Appendix A, Section 2.1.

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

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

| PLACE | WHEN | CONTACT INFORMATION |
|--|-------------------------------|--|
| The Partnership for Families, Children and Adults - Rape Crisis Center | 24 hours a day, 7 days a week | (423) 755-2700 partnershipfca.com/129/rape-crisis-center |

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

Medical care may be obtained from the following:

| PLACE | WHEN | CONTACT INFORMATION |
|-----------------------------------|--|---|
| UTC's University Health Services | 8:00 a.m. – 4:30 p.m., Monday – Friday, except on University holidays or closures | (423) 425-2266 MacLellan Gym utc.edu/university-health-services/index.php |
| Erlanger Baroness Hospital | 24 hours a day, 7 days a week | 975 East Third Street Chattanooga, TN 37403 (423) 778-7000 |
| Parkridge Medical Center | 24 hours a day, 7 days a week | 2333 McCallie Avenue Chattanooga, TN 37404 (423) 698-6061 |
| CHI Memorial Hospital Chattanooga | 24 hours a day, 7 days a week | 2525 De Sales Avenue Chattanooga, TN 37404 (423) 495-2525 |

1.2 CONFIDENTIAL SUPPORT AND COUNSELING FOR COMPLAINANTS AND RESPONDENTS

Emotional and mental health support are critical resources in addressing Prohibited Conduct. The persons identified in this Section 1.2 can keep information communicated to them confidential, which means that they will not communicate such information to the University, the police, or any other third party, unless required or permitted by law⁸, court order, or subpoena. Complainants may pursue the confidential support and counseling options identified in this Section 1.2 regardless of whether they choose to report the incident to the University or the police.

1.2.1 University “Confidential Employees”

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

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

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

1.2.1.1 Identification of Confidential Employees

| PLACE | WHO MAY ACCESS SERVICES | CONTACT INFORMATION |
|-------------------|-------------------------|---|
| Counseling Center | Students | <p>8:00 a.m. – 5:00 p.m. Monday – Friday, except on University holidays or closures*</p> <p>(423) 425-4438*</p> <p>University Center Room 338</p> <p>www.utc.edu/enrollment-management-and-student-affairs/counseling-center</p> <p>* For after-hours assistance, please use the UTC CARE line (423) 425-CARE/2273</p> |

⁸ Survivor Advocates within UTC’s Survivor Advocacy Services are Campus Security Authorities under the Clery Act and are required to report information about incidents to the Clery Compliance Coordinator. The report will not include identifying information. For more information, please see Appendix A, Section 2.3.5.

| PLACE | WHO MAY ACCESS SERVICES | CONTACT INFORMATION |
|----------------------------|------------------------------|--|
| University Health Services | Students, faculty and staff | 8:00 a.m. – 4:30 p.m., Monday – Friday, except on University holidays or closures (423) 425-2266 Maclellan Gym utc.edu/university-health-services/index.php |
| Survivor Advocacy Services | Students, faculty, and staff | 8:00a.m. – 5:00 p.m. Monday-Friday, except on University holidays or closures (423) 425-5648 118 Lupton Hall utc.edu/center-women-gender-equity/survivor-advocacy-services/survivoradvocacy.php |

A University employee identified above is a Confidential Employee only if the individual is communicating with the employee as a patient or client of the employee, as opposed to communicating with the employee in another context (e.g., faculty members in law, counseling education, psychology, social work, and nursing not acting in a licensed capacity).

1.2.1.2 Confidentiality Exceptions

In a limited number of circumstances, Confidential Employees are required or permitted by law to disclose confidential information:

- The patient or client signs a written consent permitting the information disclosure;
- Confidential Employees may be required to comply with subpoenas and court orders to testify in legal proceedings;
- Confidential Employees may periodically report non-personally identifiable information about Prohibited Conduct to the Title IX Coordinator or a Deputy Title IX Coordinator to keep that person informed about the general extent and nature of Prohibited Conduct on and off campus;
- Confidential Employees who are “Campus Security Authorities” for purposes of Clery Act compliance are required to report non-personally identifiable information to the University’s Clery Compliance Coordinator unless they received the information when acting as a pastoral or professional counselor as defined by the Clery Act regulations, 34 C.F.R. § 668.46(a);
- Confidential Employees are required by Tennessee law to report suspected child abuse or child sexual abuse (Tennessee Code Annotated §§ 37-1-401 et seq.; 37-1-601 et seq.);
- Confidential Employees are required to report certain injuries to law enforcement (Tennessee Code Annotated § 38-1-101);
- Confidential Employees are required to report threats of serious bodily harm or death against a reasonably identifiable victim or victims (Tennessee Code Annotated §§ 33-3-206; 33-3-210);

- Confidential Employees may be required to report information about a person knowingly exposing another person to sexually transmitted diseases. (Tennessee Code Annotated §§ 68-10-102; 68-10-115); and
- Confidential Employees are required by law to report information that a person age 60 or older, or a person with certain physical and mental disabilities, has been subject to abuse, neglect, or exploitation (Tennessee Code Annotated § 71-6-101 et seq.).

1.2.2 Confidential Support and Counseling Outside of the University

Individuals who desire to receive confidential support and counseling from someone not affiliated with the University may contact one of the following:

Chattanooga-Area Resource

- Partnership for Families, Children and Adults' Rape Crisis Center
(423) 755-2700 (24-7 crisis hotline)
partnershipfca.com/123.117/victim-support-services

To better serve its students and employees, the University has entered into a Memorandum of Understanding with the Partnership for Families, Children and Adults' Rape Crisis Center (RCC). The primary mission of the RCC is to provide excellent and compassionate services for survivors of Sexual Assault and to empower communities through education and social change. **A Complainant does not have to report a Sexual Assault to the police to receive services from the RCC.**

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

- Sexual Assault Nurse Examinations. A Sexual Assault Nurse Examiner (SANE) is available 24/7, 365 days a year to provide forensic nursing to Sexual Assault crime victims ages 13 and older. SANE exams are performed at the Partnership's Rape Crisis Center. All services provided are free, including no-cost SANE exams, pregnancy prevention, and testing and preventative treatment for sexually transmitted infections.
- Advocacy. The advocacy program provides victims of Sexual Assault with the support, information, and resources needed throughout the recovery process. Advocates work to ensure that victims' legal rights are protected, while also empowering victims to make their own decisions. Advocacy assistance includes: accompaniment during SANE exams, police interviews, legal appointments, and University and court proceedings; and assistance filing victim's compensation applications and petitions for orders of protection.
- Therapy. In addition to crisis counseling, a licensed professional counselor is available to provide individual trauma-informed therapy for victims seeking additional support.

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

- Tennessee Coalition to End Domestic & Sexual Violence
800-289-9018
800-356-6767 – 24-hour statewide domestic violence hotline
tncoalition.org

The Tennessee Coalition to End Domestic and Sexual Violence (TN Coalition) is a private nonprofit organization composed of diverse community leaders and program members who share a common vision

of ending violence in the lives of Tennesseans through public policy, advocacy, education and activities that increase the capacity of programs and communities to address violence. The TN Coalition is a statewide organization that serves: Domestic Violence and Sexual Assault programs; community groups and organizations; criminal justice agencies; allied professionals (e.g., medical, legal, mental health professionals); individuals seeking information and resources; and immigrant victims of domestic or sexual violence, Stalking or trafficking.

- RAINN National Sexual Assault Crisis Hotline
800-656-HOPE (4673)
rainn.org/get-help/national-sexual-assault-hotline
- National Domestic Violence Hotline
800-799-SAFE (7233)
thehotline.org
- Love is Respect – National Dating Abuse Hotline
866-331-9474
loveisrespect.org
- Anti-Violence Project/24-Hour Bilingual Hotline: For LGBTQ+ and HIV+ survivors of violence
212-714-1141
avp.org/

Other confidential, non-University resources for Complainants and Respondents

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

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

1.3 LEGAL RESOURCES FOR COMPLAINANTS AND RESPONDENTS

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

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

Family Justice Center
5705 Uptain Rd.
Chattanooga, TN 37411
423-643-7600
connect.chattanooga.gov/fjc/

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

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

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

Additional information on orders of protection can be found here:

The Hamilton County Circuit Court provides information about orders of protection on its website: www.hamiltontn.gov/CircuitCourt_FAQ.aspx. The Partnership for Families, Children and Adults provides a list of community resources for victims of dating/domestic violence here: partnershipfca.com/123/victim-support-services.

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

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

1.3.2 Visa and Immigration

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

The University's Center for Global Education can provide useful information regarding immigration status, although the office does not provide legal advice:

Center for Global Education
117 Lupton Hall
Chattanooga, TN 37403
Phone: (423) 425-2110

International students and employees with questions about their immigration and visa status should seek the assistance of an immigration attorney. Immigration lawyers are licensed attorneys who specialize in the field of immigration law. They function as the client's advocate, and can represent them before immigration agencies, both in immigration court as well as in filing applications for immigration benefits. The attorney can give general advice and can discuss immigration options. Like all attorneys, immigration attorneys are bound by professional ethical and legal requirements to keep client discussions confidential.

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

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

- USCIS Find Help in your Community Webpage: uscis.gov/citizenship/learners/find-help-your-community
- USCIS Find Legal Services Webpage: uscis.gov/avoid-scams/find-legal-services

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

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

Bridge Refugee Services, Inc. assists refugees and asylees with orientation and case management to help individuals learn how to live in the United States, including how to obtain early employment. Prior to a family's arrival, case managers and staff may arrange for housing, household items, food, job interviews, etc. to help families begin making Chattanooga their home. Bridge can be contacted at (423) 954-1911.

1.4 STUDENT FINANCIAL AID RESOURCES FOR COMPLAINANTS AND RESPONDENTS

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

1.5 SUPPORTIVE MEASURES IMPLEMENTED BY THE UNIVERSITY FOR COMPLAINANTS AND RESPONDENTS

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement interim protective and remedial measures ("Supportive Measures") while the University assesses, investigates, and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator's initiative. Section 4.6 of the Policy explains the availability of Supportive Measures and how they are determined, implemented, and enforced.

- The following are examples of Supportive Measures:
 - Issuing a no-contact directive, which provides mutual restrictions between parties from having verbal, physical, written, and/or electronic contact and/or from being present on designated University-controlled property for a definite or indefinite period of time.

- Issuing an Emergency Removal (i.e. Interim Suspension) of the Respondent (student or employee) based on an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The Respondent will have the ability to challenge the decision immediately (within 3 business days) following the removal;
- Informing the Complainant of the right to report the incident to the police for criminal investigation and prosecution and offering to assist the Complainant in reporting an incident to the police;
- Putting a Respondent (if an employee) on leave, in accordance with other applicable University policies, prior to the conclusion of the investigation and resolution of a report or formal complaint of Prohibited Conduct;
- Assisting an individual in obtaining medical, advocacy, and counseling services;
- Exploring changes in living, transportation, dining, and working arrangements;
- Arranging appointments for an individual for follow-up on-campus support services or off-campus support services, such as those identified in this Section 1 (e.g., arranging an appointment with the Chattanooga Family Justice Center to discuss options for pursuing an order of protection in Hamilton County Circuit Court);
- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes;
- Assisting an individual in communicating with faculty;
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Office of Records;
- Accessing academic support for an individual, including tutoring;
- Assisting with requesting academic accommodations such as rescheduling exams, obtaining extensions of time for assignments, re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty.

SECTION 2. REPORTING PROHIBITED CONDUCT

The University encourages students who have experienced, have knowledge of, or have witnessed Prohibited Conduct to promptly report the incident to the police or the University.⁹ Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or to neither. This Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report Prohibited Conduct.

2.1 PRESERVATION OF EVIDENCE

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

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

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 120 hours after the incident (Appendix A, Section 1.1);

⁹ Student-employees who are Mandatory Reporters (Policy, Section 4.5.2.1) are required to report information they receive about Prohibited Conduct.

- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one’s teeth, drinking liquids, washing one’s hands or face, or combing one’s hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

2.2 REPORTING TO THE POLICE

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

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

2.2.1 Contact Information for Police

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

| INCIDENT LOCATION | CONTACT |
|---|--|
| Regardless of where the incident occurred/On-campus | Call 911 in an emergency or UTCPD 400 Palmetto Street. Chattanooga, TN 37403 423-425-4357 utc.edu/public-safety/ |
| In the City of Chattanooga | Chattanooga Police Dept. (CPD) (423-698-2525) 3410 Amnicola Hwy. Chattanooga, TN 37406 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 423-209-7000 hcsheriff.gov |

| INCIDENT LOCATION | CONTACT |
|----------------------------|---|
| | or UTC PD |
| Outside of Hamilton County | Contact the law enforcement agency that has jurisdiction over the location where the incident occurred or Contact UTC PD for assistance in contacting another jurisdiction's law enforcement agency |

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

Employees of UTC PD are Mandatory Reporters for reports of Prohibited Conduct involving students. Accordingly, if a person reports an incident to UTC PD, and the incident has not been previously reported to a Mandatory Reporter outside of UTC PD, then UTC PD will contact the Title IX Coordinator. The Title IX Coordinator will contact the Complainant regarding the University's response to the report. In contrast, if a Complainant reports the incident to another police department other than UTC PD, then the Complainant also will need to report the incident to a Title IX Official (Appendix A, Section 2.3) if the Complainant wants the University to take any action under the Policy.

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

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

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

[2.2.3 How University Policies/Procedures Relate to Criminal Law/Procedures](#)

The University will cooperate with law enforcement if a Complainant decides to pursue the criminal process, to the extent permitted by law. However, the University's Policy and procedures may differ in significant respects

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

[2.2.4 Anonymous Reporting to the Police](#)

Persons may report a crime anonymously to UTPD via the Confidential Crime Reporting Form available at utc.edu/police/forms/silent-witness.php. Anonymous reporting is not an alternative to calling 911; in an emergency, call 911.

2.3 REPORTING TO THE UNIVERSITY

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

If a person reports an incident of Prohibited Conduct to the University, there is no requirement that the Complainant pursue criminal prosecution or University discipline against a Respondent. The University recognizes that a Complainant's decision on how to proceed after a report is filed is a process that may unfold over time; thus, at the time a report is made to the University, a Complainant does not have to decide whether to request any particular course of action.

[2.3.1 Who to Contact at the University](#)

Students are encouraged to report Prohibited Conduct to Title IX Officials, who are trained to respond to Complainants. The University's Title IX Coordinator is:

Anitra Barrett
Title IX Coordinator
Enrollment Management and Student Affairs
303 University Center, Dept. 1951
615 McCallie Avenue
Chattanooga, TN 37403
Phone: 423-425-4255
Fax: 423-5357anitra-barrett@utc.edu
titleix@utc.edu
utc.edu/sexual-misconduct

The University's Title IX Officials can be found on the University's Title IX page: www.utc.edu/enrollment-management-and-student-affairs/title-ix/team-and-committees

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

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

[2.3.2 Initial Response and Assessment by the Title IX Coordinator](#)

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

- Promptly contact the Complainant to offer to meet with, or otherwise communicate with, the Complainant;
- Discuss the availability of Supportive Measures;
- Consider the Complainant's wishes with respect to Supportive Measures;
- Inform the Complainant of the availability of Supportive Measures with or without filing of a formal complaint;
- Explain to the Complainant the process for filing a formal complaint;
- Implement Supportive Measures (Appendix A, Section 1.5) to eliminate and prevent the recurrence of Prohibited Conduct, deter Retaliation, and remedy the effects of Prohibited Conduct through reasonable support services, accommodations, and other assistance;
- In cases of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, whether the Prohibited Conduct occurred on or off campus, provide a Complainant with a paper or electronic copy of this Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant's rights and options under this Policy (if that has not already been done by a Mandatory Reporter), which will include: (1) notification about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and (2) notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- If the Complainant chooses to file a formal complaint, the Title IX Coordinator must make an initial evaluation based on the nature of the conduct alleged and the reported location of the alleged conduct to determine whether the alleged conduct meets the definition of Sexual Harassment that occurs in a University education program or activity in the United States, in which case the formal complaint will be received as a Title IX Sexual Harassment Complaint. If the Title IX Coordinator determines that the alleged conduct is not Title IX Sexual Harassment that occurs in a University education program or activity in the United States but is otherwise Prohibited Conduct to which this Policy applies, the formal complaint will

be received as a Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,¹⁰ the Title IX Coordinator will initiate the grievance procedures outlined in Appendix C or Appendix D of the Policy; and

- If the Complainant requests, assist the Complainant in reporting the incident to the police.

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

2.3.3 Limited Action

If the Complainant declines to respond to outreach, or states that they do not wish to file a formal complaint or participate in an investigation, the University will generally take Limited Action. Limited Action includes providing supportive measures like academic support, safety escorts, no contact directives, and campus support services. If a Complainant chooses not to make a formal complaint, the University will normally take Limited Action. There are limited circumstances; however, in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant's participation or assent, because of the University's commitment to providing a safe and non-discriminatory learning, living, and working environment free from Prohibited Conduct. Section 4.5.2.3 of the Policy explains Limited Action the limited circumstances where the University will initiate an investigations without the complainant's participation or assent.

2.3.4 Amnesty for Students Who Report Prohibited Conduct to the University

Because of the importance to the University of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to the University or provides information in a University investigation into alleged Prohibited Conduct will not be subject to University disciplinary action by the Office of Student Conduct for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk ("Amnesty"). More information on the University's Amnesty policy can be found in Section 4.5.2.5 of the Policy.

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

Clery Act

Certain University employees, called Campus Security Authorities, have a duty to report certain incidents of Sexual Assault, Domestic Violence, Dating Violence, and Stalking to the University's Clery Compliance Coordinator to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information to the Clery Compliance Coordinator for Clery Act purposes, but statistical information must be sent to the Clery Compliance Coordinator regarding the type of incident that occurred and its general location (e.g., on or noncampus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security and Fire Safety Report help to provide the campus community with a clearer

¹⁰ If the formal complaint is received as a Title IX Sexual Harassment Complaint, and the conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment as defined in this Policy, did not occur in the University's education program or activity, or did not occur against a person in the United States, the Title IX Coordinator is required by federal law to dismiss the formal complaint. However, that dismissal does not preclude the University from taking action under this Policy, including by treating the alleged conduct as Prohibited Conduct to which this Policy applies.

picture of the extent and nature of campus crime, **but the statistics do not personally identify Complainants or Respondents**. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

In addition to the Annual Fire Safety and Security Report and in compliance with the Clery Act, the University's Clery Compliance Coordinator maintains a daily crime log that includes entries for all crimes and alleged crimes that occurred within the University's Clery Geography or the patrol jurisdiction of UTC PD.

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to: issue timely warnings for crimes reported to UTC PD or Campus Security Authorities that pose a serious or continuing threat to members of the campus community. The University will undertake reasonable efforts to avoid disclosing a Complainant's name and other identifying information, while still providing enough information for community members to make safety decisions in light of the potential danger.

The University's Clery Compliance Coordinator is Rebekah Epperson, (423) 425-5961, rebekah-epperson@utc.edu; clery@utc.edu.

FERPA

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

Tennessee Public Records Act

Incident reports prepared by UTC PD for law enforcement purposes are generally considered public records under the Tennessee Public Records Act (Tennessee Code Annotated § 10-7-503 et seq.) and are not protected by FERPA, which means the University is obligated by law to make them available to any Tennessee citizen upon request unless the report is part of an ongoing criminal investigation. Local law enforcement agencies may also be required to make their records available under similar circumstances.

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

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

Robert (Robbie) Nottingham Campus Crime Scene Investigation Act

The Robert (Robbie) Nottingham Campus Crime Scene Investigation Act (Nottingham Act), Tennessee Code Annotated § 49-7-129, requires UTC PD to notify the Chattanooga Police Department upon UTC PD's receipt of a report from a victim alleging that any degree of rape has occurred on University property. The Nottingham Act requires UTC PD and the Chattanooga Police Department to participate in a joint investigation of the rape, with UTC PD leading the investigation. The Nottingham Act also requires sexual assault programs and services on campus to report annually to UTC PD the number of requests for assistance received from persons who were raped on or in the vicinity of campus during the preceding calendar year. Personally identifiable information is not provided to UTC PD in connection with that report.

Disclosure to Respondents During the Disciplinary Process

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

APPENDIX B

CONSENT

The University of Tennessee Chattanooga is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹¹

The purpose of this Appendix B is to inform students, employees, and third parties about how the University, in investigations and disciplinary hearings,¹² will determine whether Rape or Fondling occurred without Consent.

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

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

Consent can be revoked at any time.

- Valid Consent cannot be given if:
 - A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated;
 - A person is Forced; or
 - The sexual penetration of a person by the Respondent would constitute mitigated statutory rape, statutory rape, or aggravated statutory under state law, based on the ages of the Respondent and the other person.
- During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During a University investigation or disciplinary hearing, the University has the burden of proving that a sexual act(s) occurred without Consent (and it is not a Respondent’s burden to prove Consent).
- Whether a person has communicated Consent to participate in a sexual act generally is evaluated from the perspective of what a Reasonable Person who perceived the individual’s words and/or non-verbal conduct would have understood; however, in the context of a relationship that has involved sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., What did the specific person who initiated the sexual act conclude based on the pattern of communication?).
- A verbal “no” (or words equivalent to “no”) or the nonverbal communication of “no,” even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously

¹¹ Capitalized terms have the same meaning in the Policy and Appendix B.

¹² Including contested case proceedings under the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”).

communicated has been withdrawn. The absence of a verbal “no” or the absence of a nonverbal communication of “no” does not necessarily mean that Consent has been communicated.

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

Recommendations on Consent

- The University urges individuals to communicate with one another before and throughout a sexual encounter to ensure Consent exists for every sexual act. Because interpreting non-verbal conduct may lead to misunderstanding and a violation of the Policy, persons subject to the Policy are strongly encouraged to err on the side of caution and not rely solely on the non-verbal conduct of another person in concluding that the other person has communicated Consent.
- The University urges individuals to be cautious before engaging in sexual activity when either person has been consuming alcohol or using other drugs. Alcohol and other drugs impair a person’s ability to give Consent and impair a person’s ability to determine whether Consent has been given.

APPENDIX C

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

The University of Tennessee Chattanooga is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹³

Disciplinary proceedings¹⁴ relating to Prohibited Conduct when the Respondent is a student will be handled by the University in accordance with the Student Code of Conduct (“Code”), as modified and/or clarified by this Appendix C and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46. A graphical summary of the process can be found at the end of Appendix C. A copy of the Code of Conduct may be found at utc.edu/student-conduct/index.php.

HOW TO FILE A FORMAL COMPLAINT

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

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

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

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

¹³ Capitalized terms have the same meaning in the Policy and Appendix C.

¹⁴ “Disciplinary proceeding” means all activities related to the University’s non-criminal resolution of a report to the University of Prohibited Conduct, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. “Disciplinary proceeding” does not include communications and meetings between Title IX Officials and a Complainant or a Respondent concerning supportive measures.

106.30(a), but would, if proven, violate the Code (i.e., allegations of misconduct in a study abroad program or off-campus misconduct committed against another member of the University community).

Within three (3) business days of receiving a Formal Complaint, the Title IX Coordinator will refer the Formal Complaint to an investigator, who will investigate the allegations.¹⁵

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

STANDARD OF PROOF

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

RIGHT TO AN ADVISOR

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

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

RIGHT TO A SUPPORT PERSON

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

¹⁵ Investigations of reports of Prohibited Conduct are usually performed by OSC. However, for good cause, the Title IX Coordinator may select an investigator(s) external to OSC, provided that the investigator has specific training and experience investigating allegations of Prohibited Conduct. Any investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest or bias. The investigator(s) may be a University employee, a team of University employees, an external investigator engaged to assist the University, or a team of external investigators engaged to assist the University.

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

INVESTIGATIONS OF PROHIBITED CONDUCT

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

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

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

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

DISMISSAL OF COMPLAINTS

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

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

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

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with OSC making a final determination that no action will be taken, then the Complainant may appeal that determination to the Vice Chancellor for Student Affairs, in writing, within seven (7) calendar days of the date that OSC transmitted notice of the no action determination to the Complainant. Upon receipt of the appeal, OSC will send a copy of the appeal to the Respondent. The Respondent may respond to the appeal by filing a written response within three (3) calendar days after receipt of the Complainant’s appeal. The Vice Chancellor for Student Affairs may affirm the decision of OSC, reverse the decision and direct OSC to charge the Respondent with violating the Standards of Conduct, or remand the matter for additional investigation or consideration. The Vice Chancellor for Student Affairs shall issue a decision in writing, sent to the Complainant and the Respondent simultaneously, within ten (10) calendar days of receipt of the Complainant’s appeal or the Respondent’s response, whichever is later. The decision of the Vice Chancellor for Student Affairs is final and may not be appealed.

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

FORMAL HEARINGS

NON-TITLE IX PROHIBITED CONDUCT

In Non-Title IX Prohibited Conduct cases that do not result in a determination that no action will be taken will proceed to a Formal Hearing. Sections 8 through 10 of the Code describe the types of Formal Hearings that will be used in cases of Prohibited Conduct.

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Student Conduct Board or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act.¹⁶ Sections VIII and IX of the Code describe the process for those hearings. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation.

The following chart shows the steps that generally apply in Student Conduct Board hearings. The parties are directed to the provisions of the Code for additional information.

| Student Conduct Board Hearing | | |
|---|-----------------------|--|
| Step | Code Reference | Anticipated Timeline |
| Complainant and Respondent provide names of advisors and witnesses, evidence, and any statements to OSC | Section 9.5 | At least five (5) business days prior to the hearing |

¹⁶ The timelines described below do not apply if a Respondent exercises the right to have a hearing conducted under state law, the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”). If a Respondent exercises a right to a UAPA hearing, then an administrative judge will be appointed by the University’s Agency Head typically within five (5) business days of the Respondent’s request for a UAPA hearing. The timelines for a UAPA hearing are governed by the UAPA.

| Student Conduct Board Hearing | | |
|--|----------------|--|
| Step | Code Reference | Anticipated Timeline |
| OSC provides all copies of the information submitted by the parties to the other party and the Student Conduct Board | Section 9.6 | At least one (1) business day prior to the hearing |
| Notice of Decision issued by Student Conduct Board | Section 9.7 | At the conclusion of the hearing |

TITLE IX PROHIBITED CONDUCT

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

The following chart shows the steps that generally apply in Title IX Hearings. The parties are directed to the provisions of the Code for additional information.

| Title IX Hearing | | |
|---|----------------|--|
| Step | Code Reference | Anticipated Timeline |
| Notice of Title IX Hearing sent to Complainant and Respondent | Section 10.3 | At least ten (10) business days prior to the hearing |
| Complainant and Respondent provide names of advisors to Title IX Hearing Officer, or inform Title IX Hearing Officer that they have no advisor and an advisor will be appointed | Section 10.4 | At least five (5) business days prior to the hearing |
| Notice of Decision issued by Title IX Hearing Officer | Section 10.7 | Within ten (10) business days of the conclusion of the hearing |

APPEALS

The Complainant and the Respondent have equal rights to appeal the decision after a Formal Hearing. Code Section XII describes the appeal process for appealing a decision by the Student Conduct Board, or Title IX Hearing Officer.

The following charts show the steps that generally apply in appeals. The parties are directed to the provisions of the Code for additional information.

| Appeals from Student Conduct Board Decision (Non-Title IX Prohibited Conduct) | | |
|--|----------------|---|
| Step | Code Reference | Anticipated Timeline |
| Notice of Appeal filed | Section 12.1 | Within five (5) business days of the transmittal of the decision |
| Non-appealing party may submit written response to Vice Chancellor for Student Affairs | Section 12.1 | Within three (3) business days of receipt of the Notice of Appeal |

| Appeals from Student Conduct Board Decision (Non-Title IX Prohibited Conduct) | | |
|--|----------------|-------------------------------|
| Step | Code Reference | Anticipated Timeline |
| Vice Chancellor for Student Affairs issues decision | Section 12.1 | Within ten (10) business days |

| Appeals from Title IX Hearing Officer Decision | | |
|--|----------------|--|
| Step | Code Reference | Anticipated Timeline |
| Notice of Appeal filed | Section 12.3 | Within five (5) business days of the transmittal of the decision |
| OSC notifies non-appealing party of appeal | Section 12.3 | As soon as practicable |
| Both parties may submit written statement in support of or opposition to decision to the Vice Chancellor for Student Affairs | Section 12.3 | Within five (5) business days of the date on which the non-appealing party received notice that the other party filed a Notice of Appeal |
| Notice of Decision issued by the Vice Chancellor for Student Affairs | Section 12.3 | Within five (5) business days of receipt of written statements |

ANTICIPATED TIMELINES

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

POSSIBLE SANCTIONS

Following a determination under the Code that a student is responsible for engaging in Prohibited Conduct, the Student Conduct Board, or Title IX Hearing Officer will issue a sanction. Section XI of the Code identifies the possible sanctions that may be imposed if, after the conclusion of the student conduct process, a Respondent is found responsible for engaging in Prohibited Conduct. Possible sanctions include: warning; disciplinary reprimand, disciplinary probation; suspension; permanent dismissal; withholding of degree; disciplinary probation for student organizations; social probation for student organizations; revocation or suspension of University registration for student organizations; educational activities; restitution; supervised work/service; loss or restriction of privileges; University housing reassignment or removal; and/or mandatory education. Any sanction imposed by the Student Conduct Board or Title IX Hearing Officer may be appealed as set forth in Section XII of the Code. Once a sanction

decision is final, OSC will ensure the effective implementation of final sanctions. The Title IX Coordinator is responsible for effective implementation of any remedies.

RESOLUTION WITHOUT A FORMAL HEARING

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

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

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

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

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

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

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

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

Chapter 1720-1-5 of the Rules of the University of Tennessee (publications.tnsosfiles.com/rules/1720/1720-01/1720-01-05.20180524.pdf) sets forth the University's procedures for conducting a contested case hearing pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301 et seq. In a case involving a Non-Title IX Prohibited Conduct Complaint, the administrative judge or hearing officer must modify those procedures when required to comply with federal law, including without limitation, the Clery Act and FERPA. In Non-Title IX Prohibited Conduct cases, where the University recommends a sanction of deferred suspension, suspension, permanent dismissal, withholding of degree, or revocation of degree or greater, a Respondent may elect a contested case hearing. In Title IX Prohibited Conduct cases, the decision of the Title IX Hearing Officer is only subject to the appeals process provided in Section XII of the Code and mandated by the Title IX regulations. For Formal Complaints in Title IX Prohibited Conduct cases, the Title IX regulations preempt the Uniform Administrative Procedures Act. 34 C.F.R. § 106.6(h).

TRAINING FOR UNIVERSITY OFFICIALS

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

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

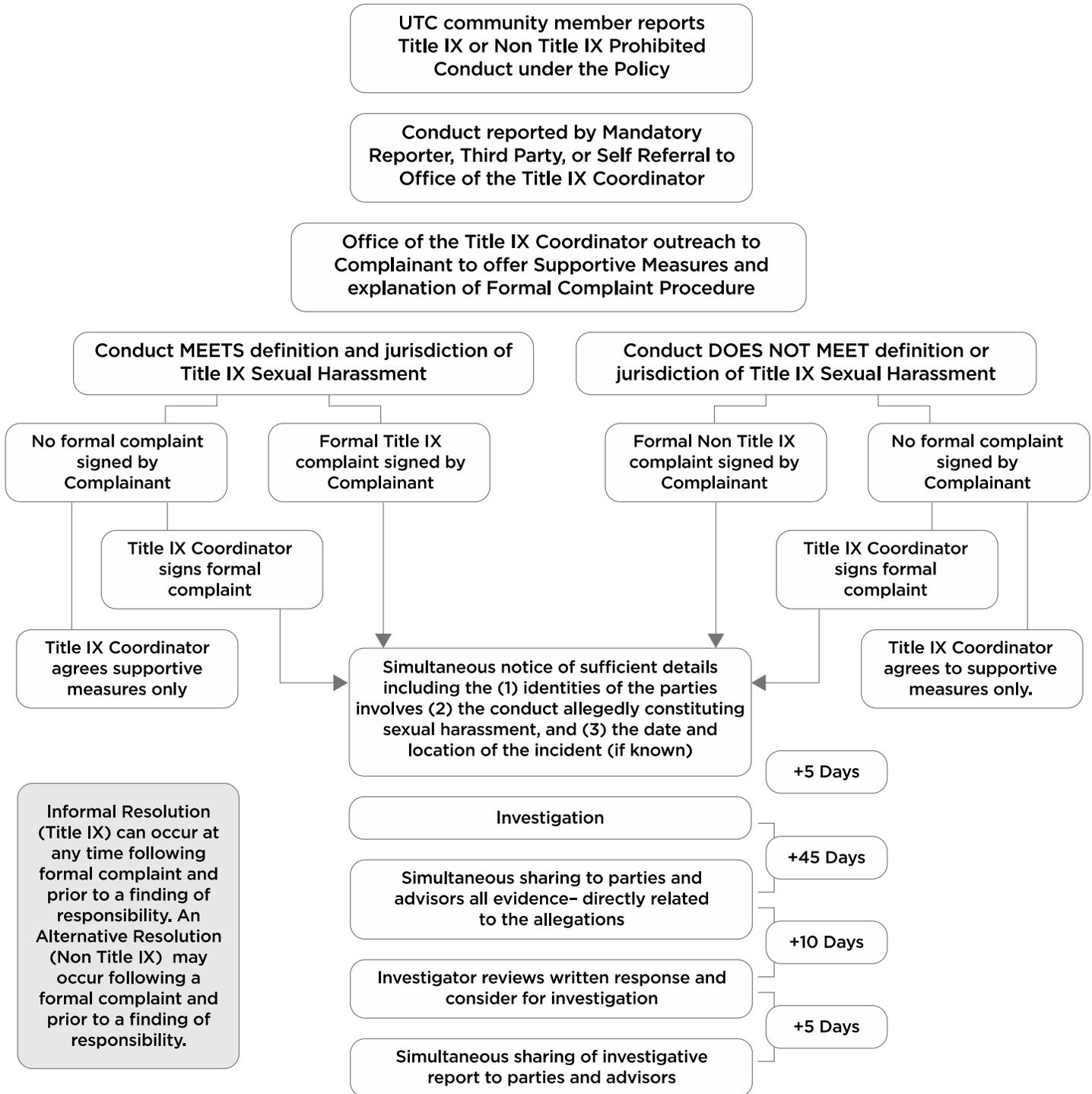
Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision makers will be publicly maintained at utc.edu/sexual-misconduct.

Appendix C (Student Respondents)

Title IX & Non Title IX

Prohibited Conduct Complaints & Investigations

(1 of 3)*



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

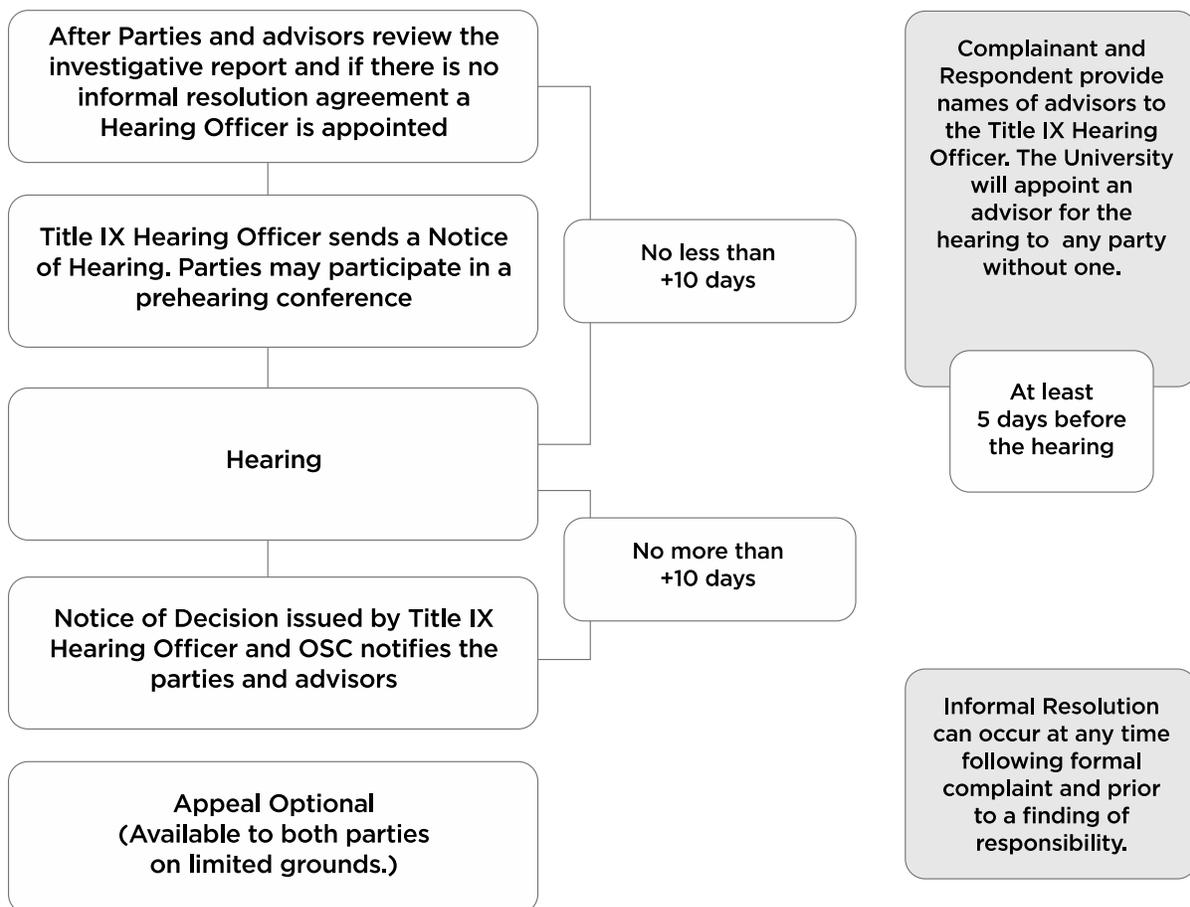
Appendix C (Student Respondents)

Title IX

Prohibited Conduct Hearing and Appeals

(2 of 3)*

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



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

Appendix C (Student Respondents)

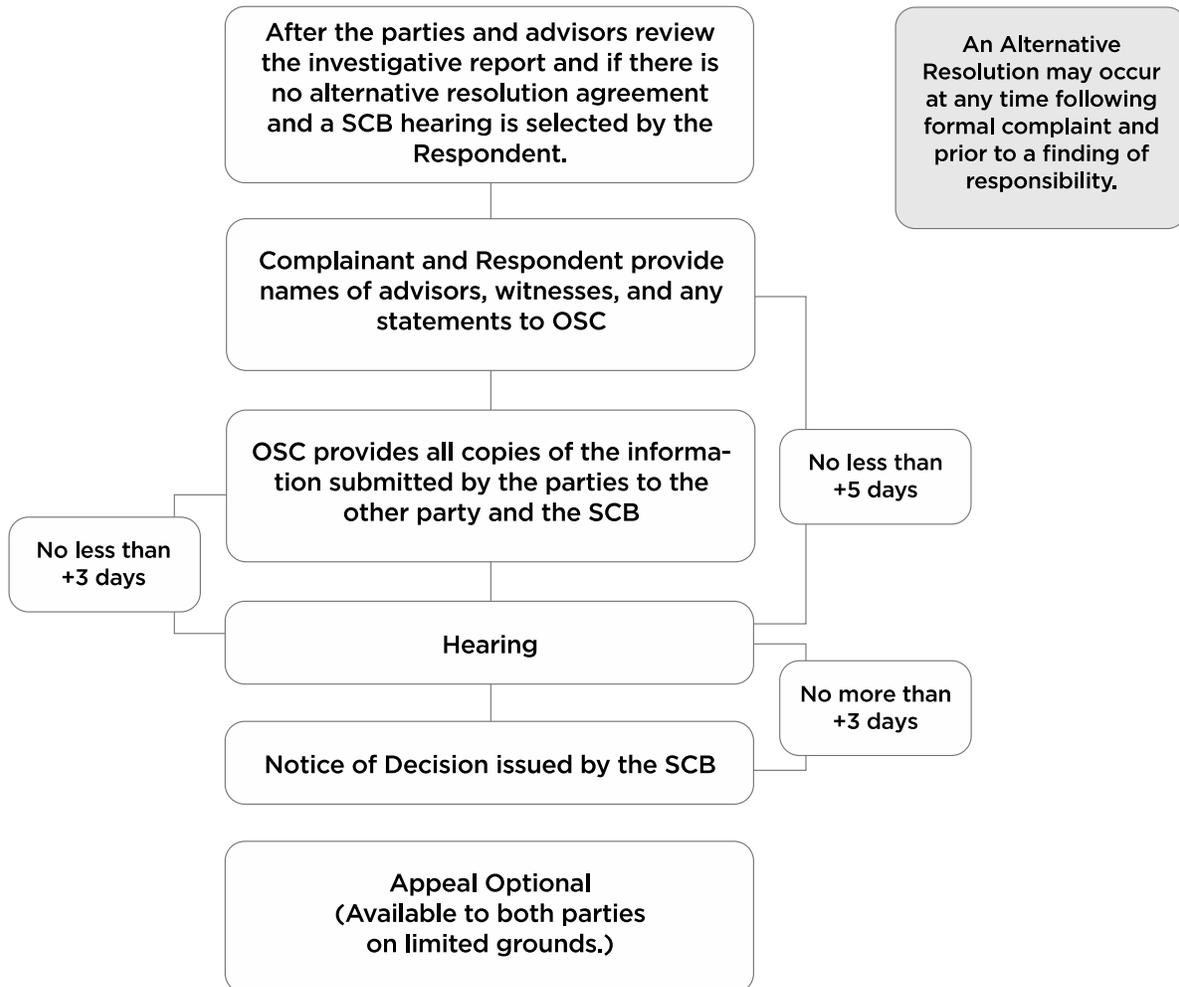
Non Title IX

Prohibited Conduct Hearing and Appeals

(3 of 3)*

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

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



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

APPENDIX D

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

The University of Tennessee Chattanooga is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹⁷

The process for investigating and resolving Prohibited Conduct when the Respondent is an employee or third party (such as a visitor to campus or a contractor) will be handled by the University’s Office of Equity and Inclusion (OEI) in accordance with University Human Resources Policies (applicable to all employees) and the Board of Trustees Policies Governing Academic Freedom, Responsibility, and Tenure (BT0006) (applicable to faculty), as modified and/or clarified by this Appendix D and Appendix D-1, and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46.¹⁸

HOW TO FILE A FORMAL COMPLAINT

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

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

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

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

Second, the Complainant may file a **Non-Title IX Prohibited Conduct Complaint** in a case in which the Prohibited Conduct did not occur in the University’s education program or activity, did not occur in the United States or is not Sexual Harassment as defined in 34 C.F.R. 106.30(a), but would, if proven, violate the Policy

¹⁷ Capitalized terms have the same meaning in the Policy and Appendix D and D-1.

¹⁸ The procedures set forth in Appendix D and D-1 will discuss employee Respondents, and will be modified, as needed, for third parties.

(i.e., allegations of misconduct in a study abroad program or off-campus misconduct committed against another member of the University community).

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

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

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

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

ADMINISTRATIVE LEAVE

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

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

STANDARD OF PROOF

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

RIGHT TO AN ADVISOR

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

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

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

RIGHT TO A SUPPORT PERSON

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

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

INVESTIGATIONS

Within three (3) business days of receiving a Formal Complaint, the Title IX Coordinator will refer the Formal Complaint to an investigator, who will investigate the allegations.¹⁹

¹⁹ Investigations of reports of Prohibited Conduct are usually performed by OEI. However, for good cause, the Title IX Coordinator may select an investigator(s) external to OEI, provided that the investigator has specific training and experience investigating allegations of Prohibited Conduct. Any investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest or bias. The investigator(s) may be a University employee, a team of University employees, an external investigator engaged to assist the University, or a team of external investigators engaged to assist the University. Good cause may include circumstances in which OEI has a conflict of interest (e.g. an OEI employee or someone who has oversight over OEI is a party or witness), the complexity of the case requires

In all investigations of Prohibited Conduct, the University must ensure that the burden of proof and the burden of gathering evidence rests on the University and not on the parties. The University may interview and re-interview the Complainant, the Respondent, and/or any other person at any time during the investigation in order to obtain additional and/or clarifying information. The University will provide an equal opportunity for the parties to identify and present witnesses for interview, including fact witnesses and expert witnesses, and present other inculpatory and exculpatory evidence. The University will provide written notice of the date, time, location, participants, and purpose of all investigative interviews and other meetings, with sufficient time to prepare to participate.

At the end of the investigation, the University will prepare an investigative report setting forth a preliminary recommendation as to whether the Respondent shall be held responsible or not. The investigative report will be provided to the parties and the appropriate University administrator in Non-Title IX Prohibited Conduct Cases, and provided to the parties and the Title IX Hearing Officer in Title IX Prohibited Conduct Cases. In Title IX Prohibited Conduct cases, the preliminary recommendation will be removed from the report before it is provided to the Title IX Hearing Officer.

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

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

DISPOSITION OF NON-TITLE IX MATTERS

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with the University making a determination that the evidence does not support the allegations, then the Complainant may request an administrative review of that decision by the Chancellor. Such a request must be made in writing to OEI within fifteen (15) business days after the investigative report is issued to the parties.

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

expertise or resources external to OEI; and the workload of OEI require an investigator external to OEI to timely investigate a case.

DISPOSITION OF TITLE IX MATTERS

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

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

ANTICIPATED TIMELINES

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

POSSIBLE SANCTIONS

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

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

INFORMAL RESOLUTIONS

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

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

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

Informal Resolution of Title IX Prohibited Conduct Complaints. At any time prior to reaching a determination regarding responsibility, OEI may facilitate an informal resolution process with the Complainant (who is not a student) and the Respondent. OEI will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. OEI will provide to the parties a written notice disclosing the allegations, as well as the requirements of the informal resolution process, including the circumstances under which the parties cannot resume the investigation or Title IX Hearing process arising from the same allegations. By law, when the Complainant is a student, the University is not permitted to resolve a Title IX Prohibited Conduct Complaint through an informal resolution.

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

TRAINING FOR UNIVERSITY OFFICIALS

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

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

Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision makers will be publicly maintained at utc.edu/sexual-misconduct/index.php.

APPENDIX D-1
OEI TITLE IX HEARINGS AND APPEALS

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

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

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

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

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

University obtains that party's voluntary, written consent to do so.

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

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

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

The Title IX Hearing Officer shall transmit a copy of the Notice of Decision of Title IX Hearing Officer to the OEI, and OEI shall notify the Respondent, the Complainant, and their Advisors about the written determination and provide a copy of it simultaneously to the parties and their Advisors.

- (8) **Appealing Decisions of the Title IX Hearing Officer.**
- (a) **Appealable Decisions.** The Complainant and the Respondent may appeal the decisions of the Title IX Hearing Officer that are contained in the Notice of Decision of Title IX Hearing Officer (as well as a decision by the University to dismiss a Formal Complaint), but the grounds for appeal are limited to those described in Section (8)(c).
- (b) **Notice of Appeal.** An appeal is procedurally valid only if all of the following requirements are met: (1) an appeal shall be submitted to OEI in writing by fully completing a form approved by the University called a “Notice of Appeal;” (2) the Notice of Appeal shall be received by OEI within five (5) business days of the date that the University transmitted the Notice of Decision; and (3) the Notice of Appeal shall not include information that is not included in the record of the Title IX Hearing, except the Notice of Appeal may contain a summary of the new information described in Section (8)(c)(2). The University will notify the other party in writing when an appeal is received.
- (c) **Grounds for Appeal.** The Notice of Appeal shall explain the grounds for the appeal, which shall be limited to one (1) or more of the following grounds:
1. Procedural irregularity that affected the outcome of the matter;

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

APPENDIX E

GUIDE FOR MANDATORY REPORTERS

The University of Tennessee at Chattanooga is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free of Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”)²⁰.

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

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

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

- (1) Are you a Confidential Employee, or do you work under the supervision of a Confidential Employee? If you do not know the answer to this question, then you are most likely not a Confidential Employee. Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional’s client or patient or because the University has deemed the employee as a confidential resource for students, faculty and staff. (Refer to Section 1.2.1 of Appendix A or contact a Title IX Coordinator if you are not sure whether you are a Confidential Employee)
 - If yes, and if you received the information about Prohibited Conduct in the context of a confidential relationship, then you are not a Mandatory Reporter. You should help a Complainant explore options for care and support, provide information on reporting options and interim measures, and provide emotional support.
 - If no, proceed with asking Question 2.
- (2) Is the Complainant a child (under age 18)?
 - If yes, and the incident involves suspected child abuse or child sexual abuse, then you must report the incident in accordance with University of Tennessee Safety Policy 0575.
 - If no, proceed with asking Question 3.
- (3) Is either the Complainant or the Respondent a student?
 - If yes, then you must report the incident to a Title IX Official²¹ unless:

²⁰ Capitalized terms have the same meaning in the Policy and Appendix E.

²¹ The names and contact information for Title IX Officials are listed in Section 4 of the Policy.

- You received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites or blogs
 - You received notice of the incident during the student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - You received notice through an in-class discussion, a class paper, or other academic assignment; or
 - You are a student employee (e.g., graduate assistant) and you did not receive notice of the incident in your University employment capacity.
- If no, proceed with asking Question 4.
- (4) Are you the supervisor of either the Complainant or the Respondent, or do you otherwise have the authority to redress the Prohibited Conduct?
- If yes, then you must report the incident to a Title IX Official unless you received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites or blogs, or you received notice of the incident during a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - If no, then the University strongly encourages you to report the information to a Title IX Official even though you are not a Mandatory Reporter with respect to the incident. Employees who have been designated by campus law enforcement as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) should evaluate whether they have an independent obligation to report the incident to campus law enforcement. Questions about the reporting obligations of Campus Security Authorities should be directed to Rebekah Epperson, the University’s Clery Compliance Coordinator, at rebekah-epperson@utc.edu or (423) 425-5961.

SECTION 2. ACTIONS THAT MANDATORY REPORTERS MUST TAKE

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

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

- Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours²² after receiving the report).²³ The Mandatory Reporter must communicate all details known about the alleged incident; or
- If the incident involves suspected child abuse or child sexual abuse, comply with University of Tennessee Safety Policy 0575.

SECTION 3. ACTIONS THAT MANDATORY REPORTERS SHOULD TAKE

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

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

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

- (1) Provide emotional support to the Complainant;
- (2) Encourage the Complainant to preserve any evidence (see Appendix A of the Policy for tips on the preservation of evidence);
- (3) Inform the Complainant that the employee will be reporting the incident to a Title IX Official, who will contact the Complainant to provide further guidance and assistance; and
- (4) Provide a Complainant with a copy of Appendix A of the Policy or a resources and support brochure.

SECTION 4. ACTIONS THAT MANDATORY REPORTERS MUST NOT TAKE

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

²² If the end of the 48-hour reporting window falls on a weekend or a University holiday, then the Mandatory Reporter should report the incident as soon as possible on the next University business day.

²³ A Mandatory Reporter may also inform his/her supervisor of the incident. With the prior approval of the Title IX Coordinator, a University unit may adopt a policy that requires a Mandatory Reporter in the unit to report an incident of Prohibited Conduct to his/her supervisor or other designee within the unit, who, in lieu of the Mandatory Reporter who received notice of the incident, must promptly report the incident to a Title IX Official.

- (1) Guarantee a Complainant that the employee will keep information confidential and not share the information with anyone else, including a Title IX Official;
- (2) Share information about the incident with a person who does not have a University-related need to know;
- (3) Share personally identifiable information about the incident with law enforcement (including UTC PD) without the Complainant's consent; and/or
- (4) Investigate or otherwise attempt to resolve reports of Prohibited Conduct without the approval of a Title IX Official (this provision does not apply to UTC PD), other than taking an action required or recommended in Section 2 or Section 3.