

Annual Security & Fire Safety Report 2025



 THE UNIVERSITY OF TENNESSEE
CHATTANOOGA

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2025 UTC Annual Security and Fire Safety Report
Prepared by the Department of Public Safety
Includes Policy Statements for the 2025-2026 Academic Year and
Crime and Fire Statistics for Calendar Years 2022, 2023, and 2024

MESSAGE FROM LEADERSHIP

The University of Tennessee at Chattanooga (hereinafter "UTC" or the "University"), Annual Security and Fire Safety Report (hereinafter "ASFSR") contains important information for the campus community and is published to comply with the provisions of the Jeanne Clery Campus Safety Act (20 U.S.C. § 1092(f), 34 CFR 668.46) (hereinafter "Clery Act"). The Clery Act requires all colleges and universities that receive federal student financial aid to annually report crime data and to disclose important campus safety and security policies.

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

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

You can request a hard copy at the UTC Department of Public Safety (hereinafter "UTCDPS") / UTC Police Department (hereinafter "UTCPD"), located at 400 Palmetto Street, Chattanooga, TN 37403, or have a hard copy mailed to you by emailing clery@utc.edu.

ANNUAL DISCLOSURE OF CRIME STATISTICS

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

PREPARATION FOR THIS REPORT

The UTC Department of Public Safety (UTCDPS) is responsible for preparing and distributing this Annual Security and Fire Safety Report (ASFSR) to comply with the Clery Act. Within UTCPDS, the responsibility for preparing the Annual Security and Fire Safety Report is assigned to the Coordinator of Clery Compliance / Clery Act Compliance Officer. The ASFSR is published and distributed every year by October 1. The ASFSR includes statistics for the previous three years concerning

reported crimes that occurred on the University's Clery geography. Statistics for Clery Act offenses that did not occur within Clery geography are not included in the university's Clery Act crime statistics even if university students or employees were involved.

The Coordinator of Clery Compliance / Clery Act Compliance Officer prepares the ASFSR, including the annual disclosure of crime, arrest, and referral statistics, with input from various sources, including the UTC Police Department; Office of Emergency Management and Threat Assessment; Office of Environmental Health & Safety; Office of Student Conduct; Office of Housing & Residence Life; Office of Title IX Compliance; various Campus Security Authorities (CSAs); and local law enforcement agencies, including the Chattanooga Police Department, Hamilton County Sheriff's Office, and Tennessee Highway Patrol. The Coordinator of Clery Compliance / Clery Act Compliance Officer works to reconcile statistics from the Office of Student Conduct and Office of Title IX Compliance to reduce the instance of missing or double counting incidents. For statistical purposes, crime statistics reported to any CSA are recorded in the calendar year in which the crime was reported. The statistics represent offenses that were reported to any of those sources, regardless of whether the alleged offense was investigated or whether there was a finding of guilt or responsibility. In order to collect reported crime information occurring at non-campus properties during student school-sponsored travel, a travel form is listed on the UTC DPS website for travel leaders to complete and submit. This information is used to request reported crime information from local law enforcement agencies with jurisdiction over the areas considered to be non-campus property. The University does not directly collect statistics from University Health Services (UHS) or the Counseling Center (UTCCC) due to the confidentiality of licensed medical professionals and licensed professional counselors. Any requested statistics from those entities would lack enough information to reconcile the statistics with incidents already reported and puts the University at risk of double counting Clery reportable crimes.

The Coordinator of Clery Compliance / Clery Act Compliance Officer submits the crime statistics published in the ASFSR to the United States Department of Education (hereinafter "ED"), who make crime statistics available to the public through the ED website. In addition, a copy of the ASFSR and a daily crime log are available for review 24 hours a day on the university's website, utc.edu/clery. The University provides an electronic notice of availability of the ASFSR to: (1) all current university faculty, staff, and students; and (2) prospective university students, faculty, and staff.

In compliance with the Clery Act, the University shares its annual crime statistics contained in **Appendix A**. All statistics enclosed in the ASFSR are anonymous.

CLERY GEOGRAPHY

For information on the university's Clery geography, visit the [Department of Public Safety website](#) or the [University's mapping system](#) for a detailed map and geography descriptions.

JURISDICTION AND LAW ENFORCEMENT AUTHORITY

UTC Police Department
400 Palmetto Street
Chattanooga, TN 37403
(423) 425-help/4357

OVERVIEW OF THE DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety (DPS), which is comprised of the UTC Police Department (UTCPD), Emergency Management & Threat Assessment (OEM), and Environmental Health & Safety (EHS), is under the leadership of the Associate Vice Chancellor for Public Safety and Chief of Police, who reports to the Vice Chancellor for Finance & Administration. Institutional Clery compliance initiatives are managed by the Coordinator of Clery Compliance within the DPS.

ABOUT THE UTC POLICE DEPARTMENT

The UTCPD is a unit of the UTC DPS. UTCPD is located in the Administrative Services Building at 400 Palmetto Street, Chattanooga, Tennessee 37403. UTCPD is open and staffed 24 hours a day, 7 days a week, 365 days a year and can be contacted at (423) 425-HELP/4357.

UTCPD provides basic police services to the University campus. UTCPD's main objective is to provide a safe campus for students, staff, faculty, and visitors. UTCPD officers perform a variety of tasks that include investigation of criminal activity, apprehension of criminals, accident and fire response, traffic enforcement, and security for special events. UTCPD offers services such as personal property registration, safe rides, and educational programs to increase the safety of the University community.

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



utc.edu/police



facebook.com/utcpd



x.com/utcpd



instagram.com/utcpd

JURISDICTION & AUTHORITY

UTC police officers are duly sworn and commissioned police officers of the State of Tennessee, with jurisdiction derived from Tennessee Code (TCA § 49-7-118). UTC police officers have law enforcement authority and responsibility for enforcing applicable city, county, state, and federal criminal laws and UTC policies. UTC police officers have the authority to investigate crimes, enforce laws, make arrests, and enforce any parking or traffic regulation. UTCPD police officers investigate all reports of criminal activity that occur within the jurisdiction of the UTC campus and, when appropriate, are referred for prosecution to the District Attorney General. Criminal matters involving University students may also be referred to the appropriate University administrative office (e.g., Office of Student Conduct) for disciplinary action.

As duly commissioned officers, UTCPD carry service weapons and have authority to apprehend and arrest anyone involved in illegal activity on campus and areas immediately adjacent to the campus. In general, each UTCPD officer shall, in all cases, use only the minimum amount of force that is consistent with the accomplishment of their mission, and shall exhaust every other reasonable means of apprehension or defense before considering the use of a firearm.

The jurisdiction of UTCPD officers includes property that is owned, leased or controlled by the institution. Officers have concurrent jurisdiction on city streets running through campus or adjacent to campus.

UTCPD operations also are supported by:

- Full-time, uniformed officers patrol the campus 24 hours a day, 365 days a year, and provide public safety services through the deployment of vehicle, foot, and bicycle patrols to ensure the safety of the campus community including emergencies and special events across campus. They also perform frequent building, and facility checks for suspicious activity or to provide assistance to anyone in need.
- Non-sworn "Campus Safety Officers", who provide public safety services through the deployment by vehicle, foot, and bicycle patrols to ensure the safety of the campus community, including emergencies and special events operations. They perform frequent facility checks and door unlocks; perform vehicle unlocks and vehicle boosts; crowd and vehicle control activities; and other duties as assigned. Non-sworn Campus Safety Officers do not have authority to make arrests. Non-sworn Campus Safety Officer jurisdiction is limited to UTC campus properties within the main campus.

- Supplemental sworn police officers and non-sworn security officers serve as additional protection during special events (e.g., sporting events, construction areas, concerts, etc.) or during special operating conditions.
- The UTCPD Communications Center, which operates 24 hours a day, 7 days a week, 365 days a year, 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, fire, and life safety alarms.
- Hamilton County 911 Emergency Communications District (Hamilton County 911), by mutual agreement, provides a shared Computer Aided Dispatch (C.A.D.) system for connection with other local law enforcement and other first responder agencies.
- Non-commissioned administrative staff who manage areas in records, compliance, payroll, accounting, and accreditation.

WORKING RELATIONSHIPS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES

UTCPD maintains a strong working relationship with the Chattanooga Police Department (CPD), Hamilton County Sheriff's Office (HCSO), Tennessee Highway Patrol (THP), Tennessee Bureau of Investigation (TBI), Tennessee Department of Safety and Homeland Security Special Agents, Federal Bureau of Investigation (FBI), and other surrounding local, state and federal law enforcement agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information.

Regular meetings, threat assessments, intelligence sharing, and trainings occur with these agencies frequently. Command staff from these agencies meet regularly with a representative from the District Attorney's office for updates and information sharing. Patrol, Investigative, and Threat Assessment personnel work with these agencies on a nearly daily basis.

Additionally, UTCPD has resource sharing agreements with CPD, HCSO, and the Hamilton County 911 Emergency Communications District (HC911).

MEMORANDUM OF UNDERSTANDING

UTC has a written Memorandum of Understanding (MOU) with the CPD regarding the investigation of alleged criminal offenses. This agreement allows each

department to assist 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 and those with housing facilities.

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

CPD will investigate felony crimes against persons with UTCPD, providing assistance in such investigations. However, pursuant to TCA § 49-7-129, (1) UTCPD and CPD will participate in a joint investigation of a death or alleged rape that occurred on UTC property; (2) CPD will lead the investigation of a medically unattended death that occurred on UTC property; and (3) UTCPD shall lead the investigation of an alleged rape that occurred on UTC property.

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

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

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

UTCPCD will provide primary response to emergency calls placed from anywhere on the UTC campus, including University of Chattanooga (UC) Foundation-owned housing facilities and off-campus locations owned or controlled by the University (e.g., the Jones Observatory, UTC Childcare Centers). CPD will respond to all calls for police assistance on city property and city streets within the University area. UTCPCD communications officers route to CPD all law enforcement calls involving students that occur 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, is conducted at the Hamilton County General Sessions or Criminal courts, or the Federal courts located in Hamilton County.

REPORTING CRIMES OR OTHER EMERGENCIES

The University strongly encourages students, employees, affiliates, and visitors who are a victim of crime, witnesses or learns about a crime, or who would like information on whether what they witnessed or learned about is a crime, to contact UTCPD. These offices are staffed 24/7, are trained in this specific work, and work closely with other offices across the campus to respond to crimes.

INCIDENT LOCATION	CONTACT
On Campus: UTC Police Department	400 Palmetto Street, Chattanooga, TN 37403 Emergency & Non-Emergency: (423) 425-HELP/4357
Off Campus (City): Chattanooga Police Department	3410 Amnicola Hwy, Chattanooga, TN 37406 Non-Emergency Line: (423) 698-2525 Emergencies: 911
Off Campus (County): Hamilton County Sheriff's Office	600 Market Street, Chattanooga, TN 37402 Non-Emergency Line: (423) 209-7000 Emergencies: 911
Off Campus (State): Tennessee Highway Patrol	4120 Cummings Highway, Chattanooga, TN 37419 Non-Emergency Line: (423) 634-6890 Emergencies: 911

EMERGENCIES

In case of an emergency, your first call should be to the UTCPD Communications Center by dialing (423) 425-HELP/4357 or 911.

911 calls dialed from University telephones, call boxes, blue light emergency phones, panic buttons, and other safety devices will be routed to the UTCPD Communications Center.

911 calls placed from a cell phone will be routed to the Hamilton County 911 Emergency Communications District.

Calls to **(423) 425-HELP/4357** via cellular telephone or other device will be routed to the UTCPD Communications Center for emergency and nonemergency assistance.

REPORTING CRIMES

Accurate and prompt reporting to UTCPD ensures that criminal incidents can be evaluated, considered for the appropriate issuance of Timely Warnings, and disclosed through ongoing disclosure processes such as the posting of crimes in the Daily Crime & Fire Log and CUSIA Arrest Log; accurate and prompt reporting also allows for accurate documentation of reportable crimes in the University's annual statistical disclosure.

UTC also encourages accurate and prompt reporting of all crimes to UTCPD and the appropriate police agencies when the victim of a crime elects not to, or is unable to, make such a report.

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 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.

Incidents reported to the UTCPD are maintained in UTCPD's Records Management System (RMS). Reports made to the Office of the Dean of Students, Campus Security Authorities, or Community Members of Concern are maintained through the Maxient system.

Should there be a need for an investigation, UTC employs an investigator with knowledge of law enforcement and Title IX investigative processes.

UTCPD responses to incidents of policy violations or crimes involving students will be reported to the Office of the Dean of Students. UTCPD responses to incidents of policy violations or crimes involving staff or faculty will be reported to the Office of Human Resources and/or Office of Access and Engagement.

Police administrators including the Chief, Deputy Chief, Lieutenants, and Director of Emergency Management, Threat Assessment, Emergency Communications, & Safety, are responsible for assessing the reporting of crimes for Timely Warnings and Emergency Notifications. The Clery Coordinator is responsible for compiling the statistics for annual disclosure.

UTCPD's response to these reports often depends on the type of emergency reported. The initial steps taken at the site of any emergency will be those necessary to safeguard lives and property, secure the scene, and control any crowd which may be present. UTCPD works to provide orderly and efficient coordination with all other agencies, departments, or organizations considered necessary and appropriate to the successful handling of such incidents.

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

- Dial 911 or (423) 425-4357/HELP from any University telephone to reach UTCPD. 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.
- Use one of the Blue Light Callboxes that are strategically located throughout the campus. There are currently 62 on campus. Calls placed from Blue Light Callboxes transmit directly into the UTCPD Communications Center on an emergency line. The emergency line is high priority, and dispatchers will answer immediately. The location of the Blue Light Callboxes from which the call has been placed is made available to the UTC Dispatcher when the call comes in. The UTC Dispatcher will dispatch an officer(s) to the location of the Blue Light Callbox.
- Use one of the emergency phones located in all elevators around campus that transmit to the UTCPD Communications Center. A UTCPD dispatcher will have the phone number, building name, and elevator number (depending on the building) available through the caller ID system. If the person states that the button was pushed by accident and there is no reason to indicate there is a problem, no one is notified. A UTCPD dispatcher will contact a police officer to the elevator if someone is stuck inside to assist with getting the person out of the elevator. If unable to get the person off the elevator, UTCPD will contact the Chattanooga Fire

Department (CFD) for assistance. CFD will also be notified if the stuck person calls back to advise that they are in any type of distress, or if they are in distress when they notify UTPCD that they are stuck.

- Use panic alarms, which are in various departments around campus. The panic alarms provide information directly to the UTPCD 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, they will transfer the call to UTPCD.
- Sex offenses and other incidents of sexual or relationship violence can also be reported to the University's Director of Title IX Compliance and Title IX Coordinator by dialing (423) 425-4255; or by email at TitleIX@utc.edu; or in person at University Center.
- UTPCD procedures require an immediate response to emergency calls. In response to a call, UTPCD 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 CPD, Hamilton County Emergency Medical Services (HCEMS), or CFD, the communications officer will contact the appropriate unit via C.A.D. system. Priority response is given to crimes against persons and personal injuries.

NON-EMERGENCY REPORTING

UTC Police:

Non-Emergency Reports can be made by calling (423) 425-HELP/4357; in-person at the Administrative Services Building at 400 Palmetto Street, Chattanooga, Tennessee 37403; or an officer can be dispatched to the reporting party's location. *UTCPD's response to these reports often depends on the type of emergency reported.*

REPORTING TO UNIVERSITY OFFICIALS

As an alternative to reporting a criminal incident to UTC Department of Public Safety, an individual may report criminal incidents, suspicious activity, or other incidents that are not emergencies to the following university offices for the purposes of making timely warning reports and the annual statistical disclosure: Reports of Clery Act crimes filed through a Campus Security Authority (CSA) will be provided to the Clery Coordinator or designee and will be used for the purpose of making timely warning reports and included in the University's annual crime statistics published in the Annual Security and Fire Safety Report.

CSA reports have the option to include the victim's name or initials for tracking purposes and to ensure the victim is offered the proper services. However, if the individual making the report wishes to remain anonymous, the individual's personal information does not have to be disclosed. CSA reports of sexual assault, domestic violence, dating Violence, and stalking, sexual exploitation, and retaliation provided to the Clery Coordinator or designee will also be made available to the University's Title IX Coordinator.

The crime statistics in the Annual Security Report must reflect crimes that are reported to the campus police department or to a CSA. CSA crime reports are used by the University to fulfill its responsibility to annually disclose Clery crime statistics, and to issue timely warnings for reported Clery Act crimes alleged to have occurred within UTC's Clery Act geography and 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; a police report will not be made, but the incident will be reported in the Crime Log and included in the annual statistics.

If you are a Campus Security Authority, you may report Clery reportable incidents at utc.edu/CSA.

University Officials		
Dean of Students University Center (423) 425-4761	Title IX Coordinator University Center (423) 425-4255	Executive Director for Residential Education and Campus Life Pfeiffer Hall (423) 425-4304
Associate Dean of Students University Center (423) 425-4301	Director, Center for Wellbeing University Center, Suite 351B (423) 425-5265	Executive Director for the Center for Global Education Lupton Hall (423) 425-4735
Assistant Vice Chancellor, Human Resources 720 McCallie Avenue (423) 425-5742	Executive Associate Athletics Director McKenzie Arena, Suite 407B (423) 425-4583	Executive Director Equal Opportunity and Accessibility 720 McCallie Avenue (423) 425-5760

CAMPUS SECURITY AUTHORITIES

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

While the University encourages victims of crime to seek assistance with UTC Department of Public Safety and/or off campus law enforcement agencies, UTC employees will notify law enforcement when the victim of the crime elects to or is unable to notify. Per the Clery Act and University Policy, the victim of a crime has the right to:

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

CONFIDENTIALITY

UTC has procedures in place for victims or witnesses to report crimes on a voluntary, anonymous basis, for inclusion in the annual disclosure of crime statistics. The University does not have a confidential reporting process for all crimes.

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

UTC Police:

To report a crime or other incident anonymously to UTCPD, fill out the [Silent Witness Confidential Crime Reporting Form](#). Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information. Please note that the amount and level of detail of the information provided will affect how thoroughly UTCPD is able to respond to the report.

NOTE: This form is not intended for crimes in progress. If you are witnessing a crime in progress, call 911 from a University telephone or (423) 425-HELP/4357 from a cell phone or non-University phone to reach the UTCPD Communications Center.

Office of Student Conduct:

To report an incident anonymously to the Office of Student Conduct, complete the [Incident Report Form](#). Reporters desiring anonymity should not provide their name, contact information, or other personally identifying information. Please note that the amount and level of detail of the information provided will affect how thoroughly the Office of Student Conduct is able to respond to the report.

Local Law Enforcement:

To report a crime or other incident anonymously to the Chattanooga Police Department or the Hamilton County Sheriff's Office, call the Crime Stoppers Hotline at (423) 698-3333.

RESOURCES EXEMPT FROM REPORTING UNDER THE CLERY ACT

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

The University does not have procedures that encourage pastoral counselors to inform persons they are counseling of the University's procedures to report crimes on a voluntary, anonymous basis for inclusion in the University's annual disclosure of crime statistics, or for the purposes of issuing a timely warning as the University does not maintain formal relationships with any pastoral counseling services.

MISSING STUDENT NOTIFICATION PROCEDURES**MISSING STUDENT POLICY**

Students, employees, or other individuals who want to report that an on campus residential student has been missing for 24 hours should contact UTCPD Communications Center immediately at (423) 425-HELP/4357, the Office of the Dean of Students (DOS) at (423) 425-4761, or the Department of Housing and Residence Life (HRL) at (423) 425-4304. The aforementioned units comprise the University's Missing Persons Team (MPT). Whichever member of the MPT receives the report will immediately alert the other units and begin a joint investigation. They may also dial 911.

Missing students may be reported at any time; there is no requirement to wait 24 hours.

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

IDENTIFYING A CONFIDENTIAL CONTACT

Confidential Contact

As part of the process of moving into a university residence hall, every student is asked to identify a confidential contact to be notified by MPT if that student is determined to be missing by the UTC DPS or the local law enforcement agency.

If a student has identified such an individual, the UTC DPS will notify the individual no later than 24 hours after the student is determined to be missing.

A student who wishes to identify a confidential contact can do so through the Department of Housing and Residence Life who collects and maintains missing student contact information. This is completed via the Department of Housing and Residence Life's Housing Information System upon application for on-campus housing, in addition to housing check-in at the beginning of each term (fall, spring, and summer). Further updates can be requested by a student as needed. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate strictly for missing persons purposes.

Confidentiality of Emergency Contact

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

Students Under Age 18

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

Notifications to Law Enforcement

The University notifies local law enforcement, UTC PD, within 24 hours of determining a student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. This occurs regardless of whether the student has identified a contact person, is above the

age of 18, or is an emancipated minor. UTCPD will enter the student into the National Crime Information Center (NCIC) system.

Procedure if a Student is Determined Missing

If a student residing in an on-campus housing facility is reported missing, the UTC Police Department will initiate an investigation into the status of the missing student. The investigation may involve including other law enforcement partners and university departments.

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

- Notification of university personnel:
 - UTC Police Department: (423) 425-HELP/4357
 - Department of Housing & Residence Life: (423) 425-4303
 - Office of the dean of Students: (423) 425-4761
- UTCPD initiates whatever action is deemed appropriate under the circumstances in the best interest of the missing student.
- UTCDPS, or designee, will make the following notifications within 24 hours after determining the student is missing:
 - The Emergency Contact Person, regardless of age, provided by the student.
(If the missing student is under the age of 18 and not emancipated, the custodial parent or guardian will also be contacted).
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the local law enforcement agency that has jurisdiction in the area that the student is missing will be notified

TIMELY WARNINGS (UTC-ALERT: TIMELY WARNING)

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

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

TIMELY WARNINGS NOTIFICATIONS

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

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

Circumstance for which a Timely Warning will be Issued:

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

A timely warning will not include information that, in the judgment of the On-Call DPS Administrator or their designee, would compromise law enforcement efforts. There is no requirement for issuing a timely warning for a report made to a professional or pastoral counselor.

Timely Warning Reports to Members of the Campus Community:

Timely Warnings are issued to aid in the prevention of similar crimes and include information that promotes safety such as crime prevention and safety tips. Timely Warnings are issued and sent for:

- Clery Act reportable crimes that present a serious or continuing threat to the campus community;
- Which have been reported to UTCPD, the Clery Coordinator, a CSA or local law enforcement; and
- That occurred in the Clery Act reportable geographic areas (i.e., on campus, in or on a non-campus building or property in use or controlled by the University, or on public property immediately adjacent to the University).

Note: Timely Warnings shall be provided to students and employees in a manner that is timely and that withholds the names of victims as confidential.

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;
- Consistent pattern of violent behavior.

Note: The University is not required to issue a Timely Warning about crimes reported to a pastoral or professional counselor.

Issuing a Timely Warning:

The University has established a multipath emergency notification system, known as UTC-ALERT. This system allows the University to communicate with members of the community via text message, the SafeMocs app, UTC e-mail, personal e-mail, electronic displays, the UTC website, UTC owned computers, UTC Learn (Canvas), and social media.

The primary methodology for communication of a Timely Warning is via UTC e-mail. Secondary methods, including text message, the SafeMocs app, personal e-mail, electronic displays, emergency beacons, the UTC website, UTC-owned computers, UTC Learn (Canvas), and social media may be utilized as deemed appropriate by the UTC-ALERT Team.

The UTC-ALERT team issues Timely Warnings. The decision to issue a Timely Warning is made by the On-Call DPS Administrator, in consultation whenever possible, with at least one other member of the UTC-ALERT Team.

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

1. Vice Chancellor for Finance and Administration
2. Associate Vice Chancellor for Public Safety & Chief of Police
3. Deputy Chief of Police
4. Director of Emergency Management, Threat Assessment, Emergency Communications, and Safety
5. Police Dispatchers [for emergency situations]

The following University personnel serve as alternates should the primary team be unavailable in any way.

1. Vice Chancellor of Marketing and Communications
2. Director of Communications for Marketing and Communications
3. Police Lieutenants

The Chancellor, Vice Chancellor for Finance and Administration, or Associate Vice Chancellor for Public Safety & Chief of Police may appoint additional alternates should the primary and alternate teams be unavailable.

If a Timely Warning is necessary, a member of UTC-ALERT Team will draft and transmit the message to the University community. As needed, a member of the UTC-ALERT Team will also draft and transmit status updates, all clear messages, and/or retractions.

Specific details, such as the exact location and specific date or time may be withheld if releasing that information may compromise law enforcement efforts (e.g., conducting an investigation, serving a warrant, or conducting an undercover operation). However, the University will not withhold a basic description of the reported crime under the auspices of the risk of compromising law enforcement efforts. In addition, the description of subjects in a case will only be included in the notice if there is enough detail to describe the individual.

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

The UTC-ALERT Team may, in their discretion, issue special messaging for incidents the Clery Act does not require the university to issue a timely warning.

EMERGENCY NOTIFICATIONS (UTC-ALERT)

UTC will immediately notify the campus community upon confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of students or employees on campus. An emergency notification will be issued utilizing the UTC-ALERT.

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

EMERGENCY NOTIFICATION PROCEDURES

An emergency notification informs recipients about an event that is currently occurring or imminently threatening the campus. Such warnings may include, but

are not limited to the following information:

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

Confirming a Significant Emergency or Dangerous Situation:

UTC will immediately notify the University community upon the confirmation of a significant emergency or dangerous situation involving the immediate threat to the health or safety of students or staff occurring on campus.

UTC will follow its emergency notification procedures and will provide adequate follow-up information to the community as needed. Please note that the University is not required to issue a Timely Warning if an Emergency Notification is issued.

The University will, without delay, and taking into account the safety of the community, determine the content of the Emergency Notification (i.e., what information to release about the situation), and initiate the emergency notification system, unless issuing an Emergency Notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency or dangerous situation.

The UTCPD shift supervisor, other on-duty DPS supervisor, or UTCPD dispatcher will immediately alert the On-Call DPS Administrator of the potential of serious or continuing threat, emergency, or other dangerous situation. The On-Call DPS Administrator will confirm the legitimacy of the information based on the information provided by first responding UTCPD or other DPS personnel, or personnel from outside public safety agencies.

Emergency Notifications will be immediately disseminated for situations that meet the following criteria:

- The situation is ongoing in nature in that it continues to pose a real or likely threat;
- The situation may be mitigated by the quick release of information to the campus community; and
- The release of information regarding the situation 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 include, but are not limited to:

- Armed Intruder
- Hostage/barricade situation
- Suspicious package with confirmation of a device
- Armed Robbery (including attempts)
- Bomb Threat
- Fire/explosion
- Hazardous Materials
- Tornado/earthquake Warning
- Structural damage to a University owned or controlled facility
- Outbreak of serious illness
- Biological threat
- Significant flooding
- Gas leak

NOTES:

1. *The University is not required to issue an Emergency Notification regarding incidents reported to a pastoral or professional counselor.*
2. *As used in this section, "confirmation" generally means that the University has verified that a legitimate emergency or dangerous situation exists involving an immediate threat to the health or safety of students or employees is occurring on campus. The UTCPD Shift Supervisor is the primary person who determines whether such a situation exists. However, the Associate Vice Chancellor of Public Safety & Chief of Police, Deputy Chief of Police, Director of Emergency Management, Threat Assessment, Emergency Communications, & Safety, UTCPD Command State, and the Vice Chancellor of Finance and Administration may also make such a determination. In the process of verifying whether such a situation exists, those persons may rely on information received from witnesses, first responders, University departments or units, and first responder entities outside of University, including the Chattanooga Police Department; Hamilton County Sheriff's Office; Chattanooga Fire Department; Hamilton County Emergency Medical Service, Hamilton County 911 Emergency Communications District, Hamilton County Office of Emergency Management, and other local, state, or federal law enforcement agencies. So that there is no undue delay in notification, confirmation does not necessarily mean that all pertinent details about the situation are known or even available at the time of the alert.*

Determining the Appropriate Segments of the Campus Community to Receive an Emergency Notification:

Whenever Emergency Notifications are issued, they are generally disseminated to the entire University community; while possible, the University does not generally make targeted notifications when a situation exists that results in an Emergency Notification being issued. When needed or appropriate, targeted notifications

may be utilized when additional information needs to be provided only to a portion of the population. The primary methodology for communication of a Timely Warning is via UTC e-mail. Secondary methods, including SMS text message, the SafeMocs app, electronic displays, the UTC website, UTC owned computers, UTC Learn (Canvas), and social media may be utilized as deemed appropriate by the UTC-ALERT team.

Determining the Contents of an Emergency Notification:

An Emergency Notification will describe the situation, as well as procedures for response and evacuation. The UTC-ALERT Team will determine how much information is appropriate to disseminate at different points in time. The content of an Emergency Notification may differ depending on what segments of the community the notification targets. For example, in the case of an approaching tornado, students in residence halls may be advised to take shelter in the basement of the building whereas non-residential students may be advised to review reports for their specific location and to stay away from the campus.

Initiating the Emergency Notification System:

The UTC-ALERT Team issues Emergency Notifications. The decision to issue an Emergency Notification is made by the On-Call DPS Administrator, in consultation whenever possible, with at least one other member 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. Associate Vice Chancellor for Public Safety & Chief of Police
3. Deputy Chief of Police
4. Director of Emergency Management, Threat Assessment, Emergency Communications, and Safety
5. Police Dispatchers [for emergency situations]

The following University personnel serve as alternates, should the primary team be unavailable in any way.

1. Vice Chancellor of Marketing and Communications
2. Director of Communications for Marketing and Communications
3. Police Lieutenants

The Chancellor, Vice Chancellor for Finance and Administration, or Associate Vice Chancellor for Public Safety & Chief of Police may appoint additional alternates should the primary and alternate teams be unavailable.

If an Emergency Notification is necessary, a member of UTC-ALERT Team will draft and transmit the message to the University community. As needed, a member of the UTC-ALERT Team will also draft and transmit status updates, all clear messages, and/or retractions.

Distributing Emergency Notifications:

Emergency Notifications are issued 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 a crime or other emergency. All members and affiliates of the UTC community, including but not limited to, students, employees, and contractors, are sent such notifications using various communication methods. Determination for when such notifications are sent is based on an assessment by DPS personnel as to whether the reported crime, incident, or situation may pose a serious or continuing threat to the health or safety of members of the University community.

The intent of Emergency Notifications is to alert the University community regarding incidents and provide individuals an opportunity to take reasonable precautions to protect themselves.

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

If a crime is covered by both emergency notification and timely warning requirements and an emergency notification is issued, University may not also issue a timely warning but will provide follow up information as necessary. Follow-up information will be provided to the community via e-mail.

Timely warnings and emergency notifications may, where appropriate, be distributed to or shared with the larger community via social media, written press release to news media, or press conference with news media.

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY RESPONSE

The University may be faced with multiple threats and hazards which may require notification. The following list identifies those most likely to affect us. UTC-ALERT is authorized to message the campus for any threat to the health and safety of the community regardless of inclusion on this list.

- Tornado Watch, Warning, or Emergency
- Hazardous Materials Emergencies
- Fire or Explosion
- Earthquake
- Winter Storm Watch, Warning, or Emergency
- Pandemic Disease
- Campus Protest or Civil Disturbance
- Sequoyah Nuclear Plant Emergency
- Transportation Accidents
- Flooding Watch, Warning, or Emergency
- Crimes Involving Violence
- Foodborne Illness
- Clery Crime
 - Murder
 - Aggravated Assault
 - Motor vehicle Theft
 - Negligent Manslaughter
 - Statutory Rape
 - Domestic Violence
 - Rape
 - Incest
 - Stalking
 - Fondling
 - Robbery
 - Burglary
 - Arson
 - Dating Violence
 - Hate Crimes

Information which may require action under this plan can arrive in one of three (3) ways.

1. UTC Police Communications Center.
2. Local, State, and Federal First Responder Agencies.

3. National Weather Service.

The UTCPD shift supervisor, other on-duty DPS supervisor, or UTCPD Communications Officer will immediately alert the On-Call DPS Administrator of the potential of serious or continuing threat, emergency, or other dangerous situation. The On-Call DPS Administrator will confirm the legitimacy of the information based on the information provided by first responding UTCPD or other DPS personnel, or personnel from external public safety agencies.

Emergency Notifications will be immediately disseminated for situations that meet the following criteria:

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

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

EVACUATION PROCEDURES

In the event of an emergency, it may be necessary to evacuate campus buildings. 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 waterflow 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 or (423) 425-HELP/4357.

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.

DISSEMINATING EMERGENCY INFORMATION

The University has established a emergency notification system, known as UTC-ALERT. This system allows the University to communicate with members of the community via SMS text message, UTC e-mail, SafeMocs App, UTC electronic displays, UTC website, UTC owned computer, UTC Learn (Canvas), and social media.

The primary methodology for communication for Emergency Notifications is via SMS text message. Secondary methods, including UTC e-mail, the SafeMocs app, electronic displays, UTC website, UTC owned computers, UTC Learn (Canvas), and social media may be utilized as deemed appropriate by the UTC-ALERT team.

TYPE OF ALERT	SITUATION	RESPONSIBLE OFFICAL
SMS Text Message	Emergency requiring immediate action and urgent non-emergency situation.	Department of Public Safety
UTC E-mail	Emergency requiring immediate action, urgent non-emergency situation, and general safety awareness.	Department of Public Safety

SafeMocs App	Emergency requiring immediate action and urgent non-emergency situation.	Department of Public Safety
UTC Website	Emergency requiring immediate action and urgent non-emergency situation.	Department of Public Safety
UTC Owned Computers	Emergency requiring immediate action	Department of Public Safety
UTC Learn (Canvas)	Emergency requiring immediate action and urgent non-emergency situation.	Department of Public Safety
UTC Electronic Displays	Emergency requiring immediate action	Department of Public Safety
Social Media (UTCDPS Accounts)	Urgent non-emergency situation and general safety awareness.	Department of Public Safety
Social Media (UTC Accounts)	Emergency requiring immediate action	Department of Public Safety

ANNUAL TESTS

To ensure the university is sufficiently prepared for emergency situations on campus, tests on emergency procedures are conducted to identify and improve

any weaknesses. Procedures to test emergency response and evacuation procedures on an annual basis will be publicized in conjunction with at least one test per calendar year. Tests may be announced or unannounced. Each test will be documented including a description of the exercise, the date, time, and whether it was announced or unannounced.

The DPS 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 University's plan for evacuating all campus buildings.

To ensure constant emergency access to the campus community, the DPS shall inspect and test all campus emergency communication devices on a monthly basis. Any device found out of service will be reported to the appropriate office for repair. Tests and inspections shall be documented. All records shall be kept for a minimum of (3) years and are subject to review by University administration.

OTHER EMERGENCY PROCEDURES

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

Things to Watch For

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

How to Prepare for an Emergency

- Know your building's floor plan. Remember where the stairs, fire extinguishers and emergency exits are located.

- If you regularly visit the same location within a building, know exactly how many doors you will pass along your evacuation route before you reach the nearest exit.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.

Severe Weather

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

Chemical Contamination

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

Active or Armed Intruder

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

SECURITY AND ACCESS TO CAMPUS FACILITIES

UTC has policies and procedures relating to security of University facilities, which are described below:

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. The Department of Public Safety is responsible for overseeing the implementation and revisions of operational camera procedures including approval of camera placement, and has the authority to select, coordinate, operate, manage, and monitor all campus video surveillance equipment

pursuant to this procedure. All residence halls have camera coverage. Camera coverage in other buildings, garages, or areas are based upon physical security standards or requested security assessment.

Panic Buttons:

There are numerous panic buttons at various University facilities. These buttons 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.

Security Assessment:

Upon request, UTCDPs will conduct a security analysis of University workplace environments and residence halls, which may include suggestions for creating safer and more secure environments. UTCDPs also provides crime prevention training to University employees who work in high-risk areas.

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.

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. Persons unaffiliated with the University 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.

Administrative and Academic Facilities:

The UTC campus is located within the City of Chattanooga and 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. UTC 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, key card (MOCS Card), if issued, or by admittance

via UTCPD or Department of Housing & Residence Life (HRL) staff. Students, faculty, and staff should have their University identification with them when they are on campus.

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 their designee. UTCPD requests that, for their personal safety, all persons notify the police department if they will be working in academic or administrative buildings after 10:00 p.m.

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.

Special Considerations for 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 HRL. Misuse or loss of keys may jeopardize the safety of others and constitute 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.

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.

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 UTCPD make periodic exterior door checks during these low occupancy periods.

The University currently employs Resident Directors, Resident Assistants and Building Assistants. During periods of visitation, all members of the opposite sex

must be escorted by their hosts at all times in nonpublic areas of the residence hall. Residence hall students may have overnight guests of the same sex only if prior arrangements have been made with the roommate(s). The maximum length of any visit is three days and three nights. All guests are governed by University and Department of Housing and Residence Life policies and rules, and it is the host's responsibility to make guests aware of those policies and rules. In cases where the guest is in violation of University regulations, disciplinary action may be brought against the host.

During the course of their stay, guests may be asked to provide identification. All exterior doors in residence halls, excluding the lobby entrance, are locked to limit entrance to the hall past the 24-hour staffed lobby only. During nightly hall walks, all exterior doors are checked to ensure that they are secure. In addition, security cameras have been installed in all of the residence halls, allowing the desk staff to monitor the exterior doors. All residence halls have a security camera system that monitors all exterior doors. Door access card readers have been installed at all exterior access points and interior access points leading to residential portions within all halls.

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

The card readers control access from the public areas to the residential areas reserved for residents of each facility. Students use their University IDs to gain access to the building or living area.

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

At the beginning of each semester, floor meetings are held to discuss safety and security issues. Educational programs are presented periodically in the halls to increase residents' awareness of safety and the steps they may take to improve their personal safety. Such program topics include self-defense, operation ID, and sexual assault. Select campus residences remain open over University breaks. The halls that remain open may vary from year to year. All other halls are closed. Staff members conduct regular tours and inspections of these halls.

Non-campus Facilities

Per the Memorandum of Understanding (MOU) with CPD, UTCPD will provide primary response to emergency calls placed from anywhere on the UTC campus, including University of Chattanooga (UC) Foundation-owned housing facilities and off-campus locations owned or controlled by the University (e.g., the Jones Observatory, UTC Childcare Centers). CPD will respond to all calls for police assistance on city property and city streets within the University area.

CPD will respond to all calls of criminal activity at non-campus locations of student organizations officially recognized by the institution,

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

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 UTCPD, (423) 425-4357.

Additionally, UTCPD regularly and on a daily basis 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. Environmental Health & Safety staff also conduct scheduled evaluations of campus access. Any issues or problems are reported to the Facilities Planning & Management Department for correction. 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, Facilities, Planning & Management Services, Housing and Residence Life, and other departments review the survey results to determine appropriate actions that may need to be taken.

CRIME PREVENTION PROGRAMMING

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

The table below provides a description of some of the types and frequency of security awareness programs designed to inform students and employees about

campus security procedures and practices. We encourage students and employees to be responsible for their own security and the security of others. The Department of Public Safety can design programs specific for various departments or student groups to aid in the prevention of crimes. *Please note that this is a summary list and not an exhaustive list of every program offered.*

PROGRAM	DESCRIPTION	FREQUENCY	GROUP
Armed Intruder Training	Based on the Advanced Law Enforcement Rapid Response Training (ALERRT) Center at Texas State University's "Civilian Response to Armed Intruders" (CRASE) training, this program instructs members of the UTC community on how to respond during a potential armed intruder incidents.	Continuous	Students, Employees, & Affiliates
Basic Threat Evaluation and Reporting Course (B-TERC)	Developed by the Department of Homeland Security (DHS), Office of National Threat Evaluation and Reporting (NTER), this training teaches participants how to help assist in preventing acts of targeted violence, such as, but not limited to, terrorism, school shootings, or mass attacks in public spaces by identifying those threats or observable behaviors that may indicate the potential for violence.	Fall, Spring, & by request	Students, Employees, & Affiliates
Self-Defense Training (R.A.D. Systems)	The R.A.D. Systems training provides defensive concepts and techniques against various types of assault by utilizing easy, effective and proven self-defense tactics. Participants will learn awareness, prevention, risk	Fall, Spring, & by request	Students, Employees, & Affiliates

	reduction and avoidance, in addition to the basics of hands-on defense training.		
Threat Evaluation and Reporting Overview (TERO)	Developed by the Department of Homeland Security (DHS), Office of National Threat Evaluation and Reporting (NTER), this training teaches participants how to utilize a four-step threat assessment model to identify, investigate, assess, and manage an individual who presents behaviors of concern, as well as equips participants with the necessary tools to empower others in their communities to identify and report potential threats.	Fall, Spring, Summer, & by request	Students, Employees, & Affiliates
Verbal De-escalation for Faculty and Staff	This training teaches participants how to utilize verbal de-escalation techniques to reduce tension and attempt to resolve escalated concerns.	Fall, Spring, & by request	Employees
Campus Safety, Health, & Wellbeing	This training provides basic information about campus safety and security services, programming, and support available from UTC DPS for incoming students.	Summer	Students
UTC Community Safety @ First Flight	This training discusses situational awareness and ways to keep yourself for new students.	Fall	Students

Campus Safety Briefing	<p>This training provides basic information about campus safety and security services, programming, and support available from UTC DPS for employees and affiliates.</p> <p>Additionally, personnel discuss safety improvements and individualized concerns by unit.</p>	Fall & Spring	Employees & Affiliates
Personal Property Registration	<p>UTCPD offers a Personal Property Registration program that allows you to record details about your electronics, bicycles, and other valuables. Having this information on file enables us to assist you if your property is ever lost, damaged, or stolen.</p> <p>We also provide registration stickers, which can help deter theft and make it easier to identify and return recovered items.</p>	Fall, Spring, Summer, & by request	Students, Employees, & Affiliates
Mocs SafeRides	<p>UTCPD offers SafeRide services year-round. Students, Employees and Affiliates may use this service to address any personal safety concerns by calling our UTC PD Communication Center at (423) 425-HELP/4357</p>	By request	Students, Employees, & Affiliates

ALCOHOL AND DRUG LAWS

DRUGS

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

Federal Drug Trafficking Penalties

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

Penalties		
DRUG / SCHEDULE	QUANTITY	QUANTITY
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p>
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Federal Drug Trafficking Penalties for Marijuana

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

	plants; 1 to 49 marijuana plants;		
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

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

DRUGS: STATE LAW

Tennessee State Law

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

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

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

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

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

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

- Jail or prison time
- Fines
- Probation

- Forfeiture of property
- Suspension of one's driver's license
- Community service

ALCOHOL: STATE LAW

All members of the University community and guests are required to comply with university policies and federal, state and local laws regarding the distribution, possession and consumption of alcoholic beverages. UTCPD strictly enforces those laws and policies.

Tennessee State Law

- § 1-3-113- Underage purchasing, possession, transportation or consumption of alcoholic beverages, wine or beer is a Class A misdemeanor.
- § 39-15-404- It is a Class A misdemeanor offense for a person to give or buy alcoholic beverages or beer for or on behalf of a minor or to cause alcohol to be given or bought for or on behalf of a minor for any purpose.

Additionally, it is unlawful in Tennessee for:

- Any person to purchase an alcoholic beverage for or at the request of a person under 21 years of age;
- A person who is younger than 21 years of age to purchase or attempt to purchase any alcoholic beverage;
- Any person under 21 years of age to knowingly make a false statement or exhibit false identification to the effect that the person is 21 years of age or older to any person engaged in the sale of alcoholic beverages for the purpose of purchasing or obtaining the same;
- A driver to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state;
- Any person to persuade, entice or send a minor to any place where alcoholic beverages or beer, are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person; and/or
- Any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on the property; provided, that the owner, occupant or other person knows that, at the time of the offense, the person consuming is an underage adult.

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

UTC POLICIES GOVERNING ALCOHOL AND ILLEGAL DRUGS

DRUG AND ALCOHOL POLICIES FOR STUDENTS

Alcohol

All members of the University community and guests are required to comply with University policies and federal, state and local laws regarding the distribution, possession and consumption of alcoholic beverages. UTCPD strictly enforces those laws and policies. University policies relating to alcoholic beverages are outlined below under the [Student Code of Conduct](#) for students and [Employee Code of Conduct](#) for employees.

It is unlawful in Tennessee for:

- any person under 21 years of age to buy, possess, transport (unless in the course of employment), or consume alcoholic beverages, wine, or beer;
- any person to purchase an alcoholic beverage for or at the request of a person under 21 years of age;
- any person who is younger than 21 years of age to purchase or attempt to purchase any alcoholic beverage;
- any person under 21 years of age to knowingly make a false statement or exhibit false identification to the effect that the person is 21 years of age or older to any person engaged in the sale of alcoholic beverages for the purpose of purchasing or obtaining the same;
- any person to give or buy alcoholic beverages or beer for or on behalf of any minor or to cause alcohol to be given or bought for or on behalf of any minor for any purpose;
- a driver to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state;
- any person to persuade, entice or send a minor to any place where alcoholic beverages or beer, are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person; and
- any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on the property; provided, that the owner, occupant or other person knows that, at the time of the offense, the person consuming is an underage adult.

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

Illegal Drugs

Various federal and Tennessee laws make it unlawful to manufacture, distribute, dispense, deliver, or sell or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances. The penalty imposed for violating one or more of those laws depends upon many factors, which include the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. UTC prohibits the unlawful possession, use, or distribution of illicit drugs by students on university property as part of any university activities.

Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial monetary fines. Consequences for violating those laws and/or University policies prohibiting the similar misconduct could result in criminal prosecution, fines, imprisonment, and/or disciplinary sanctions by the University. UTCPD strictly enforces those laws and policies.

Student Disciplinary Sanctions

Disciplinary sanctions are primarily intended to:

1. Educate Respondents about appropriate behavior;
2. Encourage Respondents to take responsibility for Code violation(s);
3. Encourage and promote the personal and professional development of Respondents;
4. Discourage other students from violating the Code; and/or
5. Protect members of the University community.

The disciplinary sanctions imposed on a Respondent should be appropriate for the particular case based on the gravity of the Code violation, including, without limitation, how the violation affected or reasonably could have affected other members of the University community. Consideration also may be given to other aggravating or mitigating factors, including, without limitation:

1. The Respondent's student conduct record;
2. Whether the Respondent committed the violation while acting in self-defense;
3. The Respondent's responsiveness to the student conduct process; and
4. The Respondent's academic classification.

The following disciplinary sanctions may be imposed on a student (excluding student organizations) found to have violated the Code:

- **Disciplinary Reprimand.** A disciplinary reprimand is a written warning that informs a Respondent that the Respondent is violating or has violated the Code and must cease and desist from engaging in the misconduct and/or prevent the misconduct from occurring again. A disciplinary reprimand will also inform the Respondent that any further violations of the Code may result in the imposition of more severe sanctions.

- **Loss or Restriction of Privileges.** The University may impose a loss and/or restriction of privileges on a Respondent. Privileges that may be lost and/or restricted include, without limitation, the following: (i) scholarships; (ii) stipends; (iii) participation in co- curricular and/or extracurricular activities; and (iv) use and/or access to certain University-controlled property. A loss and/or restriction of privileges may be imposed for a definite or indefinite period of time.
- **Community Service.** A Respondent may be required to perform unpaid service for a designated University department, program, or service and/or a University-affiliated or unaffiliated not-for-profit or volunteer organization.
- **Educational Sanction.** A Respondent may be required to complete an educational assignment or program. Educational assignments and programs are designed to educate the Respondent about why certain conduct is inappropriate. Examples of educational assignments include, without limitation: (i) writing a reflection and/or research paper on a designated topic; (ii) completing a research project on a designated topic; (iii) giving a presentation on a designated topic; and (iv) issuing a formal apology in writing and/or in person. An educational program may include, without limitation, attending and satisfactorily completing an in-person or distance learning course, training, or workshop on alcohol or drug use, civility, ethics, or other topics deemed appropriate by the Office of Student Conduct. The Respondent will be responsible for all costs associated with the educational assignment or program.
- **Fee or Fine.** The University may impose a monetary fee or fine for any cost incurred by the University as a result of the Respondent's conduct and may require that the Respondent pay the fee or fine by a designated due date.
- **Restitution.** The University may require a Respondent to make restitution to another person or organization or the University for destruction, damage, or loss of property caused by the Respondent, or for unreimbursed medical expenses resulting from physical injury of another person caused by the Respondent. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss caused by the Respondent.
- **Reassignment or Removal from University Housing.** The University may reassign a Respondent to a different University housing facility or remove and prohibit a Respondent from residing in any University housing facility for a definite or indefinite period of time.
- **Disciplinary Probation.** A Respondent may be placed on disciplinary probation for serious or moderate Code violations or in the case of multiple or repeated minor Code violations. A Respondent may be placed on disciplinary probation for a definite or indefinite period of time, during which time the Respondent may continue to be enrolled at the University. While the Respondent is on disciplinary probation, conditions may be

placed on the Respondent's continued enrollment at the University, and University departments, programs, and/or services may limit or prohibit participation in certain activities. If a Respondent commits any further Code violations while on disciplinary probation, the Respondent may be subject to more severe sanctions up to and including permanent dismissal.

- **Suspension.** Suspension is an official separation from the University for a specific period of time and/or until certain conditions are met. A Respondent may be suspended from the University for serious Code violations, in the case of multiple or repeated moderate or minor Code violations, and/or for any Code violations while on disciplinary probation. While on suspension, a Respondent (i) loses all rights and privileges at the University; (ii) may not represent the University in any manner; and (iii) is ineligible to apply for readmission to the University during the suspension period and/or until certain conditions are met. If a Respondent is suspended, the Respondent is prohibited, without the prior approval of the Vice Chancellor for Student Affairs (or his or her designee), from entering upon all University-controlled property, including University residence halls, from the date that the suspension period begins until such date that the Respondent is readmitted to the University (even if the suspension period ends prior to the date of the Respondent's readmission). Entering upon University-controlled property without prior approval from the Vice Chancellor for Student Affairs (or his or her designee) may result in criminal trespass charges against the Respondent under the criminal laws of the State of Tennessee. Respondents permitted to return to the University following a period of suspension will be automatically placed on disciplinary probation for a designated period of time following their return. A Respondent who commits any Code violations while on suspension may be subject to suspension for an additional period of time or barred from readmission and/or re-enrollment at the University.
- **Permanent Dismissal.** Permanent dismissal is an official and permanent separation from the University. A Respondent may be permanently dismissed from the University when the Respondent's commission of one (1) or more Code violations is deemed so serious as to warrant total and permanent disassociation from the University or when, through repeated violations of the Code and/or violations of the Code while on disciplinary probation or suspension, the Respondent exhibits blatant disregard for (i) the health, safety, and welfare of himself or herself or other members of the University community or (ii) the University's right to establish rules of conduct. A Respondent who is permanently dismissed from the University: (i) loses all rights and privileges at the University; (ii) may not represent the University in any manner; (iii) is indefinitely prohibited, without prior approval of the Vice Chancellor for Student Affairs (or his or her designee) from entering upon all University controlled property, including University

residence halls; and (iv) is permanently barred from re-enrolling at the University. Entering upon University-controlled property without prior approval from the Vice Chancellor for Student Affairs (or his or her designee) may result in criminal trespass charges against the Respondent under the criminal laws of the State of Tennessee.

- **Revocation of Admission.** The University may revoke a Respondent's admission to the University after the Respondent's admission to the University but prior to Respondent's enrollment at the University, if the Respondent (i) provides false or incomplete information on Respondent's application for admission; or (ii) violates federal, state, or local law or the Code prior to enrollment. A Respondent whose admission has been revoked: (i) loses all rights and privileges at the University; (ii) may not represent the University in any manner; and (iii) is indefinitely prohibited from entering upon all University-controlled property, including residence halls, without prior approval of the Vice Chancellor for Student Affairs (or his or her designee). Entering upon University-controlled property without prior approval from the Vice Chancellor for Student Affairs may result in criminal trespass charges against the Respondent under the criminal laws of the State of Tennessee.
- **Withholding of Degree.** The University may withhold awarding a degree to a Respondent who has violated any University rule or policy. The University may withhold a degree for a definite period of time and/or until the Respondent has completed or served all sanctions or other requirements imposed by the University for releasing its award of the degree.
- **Revocation of Degree.** The University may revoke a degree awarded to a Respondent if the Respondent obtained the degree, in part, through cheating, plagiarism, academic dishonesty, research misconduct, or other serious violation of the Code. The University may also revoke a Respondent's degree if, after the degree was awarded, the University determines that the Respondent committed a serious violation of the Code while a student, but prior to being awarded the degree, that would have warranted permanent dismissal of the Respondent. Before a Respondent's degree may be revoked, the Chancellor must approve the revocation of the degree.

DRUG AND ALCOHOL POLICIES FOR EMPLOYEES

Alcohol

The University of Tennessee [Employee Code of Conduct](#) prohibits:

"The unauthorized manufacture, distribution, dispensation, possession, or use of alcohol (whether lawful or not), illegal drugs, intoxicants, or controlled substances; abuse of prescription drugs while on duty; use of alcohol or controlled substances in a University vehicle; or possession or use of alcohol or controlled substances while on duty (except at University-

sponsored events and other events an employee is expected to attend as part of his or her duties where alcohol is served)" and "Reporting to work under the influence of intoxicants, including alcohol, non-prescribed drugs, or illicit drugs. This includes marijuana even if pursuant to an otherwise valid out-of- state prescription. Note: CBD products may contain sufficient quantities of THC to trigger a positive drug test."

Drugs

The [University of Tennessee Policy HR0720 – Drug Free Campus and Workplace Policy](#) states:

"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 the policy can be found on the [UT System website](#).

Employee Disciplinary Sanctions

Violation of the University of Tennessee [Employee Code of Conduct](#), and subsequent guidance document, is grounds for disciplinary action, up to and including termination of employment, pursuant to [University of Tennessee Policy HR0525 \(Disciplinary Action\)](#). The unauthorized manufacture, distribution, dispensation, possession, or use of alcohol (whether lawful or not), illegal drugs, intoxicants, or controlled substances as well as reporting for duty under the influence of intoxicants, constitute gross misconduct under University policy. In a case of gross misconduct, immediate disciplinary action up to and including termination may be taken. An employee may be placed on administrative leave while the University is investigating or addressing allegations of misconduct, or as otherwise permitted by University policies.

Pursuant to The [University of Tennessee Policy HR0720 – Drug Free Campus and Workplace Policy](#):

"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."

ALCOHOL AND DRUG EDUCATION PROGRAMS AND RESOURCES

Programs and resources required by the Drug Free Schools and Communities Act:

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 Community provides free, no-judgement support to UTC students interested in harm reduction strategies - from moderation to abstinence. Our services include: weekly support meetings, sober social events, regional retreats and conference travel opportunities, private student lounge stocked with snacks and craft supplies, and referral to on- and off-campus resources. We host weekly peer support meetings that are open to all students who are in recovery, exploring it, or supporting someone who is. Information on this program can be found on the [Center for Wellbeing website](#).

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 (1-855-437-3486).

The Center for Wellbeing facilitated the following campaigns, events, presentations, and courses in 2024:

- eCHECKUP TO GO Alcohol / eCHECKUP TO GO Cannabis are self-assessment tools available for use by students to examine their own alcohol/cannabis use. The program provides immediate personalized feedback about: current use, risk patterns, aspirations and goals, and campus and community resources.

- AlcoholEdu & Sexual Assault Implementation: Implied mandate for all incoming freshman, transfer, and graduate to complete web based alcohol and drug awareness courses.
- Bystander Intervention for Alcohol Risk Reduction presentation includes information on how to recognize alcohol overdose, care-taking skills for when someone has overdosed on alcohol, how to be an active bystander and safely intervene in risky situations. The program includes discussion on specific scenarios related to concerning drinking behavior and drinking and driving.
- Alcohol & Other Drugs Presentation, Including Opioid Overdose Education - Risk Reduction Series for Fraternity and Sorority Life
- Well Informed: A UT System Hybrid Wellness Series: Inaugural event in this biannual series, addressing key wellness topics affecting students across the University of Tennessee System. Through expert keynote speakers and engaging panel discussions, the series will bring to light critical wellness issues, equipping faculty and staff with the knowledge to foster positive change. Our first session, Opioids and Overdose Prevention, focuses on addressing the impact of opioids on our campuses and normalizing conversations around addiction and recovery. This event will provide valuable insights, practical tools and a collaborative platform to inspire positive change systemwide. Faculty and staff from across the UT System, as well as students, are encouraged to participate.
- Opioid Overdose Response and Naloxone training: Naloxone (Narcan) is a life-saving medication that reverses opioid overdoses by blocking the effects of opioids and restoring breathing. It is safe, effective and easy to use. UTC has expanded opioid overdose prevention and response efforts to support the health and safety of the campus community: ONEboxes—emergency response kits stocked with naloxone and an instructional video—have been installed in all residence halls. Six additional ONEboxes are scheduled for installation in high-traffic areas. Free harm reduction supplies—including naloxone and fentanyl test strips—are available at the Center for Wellbeing (UC 350).

Please note that this is a summary list and not an exhaustive list of every program offered.

Prevention Materials Distributed	
TYPE	QUANTITY
Nicotine Quit Kit	38 kits
Naloxone	624 boxes of naloxone
Fentanyl Test Strip	506 fentanyl test strip packs
Xylazine Test Strip	185 xylazine test strip packs

DRUG FREE SCHOOLS AND COMMUNITIES ACT

The Drug-Free Schools and Communities requires institutions of higher education that receive federal funding to execute a drug and alcohol abuse prevention program for the campus community. [This link](#) provides information about the various prevention and education programs, resources, policies, and laws

If you or someone else needs medical attention from using alcohol or drugs, contact UTCPD at (423) 425-HELP/4357 or 911 immediately. Stay with them until help arrives.

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

HEALTH RISKS ASSOCIATED WITH ALCOHOL AND OTHER DRUGS

The following information on health risks is from the [Centers for Disease Control and Prevention](#):

Alcohol

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

Cannabis/Marijuana

Marijuana is the most used drug in the United States, and marijuana use may have a wide range of health effects on the body and brain. About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user. In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit. Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis

(not knowing what is real, hallucinations and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't there). Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

UNIVERSITY OF TENNESSEE'S RESPONSE TO SEXUAL AND INTERPERSONAL MISCONDUCT

UTC maintains a Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking ([Prohibited Conduct](#)) that may be accessed in this report in **Appendix D** or at <https://www.utc.edu/enrollment-management-and-student-affairs/title-ix>. Questions about the Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (Policy), or whether a specific fact pattern is covered by the Policy may be forwarded to the Title IX Office at any time:

Office of Title IX Compliance
University Center
651 Vine Street
(423) 425-4255
titleix@utc.edu

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

Confidentiality

The Policy for handling a situation in which a person reports an incident of prohibited conduct, sexual exploitation, and retaliation to the university but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken. The policy also provides information on confidential resources that serve as alternatives to reporting an incident of prohibited conduct to the University.

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

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

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

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

Reporting Sexual Assault, Dating and Domestic Violence, and Stalking

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

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

Reporting to Police

The University encourages Complainants to report Prohibited Conduct to the police immediately. Prompt reporting of an incident to the police is especially critical for certain incidents of Sexual Assault because the collection and preservation of evidence relating to Sexual Assault often is essential for police investigations and criminal prosecutions. Complainants should report Prohibited Conduct to the police because the police have unique legal authority to

investigate and respond to Prohibited Conduct, including the power to seek and execute search warrants collect forensic evidence, make arrests, and assist in seeking emergency protective orders.

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

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

INCIDENT LOCATION	CONTACT
On Campus: UTC Police Department	400 Palmetto Street, Chattanooga, TN 37403 Emergency & Non-Emergency: (423) 425-HELP/4357
Off Campus (City): Chattanooga Police Department	3410 Amnicola Hwy, Chattanooga, TN 37406 Non-Emergency Line: (423) 698-2525 Emergencies: 911
Off Campus (County): Hamilton County Sheriff's Office	600 Market Street, Chattanooga, TN 37402 Non-Emergency Line: (423) 209-7000 Emergencies: 911
Off Campus (State): Tennessee Highway Patrol	4120 Cummings Highway, Chattanooga, TN 37419 Non-Emergency Line: (423) 634-6890 Emergencies: 911

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

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

Retaliation

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

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

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

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

Preservation of Evidence

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

The Partnership FCA Rape Crisis Center, UTC PD, or other law enforcement agency is available to assist with the preservation of evidence and provide guidance on the steps to take. Reporting to law enforcement is not mandatory; however, it is strongly encouraged, as doing so can help with the preservation of evidence and ensure access to protective measures and support services.

Institutional Disciplinary Procedures

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

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

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

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

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

The Complainant and the Respondent have the right to be assisted by an advisor during all stages of a disciplinary proceeding, including all meetings, investigative interviews, and hearings. The advisor may be, but is not required to be, an attorney. The role of the advisor in the Formal Hearing depends on the type of Formal Hearing used to resolve the Formal Complaint. The role of the advisor is described in the Code. In general, an advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, or participate directly in any other manner during any phase of the student conduct process, except in a Title IX Hearing. In a Title IX Hearing, the advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

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

PREVENTION OF SEXUAL AND INTERPERSONAL MISCONDUCT

SEX OFFENDER REGISTRY

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

In Tennessee, convicted sex offenders must register with the Tennessee Sex Offender Registry maintained by the Tennessee Bureau of Investigation (TBI). TBI is responsible for maintaining the [Tennessee Sex Offender Registry](https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html). It can be accessed at <https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>.

DEFINITION OF TERMS

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

Local Jurisdiction

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

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

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

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

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

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

- **Sexual Assault:** TCA does not define Sexual Assault specifically but categorizes a number of crimes under Sexual Offenses including:
 - **Rape (TCA § 39-13-503):** Unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:
 - 1. Force or coercion is used to accomplish the act;
 - 2. The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
 - 3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
 - 4. The sexual penetration is accomplished by fraud.
 - **Sexual Battery (TCA § 39-13-505):** Unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
 - 1. Force or coercion is used to accomplish the act;
 - 2. The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;
 - 3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

4. The sexual contact is accomplished by fraud.
- **Statutory Rape (TCA § 39-13-506):** defines Unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
 1. The victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or
 2. The victim is at least fifteen but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim.
- **Incest (TCA § 39-15-302):** A person who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:
 1. The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
 2. The person's brother or sister of the whole or half-blood or by adoption.

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

- **Domestic Violence:** TCA does not define Domestic Violence specifically as there is no criminal offense code for Domestic Violence. However, TCA § 39-13-111 defines Domestic Assault and a domestic abuse victim as the following:
 1. Any person who falls within the following categories:
 2. Adults or minors who are current or former spouses;
 3. Adults or minors who live together or who have lived together;
 4. 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;
 5. Adults or minors related by blood or adoption;
 6. Adults or minors who are related or were formerly related by marriage; or
 7. Adult or minor children of a person in a relationship that is described in subdivisions (1)-(5).

For purposes of this definition, TCA § 39-13-101 defines "assault" as (a) A person commits assault who:

1. Intentionally, knowingly or recklessly causes bodily injury to another;
2. Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or

3. Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

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

- **Dating Violence:** TCA does not define dating violence. In Tennessee, dating violence is defined as domestic assault committed when the relationship falls within TCA § 39-13-111 for Domestic Assault.
- **Consent:** In Tennessee, Consent with respect to most criminal offenses relating to sexual activity, sexual activity is criminal if:
 1. The activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent;
 2. Force or coercion is used to accomplish the activity;
 3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless;
or
 4. The sexual activity is accomplished by fraud.

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

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

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

"Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the

influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent (Tennessee Code Annotated § 39-13-501(4)).

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

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

UTC Definition of Consent

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

CLERY ACT TERMS

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

- **On Campus** refers to
 1. 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
 2. Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- **On Campus Residential (Housing)** refers to crimes that occur in on campus residence halls are counted in the On Campus category as well as the On Campus residential category. On Campus Residential is a sub-set of On Campus, and the crime counts should not be added together.

- **Non campus** refers to:
 1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
 2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property** refers to all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

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

- **Murder and non-negligent manslaughter** refers to the willful (non-negligent) killing of one human being by another.
- **Manslaughter by negligence** refer to the killing of another person through gross negligence.
- **Sex Offenses** refers to any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** refers to the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** refers to the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest** refers to sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** refers to sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** refers to the taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.

- **Aggravated assault** refers to an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- **Burglary** refers to the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a felony; breaking and entering with intent to commit a larceny; housebreaking and safecracking; and all attempts to commit any of the aforementioned acts.
- **Motor vehicle theft** refers to the theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.
- **Arson** refers to any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Liquor law violations** refers to the violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
- **Drug abuse violations** refers to the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- **Weapon law violations** refers to the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Offense Definitions Relating to Hate/Bias-Related Crime

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

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

- **Larceny-Theft** refers to the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- **Simple Assault** refers to an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious, severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** refers to unlawfully place another person in reasonable fear of bodily harm through threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to physical attack.
- **Destruction/Damage/Vandalism of Property** refers to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Violence Against Women Act Crimes

- **Domestic Violence** refers to a felony or misdemeanor crime of violence committed:
 1. By a current or former spouse or intimate partner of the victim;
 2. By a person with whom the victim shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 5. By any other person against whom an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence** refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

 1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 2. Dating violence does not include acts covered under the definition of domestic violence.
 - **Stalking** refers to engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. Fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.

For the purposes of this definition:

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

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

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

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

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

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

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

These programs include:

- **New Faculty Orientation:** Primary Prevention, Awareness & Mandatory Reporting Education - UTC's Title IX Coordinator conducted an hour-long session during New Faculty Orientation in August 2024. Topics included Title IX, resources and support available to students, faculty and staff, and mandatory reporting.
- **Title IX Online Education:** Primary and Ongoing Prevention and Awareness - New first-year, transfer, and graduate students complete Title IX education via UTC Learn (Canvas), the University's student learning management system, which utilized several of Everfi's online training modules to augment in-person training events. The students are required to complete an online Title IX Education and Prevention program by the

beginning of their first academic semester at the University. Incoming freshmen and transfer students completed Everfi's Sexual Assault Prevention for Undergraduates (SAPU). Incoming graduate students completed Everfi's Sexual Assault Prevention for Graduate Students, which includes information on the same topics as SAPU, but is geared toward graduate students. The modules include information about sexual harassment and sexual violence, stalking, bystander intervention, consent and coercion, values, identities and relationships, reporting options, and support and resources.

- **Title IX Orientation Education:** Primary Prevention & Awareness - UTC provides in-person training regarding Title IX, consent, support and resources and other related topics to all incoming freshmen, transfer, graduate and international students. Freshman Orientation training is conducted by the Title IX Coordinator, the Director of the Center for Women and Gender Equity and UTC Police Department's Sexual Relationship Violence Liaison Officer. Presentations at the transfer, graduate and international student orientations were conducted by the Title IX Coordinator.

Please note that this is a summary list and not an exhaustive list of every program offered.

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

In addition to the aforementioned, these programs and campaigns include:

- **Title IX Athletics Education:** Primary & Ongoing Prevention & Awareness - UTC's student-athletes complete Title IX education via UTC Learn (Canvas), the University's student learning management system, which utilized Everfi's Sexual Assault Prevention for Student-Athletes. The module includes information about leadership, positive values, healthy and unhealthy relationships, bullying, hazing, sexual harassment and sexual violence, consent, bystander intervention strategies, reporting options, and support and resources.

- **Online Education:** Ongoing Prevention, Awareness & Mandatory Reporting Education – All new and current employees completed required Title IX training through K@TE, the University's learning management system, using Everfi's online modules. Training included Building Supportive Communities: Clery Act and Title IX and Taking Action, which address sexual harassment, relationship violence, stalking, and the responsibilities of mandatory reporters. Both modules featured interactive scenarios and assessments, fulfilling annual Title IX and mandatory reporting requirements while promoting a safe and supportive campus environment.
- **Online Athletics Education:** Ongoing Prevention, Awareness & Mandatory Reporting Education - UTC's athletics staff completed Title IX education via K@TE, the University's employee learning management system, which utilized Everfi's Sexual Assault Prevention for Athletics Staff module. The module includes information about leadership, positive values, healthy and unhealthy relationships, bullying, hazing, sexual harassment and sexual violence, consent, bystander intervention strategies, reporting options, and support and resources.

UTC'S comprehensive and collaborative prevention and education program about sexual assault, sexual harassment, dating violence, domestic violence and stalking— KnowMore @ UTC, is a partnership between the Office of Title IX Compliance, the Office of the Dean of Students, the Center for Women and Gender Equity, the Center for Wellbeing, the Office of Equal Opportunity & Accessibility, the Office of Human Resources and other campus partners. The following details some of UTC's 2024 prevention highlights. Campaigns include: Bathroom Resource Flyers, Consent T-Shirt Campaign, and various Campus Events:

- **Fraternity & Sorority Life New Member Education**
- **Red Flags Movie Night**
- **Romantic Relationships 101 Training with the UTC MOSAIC Program**
- **Art as Therapy**
- **Survivor Self Care: Meditation and Journaling**
- **Pride Week: Sexual assault Awareness Month Lunch Chat**
- **Heal and Empower: Dance for Self Care**
- **Uplift and Unwind**
- **Denim Day: Denim with a Purpose**
- **New faculty Orientation**
- **Smashing Pumpkins**
- **Take Back the Night**

- **Fraternity & Sorority Life New Member Education**
- **Chosen Family Feast**
- **Don't Cancel Your Class- Rape Culture**
- **WUCF x Wage Write your story:** Collaboration between WUCF and WAGE to promote sexual assault awareness month that is in April. Students will get the opportunity to write letters to survivors that will be posted in the WAGE office.
- **Don't Cancel Your Class:** The educational sessions can be offered in person or virtually when professors are needing to cancel their class or wanting to bring in a guest speaker. These programs are intended to offer educational sessions about gender-based violence for the UTC community while connecting them to on campus resources. We are working in collaboration with the Center for Wellbeing to create holistic educational sessions. Topics addressed for the 2024-2025 academic year included: Overview of Gender-Based Violence, Global Perspective of Gender-Based Violence, Realities of Gender-Based Violence, Media Impacts on Gender-Based Violence, Identity Impacts of Gender-Based Violence, Supporting Survivors, Mandating Reporting, and Rape Culture.

Please note that this is a summary list and not an exhaustive list of every program offered.

BYSTANDER INTERVENTION

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

Safe and Positive Options for Bystander Intervention

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

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

2. **Consider your options.** Consider your options for intervening. Think about what you could do. What factors do you need to consider? Some include:
 - a. Time of day
 - b. Location
 - c. Safety
 - d. Situational power
3. **Take action.** After acknowledging that you should intervene and considering your options and safety concerns, it's time to take action! You can act using the 3 D's: Direct, Distract, Delegate.

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

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

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

Your safety is important

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

Risk Awareness and Reduction

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

- General Awareness
 - Vehicle
 - Keep valuables in a secure place and out of sight
 - Don't leave your vehicle running unattended
 - Lock your doors when exiting your vehicle, even if you will only be away for a short time. Many modern cars retract the side mirrors when locked. A modern car parked with mirrors extended is a sign that doors are unlocked.
 - Don't leave your key fob or spare key in your vehicle when unattended – this can enable anyone to access your vehicle by simply touching the door handle (a thief will look for this specifically)

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

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

STOP CAMPUS HAZING ACT (SCHA)

On December 23, 2024, the Stop Campus Hazing Act (SCHA) was signed into law. The SCHA amends the Clery Act and requires institutions to disclose statistics on hazing (to be included in the 2026 report), as well as other policies and procedures to support campus-wide anti-hazing efforts. UTC's Hazing Prevention webpage can be found at utc.edu/hazing-prevention.

UTC'S POLICY ON HAZING

UTC is committed to creating and maintaining a safe and nondiscriminatory learning, living, and working environment.

Our focus is to prevent and eliminate hazing within our institution by educating students about the dangers of hazing. Through initiatives such as National Hazing Prevention Week, interactive workshops, and transparent reporting channels, we empower students to recognize, prevent, and speak out against hazing. Our goal is to foster leadership, teamwork, and friendships built on trust—not harm.

If you or someone you know is experiencing hazing, support and resources are available—because every MOC deserves to be treated with dignity and respect.

UTC'S DEFINITION OF HAZING

As defined by the UTC Student Code of Conduct:

"Any intentional or reckless act on or off University-controlled property by one (1) student, acting alone or with others that is directed against any other student, that endangers the mental or physical health, safety, or welfare of that student, or that induces or coerces a student to endanger his or her mental or physical health, safety, or welfare. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization."

HOW TO REPORT INCIDENTS OF HAZING

Students reporting hazing:

- Online: utc.edu/report
- In Person or via Telephone:
 - Office of Student Conduct: (423) 425-4301 or osc@utc.edu.
 - Office of the Dean of Students: (423) 425-4761 or dos@utc.edu
 - Department of Public Safety: (423) 425-4357 or dps@utc.edu
 - UTC Police Department: (423) 425-4357 or police@utc.edu

- Anonymous Reporting (online)
 - utc.edu/report
Students are encouraged to provide as much detail as possible such as individual(s) or organization(s) involved, date, time, location, and any supporting evidence.

Retaliation against individuals who report hazing violations in good faith is strictly prohibited and will be addressed as a separate conduct violation.

Employee reports of hazing:

- All university employees who witness, receive a report of, or have reasonable suspicion that hazing may be occurring or has occurred in the past, are encouraged to report the incident immediately within 48 hours.
- All Campus Security Authorities (CSA) who witness, receive a report of, or have reasonable suspicion that hazing may be occurring or has occurred in the past, are required to report the incident immediately within 48 hours.

Reporting must be made in one or more of the following manners:

- Online: utc.edu/report
- In Person or via Telephone:
 - Office of Student Conduct: (423) 425-4301 or osc@utc.edu.
 - Office of the Dean of Students: (423) 425-4761 or dos@utc.edu
 - Department of Public Safety: (423) 425-4357 or dps@utc.edu
 - UTC Police Department: (423) 425-4357 or police@utc.edu

PROCESS USED TO INVESTIGATE HAZING INCIDENTS

For the investigation process for individuals and student organizations, please reference the UTC Student Code of Conduct at

- Policy: https://www.utc.edu/sites/default/files/2021-03/studentcode_08-14-2020.pdf
- Flow Chart: https://www.utc.edu/sites/default/files/2022-09/StudentConduct_ProcessFlowchart-Expanded_2022.pdf

APPLICABLE LOCAL, STATE, AND TRIBAL LAWS ON HAZING

State Law

- **Hazing Prohibited (TCA § 49-7-123)**

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

1. "Hazing" means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other

student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization; and

2. "Higher education institution" means a public or private college, community college or university.

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

- **Prohibition Against Hazing (TCA 49-2-120)**

1. As used in this section, unless the context otherwise requires, "hazing" means any intentional or reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
2. The governing body of each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.

PREVENTION AND AWARENESS PROGRAMS RELATED TO HAZING

In an effort to provide the campus community with reliable information and prevention strategies to stop hazing before it occurs, UTC has developed prevention and awareness programs related to hazing. The following information is a description of research-informed campus-wide prevention programs designed to reach students, staff, and faculty. For more information

on these programs, contact The Director of the Center for Wellbeing at (423) 425-4640.

The UTC Hazing Prevention Team works in collaboration with departments across campus to educate the campus community on how to identify, act on, and prevent hazing. Trainings emphasize the prevention of hazardous drinking, hazing, and other resulting behaviors, with the goal of changing student, organization, and campus culture.

UTC's Education and Prevention Committee:

Membership of this committee includes at least one representative from each of the following University units: the Center for Wellbeing, Department of Public Safety, Division of Athletics, Office of Human Resources, Office of Multicultural Affairs, Office of Student Conduct, Office of Student and Family Engagement, and UTC Police Department.

Education & Prevention for Students:

- All first-year students are invited to a hazing education, substance use education, and naloxone training occurring during First Flight, the University's Pre-Welcome Week program prior to the start of the fall semester.
- All Members of fraternities and sororities must attend a hazing prevention presentation as part of Fraternity and Sorority Life's Risk Reduction Series. This training is offered at least once in the fall semester and at least once in the spring semester.
- All students, including student organization leaders, are invited to attend the education session provided as part of the Hazing Prevention Week.
- For RSOs, the President or Vice President must attend a RSO Information Session once per year that provides an overview of the hazing policy.
- Student-athletes shall receive notification of the hazing policy in the UTC Athletics Student-Athlete Handbook, and it is covered in a mandatory fall meeting for all athletes.
- The Center for Wellbeing shall provide hazing bystander intervention training for students upon request titled Connect & Act: Prevent Hazing.

Education & Prevention for Employees:

- A hazing prevention session is offered to all faculty and staff advisors for student organizations during Hazing Prevention Week.
- Faculty and staff advisors for RSOs shall receive Clery Act compliance training that includes hazing reporting requirements for CSAs.

Each September, the University organizes Hazing Prevention Week. This focused week of activities seeks to foster conversation across students, faculty, and staff to build awareness, educate about campus policy and reporting options, and

reduce hazing behaviors. The week's educational activities provide strategies for building group cohesion without hazing, bystander intervention techniques, and social norm messaging, among other evidence-based practices.

Please note that this is a summary list and not an exhaustive list of every program offered.

THE ANNUAL FIRE SAFETY REPORT

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

REPORTING FIRES

The University is required by federal law to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. In these instances, please contact the **Department of Public Safety, Office of Environmental Health and Safety** at (423) 425-HELP/4357 or email EHS@utc.edu.

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

In the event of an emergency, call UTC PD Communications Center at (423) 425-HELP/4357 or 911.

POLICIES OR RULES FOR PORTABLE ELECTRICAL APPLIANCE, SMOKING, AND OPEN FLAMES IN STUDENT HOUSING FACILITIES

The Department of Housing and Residence Life has the following regulations regarding items within housing facilities. Staff will confiscate any prohibited items found inside housing facilities:

- **Portable Electrical Appliances:** Portable electronic appliances, such as hot plates, microwaves, and other cooking appliances may not be used in bedrooms. Students should instead use the kitchen area provided.
- **Smoking:** Smoking is prohibited in all buildings owned or operated by UTC.
- **Open Flames:** Items that require an open flame to operate or which produce heat are not permitted. This includes, but is not limited to,

hookahs, halogen lamps, fog machines, space heaters, candles (with or without wicks), outside antennae, flammable fluids, candle warmers, oil burners, or incense.

PROCEDURES STUDENTS AND EMPLOYEES SHOULD FOLLOW IN CASE OF FIRE

If you smell smoke or other unusual odors suggesting a possible fire, immediately call the UTCPD Communications Center at (423) 425-HELP/4357 or 911.

If you discover an actual fire situation, you should:

1. Alert other building occupants by immediately sounding the building fire alarm. To do this pull a wall-mounted fire alarm pull station, located near all exit ways.
2. UTCPD Communications Center at (423) 425-HELP/4357 or 911 and give them the location of the fire.
3. Evacuate the building. Do not use the elevators. Most stairways are protected from smoke and are the safest way out of the building. For more information about emergency evacuation, [click here](#).

If needed, fire extinguishers are located in all public corridors approximately every 75 feet and located underneath all sinks inside resident housing.

Never assume a fire alarm is false. If you hear a fire alarm sounding, exit the building immediately.

Do not re-enter the building until told it is safe to do so by first responders.

EVACUATION PROCEDURES FOR STUDENT HOUSING IN CASE OF FIRE

All University-owned 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 available for use against incipient fires. Emergency Services and Housing personnel are regularly trained in the use of a fire extinguisher. All students, employees, and visitors should follow the protocols listed in the following section.

Additional information can be found on the [DPS website](#).

Procedures for Housing Facilities

Students in housing facilities should follow these protocols:

- Fire extinguishers are located under the kitchen sink in apartments that have kitchens and are available for student use 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.

Employees in housing facilities 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 to 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 expressly permitted to do so by a UTCPD officer.

Students and Employees with Access and/or Functional Needs:

- All Housing and Residence Life staff endeavor to ensure the safe evacuation of all residents. Housing staff who have residents with access and functional needs residing in their area of responsibility should notify UTCPD of the apartment number for these residents so that assistance can be provided to them.

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS PROVIDED TO STUDENTS AND EMPLOYEES

Fire safety training and education programs are required for all staff and students living in on campus residence halls. Students are provided with emergency evacuation and sheltering information typically during the first-floor meetings of the semester.

Additionally, fire education is provided to Department of Housing and Residence Life (HRL) staff at least once a year by the DPS. The training includes presented material and hands-on fire extinguisher use, and situation-based follow-up discussions during the year.

DPS sends brochures, posters, and other printed material on fire prevention and response to HRL for distribution to the residents. DPS hosts education and training presentations on fire and other emergency topics throughout the year that are open to all students, faculty, and staff.

Additional training options available are located at that can be provided include:

- **General Fire Safety Awareness:** This training teaches participants how to keep themselves and others safe as it related to fire and life safety.
- **Fire Extinguisher Training:** This training teaches participants how to properly use fire extinguishers in case of fire-related emergency.

PLANS FOR FUTURE IMPROVEMENTS TO FIRE SAFETY

The University regularly evaluates its fire safety systems. Topics for review include information shared with students, training for employees and students, documentation, maintenance workflow, and drills, as well as building systems that contribute to the prevention, mitigation, and reporting of fire emergencies. DPS continually reviews its prevention strategies (education, inspections, fire drills, and device maintenance) and will continue to assess and upgrade fire safety systems throughout the campus as necessary. Additionally, the University is currently undergoing a multimillion-dollar upgrade to update all fire safety systems.

FIRE STATISTICS

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

FIRE SAFETY SYSTEMS

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

Annual Security & Fire Safety Report 2025



APPENDIX A: CRIME STATISTICS

University of Tennessee at Chattanooga Campus Crime Statistics Jeanne Clery Campus Safety Act						
Type of Offense	Year	On-Campus	Non-Campus Property	Public Property	TOTAL	On-Campus Residential Facility*
Murder & Non-Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	4	0	0	4	4
	2023	3	1	0	4	3
	2022	6	1	0	7	5
Fondling	2024	3	0	0	3	1
	2023	6	0	0	6	1
	2022	1	3	0	4	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	1	0	0	1	0
	2022	1	0	0	1	0
Aggravated Assault	2024	3	2	3	8	3
	2023	0	1	2	3	0
	2022	4	9	1	14	2
Burglary	2024	4	1	0	5	0
	2023	15	1	0	16	6
	2022	7	2	0	9	3
Motor Vehicle Theft	2024	11	0	3	14	0
	2023	3	3	0	6	0
	2022	6	3	0	9	0
Arson	2024	0	0	0	0	0
	2023	2	1	0	3	2
	2022	0	0	0	0	0
Notes: <ul style="list-style-type: none"> 2024 Burglaries - Four (4) offenses occurred in the Stophel apartment's enclosed garage 						

- *2024 Motor Vehicle Thefts - Two (2) theft of electric bikes; One (1) theft of a golf cart*
- *2023 Burglaries - Eight (8) offenses occurred in the Stophel Apartment's enclosed garage*
- *2022 Non-Campus Rape was reported to have happened in 2014*

**University of Tennessee at Chattanooga
Campus Crime Statistics – VAWA Offenses
Jeanne Clery Campus Safety Act**

Type of Offense	Calendar Year	On Campus (Including Residential)	Non-Campus	Public Property	Total	On Campus (Residential Only)
Domestic Violence	2024	4	0	3	7	3
	2023	2	1	0	3	1
	2022	6	0	0	6	6
Dating Violence	2024	10	1	0	11	9
	2023	7	0	0	7	7
	2022	5	0	0	5	5
Stalking	2024	20	0	0	20	13
	2023	22	1	0	23	12
	2022	18	0	0	18	6

Notes:

- VAWA Offense - 2022 - Stalking on Campus: One offender, prior to arrest, was determined to be stalking five (5) students.
- VAWA Offense - Domestic Violence - Note: Roommates are included for our jurisdiction's family protection laws and their relationship is included for domestic violence incidents.

University of Tennessee at Chattanooga
Campus Crime Statistics – Arrests
Jeanne Clery Campus Safety Act

Type of Offense	Year	On-Campus	Non-Campus Property	Public Property	TOTAL	On-Campus Residential Facility
Liquor Law Violations – Arrests	2024	0	0	1	1	0
	2023	2	0	0	2	2
	2022	2	0	0	2	2
Drug Law Violations – Arrests	2024	8	0	6	14	0
	2023	9	0	8	17	0
	2022	3	0	3	6	1
Weapons Law Violations – Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	1	0	2	3	1
Liquor Law Violations – Referred for Disciplinary Action	2024	185	12	4	201	181
	2023	239	11	2	252	227
	2022	328	10	0	338	305
Drug Law Violations – Referred for Disciplinary Action	2024	49	0	8	57	41
	2023	52	0	0	52	46
	2022	49	0	0	49	48
Weapons Law Violations – Referred for Disciplinary Action	2024	6	0	0	6	2
	2023	1	0	0	1	1
	2022	1	0	0	1	1

Notes:

- For reporting purposes, arrest statistics for alcohol, drug/narcotics or weapons violations reflect the number of person 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.
- The statistics listed include citations issued in lieu of physical arrest.

**University of Tennessee at Chattanooga
Campus Crime Statistics (2022-2024) – Hate Crimes
Jeanne Clery Campus Safety Act**

Year	TOTAL
2024	No hate crimes reported.
2023	No hate crimes reported.
2022	No hate crimes reported.

**University of Tennessee at Chattanooga
Campus Crime Statistics – Unfounded Crimes
Jeanne Clery Campus Safety Act**

Year	TOTAL
2024	1
2023	1
2022	1

Notes:

- For reporting purposes, unfounded Crimes are all crimes that were investigated by UTCPD and found to be false or baseless.

Annual Security & Fire Safety Report 2025



APPENDIX B: FIRE STATISTICS

2024 Fires in On-campus Student Housing Facilities					
Residential Facility	Number of Fires	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Boling Apartments (541 Vine St)	2	Unintentional - Toaster on stove eye	0	0	\$0 - \$99
		Unintentional - Stovetop cooking	0	0	\$0 - \$99
Decosimo Apartments (815 University St)	1	Unintentional - Stovetop cooking	0	0	\$0 - \$99
Guerry Apartments (805 Douglas St)	0	N/A	N/A	N/A	N/A
Johnson-Obear Apartments (501 Oak St)	0	N/A	N/A	N/A	N/A
Lockmiller I Apartments (720 Oak St)	0	N/A	N/A	N/A	N/A
Lockmiller II Apartments (742 Oak St)	0	N/A	N/A	N/A	N/A
Palmetto Place Apartments (705 McCallie Ave)	0	N/A	N/A	N/A	N/A
Stagmaier Hall (705 McCallie Ave)	0	N/A	N/A	N/A	N/A
Stophel Apartments (818 University St)	0	N/A	N/A	N/A	N/A
UC Foundation Apartments (718 McCallie Ave)	0	N/A	N/A	N/A	N/A
Walker Apartments (801 E. 8 th St)	0	N/A	N/A	N/A	N/A
West Campus Housing (515 Vine St)	0	N/A	N/A	N/A	N/A

2023 Fires in On-campus Student Housing Facilities					
Residential Facility	Number of Fires	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Boling Apartments (541 Vine St)	2	Unintentional - Appliance Fire	0	0	\$0 - \$99
		Unintentional - Oven fire	0	0	\$0 - \$99
Decosimo Apartments (815 University St)	2	Unintentional - Cooking Fire	0	0	\$0 - \$99
		Unintentional - Oven fire	0	0	\$0 - \$99
Guerry Apartments (805 Douglas St)	0	N/A	N/A	N/A	N/A
Johnson-Obear Apartments (501 Oak St)	1	Intentional - Arson (Shoe laces set on fire)	0	0	\$0 - \$99
Lockmiller I Apartments (720 Oak St)	0	N/A	N/A	N/A	N/A
Lockmiller II Apartments (742 Oak St)	0	N/A	N/A	N/A	N/A
Palmetto Place Apartments (705 McCallie Ave)	0	N/A	N/A	N/A	N/A
Stagmaier Hall (705 McCallie Ave)	0	N/A	N/A	N/A	N/A
Stophel Apartments (818 University St)	1	Unintentional - Cooking Fire	0	0	\$0 - \$99
UC Foundation Apartments (718 McCallie Ave)	0	N/A	N/A	N/A	N/A
Walker Apartments (801 E. 8 th St)	0	N/A	N/A	N/A	N/A
West Campus Housing (515 Vine St)	1	Intentional - Arson (Hand sanitizer dispenser set on fire)	0	0	\$1,000 - \$9,999

2022 Fires in On-campus Student Housing Facilities					
Residential Facility	Number of Fires	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Boling Apartments (541 Vine St)	1	Unintentional - Dryer Belt	0	0	\$0 - \$99
Decosimo Apartments (815 University St)	1	Unintentional - Kitchen Towel	0	0	\$0 - \$99
Guerry Apartments (805 Douglas St)	0	N/A	N/A	N/A	N/A
Johnson-Obear Apartments (501 Oak St)	3	Unintentional - Dryer Belt	0	0	\$0 - \$99
		Unintentional - Pizza Box in Oven	0	0	\$0 - \$99
		Unintentional - Cooking Fire	0	0	\$0 - \$99
Lockmiller I Apartments (720 Oak St)	0	N/A	N/A	N/A	N/A
Lockmiller II Apartments (742 Oak St)	0	N/A	N/A	N/A	N/A
Stagmaier Hall (705 McCallie Ave)	0	N/A	N/A	N/A	N/A
Stophel Apartments (818 University St)	1	Unintentional - Stovetop Cooking	0	0	\$0 - \$99
UC Foundation Apartments (718 McCallie Ave)	0	N/A	N/A	N/A	N/A
Walker Apartments (801 E. 8 th St)	1	Unintentional - HVAC Circuit Board	0	0	\$0 - \$99
West Campus Housing (515 Vine St)	0	N/A	N/A	N/A	N/A

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

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APPENDIX C: FIRE SAFETY SYSTEMS

2024 Fire Safety Systems in On-campus Student Housing Facilities						
Residential Facility	Fire Alarm Systems	Sprinkler System	Fire Extinguisher Devices	Smoke Detection	Evacuation Plans and Placards	Number of Evacuation (Fire) Drills Conducted Yearly
Boling Apartments (541 Vine St)	Simplex 4100ES	Wet sprinklered	Kitchens, mechanical rooms	Simplex; inter-connected by apt	✓	Four (4)
Decosimo Apartments (815 University St)	Simplex 4100ES	Wet sprinklered, dry system in attic	Every kitchen, hallways, mechanical room	Simplex; inter-connected	✓	Four (4)
Guerry Apartments (805 Douglas St)	Simplex 4100ES	Wet sprinklered, dry system in attic	Every kitchen, hallways, mechanical room	Simplex; inter-connected	✓	Four (4)
Johnson-Obear Apartments (501 Oak St)	Simplex 4100ES	Wet Sprinklered	Kitchens, mechanical rooms	Simplex; inter-connected by apt	✓	Four (4)
Lockmillier I Apartments (720 Oak St)	Simplex 4100ES	Wet Sprinklered	Kitchens, mechanical rooms	Simplex; inter-connected	✓	Four (4)
Lockmillier II Apartments (742 Oak St)	Simplex 4100ES	Wet Sprinklered	Kitchens, mechanical rooms	Simplex; inter-connected	✓	Four (4)
Palmetto Place Apartments (705 McCallie Ave)	Silent Knight by Honeywell	Wet Sprinklered	Kitchens, mechanical rooms, commons	Honeywell; inter-connected	✓	Four (4)
Stagmaier Hall (705 McCallie Ave)	Simplex 4100ES	Wet Sprinklered	Hallways, mechanical rooms, shared kitchen	Simplex; inter-connected	✓	Four (4)
Stophel Apartments (818 University St)	Simplex 4100ES	Wet sprinklered, dry system in attic	Every kitchen, hallways, mechanical room	Simplex; inter-connected	✓	Four (4)
UC Foundation Apartments (718 McCallie Ave)	Simplex 4100ES	Wet Sprinklered	Every kitchen, hallways, mechanical room	Simplex; inter-connected	✓	Four (4)

Walker Apartments (801 E. 8 th St)	Simplex 4100ES	Wet Sprinklered	Every kitchen, hallways, mechanical room	Simplex; inter- connected	✓	Four (4)
West Campus Housing (515 Vine St)	Simplex 4100ES	Wet Sprinklered	Hallways, mechanical rooms, shared kitchen	Simplex; inter- connected	✓	Four (4)

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APPENDIX D:

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



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

EFFECTIVE: AUGUST 18, 2025

[UTC.EDU/TITLEIX](https://utc.edu/titleix)

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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 expulsion from the University and termination of employment.

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

1.2 SCOPE AND APPLICABILITY

1.2.1 Individuals Covered by This Policy

This Policy applies to the conduct of and protects:

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

This Policy applies to all members of the campus community, regardless of identity or personal characteristics. Prohibited Conduct may occur between individuals, regardless of their relationship status or personal characteristics. The “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct, regardless of whether that person makes a report or seeks action under this Policy.

- The “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

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

1.2.2 Jurisdiction

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

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.

employment; and/or (iii) occurs outside the context of a University education program or activity, but has continuing adverse effects or creates a sexually hostile environment on University-controlled property or in any University education program or activity, including University employment.

The University's jurisdiction concerning misconduct by students is governed by the University's Student Code of Conduct ("Code"). The Code applies to Prohibited Conduct which occurs on University-controlled property. The Code also applies to Prohibited Conduct that occurs off University-owned property in certain situations, including Prohibited Conduct which: (1) 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; (2) consists of academic dishonesty or research misconduct; (3) is prohibited by local, state, or federal law; (4) is committed against another member of the University community; or (5) threatens, or indicates that the student poses a threat to, the health, safety, or welfare of others or the security of any person's property.

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

1.2.3 Effective Date

The effective date of this Policy is August 18, 2025. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 18, 2025. If the Prohibited Conduct reportedly occurred prior to August 18, 2025, then: (1) the report will be evaluated using definitions 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) and as otherwise provided in this Policy, this Policy takes precedence over other University policies and procedures concerning Prohibited Conduct in the event of a conflict.

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

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. For example, the University's *Policy on Prohibited Relationships with Students* can be found in Section 2.4.2.3 of the University of Tennessee at Chattanooga [Faculty Handbook](#). 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](#) prohibits Sex Discrimination in any University education program or activity, including employment and admissions. Sex Discrimination means conduct directed at a specific person or a group of identifiable persons that subjects the person or group to treatment that adversely affects their employment, education, or ability to participate in or benefit equally in any University program or activity, on the basis of sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Complaints of Sex Discrimination should be reported to the Title IX Coordinator and will be handled in accordance with the procedures on the Office of Equal Opportunity & Accessibility website [Procedures for Filing a Complaint](#).

⁴ With respect to conduct by employees, the University also prohibits sexual harassment in accordance with University of Tennessee System Human Resources Policy 0280 (“[Sexual Harassment and Other Discriminatory Harassment](#)”). Conduct by employees that does not necessarily violate this Policy may be a violation of University of Tennessee System Human Resources Policy 0280. Complaints of sexual harassment prohibited by University of Tennessee System Human Resources Policy 0280 should be reported to the Title IX Coordinator and will be handled following procedures on the Office of Equal Opportunity & Accessibility website [Procedure for Filing a Complaint](#).

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, 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 the 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. People 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, JD

Director of Title IX Compliance & Title IX Coordinator

Enrollment Management and Student Affairs

399 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/titleix

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

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

The identity and responsibilities of Title IX Officials are described in more detail at here: [Title IX Team & Committees](#). 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, Atlanta Office, 61 Forsyth Street, S.W., Suite 19T10, Atlanta, GA 30303-8927, Phone: (404) 974-9406, Fax: (404) 974-9471, Email: OCR.Atlanta@ed.gov.

4.3 DISTINCTION BETWEEN PRIVACY AND CONFIDENTIALITY

Under this Policy, privacy should be distinguished from confidentiality.

- **Confidentiality:** If a Complainant desires to communicate with someone who, by law or by University policy, can keep information confidential, then the Complainant should contact one of the resources outlined in Section 4.4.
- **Privacy:** Information communicated to a Title IX Official (Section 4.2) or a Mandatory Reporter (Section 4.5.2.1) will be kept as private as possible, which means that the information will 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 people 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 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 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

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.

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, EOA 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 Equal Opportunity and Accessibility, which will conduct an investigation. The Office of Equal Opportunity and Accessibility 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 Equal Opportunity and Accessibility'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 the [University of Tennessee System Safety Policy 0575](#) (Programs for Minors). 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 UTC PD even when they do not have an obligation to report the incident under this Policy.** Questions about the reporting obligations of Campus Security Authorities

should be directed to 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 posed to any individual or to the campus community by not proceeding with an investigation; and
- Complainant safety.

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

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

4.5.2.5 Complainant's Participation in an Investigation or Disciplinary Proceeding

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

4.5.2.6 Amnesty

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

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).

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 a 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. SUPPORTIVE MEASURES

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

1.1 General Medical Care

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

According to the Partnership for Families, Children, and Adults’ Rape Crisis Center, the key to success of the evidentiary exam is to collect the evidence as soon as possible; however, 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.

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

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

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

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 also 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
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

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.

options identified in 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 the 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, 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
A licensed psychologist, psychiatrist, or nurse practitioner in the Counseling Center	Students	8:00 a.m. – 5:00 p.m. Monday – Friday, except on University holidays or closures* (423) 425-4438* University Center Room 338 * For after-hours assistance, please use the UTC CARE line (423) 425-CARE/2273
A licensed physician, registered nurse, or nurse practitioner in University Health Services	Students & Employees	8:00 a.m. – 4:30 p.m., Monday – Friday, except on University holidays or closures (423) 425-2266 MacLellan Gym
Office of the Ombudsperson	Employees (including student workers)	(423) 425-5729 UTCCombud@utc.edu
McCay Mathis, Athletics Counselor (LCSW, LISW-CP)	Intercollegiate student-athletes only	mccay-mathis@utc.edu (423) 425-5599

1.2.1.1 Identification of Confidential Employees (continued)

PLACE	WHO MAY ACCESS SERVICES	CONTACT INFORMATION
Dr. Hunter Garrett, Team Physician	Intercollegiate student-athletes only	(423) 778-2900
Dr. Matthew Chatfield, Team Physician		(423) 778-2930
NOTE: Athletic trainers and other staff members in Sports Medicine are not Confidential Employees. They are Mandatory Reporters of Prohibited Conduct involving students.		

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 for Complainants

- [Partnership for Families, Children, and Adults'-Rape Crisis Center](#)
(423) 755-2700 (24-7 crisis hotline)

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, and 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)
Text “START” to 88788
thehotline.org
- Love is Respect – National Dating Abuse Hotline
866-331-9474
Text “LOVEIS” to 22522
loveisrespect.org
- Anti-Violence Project/24-Hour Bilingual Hotline: For LGBTQ+ and HIV+ survivors of violence
Call or Text: 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:

Dr. Carol B. Berz Family Justice Center

5705 Uptain Rd.
Chattanooga, TN 37411
423-643-7600

Hamilton County Circuit Court Clerk

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

Legal Aid of East Tennessee

1100 W. Martin Luther King Blvd., Ste. 402
Chattanooga, TN 37402
423-756-4013
800-572-7457

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

The Hamilton County Circuit Court provides information about [Orders of Protection](#). The [Partnership for Families, Children, and Adults](#) provides a list of community resources for victims of dating and domestic violence.

The University does not provide private legal assistance to Complainants or Respondents. The [Chattanooga Bar Association](#) assists with finding an attorney in the greater Chattanooga area. The [American Bar Association](#) also provides information on finding legal services by state.

The [Tennessee Coalition to End Domestic and Sexual Violence](#) (tncoalition.org) operates a Sexual Assault Legal Clinic, that offers direct legal services to sexual assault victims who may have legal questions and needs related to their victimization. The Sexual Assault Legal Clinic aids 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 for a FREE appointment or by completing the [Sexual Assault Legal Clinic Online Intake Form](#).

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) 425-4735

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

The [Tennessee Coalition to End Domestic and Sexual Violence](#) (tncoalition.org) lists resources for legal advice and representation to immigrant survivors of domestic violence, sexual assault, stalking, or human trafficking throughout Tennessee. Abuse need not be physical, and may include coercion, withholding of documents or privileges, threats, verbal abuse, and stalking.

[U.S. Citizenship and Immigration Services](#) (USCIS), 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](#)
- USCIS [Find Legal Services](#)

The [Board of Immigration Appeals](#) provides a listing of attorneys by state who provide free or [low-cost immigration services](#).

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 4791/A Hal Drive, Chattanooga, TN 37416 Telephone: (423) 954-1911.

1.4 Student Financial Aid Resources for Complainants and Respondents

Students who need assistance with financial aid issues may contact a Title IX Official or the [Mocs One Center](#).

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.
- 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 (i.e., arranging an appointment with the Carol B. Berz 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 the University Registrar;

- 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 neither. Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report Prohibited Conduct.

2.1 Preservation of Evidence

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

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

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 120 hours after the incident (Appendix A, Section 1.1);
- When possible, before 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 the unique legal authority to investigate and respond to Prohibited Conduct, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders.

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

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

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
In the City of Chattanooga	Chattanooga Police Department (CPD) 3410 Amnicola Hwy. Chattanooga, TN 37406 (423-698-2525) 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 or UTCPD
Outside of Hamilton County	Contact the law enforcement agency that has jurisdiction over the location where the incident occurred or Contact UTCPD for assistance in contacting another jurisdiction's law enforcement agency

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

Employees of UTCPD are Mandatory Reporters for reports of Prohibited Conduct involving students. Accordingly, if a person reports an incident to UTCPD, and the incident has not been previously reported to a Mandatory Reporter outside of UTCPD, then UTCPD will contact the Title IX Coordinator. 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 UTCPD, 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 assault, 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 UTC PD via the [Silent Witness Form](#). 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

Director of Title IX Compliance & Title IX Coordinator

Enrollment Management and Student Affairs

399 University Center

615 McCallie Avenue, Dept. 1951

Chattanooga, TN 37403

Phone: 423-425-4255

Fax: 423-5357

anitra-barrett@utc.edu

titleix@utc.edu

utc.edu/titleix

The University's Title IX Officials can be found here [Team & Committees](#) on the University's Title IX page.

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 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 investigation without the complainant's participation or assent.

2.3.4 Amnesty for Students Who Report Prohibited Conduct to the University

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

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.

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 Report. Statistics published in the Annual Security and Fire Safety Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, **but the statistics do not personally identify Complainants or Respondents**. Reports by Campus Security Authorities are not reports to police and do not initiate criminal investigations.

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

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to issue timely warnings for crimes reported to 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 the 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 Complainants and Respondents During the Disciplinary Process

After the University has formally initiated the grievance procedure a Respondent has rights under federal and state law, including the right to be informed of sufficient details including the 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 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 the 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?).

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”).

- A verbal “no” (or words equivalent to “no”) or the nonverbal communication of “no,” even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously communicated has been withdrawn. The absence of a verbal “no” or the absence of a nonverbal communication of “no” does not necessarily mean that Consent has been communicated.
- Consent must exist from the beginning to the end of each sexual encounter and for each sexual act that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent to participate in 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 (i.e., oral sex) does not constitute or imply Consent for another sexual act (i.e., 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 a 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 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 here [Student Code of Conduct](#).

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. 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).

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.

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, or participate directly in any other manner during any phase of the student conduct process, except in a Title IX Hearing. In a Title IX Hearing, the advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

RIGHT TO A SUPPORT PERSON

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

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,

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.

participants, and purpose of all investigative interviews and other meetings, with sufficient time to prepare to participate.

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

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

Student Conduct Board Hearing		
<i>Step</i>	<i>Code Reference</i>	<i>Anticipated Timeline</i>
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
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		
<i>Step</i>	<i>Code Reference</i>	<i>Anticipated Timeline</i>
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	Section 10.4	

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.

inform Title IX Hearing Officer that they have no advisor and an advisor will be appointed		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)		
<i>Step</i>	<i>Code Reference</i>	<i>Anticipated Timeline</i>
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
Vice Chancellor for Student Affairs issues decision	Section 12.1	Within ten (10) business days

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

POSSIBLE SANCTIONS

Following a determination 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 the 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 the 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 information resolution process without both parties' agreement and will obtain their voluntary, written consent. OSC will provide 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 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.

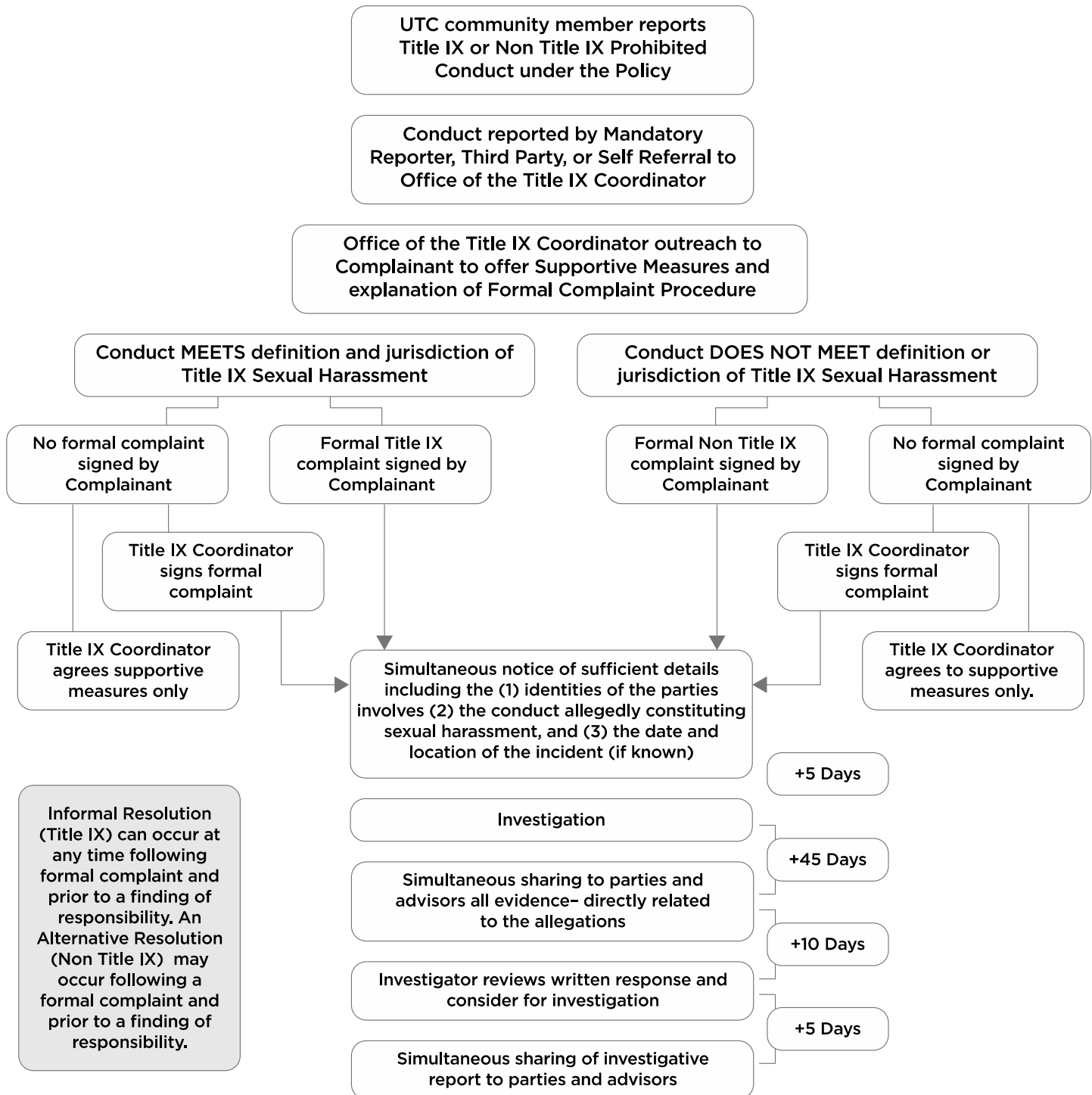
Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision-makers will be publicly maintained here [Title IX Team Training](#).

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.

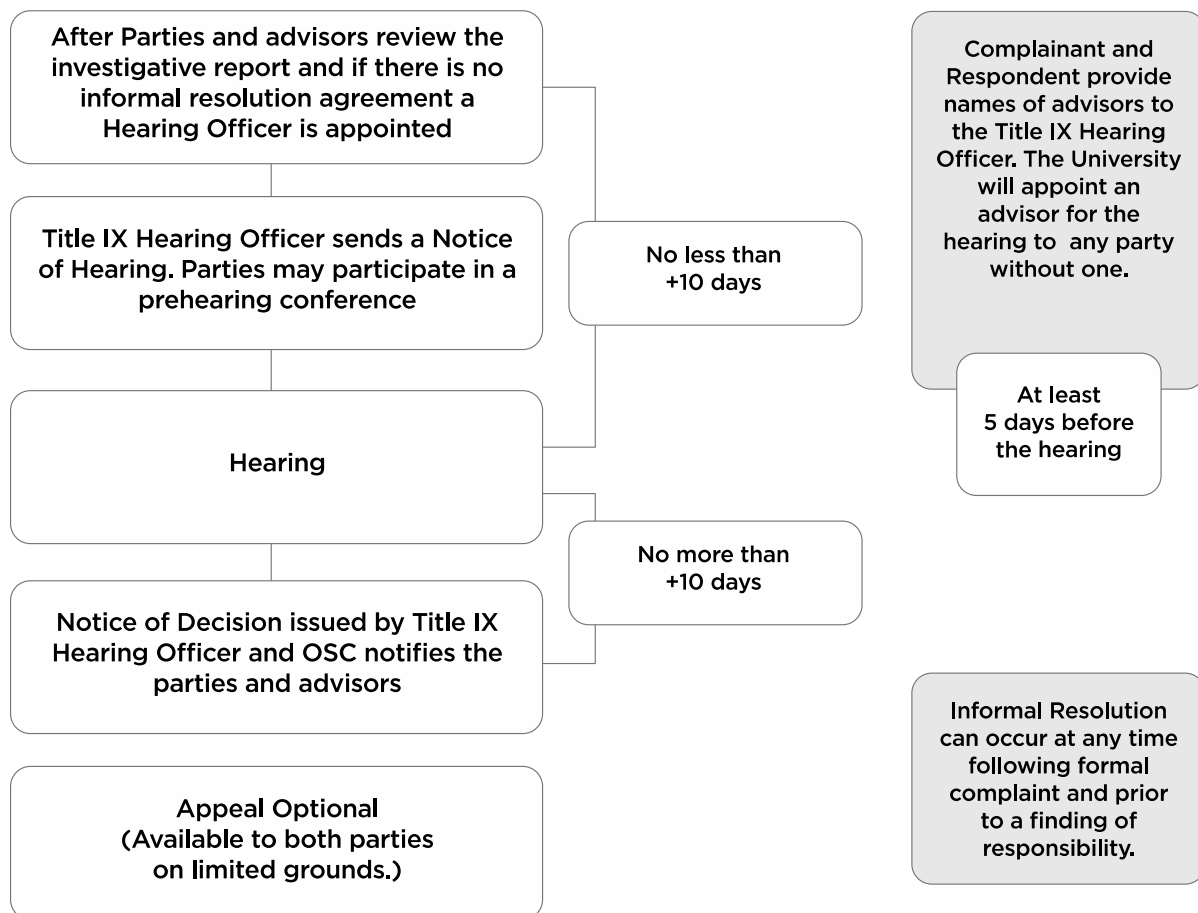
Appendix C (Student Respondents)

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)

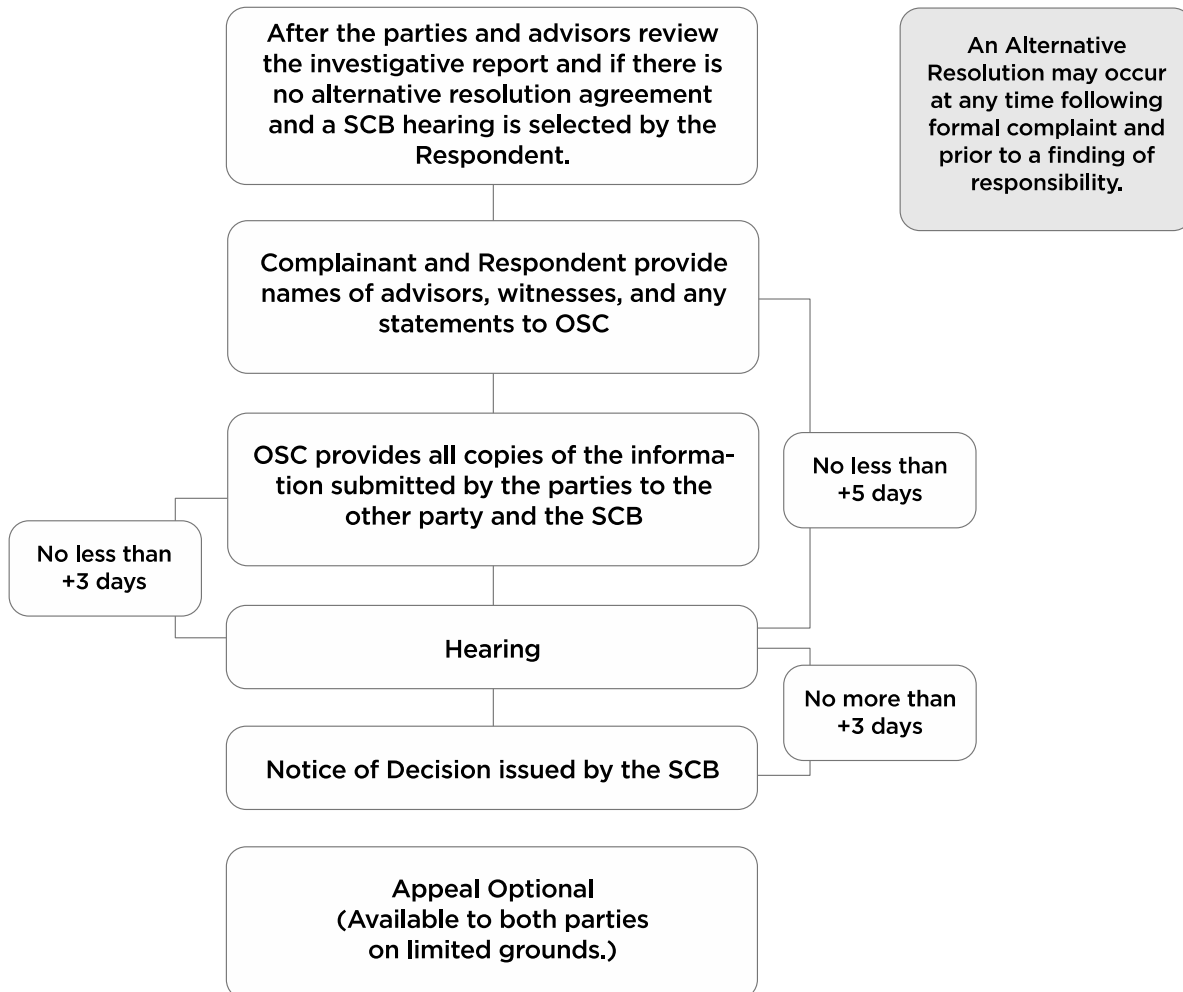
Non Title IX

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 Equal Opportunity and Accessibility (EOA) 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 (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, EOA 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

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.

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

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

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

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

ADMINISTRATIVE LEAVE

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

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

STANDARD OF PROOF

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

RIGHT TO AN ADVISOR

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

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

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

RIGHT TO A SUPPORT PERSON

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

INVESTIGATIONS

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

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

¹⁹ Investigations of reports of Prohibited Conduct are usually performed by EOA. However, for good cause, the Title IX Coordinator may select an investigator(s) external to EOA, 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 EOA has a conflict of interest (i.e., an EOA employee or someone who has oversight over EOA is a party or witness), the complexity of the case requires expertise or resources external to EOA; and the workload of EOA require an investigator external to EOA to timely investigate a case.

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 the 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 have 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 EOA within fifteen (15) business days after the investigative report is issued to the parties.

If the investigation results in a determination that the Respondent is responsible and/or a sanction, the Respondent's right to appeal the determination or any sanction imposed is governed by the University's Disciplinary 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.

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 the effective implementation of any remedies.

INFORMAL RESOLUTIONS

In some cases, Formal Complaints may be resolved prior to the conclusion of the EOA 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 EOA and the Respondent. In appropriate cases, EOA 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, EOA may facilitate an informal resolution process with the Complainant (who is not a student) and the Respondent. EOA will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. EOA 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 relevancy 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 [Title IX Team Training](#).

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

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

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

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

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

3. The University cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- (c) **Preliminary Matters.** The Title IX Hearing Officer shall begin the hearing by explaining the substance of the allegations and the specific University policy or policies allegedly violated.
- (d) **Attendance and Participation.** Attendance during a Title IX Hearing generally is limited to the Title IX Hearing Officer, a representative from the University, the Complainant, 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 EOA, and EOA 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 EOA 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 EOA 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 EOA 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 EOA, 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 the 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:
 - You received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest,

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.

- “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

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.

- 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, 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:

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