



2025 ANNUAL SECURITY REPORT



THE UNIVERSITY OF
TENNESSEE
HEALTH SCIENCE CENTER.

and The College of Pharmacy-Nashville

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MESSAGE FROM LEADERSHIP

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

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 University of Tennessee Health Science Center 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 UT Health Science Center Campus Police Department at 3 N. Dunlap, Memphis, TN 38163, or have a hard copy mailed to you by emailing cleryact@uthsc.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 University of Tennessee Health Science Center Campus Police Department (UTHSC-PD) is responsible for preparing and distributing this Annual Security Report to comply with the Clery Act. Within the Campus Police Department, the responsibility for preparing the Annual Security Report is assigned to the Clery Coordinator. The Annual Security Report is published and distributed every year by October 1st. The Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on the university's Clery geography. Statistics for Clery Act offenses that did not occur within Clery geography are not included in the university's Clery Act crime statistics, even if university students or employees were involved.

The Clery Coordinator prepares the Annual Security Report, including the annual disclosure of crime, arrest, and referral statistics, with input from various sources, including University of Tennessee Health Science Center Campus Police; the university's Office of Title IX; the university's

Division of Student Life; university Campus Security Authorities (CSAs); and local law enforcement agencies, including the *Memphis Police Department and Shelby County Sheriff's Department*. The Clery Coordinator works to reconcile statistics from the Office of Title IX and the Office of Student Conduct to reduce the instances of missing or double-counting incidents. For statistical purposes, crime statistics reported to any CSA are recorded in the calendar year in which the crime was reported. The statistics represent offenses that were reported to any of those sources, regardless of whether the alleged offense was investigated or whether there was a finding of guilt or responsibility. To ensure comprehensive reporting and oversight of institutional travel, the UT Health Science Center collects travel information annually from its various colleges. This process involves reaching out directly to each college dean via email to request documentation of travel activities for the calendar year. Specifically, deans are asked to provide copies of travel contracts and a list of travel locations associated with their respective departments. This centralized approach helps maintain consistency in data collection and supports the university's commitment to transparency and compliance with applicable policies and regulations.

To collect reported crime information occurring at non-campus properties during student school-sponsored travel, the institution sends formal letters to the appropriate local law enforcement agencies in the jurisdictions where students are sent. These letters identify the specific properties used and request Clery-compliant statistical data for the relevant reporting period. This information is used to request reported crime information from local law enforcement agencies with jurisdiction over the areas considered to be non-campus property.

The university does not directly collect statistics from the counseling officers on campus due to the confidentiality of licensed professional counselors and certified medical professionals. Any statistics requested from those entities would lack enough information to reconcile the statistics with our incidents already reported and would put the university at risk of double-counting Clery reportable crimes.

The Clery Coordinator submits the crime statistics published in the Annual Security Report to the United States Department of Education (ED), who make crime statistics available to the public through the ED website. In addition, a copy of the Annual Security Report and a daily crime log are available for review 24 hours a day on the university's Campus Police Clery Act website, <https://www.uthsc.edu/campus-police/clery-act/>. The university provides an electronic notice of availability of the Annual Security and Fire Safety Report to: (1) all current university faculty, staff, and students; and (2) prospective university students, faculty, and staff.

In compliance with the Clery Act, the university shares its annual crime statistics contained in **Appendix A**. All statistics enclosed in the Annual Security Report are anonymous.

Clery Geography

For information on the university's Clery geography, you may visit <https://www.uthsc.edu/campus-police/clery-act/documents/uthsc-clery-map.pdf> for a detailed map of the main campus.

The University of Tennessee Health Science Center (UT Health Science Center) operates as a statewide academic health system with its primary campus located in Memphis, Tennessee. UT

Health Science Center also maintains academic and clinical partnerships in Chattanooga, Knoxville, and Nashville. These regional campuses support clinical education and research through affiliations with major healthcare institutions, including the Erlanger Health System in Chattanooga, Ascension Saint Thomas in Nashville, UT Family Medicine Center and West Tennessee Healthcare in Jackson, and the University of Tennessee Medical Center in Knoxville. While UT Health Science Center faculty and students may engage in activities at these partner facilities, not all affiliated locations fall within the Clery-reportable geography. The University does not provide, own, or control housing. UT Health Science Center's distributed campus model enhances statewide impact in health education and care delivery while maintaining clear boundaries for Clery Act compliance and safety reporting.

*All policy statements contained in this report apply to all campuses unless otherwise indicated.
Note: The crime statistics for the following locations will be listed within this report in the non-campus section of the chart labeled UT Health Science Center:*

Other Sites

- **UT Medicine Chattanooga (Whitehall Building):** 960 E 3rd Street, Chattanooga, TN 37403

Note: The crime statistics for the following locations will be listed within this report in separate charts from the crime statistics of the main (core) campus:

- **Nashville – College of Pharmacy:**

Partner Institutions with Program Agreements

UTHSC collaborates with major healthcare systems across Tennessee to support clinical education, research, and patient care:

Memphis Area

- **Le Bonheur Children's Hospital:** 848 Adams Avenue, Memphis, TN 38103
- **Regional One Health:** 877 Jefferson Avenue, Memphis, TN 38103
- **Memphis VA Medical Center:** 1030 Jefferson Avenue, Memphis, TN 38104
- **Methodist University Hospital:** 1265 Union Avenue, Memphis, TN 38104
- **Baptist Memorial Hospital:** 6019 Walnut Grove Road, Memphis, TN 38120
- **St. Francis Hospital:** 5959 Park Avenue, Memphis, TN 38119

Jackson, TN

- **UT Family Medicine Center:** 294 Summar Drive, Jackson, TN 38301
- **West Tennessee Healthcare:** 620 Skyline Drive, Jackson, TN 38301

Nashville, TN

Partnered with Ascension Saint Thomas Health, Nashville offers:

- **Primary Site:** Ascension Saint Thomas Hospital Midtown
- **Address:** 2000 Church Street, Nashville, TN 37236

Other Sites

- **UT Medicine Chattanooga (Erlanger):** 979 E 3rd Street, Chattanooga, TN 37403
- **Whitehall Building:** 960 E. 3rd Street, Chattanooga, TN 37403
- **UT Medicine Knoxville (UT Medical Center):** 1924 Alcoa Hwy, Knoxville, TN 37920

JURISDICTION AND LAW ENFORCEMENT AUTHORITY

*The University of Tennessee Health Science Center Campus Police Department
3 N. Dunlap Memphis, TN 38163 901-448-4444*

The University of Tennessee and its Board of Trustees, through a State Police Commission authorized by T.C.A. 49-7-118, et seq., may establish a university police service. Police officers receive the Commission on Peace Officers' Standards and Training (POST) certification. They have general police powers, including the powers of arrest necessary to enforce Federal and State laws, as well as the university rules and regulations.

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

The Chief of Police functions as the administrative head of the department. The organizational structure of the UT Health Science Center Campus Police is comprised of the chief of police, deputy chief, captain, lieutenant, detective, police sergeants, police officers, security officers, police dispatchers, security specialist, and clerical personnel.

UT Health Science Center Campus Police officers are empowered “to enforce all state laws as well as rules and regulations of the... Board of Trustees.” The authority granted” extends to all facilities or property owned, leased, or operated by the... Board of Trustees, including any public roads or right-of-way which are contiguous to or within the perimeter of such facilities or property.”

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

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

Working Relationships with State and Local Law Enforcement Agencies

The UT Health Science Center Campus Police Department maintains a strong and collaborative working relationship with both the Memphis Police Department and the Shelby County Sheriff's Department. These partnerships are essential to ensuring the safety and security of the campus community. Through regular communication, joint training opportunities, and coordinated responses to incidents, the Campus Police Department works closely with local law enforcement agencies to enhance public safety, share critical information, and support investigations when

necessary. Additionally, through a written Memorandum of Understanding (MOU) with the City of Memphis and the Memphis Police Department, the UT Health Science Center Campus Police Department has been granted extended statutory authority within the Medical Center District. This agreement formally expands the department's jurisdictional boundaries, allowing for more effective law enforcement coverage and response capabilities throughout the district.

Memphis Police Department (MPD)

170 N. Main Street Memphis, TN 38103

901-636-3700

<http://www.memphispolice.org>

Shelby County Sheriff's Office

201 Poplar Avenue, 9th Floor, Memphis, TN 38103

901-222-5500

<https://www.shelby-sheriff.org/contact>

REPORTING CRIMES OR OTHER EMERGENCIES

The University of Tennessee Health Science Center encourages anyone who is a victim of a crime, a witness, or learns about a crime, or who would like information on whether what they witnessed or learned about is a crime, to contact the UT Health Science Center Campus Police and provide accurate and prompt information about all crimes. These offices are staffed 24/7, are trained in this specific work, and work closely with other offices across the University of Tennessee Health Science Center to respond to crimes.

Emergencies

In case of an emergency, your first call should be to the UT Health Science Center Campus Police at 901-448-4444. To contact first response, dial 911, and a dispatcher can direct you to the University of Tennessee Health Science Center Police Department or the appropriate local law enforcement.

Reporting Crimes

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

- **Immediate Danger:** If you or someone else is in immediate danger, call 911.
- **Emergency Situations on Campus:** For emergencies on the UT Health Science Center campus, call Campus

Police Dispatch at 901-448-4444.

- **Non-Emergency Situations:** For non-emergency incidents, contact UT Health Science Center-PD at 901-448-4444.
- **Online Reporting:** UTHSC-PD offers an online form for reporting confidential/silent witness incidents. This can be accessed through the website at <https://oracle.uthsc.edu/pls/htmldb/prd/f?p=113802:4:2412746615365151>.
- **In-Person Reporting:** You can also report incidents in person at the UT Health Science Center-PD office located at 3 N. Dunlap, Memphis, TN 38163

Promptly reporting criminal incidents, suspicious activity, and other emergencies to UTHSC-PD or designated UT Health Science Center officials helps the University issue emergency notifications or timely warnings, as required by the Clery Act, and include the incident in the University's annual crime statistics.

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

Reporting a Crime or Emergency

- **On Campus:** Call UTHSC-PD at extension 8-4444 or 901-448-4444 from outside the University.
- **Non-Emergency:** For non-emergency security or public safety matters, use the same numbers.

Reporting Suspicious Activity

- **On Campus:** Dial the Campus Police Dispatcher at extension 8-4444 or 901-448-4444 from off campus.
- **Patrol Services:** UTHSC-PD provides 24/7 uniform foot and vehicle patrol on campus and contiguous streets. The police department also operates a 24-hour dispatch office with a dispatcher always available to obtain information or notify campus police.

Emergency Procedures

- **First Contact:** In the event of an accident, crime, or other emergency on campus, dial Campus Police first at 901-448-4444 before dialing 911. City Police may not be familiar with all campus buildings, and dialing 911 first may slow response time. Campus police will respond and contact the appropriate personnel, including Memphis police, if necessary. Help phones with direct access to the UTHSC-PD dispatch communication office are available at various locations.
- **"Blue Light" Emergency Telephones** Include the institution's policies concerning its response to these reports.

- **Usage:** Strategically located throughout the campus, these phones can be used to report suspicious or unusual behavior. Note their locations and make a test call to ensure the system works. Inform the dispatcher that your call is a “test.”

Victim Assistance

- **Reporting Crimes:** Victims of crimes can contact the police communication office, and a police officer will be dispatched to their location. An offense report will be prepared, and a full investigation will be conducted. UTHSC-PD maintains mutual cooperation with city, county, state, and federal law enforcement agencies for processing criminal incidents in the appropriate jurisdiction.
- **Personal Injury:** If you are the victim of a personal injury or witness an injury to another party, notify the campus police communication office to speak with a police dispatcher (901-448-4444). The dispatcher will immediately dispatch a police officer and contact the appropriate medical personnel in University Health and contact the Memphis Fire Department to dispatch an ambulance if required.

Anonymous Reporting

- **Confidential Reports:** If you have seen a crime or been a victim and wish to report it anonymously, submit a confidential/silent witness report by visiting the UT Health Science Center’s Campus Police Confidential/Silent Witness Report page at: <https://oracle.uthsc.edu/pls/htmldb/prd/f?p=113802:4:2412746615365151>

Reporting to Other Officials

As an alternative to reporting a criminal incident to UT Health Science Center Campus Police, 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:

DEPARTMENT/COLLEGE	POSITION	Phone Number
Academic Affairs	Vice Chancellor, Senior Associate Vice Chancellor, Director, Associate Director	901-448-4930
Campus Police	Chief of Police, Deputy Chief of Police, Captain, Police Lieutenant, Police Sergeant, Police Officers, Security Guards, Dispatchers	901-448-4444
Campus Recreation	Associate Director	901-448-5069
Center for Biomedical Informatics	Director	901-448-2222
Center for Developmental Disabilities	Associate Director	901-448-6511
Center for Healthcare Improvement and Patient Simulation – IPECS	Executive Director	901-448-9746
Chancellor	Chancellor	901-448-4796
College of Dentistry	Dean, Executive Associate Dean, Associate Dean	901-448-6468
College of Graduate Health Sciences	Dean, Assistant Dean, Coordinator I	901-448-5538

DEPARTMENT/COLLEGE	POSITION	Phone Number
College of Health Professions	Dean, Executive Associate Dean, Assistant Dean, Coordinator I	901-448-5581
College of Medicine – Administration	Executive Dean, Associate Dean, Director	901-448-5506
College of Medicine – Admissions	Assistant Dean	901-448-5560
College of Medicine – Graduate Medical Education	Associate Dean, Assistant Dean, Director, Residency Coordinator	901-448-5506
College of Medicine – Infectious Diseases	Associate Vice Chancellor and Professor	901-448-5500
Administration-College of Nursing	Assistant Dean	901-448-5500
Administration-College of Pharmacy	Dean, Associate Dean, Assistant Dean	901-448-5500
College of Medicine – Ophthalmology	Director	901-448-5500
College of Medicine – Pediatrics	Assistant Director	901-448-5500
College of Medicine – Preventive Medicine	Director	901-448-5500
College of Medicine – Surgery – General	Assistant Dean	901-448-5500
College of Medicine, Chattanooga – Clinical Education	Associate Dean-Academic Affairs, Director	423-778-7840
College of Medicine, Knoxville	Dean, Assistant Dean	865-974-5019
College of Nursing – Administration	Dean, Executive Associate Dean, Assistant Dean	901-448-5500
College of Nursing – Instructional Programs	Director	901-448-5500
College of Pharmacy – Administration	Dean, Associate Dean, Assistant Dean	901-448-5500
College of Pharmacy – Clinical Pharmacy	Education Technology Coordinator	901-448-5100
Strategic Communications and Marketing	Vice Chancellor	901-448-5544
Continuing Education – Statewide	Director	423-778-6884
Teaching and Learning Center	Director, Associate Director	901-448-5500
Office of Compliance	Director of Compliance and Title IX Officer	901-448-2112
Executive Vice Chancellor	Executive Vice Chancellor and Chief Operating Officer	901-448-4797
Finance and Administration	Executive Vice Chancellor and Chief Operating Officer	901-448-4797
Human Resources	Vice Chancellor	901-448-5600
Institutional Review Board	Director, Associate Director	901-448-3904
Parking Services	Manager	901-448-5500
Research – Molecular Resource Center	Director, Associate Director	901-448-5500
Campus Safety and Emergency Management	Chief Safety Officer	901-448-5500
Special Events	Director	901-448-5500
Office of Student Success	Vice Chancellor, Associate Director, Assistant Director, Specialist	901-448-5500
Student Conduct	Associate Director	901-448-5500
Student Government Association Executive Council (SGAEC)	President	901-448-5500
University Health Services	Physician, Coordinator III	901-448-5630

DEPARTMENT/COLLEGE	POSITION	Phone Number
West Tennessee Regional Forensic Center	Director	901-448-5500
Enrollment Management	Assistant Vice Chancellor, Director, Associate Director	901-448-5560
Facilities	Assistant Vice Chancellor	901-448-5507

Campus Security Authorities

The term Campus Security Authority (CSA) describes university officials required to report Clery Act crimes that occur within the University of Tennessee Health Science Center Clery geography. Not every UT Health Science Center employee is a CSA. Some are confidential employees (such as pastoral and professional counselors) who are exempt from providing this information. Community members who do not qualify as CSAs under the Clery Act are not considered CSAs. Reportable Clery crimes are collected, categorized, and documented in the university’s annual crime statistics, which are 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 the UT Health Science Center Police Department and/or off-campus law enforcement agencies, UT Health Science Center employees will notify law enforcement when the victim of the crime elects to or is unable to be notified. Per the Clery Act and University Policy, the victim of a crime has the right to:

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

Confidentiality

The UT Health Science Center has policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Victims or witnesses can report a crime anonymously.

Confidential Reports: If you have seen a crime or been a victim and wish to report it anonymously, submit a confidential/silent witness report by visiting the UT Health Science Center’s Campus Police Confidential/Silent Witness Report page at:

<https://oracle.uthsc.edu/pls/htmldb/prd/f?p=113802:4:2412746615365151>

The UT Health Science Center does not publish personally identifiable information of crime victims in its Annual Security Report, nor does it disclose personally identifiable information regarding victims in the campus police department’s Daily Crime Log.

Resources Exempt from Reporting Under the Clery Act

The Clery Act exempts pastoral and professional counselors from 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. The UT Health Science Center does not employ any pastoral counselors. A professional counselor is an employee whose official responsibilities include providing psychological counseling to members of the University of Tennessee Health Science Center's community.

The UT Health Science Center does not have procedures that encourage pastoral counselors to inform people 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.

TIMELY WARNINGS – CAMPUS ALERTS

The University of Tennessee Health Science Center will send timely warnings, in the form of a "Campus Alert" 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 the University of Tennessee Health Science Center 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

Circumstances for which a Warning will be Issued

The UT Health Science Center 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 Chief of Police and the Executive Vice Chancellor and Chief Operating Officer 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, known on the UT Health Science Center Campus as a “Campus Alert,” are designed to heighten safety awareness to the campus community and aid in the prevention of similar crimes. UTHSC-PD’s assessment of the potential threat, coupled with the circumstances of any specific situation, will dictate the need and manner of issuance of a Campus Alert. However, UTHSC-PD typically does not issue a Campus Alert for an incident for which a report was filed with UTHSC-PD more than five days after the alleged incident.

Upon receipt of all relevant information, such warnings will typically be issued in a timely manner. A timely warning will contain pertinent information about the incident to enable persons to protect themselves or their property and aid in the prevention of similar crimes. The University will withhold the names of victims as confidential when a timely warning (Campus Alert) is issued.

Issuing a Timely Warning

The UT Health Science Center Police Department, in consultation with the Executive Vice Chancellor and Chief Operating Officer or their designee, is responsible for issuing timely warnings in compliance with the Clery Act.

The UT Health Science Center Campus Police Department prepares an appropriate message, which is approved by the Chief of Police, along with the Executive Vice Chancellor and Chief Operating Officer, or their designee, prior to Campus Police sending it to the campus community.

Timely Warnings are issued via text messaging and email.

The UT Health Science Center Police Department, in conjunction with the Executive Vice Chancellor and Chief Operating Officer or their designee, may, in their discretion, issue special messaging for incidents the Clery Act does not require the university to issue a timely warning.

EMERGENCY NOTIFICATIONS – RAVE ALERTUS SYSTEM

The University of Tennessee Health Science Center 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 RAVE Alertus System.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the University of Tennessee Health Science Center 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 is being recommended
- Public safety reminders

Confirming a Significant Emergency or Dangerous Situation

- The UT Health Science Center will verify that a legitimate emergency or dangerous situation involving an immediate threat to the health or safety of students or employees is occurring on the campus.
- The UTHSC-PD Shift Supervisor (supervisor in charge) will communicate immediately with the Chief of Police or his designee, who will in turn notify the Executive Vice Chancellor and Chief Operating Officer, Chief Safety Officer, the Assistant Vice Chancellor of Facilities, and the to declare if a major emergency or disaster exists.

Determining the Appropriate Segment(s) of the Campus Community to Receive an Emergency Notification

- The UT Health Science Center will also determine the appropriate segments(s) of the campus community to receive an emergency notification. UT Health Science Center will determine if notification will be specific to a geographic area of campus. The incident dictates the appropriate area(s) to be notified.
- The following individuals or organizations are responsible for determining the appropriate segments of the campus community to receive a notification.
 - Executive Vice Chancellor and Chief Operating Officer
 - Chief of Police
 - Deputy Chief of Police
 - Police Captain
 - Police Shift Commander
 - Dispatch Manager
 - Chief Safety Officer
 - Vice Chancellor of Strategic Communications and Marketing

Determining the Contents of an Emergency Notification

- The UT Health Science Center will, without delay, and considering the safety of the community, determine the content of the emergency notification (i.e., what information to release about the situation).

- The following individuals or organizations are responsible for: Determining the content of the notification
 - Executive Vice Chancellor and Chief Operating Officer
 - Chief of Police
 - Deputy Chief of Police
 - Police Captain
 - Police Shift Commander
 - Dispatch Manager
 - Chief Safety Officer
 - Vice Chancellor of Strategic Communications and Marketing

Initiating the Emergency Notification System

- UT Health Science Center will determine which segment(s) of the campus community should receive an emergency notification. This decision may include targeting specific geographic areas of the campus, based on the nature and scope of the situation.
- The emergency notification system will be activated unless, in the professional judgment of responsible authorities, doing so would hinder efforts to assist a victim or to contain, respond to, or otherwise manage the emergency or dangerous situation.
- The following individuals or organizations are responsible for: Initiating the notification system.
 - Executive Vice Chancellor and Chief Operating Officer
 - Chief of Police
 - Deputy Chief of Police
 - Police Captain
 - Police Shift Commander
 - Dispatch Manager
 - Chief Safety Officer
 - Vice Chancellor of Strategic Communications and Marketing

Distributing Emergency Notifications

- The UT Health Science Center Alert is one of the notification methods that the University uses to communicate emergency notifications by email, phone call, text message with students and employees, and on digital signage within campus buildings. Members of the UT Health Science Center with an active NetID will automatically have an account created and will receive notifications at their UT Health Science Center email address.
- Students, Faculty, and Staff have the option to download and register for the Rave Guardian smartphone app (Users can receive notifications based on the set mile radius within the app).

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, UT Health Science Center may not issue a timely warning but will provide follow-up information as necessary. Follow-up information will be provided to the community through emails and/or the Rave Alert notification system.

Timely warnings and emergency notifications may, where appropriate, be distributed to or shared with the larger community by media to local TV and radio outlets.

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

Clarification of Campus Alerts vs. Emergency Notifications

Campus Alerts (Timely Warnings) and **Emergency Notifications** serve distinct purposes under the Clery Act and are issued based on different criteria and circumstances:

- **Campus Alerts (Timely Warnings)** are issued for Clery Act crimes that have already occurred but may pose an ongoing threat to the campus community. These alerts are intended to inform and heighten awareness to prevent similar incidents. Examples include reports of robbery, sexual assault, or stalking within UT Health Science Center's Clery geography. Campus Alerts typically include the type of crime, location, date/time, suspect description (if available), and safety tips.
- **Emergency Notifications**, on the other hand, are issued immediately upon confirmation of a significant emergency or dangerous situation that poses an immediate threat to the health or safety of students or employees. These may include incidents such as an active shooter, hazardous material release, or severe weather events. Emergency Notifications are broader in scope and may apply to the entire campus or specific segments, depending on the nature of the threat.

While both types of alerts are designed to protect the campus community, **Campus Alerts focus on ongoing criminal threats**, whereas **Emergency Notifications address immediate safety emergencies**. UT Health Science Center may use similar communication channels (e.g., text messaging, email) for both, but the content, timing, and decision-making processes differ to ensure appropriate and effective response.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Response

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

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

UT Health Science Center has detailed plans in place to deal with emergencies and crises that may occur on campus. The type of emergency will require UTHSC-PD to address each one on an individual basis; however, we have guidelines that have been set in place to ensure containment of the incident. Those guidelines can be located in UT Health Science Center's Emergency Response Plan, which is located at: <https://uthsc.edu/campus-police/emergency-response/index.php>

- The UTHSC-PD Shift Supervisor (supervisor in charge) will communicate immediately with the Chief of Police or his designee, who will, in turn, notify the Executive Vice Chancellor and Chief Operating Officer, Chief Safety Officer, and the Assistant Vice Chancellor of Facilities. If a major emergency or disaster is declared, the rest of the campus will be notified through the Campus Communications Network procedures.
- Community members, students, faculty, staff, and guests are encouraged to promptly and accurately report all criminal incidents, suspicious activity, and other public safety-related emergencies and incidents to UTHSC-PD, another appropriate law enforcement agency, or to designated UT Health Science Center officials. This includes situations in which the victim of such a crime either elects or is unable to report an incident. To report a crime or an emergency on the UT Health Science Center campus, call UTHSC-PD at extension 8-4444, or, from outside the University, 901-448-4444. To report a non-emergency security or public safety-related matter, call UTHSC-PD at the same numbers above.
- UT Health Science Center will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
- UT Health Science Center Alert is the notification service that the University uses to communicate emergency notifications by email and text message with students and employees.

Evacuation Procedures

Evacuation procedures are divided into two categories: building evacuation and campus evacuation. Building Evacuation is the result of a situation when it is no longer safe to remain inside a building. In case of a community-wide disaster, such as a major earthquake or transportation-related hazardous material release, it may be necessary to evacuate all of the buildings at the University of Tennessee Health Science Center.

Disseminating Emergency Information to the Larger Community

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

If a major emergency or disaster is declared, the UTHSC-PD prepares an appropriate message which is proofed by the Chief of Police, along with the Executive Vice Chancellor and Chief Operating Officer, or their designee prior to being sent to the campus community using the following mechanisms:

- Rave Guardian smartphone app (Users can receive notifications based on the set mile radius within the app)
- Mobile phone (via SMS)
- Phone messaging system (voice call)
- Text messaging utilizing UT Health Science Center Alert
- Webpages:
 - The UT Health Science Center home page
 - UTHSC-PD website
 - RSS
- Email alerts to all faculty, staff, and students
- Media alerts to local TV and radio outlets
- Campus digital signage

Annual Tests

To ensure the university is sufficiently prepared for emergencies 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.

- To ensure that all registered UT Health Science Center users have the ability to receive emergency messages, an announced campuswide test is administered annually. The UT Health Science Center conducts evacuation procedures on an annual basis for each campus building. These evacuation procedures include UTHSC-PD participation.
- The tests are announced in the form of an email to building managers for each building 7 days before, 3 days before, and on the day of the drill. The announcement contains the date, time, location, instructions, and the evaluation assembly area for the drill. The UT

Health Science Center will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year.

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 UT Health Science Center 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.
- Building Emergency Action Plans for university buildings on the Memphis campus provides emergency response instructions, evacuation routes, and identifies the locations of emergency equipment, including fire extinguishers and AEDs. These Building Emergency Action Plans are accessible on this website: <https://uthsc.edu/campus-safety/occupational-safety/fire-safety.php>
- 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 the lowest level of the building.
- Keep a radio or television on to listen to 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 to 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 you are instructed.
- Do not set off fire alarms, as this will draw people who are unaware of the situation into the hallways and danger.

SECURITY AND ACCESS TO CAMPUS FACILITIES

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

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

General

1. This document outlines policies and procedures governing ID cards and the card reader system. Additional information can be found at the following link: [UTHSC ID Cards and Controlled Access Systems](#).
2. Any key issued by the University of Tennessee Health Science Center remains university property, must not be loaned or transferred, and must be returned to the Facilities Locksmith and Key Control unit upon termination or loss, for which the individual is personally responsible. Additional information can be found at [Key Control](#).
3. The Chief of Campus Police will have the principal responsibility for administering the identification card and card reader system for the UT Health Science Center campus and shall be available for consultation and advice in resolving security-related questions. The Assistant Vice Chancellor for Facilities will have the principal responsibility for the key control program. Only the Chancellor or the Executive Vice Chancellor and Chief Operations Officer can overrule UTHSC-PD in matters of Identification Cards/Card Reader System and Key Control.
4. The identification card and keys issued by campus police and key control to faculty, staff, and students is for their official use on the UT Health Science Center campus. The identification Card and all building keys remain the property of the University and must be returned to Campus Police and Key Control upon termination or transfer, etc. Failure to

return the ID and keys will subject the individual to penalties and restrictions outlined elsewhere in this document.

5. Students, upon graduation, may retain their ID cards ONLY IF the graduation date on the card is the correct expiration date. Students, upon withdrawal, must return their ID cards. Failure to return ID cards will result in penalties and restrictions outlined elsewhere in this document.
6. Vice chancellors, deans, chairpersons, department heads, and directors have approval authority to request that Campus Police issue card reader ID cards and Facilities issue keys. They are to ensure that proper controls and safeguards are maintained to protect the integrity of the Security Card Reader Access System, key control, and security of UT Health Science Center facilities and activities. They will ensure that card reader access and key authorizations are limited to those individuals within their activity who have an official need.
7. External doors may not be propped open unless monitored continuously by an attendant. Internal doors to egress stairwells and doors in fire barriers may not be propped open.
8. If an incident requires that a University building or portion of a building must be locked down, access to that building will be restricted and limited only to authorized individuals.

Noncampus Locations

Security and access to non-Memphis locations of the university and non-campus locations where university activities are conducted are established by the affiliate location hosting university personnel. This includes clinical care facilities in Nashville, Jackson, Chattanooga, and Knoxville, and non- UT Health Science Center locations on the UT Knoxville campus. These areas are monitored by affiliate location security personnel and local police agencies with jurisdiction over the affiliate locations.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

The UT Health Science Center's Facilities Services strives to ensure that campus facilities, grounds, and landscaping are maintained in such a way as to eliminate natural obstructions that could become safety concerns. The UT Health Science Center has card swipe access externally and internally. Most campus buildings have access to open/ close at predetermined times/dates (timed door locks). Some buildings on campus allow 24-hour a day access based on access permissions.

There are fourteen (14) help phones (Emergency Call Boxes) located throughout the UT Health Science Center Campus in strategic locations. When activated, they will automatically contact the UTHSC-PD dispatcher. Throughout the UT Health Science Center Campus, there are 2,734 security cameras strategically located. Security cameras are located both inside and outside the UT Health Science Center buildings.

Escort Service

Campus Security and Police Officers provide escort services for UT Health Science Center staff, faculty, and students during dusk-to-dawn hours, weekends, and holidays. Escorts are available to and from: Campus parking lots and garages; VA Hospital; Le Bonheur Children's Hospital; and Regional One Health. Escorts may be conducted on foot or via a university vehicle, depending on availability and appropriateness.

Note: Escort services are strictly for personal safety and not intended as a shuttle service. They are limited to the designated campus areas. Requests for escorts beyond this area are not permitted, except in rare emergency situations approved by the Chief of Police, Shift Commander, or their designee.

To request an escort, individuals should contact the UTHSC Police Dispatcher at 901-448-4444 and provide: name, current location, and destination.

Security

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

Patrol

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

Pedestrian Safety

During periods of high traffic volume, Campus Police Officers or Memphis Medical District Collaborative personnel, barriers, signage, and additional interventions to enhance pedestrian safety on public roads passing through campus locations.

Traffic

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

Solicitation on University Property

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

Solicitation in Public Areas

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

Dormitories or Residential Facilities

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

PROGRAMMING: PREVENTING CAMPUS CRIME

We all have a part to play in keeping our campuses safe. All students and employees of the University of Tennessee Health Science Center 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.

Throughout the year, multiple University units offer programs designed to inform the community about campus security procedures and practices, and to encourage students and employees to take responsibility for their own security and the security of others.

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

- Alcohol and Drugs
- Protecting Your Possessions and Identity
- Sexual Assault (VAWA)
- Controlling Behavior
- Everyday Safety
- Common Sense Defense
- Safe Travel

Security Awareness and Crime Prevention Programs

PROGRAM	DESCRIPTION	FREQUENCY	GROUP
Title IX Town Hall	Campus-wide session discussing Title IX policies, rights, and reporting.	Annually	Students, Faculty, and Staff
Stalking Awareness Tabling	Public tabling event with resources and awareness materials.	January (Awareness Month)	Students, Employees, Visitors
Sexual Misconduct Policy Training	Overview of UT Health Science Center’s sexual misconduct and relationship violence policies.	Annually	Faculty, Staff, and Visitors
Sexual Assault Awareness	The Office of Compliance partners with Campus Police and other local organizations to host various events throughout the month to bring awareness and provide prevention measures related to sexual assaults.	April (Awareness Month)	Students, Faculty, and Staff
Domestic Violence	The Office of Compliance partners with Campus Police and other local organizations to provide resources and host events throughout the month to the campus community.	October (Awareness Month)	Students, Faculty, and Staff
Violence Against Women Act (VAWA)	The course that’s offered in K@TE, provides definitions and examples of interpersonal violence, outlines employee reporting responsibilities under Title IX, explains procedures for handling incidents, and highlights available campus and community resources.	Annually	Staff, Faculty, and Temporary Employees
Consent & Healthy Relationships	Workshop promoting understanding of consent and respectful relationships.	On Demand	Students
Mandatory Title IX Training	Required annual training for employees on Title IX compliance.	Annually	Faculty, Staff, and Visitors
Safety Escort Service	Evening escort service for students and staff across campus.	Continuous	Students, Faculty, and Staff
Personal Safety Awareness	Training on situational awareness and crime prevention strategies.	Monthly	Students, Faculty, and Staff
New Student and Employee Orientation Briefing	Overview of campus safety resources and procedures for incoming students and newly hired employees	Fall and Spring	Students

PROGRAM	DESCRIPTION	FREQUENCY	GROUP
Clery Act Compliance Training	This training is offered in K@TE, and it focuses on Clery Act reporting requirements and responsibilities.	Annually	Faculty and Staff
Emergency Preparedness Training	Training on emergency response protocols, including evacuation and lockdown.	By Request	Faculty, Staff, and Visitors
Civilian Response to Active Shooter Events (CRASE)	This program provides strategies and guidance for civilians to survive an active shooter situation and emphasizes the "Avoid, Deny, Defend" (ADD) strategy.	By Request	Students, Faculty, Staff, and Visitors
The 360° Stay Safe Videos offered by Omnigo Software (formerly 360 Stay Safe)	Part of an online public safety and awareness training program designed primarily for college campuses. The 360 Stay Safe at College video series is offered by UTHSC Campus Police. The 360° playlist offers videos that range from Alcohol and Drug Awareness, Violence Against Women Act Training, and Everyday Safety.	Continuous	Students, Employees

DRUG AND ALCOHOL LAWS

Drugs

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

Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	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	
	10–99 grams mixture			

Fentanyl Analogue (Schedule I)		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.	100 grams 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. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	

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

Federal Trafficking Penalties- Marijuana

DRUG	QUANTITY	1 st OFFENSE	2 nd Offense
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not

		than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	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 plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

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

Drugs – State Law

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

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

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

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

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

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

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

Alcohol – State Law

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

Tennessee State Law

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

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

Additionally, it is unlawful in Tennessee for:

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

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

THE UNIVERSITY OF TENNESSEE HEALTH SCIENCE CENTER POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

Drug and Alcohol Policies for Students

Alcohol

UT Health Science Center prohibits the unlawful possession, use, manufacture, sale, distribution, or dispensing of alcohol on university property or during university activities, including off-campus clinical training and rotation sites. Students may be disciplined for consuming, manufacturing, possessing, distributing, selling, or being under the influence of alcoholic beverages if prohibited by law.

Drugs

UT Health Science Center strictly prohibits the unlawful possession, use, manufacture, sale, distribution, or dispensing of illegal drugs or drug paraphernalia. This includes prescription drugs not issued to the student and the distribution of prescription drugs to others. Marijuana use is forbidden regardless of state legalization, and CBD products may result in a positive drug test.

Additional information on student alcohol and drug policy can be found at the following link:

<https://www.uthsc.edu/studentsuccess/student-conduct/drug-free.php>

Specifically, the seriousness of this matter is reiterated in the [Student Conduct and Community Standards Manual](#), Student Substance Use Policy: [SA116 Drug and Alcohol](#), Student Alcohol and Drug Policy Information page, and the Student [Centerscope 2025-2026](#).

Student Disciplinary Sanctions

Students who violate these policies are subject to disciplinary sanctions, which may include:

- Dismissal from the university
- Referral for criminal prosecution
- Required participation in a treatment, counseling, or approved rehabilitation program

Violations may also affect eligibility for federal financial aid.

Drug and Alcohol Policies for Employees

Alcohol

Employees are prohibited from unlawful possession, use, or distribution of alcohol on university property or during university activities. The presence of alcohol in an employee's system while performing university business is also prohibited.

Drugs

Employees may not possess, use, or distribute illegal drugs or controlled substances. Violations include being under the influence while on duty or on university property.

Employee Disciplinary Sanctions

Violations by employees may result in:

- Disciplinary action up to and including termination
- Referral for criminal prosecution
- Required participation in an approved drug abuse assistance or rehabilitation program

Alcohol and Drug Education Programs and Resources

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

UT Health Science Center complies with the **Drug-Free Schools and Communities Act**, which mandates a comprehensive drug and alcohol abuse prevention program. The university offers:

- **Counseling and referral services** through the CARE Navigator and Drug and Alcohol Counselor
- **Peer Assistance Programs** coordinated by UT Health Science Center Counseling Services
- **Educational outreach and resources** for students and employees

For more information, visit: [UTHSC Drug-Free Campus Policy](#), [Code of Conduct](#), or [HR Policy/Procedure 0720](#)

The Annual Notification of Alcohol and Other Drugs Standards, Sanctions, Health Information, Programs and Services can be found at: uthsc.edu/hr/documents/annualdrug-notification.pdf

If you or someone else needs medical attention due to alcohol or drug use, contact **Campus Safety (901-448-4444)** or **911** immediately. Stay with the individual until help arrives.

The University does not condone underage drinking or the use of illegal drugs. The University of Tennessee Health Science Center encourages students to reach out to professional staff for help, regardless of whether they or their friend has 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 of hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. The smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit. Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations, and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't there). Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

UNIVERSITY OF TENNESSEE'S RESPONSE TO SEXUAL AND INTERPERSONAL MISCONDUCT

The University of Tennessee Health Science Center 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 B** or at <https://uthsc.edu/compliance/documents/title-ix-policy.pdf>

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:

The University of Tennessee Health Science Center Office of Compliance
Michael Alston, Director of Compliance and Title IX Officer
920 Madison Avenue, Suite 825
901.448.2112
Oc-hsc@uthsc.edu

The Violence Against Women Act amendments to the Clery Act require that each institution include certain policy statements that are reflective of the university's Policy. The Policy provides information on the university's procedures and responses 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 UT Health Science Center 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
Regardless of where the incident occurred	Call 911 in an emergency
On Campus UT Health Science Center Campus Police	UT Health Science Center Campus Police 3 N. Dunlap Street, Memphis, TN 901-448-4444 www.uthsc.edu/campus-police/
In the cities of Memphis, Crossville, Bristol, Kingsport, Jackson, Nashville, Knoxville, Chattanooga, or Union City	Memphis Police Department (MPD) 170 N. Main Street Memphis, TN 38103 901-636-3700 Crossville Police Department 115 Henry St, Crossville, TN 38555, (931) 484-7231 https://crossvilletn.gov/department/public-safety/police-department/ Bristol Police Department 801 Anderson St, Suite 103, Bristol, TN 37620, (423) 989-5600 https://www.bristoltn.gov/200/Police-Department

	<p>Kingsport Police Department 200 Shelby St, Kingsport, TN 37660 (423) 229-9300 https://www.kingsporttn.gov/city-services/police-department/</p> <p>Jackson Police Department (JPD) 234 Institute Street, Jackson, TN 38301 731-425-8400 https://www.jacksontn.gov/government/publicsafety/police</p> <p>Metropolitan Nashville Police Department 600 Murfreesboro Pike, Nashville, TN Sex Crimes Section 615-862-7540 615.862.8600 (Non-emergency) www.nashville.gov/departments/police/investigative-services/interpersonal-crimes-branch/special-victims-division</p> <p>Knoxville Police Department 800 Howard Baker Jr. Ave, Knoxville, TN 37915 865-215-4010 (Non-emergency) https://www.knoxvilletn.gov/government/city_departments_offices/police_department</p> <p>Knox County Sheriff 400 Main Street, Suite L165, Knoxville, TN 37902 865-215-2243 www.knoxsheriff.org</p> <p>Chattanooga Police Department 3410 Amnicola Hwy. Chattanooga, TN 37406 423-643-5000 Dispatch: 423-698-2525 www.chattanooga.gov/police-department</p> <p>Union City Police Department 221 Harrison St, Union City, TN 38261, (731) 885-1515 https://www.unioncitytn.gov/police-department/</p>
In Shelby County, but outside of the City of Memphis	<p>Shelby County Sheriff’s Office 201 Poplar Avenue, Memphis, TN 901-222-5500 http://www.shelby-sheriff.org or UTHSC-PD</p>
Outside of Shelby County	Contact the law enforcement agency that has jurisdiction over the location where the incident occurred, or contact UTHSC-PD for assistance in contacting another jurisdiction’s law enforcement agency
Off-Campus Crimes	The jurisdictional law enforcement agency for the location

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

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

Institutional Disciplinary Procedures

The University is committed to providing a prompt, fair, and impartial process from the initial investigation to the final result. The procedures will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault,

and stalking, and how to investigate and conduct a hearing process that protects the safety of victims and promotes accountability.

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

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

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

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

The Complainant and the Respondent have the right to be assisted by an advisor during all stages of 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 B**.

PREVENTION OF SEXUAL AND INTERPERSONAL MISCONDUCT

Sex Offender Registry Information

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

In Tennessee, convicted sex offenders must register with the Tennessee Sex Offender Registry maintained by the Tennessee Bureau of Investigation (TBI). TBI is responsible for maintaining the Tennessee Sex Offender Registry. The following link will provide access to the Tennessee Sex Offender Registry: <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 Code § 39-17-315): A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

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

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

"Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing 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:

Any person who falls within the following categories:

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

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

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

Per TCA 36-3-601, (1) “Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor; (2) “Adult” means any person eighteen (18) years of age or older, or who is otherwise emancipated.

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

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

- (1) the activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent;

- (2) force or coercion is used to accomplish the activity;
- (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless; or
- (4) the sexual activity is accomplished by fraud.

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

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

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

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

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

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

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

The University of Tennessee Health Science Center Definition of Consent

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

CLERY ACT TERMS

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

On Campus

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

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

Noncampus

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

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

Separate Campus

A separate campus under the Clery Act is a location owned or controlled by an institution, not reasonably geographically contiguous with the main campus.

Consider an additional location as a separate campus if it meets all of the following criteria:

- (i) The university owns or controls the site;
- (ii) It is not reasonably geographically contiguous with the main campus;
- (iii) It has an organized program of study, meaning that the location offers courses in educational programs leading to a degree, certificate, or other recognized credential; and
- (iv) There is at least one person on site acting in an administrative capacity. Administrative personnel are not limited to full-time staff. Examples of administrators might include: a director, building coordinator, registrar, secretary, etc.

The term "controlled by" means that your institution rents, leases, or has some other type of written agreement (including an informal agreement such as a letter or an e-mail) for a building or a property, or a portion of the building or property. Even if there is no payment involved in the transaction, under Clery, a written agreement for the use of space gives your institution control of that space for the period specified in the agreement.

Public property

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

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

Murder and non-negligent manslaughter

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

Manslaughter by negligence

The killing of another person through gross negligence.

Sex Offenses

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

Rape

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

Fondling

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

Incest

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

Statutory Rape

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

Robbery

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

Aggravated assault

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

result in serious personal injury if the crime were successfully completed.)

Burglary

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

Motor vehicle theft

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

Arson

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

Liquor law violations

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

Drug abuse violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Weapon law violations

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

Offense Definitions Relating to Hate/Bias-Related Crime

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

In addition to the Primary Crime offenses defined above, there are also four additional criminal offenses related to Hate Crimes, they are: larceny-theft, simple assault, intimidation, and

destruction/damage/vandalism of property. The following are definitions of Hate/Bias crimes that are reportable under the Clery Reporting Requirements:

Larceny-Theft

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

Simple assault

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

Intimidation

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

Destruction/damage/vandalism of property

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

Violence Against Women Act Crimes (VAWA)

Domestic violence

A felony or misdemeanor crime of violence committed—

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

Dating violence

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

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.
2. For the purposes of this definition—
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of

- such abuse.
- b. Dating violence does not include acts covered under the definition of domestic violence.

Stalking

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. Fear for the person’s safety or the safety of others; or
 - b. 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

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

The programs the UT Health Science Center 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.

UT Health Science Center 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 UT Health Science Center’s prohibition of Prohibited Conduct, the definition of Prohibited Conduct and consent for our local jurisdiction, the UT Health Science Center’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.

Primary prevention and awareness programs are offered through the Office of Compliance via New Student Orientation, and resources are provided during the Resource Fair for new students.

These programs include:

- **Title IX Awareness and Prevention Training**
This training educates students on their rights under Title IX, how to recognize and report sexual harassment or misconduct, and available support services.
- **Bystander Intervention Workshop**
A program designed to empower students to safely intervene in situations that may lead to harm or misconduct, promoting a culture of accountability and care.
- **Campus Safety and Security Overview**
Presented during orientation, this session outlines campus safety protocols, emergency procedures, and how to access campus security services.
- **Healthy Relationships Seminar**
This seminar explores the foundations of respectful and healthy interpersonal relationships, including communication strategies and boundary setting.
- **Alcohol and Drug Education Program**
Provides information on substance use, its impact on decision-making, and resources for support and recovery.

These initiatives are designed to proactively educate students, promote a safe campus environment, and raise awareness of their rights, responsibilities, and available resources.

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.

Ongoing prevention and awareness campaigns and programs are offered throughout the year to reinforce awareness and prevention efforts across the campus community.

- Title IX Town Hall
Campus-wide session discussing Title IX policies, rights, and reporting.
Frequency: Annually
Audience: Students, Faculty, and Staff
- Stalking Awareness Tabling
Public tabling event with resources and awareness materials.
Timing: January (Awareness Month)
Audience: Students, Employees, Visitors
- Sexual Misconduct Policy Training
Overview of UT Health Science Center's sexual misconduct and relationship violence policies.
Frequency: Annually
Audience: Faculty, Staff, and Visitors
- Sexual Assault Awareness Month Events
Hosted in partnership with Campus Police and local organizations to promote awareness and prevention.
Timing: April (Awareness Month)
Audience: Students, Faculty, and Staff
- Domestic Violence Awareness Month Events
Resources and events provided in collaboration with Campus Police and community partners.
Timing: October (Awareness Month)
Audience: Students, Faculty, and Staff
- Violence Against Women Act (VAWA) Training
Online course in K@TE covering interpersonal violence, reporting responsibilities, procedures, and resources.
Frequency: Annually
Audience: Staff, Faculty, and Temporary Employees
- Consent & Healthy Relationships Workshop
Promotes understanding of consent and respectful relationships.
Availability: On Demand
Audience: Students

BYSTANDER INTERVENTION

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. The UT Health Science Center aims to foster a culture of community accountability and encourages bystanders to intervene if the situation is safe to do so. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Safe and Positive Options for Bystander Intervention

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

1. **Acknowledge the situation.**

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

2. **Consider your options.**

Consider your options for intervening. Think about what you could do. What factors do you need to consider? Some include:

- Time of day
- Location
- Safety
- 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.

Direct

Step in and address the situation directly.

Example: "What you are doing is wrong." "Hey, that's not cool. You shouldn't be doing that." "Are you okay?"

Distract

Provide a distraction that shifts the focus of the situation. This can include doing something to separate the victim from the situation or causing a physical distraction, like spilling a drink and asking for help cleaning it up. Example: “Can you show me where the bathroom is?”

Delegate

Find others who can help you to intervene in the situation. There is power in numbers. This can include asking a friend to intervene with you or getting help from security or staff. Example: “Hey, I’m NAME, will you help me?”

Your safety is important

When deciding how to act, it is important to keep yourself safe. It may not be safe to directly intervene sometimes, so distracting or delegating may be the better option. In other situations, you might decide to use all 3 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, flashlights (However, ensure you follow the University of Tennessee Health Science Center 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.

The University of Tennessee Health Science Center Policy on Hazing

UT Health Science Center is committed to maintaining a safe and respectful campus environment. Hazing is strictly prohibited and considered a violation of university policy, student conduct standards, and applicable law. The university promotes prevention, education, and accountability to eliminate hazing in all forms, regardless of intent or tradition.

University of Tennessee Health Science Center's Definition of Hazing

Hazing is defined as any activity that endangers the mental or physical health or safety of an individual or coerces someone to endanger their mental or physical health or safety, regardless of their willingness to participate. This includes—but is not limited to—activities involving:

- Social isolation

- Embarrassing or degrading tasks
- Sleep deprivation
- Forced consumption of alcohol or substances
- Physical exertion unrelated to organizational purpose
- Secrecy or coercion that causes emotional distress

If the activity causes discomfort, fear, or harm—or would be considered inappropriate if witnessed by a university administrator, family member, or the media—it is likely hazing.

How to Report Incidents of Hazing

Anyone who experiences, witnesses, or suspects hazing should report it immediately. Reports can be made confidentially or anonymously.

Contact:

Office of Student Conduct and Community Standards

Email: sccs@uthsc.edu

Phone: 901.448.1646

You can make a report online by utilizing the Hazing Reporting Form on the UT Health Science Center Hazing Prevention Page: <https://uthsc.edu/studentsuccess/hazing-prevention.php>

Reports are taken seriously and will be investigated promptly.

Process Used to Investigate Hazing Incidents

1. Initial Review: The Office of Student Conduct assesses the report for credibility and urgency.
2. Formal Investigation: If warranted, investigators gather evidence, interview involved parties, and document findings.
3. Adjudication: Findings are reviewed under the Student Code of Conduct. Sanctions may include suspension, expulsion, or organizational penalties.
4. Transparency: UT Health Science Center publishes a Campus Hazing Transparency Report summarizing violations and outcomes, as required by federal law.

Applicable Local, State, and Tribal Laws on Hazing

Tennessee State Law

Under Tennessee Code § 49-7-123, hazing is illegal and defined similarly to institutional policy. The law mandates that public institutions prohibit hazing and establish clear reporting and disciplinary procedures.

Federal Law

The Stop Campus Hazing Act (2024) requires institutions to:

- Include hazing statistics in annual security reports
- Implement prevention and awareness programs
- Maintain a public hazing transparency report

Tribal Law

While UT Health Science Center does not currently operate on tribal lands, any future partnerships or programs involving tribal jurisdictions will adhere to applicable tribal laws and customs regarding hazing prevention and accountability.

Prevention and Awareness Programs Related to Hazing

In an effort to provide the campus community with reliable information and prevention strategies to stop hazing before it occurs, the UT Health Science Center 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 **Student Conduct and Community Standards at 901.448.1646 or sccs@uthsc.edu**. Website: [UTHSC Hazing Prevention](#)

Statement of Policy

The UT Health Science Center is committed to ending hazing through proactive education, community engagement, and enforcement of institutional policies. The campus-wide prevention programs are designed to:

- Educate students, staff, and faculty on hazing definitions, signs, and consequences.
- Provide clear information about institutional policies, reporting mechanisms, and applicable laws.
- Promote primary prevention strategies such as:
 - Bystander intervention training
 - Ethical leadership development
 - Group cohesion strategies that do not involve hazing

Prevention and Awareness Programs

Hazing Prevention Week

A campus-wide initiative is held annually to raise awareness about hazing. Activities include educational booths, pledge signing, and interactive quizzes to test knowledge on hazing facts.

Bystander Intervention Training

Workshops and seminars that equip students and staff with skills to recognize and safely intervene in potential hazing situations. These sessions emphasize ethical decision-making and peer accountability.

Student Conduct and Community Standards Outreach

Ongoing outreach by the Office of Student Conduct to educate student organizations about hazing policies, reporting procedures, and the importance of maintaining a safe and inclusive campus culture.

he campus-wide prevention programs are designed to:

- Educate students, staff, and faculty on hazing definitions, signs, and consequences.
- Provide clear information about institutional policies, reporting mechanisms, and applicable laws.
- Promote primary prevention strategies such as:
 - Bystander intervention training

- Ethical leadership development
- Group cohesion strategies that do not involve hazing



APPENDIX A

CRIME STATISTICS

CAMPUS CRIME STATISTICS - Main Campus

Jeanne Clery Campus Safety Act

Criminal Offenses or Primary Crimes	Calendar Year	On Campus	Non-Campus	Public Property	Total
Murder & Non-Negligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Rape	2024	0	1	0	1
	2023	0	1	0	1
	2022	0	0	0	0
Fondling	2024	1	0	0	1
	2023	0	0	0	0
	2022	0	1	0	1
Incest	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Robbery	2024	1	0	0	1
	2023	0	0	0	0
	2022	0	0	1	1
Aggravated Assault	2024	0	0	5	5
	2023	1	5	0	6
	2022	0	2	1	3
Burglary	2024	2	2	0	4
	2023	0	2	0	2
	2022	5	0	0	5
Motor Vehicle Theft	2024	0	0	6	6
	2023	13	1	11	25
	2022	2	4	7	13
Arson	2024	0	0	1	1
	2023	0	0	0	0
	2022	0	0	0	0

VAWA Offenses, Arrests, and Referrals	Calendar Year	On Campus	Non-Campus	Public Property	Total
Domestic Violence	2024	1	0	0	1
	2023	1	3	1	5
	2022	0	2	4	6
Dating Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Stalking	2024	3	0	0	3
	2023	1	1	0	2
	2022	2	0	0	2
Liquor Law Violation Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Law Violation Arrests	2024	3	0	0	3
	2023	5	5	5	15
	2022	0	4	5	9
Weapons Law Violation Arrests	2024	0	0	2	2
	2023	1	1	1	3
	2022	0	1	9	10
Liquor Law Violations Referred for Disciplinary Action	2024	1	0	0	1
	2023	0	0	1	1
	2022	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	1	2	0	3
	2023	0	1	1	2
	2022	3	2	0	5
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

Hate Crime Statistics	
2024	There were no hate crimes reported.
2023	1 Hate Crime Reported. The offense was an on-campus incident of intimidation characterized by bias of race.
2022	There were no hate crimes reported.

Unfounded Crimes	
2024	0
2023	0
2022	0

**CAMPUS CRIME STATISTICS- College of Pharmacy Campus-Nashville 301 South Perimeter
Park Drive, 2nd floor**
Jeanne Clery Campus Safety Act

Criminal Offenses or Primary Crimes	Calendar Year	On Campus	Non-Campus	Public Property	Total
Murder & Non-Negligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Fondling	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Incest	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Robbery	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Aggravated Assault	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Burglary	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Arson	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

VAWA Offenses, Arrests, and Referrals	Calendar Year	On Campus	Non-Campus	Public Property	Total
Domestic Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Dating Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Stalking	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Liquor Law Violation Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Law Violation Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Weapons Law Violation Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

Hate Crime Statistics	
2024	There were no hate crimes reported.
2023	There were no hate crimes reported.
2022	There were no hate crimes reported.

Unfounded Crimes	
2024	0
2023	0
2022	0



APPENDIX B

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



THE UNIVERSITY OF
TENNESSEE
HEALTH SCIENCE CENTER.

**2025 Sexual Harassment,
Sexual Assault, Dating Violence,
Domestic Violence, and
Stalking Policy**

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SECTION 1 INTRODUCTION

1.1 OVERVIEW

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

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

1.2 SCOPE AND APPLICABILITY

1.2.1 Individuals Covered by This Policy

This Policy applies to the conduct of and protects:

- Students of The University of Tennessee Health Science Center (UTHSC) as defined in the University’s Student Code of Conduct;
- Employees and affiliates of the University^{1&2}; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

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

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

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

² “University” in this Policy means the University of Tennessee Health Science Center.

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

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

1.2.2 Jurisdiction

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

The University’s jurisdiction concerning misconduct by students is governed by the University’s Student Code of Conduct (“Code”). The Code applies to Prohibited Conduct which occurs on University-controlled property. The Code also applies to Prohibited Conduct that occurs off of University-controlled property if the conduct adversely affects the interests of the University, including Prohibited Conduct which: (1) occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience; (2) involves another member of the University community; or (3) threatens, or indicates that the student poses a threat to, the health, safety, or welfare of others or the security of any person’s property. The University may address Prohibited Conduct that occurs off-campus regardless of whether the University has a duty under Title IX to address the conduct.

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

1.2.3 Effective Date

The effective date of this Policy is August 14, 2025. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 14, 2025. If the Prohibited Conduct reportedly occurred prior to August 14, 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 the University of Tennessee System Safety Policy 0575 (Programs for Minors) <https://policy.tennessee.edu/policy/sa0575-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” <https://policy.tennessee.edu/policy/hr0220-equal-employment-opportunity/>, 0280 “Sexual Harassment and Other Discriminatory Harassment” <https://policy.tennessee.edu/policy/hr0280-sexual-harassment-other-discriminatory-harassment/> and 0580 “Code of Conduct” <https://policy.tennessee.edu/policy/hr0580-code-of-conduct/>.

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. For example, the University’s policy on amorous or sexual relationships between faculty and students can be found in the [UTHSC Consensual Relationship Policy](#). Even if an amorous or sexual relationship between members of the University community begins as consensual and welcome, it can evolve into situations that lead to allegations of Prohibited Conduct

1.3 ACADEMIC FREEDOM AND FIRST AMENDMENT RIGHTS

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

SECTION 2 PROHIBITED CONDUCT

2.1 INTRODUCTION

This Policy prohibits the following conduct:³

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

³ The University’s Nondiscrimination Statement [\[https://uthsc.edu/compliance/civil-rights-compliance.php\]](https://uthsc.edu/compliance/civil-rights-compliance.php) prohibits Sex Discrimination in any University education program or activity, including employment and admissions. Sex Discrimination means conduct directed at a specific person or a group of identifiable persons that subjects the person or group to treatment that adversely affects their employment, education, or ability to participate in or benefit equally in any University program or activity, on the basis of sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Complaints of Sex Discrimination should be reported to the Title IX Coordinator and will be handled in accordance with the <https://uthsc.edu/compliance/documents/uthsc-nov-2024-complaint-procedure.pdf>.

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.

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

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

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

2.2.2 Sexual Assault

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

2.2.3 Rape

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

⁴With respect to conduct by employees, the University also prohibits sexual harassment in accordance with University of Tennessee System Human Resources Policy 0280 (“Sexual Harassment and Other Discriminatory Harassment”) (policy.tennessee.edu/hrpolicy/hr0280). Conduct by employees that does not necessarily violate this Policy may be a violation of University of Tennessee System Human Resources Policy 0280. Complaints of sexual harassment prohibited by University of Tennessee System Human Resources Policy 0280 should be reported to the Title IX Coordinator and will be handled in accordance with the <https://uthsc.edu/compliance/documents/uthsc-nov-2024-complaint-procedure.pdf>.

2.2.4 Fondling

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

2.2.5 Incest

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

2.2.6 Statutory Rape

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

2.2.7 Dating Violence

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

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

2.2.8 Domestic Violence

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

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

2.2.9 Stalking

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

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another person’s property.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For the definition of Stalking, “reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant.

2.2.10 Sexual Exploitation

“Sexual Exploitation” means taking sexual advantage of another person, without that person’s active agreement. An active agreement is words and/or conduct that communicates a person’s willingness to participate in an act. A person cannot actively agree to an act if:

(A) the person is Incapacitated, if either the person claiming to have obtained the other person’s active agreement knows that the other person is Incapacitated or a Reasonable Person would know that the other person is Incapacitated; or

(B) the person is Forced to act or participate in an activity.

Examples of Sexual Exploitation include, without limitation:

- Surreptitiously observing, photographing, audiotaping, videotaping, or recording an image of a person who is engaging in a sexual act(s), or a person’s breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy;
- Allowing or enabling a person to surreptitiously observe, photograph, audiotape, videotape, or record an image of another person who is engaging in a sexual act(s), or another person’s breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy;
- Showing, posting, or sharing video, audio, or an image that depicts a person who is engaging in a sexual act(s), or a person’s breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy, if all persons who are depicted have not agreed to having

the video/audio/image shown, posted, or shared;

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

2.2.11 Retaliation

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

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

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

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

2.3 RELATED DEFINITIONS: CONSENT; FORCE; INCAPACITATION; REASONABLE PERSON

2.3.1 Consent

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

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

Consent can be revoked at any time. Valid Consent cannot be given if:

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

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

2.3.2 Force

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

Examples of Force include, without limitation:

- Physical force (e.g., hitting, punching, slapping, kicking, restraining, choking, kidnapping, using a weapon, blocking access to an exit);
- Words and/or conduct that would cause a reasonable person to fear:
 - Physical force or other harm to the person’s health, safety, or property, or a third person’s health, safety, or property;
 - Loss or impairment of an academic benefit, employment benefit, or money;
 - Disclosure of sensitive personal information or information that would harm a person’s reputation;

- Disclosure of video, audio, or an image that depicts the person’s nudity or depicts the person engaging in a sexual act (s); or
- Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third person.

2.3.3 Incapacitation

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

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

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

SECTION 3 GRIEVANCE PROCEDURES USED TO ADDRESS PROHIBITED CONDUCT

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

3.1 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A STUDENT

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

3.2 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS AN EMPLOYEE

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

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

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

3.4 GRIEVANCE PROCEDURES WHEN THE RESPONDENT IS A THIRD PARTY

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

SECTION 4 SUPPORTIVE MEASURES AND REPORTING OPTIONS

4.1 OVERVIEW

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

4.2 TITLE IX COORDINATOR/ TITLE IX OFFICIALS

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

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

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

The University's Title IX Coordinator is:

Dr. Michael Alston
Office of Compliance <https://uthsc.edu/compliance/> 920 Madison Ave, Suite
825 Memphis, TN 38163
901.448.2112 | mialston@uthsc.edu

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

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

The responsibilities of Title IX Officials are described in more detail at

<https://uthsc.edu/compliance/titleix.php>

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

4.3 DISTINCTION BETWEEN PRIVACY AND CONFIDENTIALITY

Under this Policy, privacy should be distinguished from confidentiality.

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

4.4 CONFIDENTIAL CARE AND SUPPORT

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

unless required or permitted by law⁵. Complainants may pursue these confidential care, support, and reporting options regardless of whether they choose to report the incident to the University or the police (Section 4.5).

4.4.1 Confidential Employees

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

4.4.2 Confidential Care and Support Outside of the University Community

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

4.5 REPORTING OPTIONS

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

4.5.1 Report to the Police

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

4.5.2 Report to the University

A Report means notification to the Title IX Coordinator or designee of Prohibited Conduct, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute

⁵ An employee of the UTHSC Police Department participates in the University's Response Team. However, UTHSC Police will not write a police report unless the Complainant decides to report the incident to the police.

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, OC employees, Title IX Officials, department heads, deans, vice chancellors, chancellors, vice presidents, campus police).

Exceptions – No Duty to Report:

- The employee is a Confidential Employee (Section 4.4.1) and receives the information while acting in a professional, confidential capacity;
- The employee receives the information during a public awareness event such as "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums including online forums such as social networking sites and blogs;
- The employee receives the information through a person's participation as a subject in an Institutional Review Board-approved human subjects research protocol;
- The employee receives information through an in-class discussion, a class paper, or other academic assignment; or

- The employee is a student employee (e.g., trainee/resident) and did not receive notice of the incident in the student employee's University employment capacity.

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

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

In some cases, the Title IX Coordinator or designee may refer the allegations that a Mandatory Reporter failed to report Prohibited Conduct to the Office of Compliance (OC) which will conduct an investigation. The Office of Compliance 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 Compliance's findings and conclusion and may include a description of remedial or corrective actions the University will implement. The Title IX Coordinator may also recommend remedial or corrective actions.

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

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

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

when they do not have an obligation to report the incident under this Policy. Questions about the reporting obligations of Campus Security Authorities should be directed to **Joanne Morrow, the University's Clery Compliance Coordinator, at jmorrow9@uthsc.edu or 901.448.56790**

4.5.2.2 Benefits of Reporting Prohibited Conduct to the University

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

4.5.2.3 Initial Response and Assessment by the Title IX Coordinator

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

4.5.2.4 Limited Action

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

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

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

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

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

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

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

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

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

Because the University is under a continuing obligation to address the issues of Prohibited Conduct campus-wide, reports of Prohibited Conduct (including non-identifying reports and reports for which the University only takes Limited Action) may also prompt the University to consider broader remedial

action – such as increased monitoring, supervision or security at locations where the reported Prohibited Conduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting additional climate assessments/victimization surveys; and/or revisiting its policies and practices.

4.5.2.5 Complainant’s Participation in an Investigation or Disciplinary Proceeding

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

4.5.2.6 Amnesty

The University recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident of Prohibited Conduct may be hesitant to report the incident to the University because of a fear of University disciplinary sanctions for the person’s own violation of the University standards of conduct. Because of the importance to the University of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to the University or provides information in a University investigation into alleged Prohibited Conduct will not be subject to disciplinary action by the University for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk (“Amnesty”). The University may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or drugs. The Title IX Coordinator has the discretion to grant Amnesty to persons other than the person who reported Prohibited Conduct (e.g., Complainant, Respondent, witnesses). This Section 4.5.2.6 does not apply to reports to UTHSC-PD; rather, it applies only to discipline for violations of the University’s Code of Conduct.

4.5.2.7 False Reports

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

4.6 SUPPORTIVE PROTECTIVE AND REMEDIAL MEASURES

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

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

Supportive Measures are available:

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

Individuals are encouraged to report to the Title IX Coordinator concerns about the failure of another person to abide by the terms of a Supportive Measure; however, in the event of an immediate health or safety concern, individuals should call 911.

The University will take immediate and responsive action to enforce a previously implemented Supportive Measure and alleged violations will be investigated and addressed by the appropriate office. The Title IX Coordinator or designee will strive to communicate with the Complainant and the Respondent throughout the grievance process to ensure that the Supportive Measures in place are necessary and effective based on the evolving needs of the parties.

The Title IX Coordinator has the discretion to issue, modify, or remove any Interim Measure at any time.

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

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).

APPENDIX A

GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence and Stalking (the “Policy”).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 [Compliance Notes](#) that highlight the areas addressed in this appendix, but this appendix serves as a comprehensive resource.

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

SECTION 1

SUPPORTIVE MEASURES

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

1.1 GENERAL MEDICAL CARE

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

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

According to the Sexual Assault Center of East Tennessee, the key to the success of the evidentiary exam is collecting physical evidence as soon as possible; however, evidence can be collected up to 72 hours after the assault. Assaults do not have to be reported to law enforcement to receive Sexual Assault Nurse Examiner (SANE) services. Prior to seeking medical care following a Sexual Assault, a Complainant should avoid changing their clothing, bathing, showering, using a douche, using the bathroom, brushing their teeth, drinking liquids, washing their hands or face, or combing their hair. If the Complainant changes their clothes, then the best way to preserve evidence relating to clothing is to put the clothing in a paper (not plastic) bag. Other tips on the preservation of evidence are described in Appendix A, Section 2.1.

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

In cases of Sexual Assault, a medical professional typically will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault, such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of sexually transmitted infections and pregnancy. A medical examination preserves evidence for forensic analysis in case a Complainant wishes to pursue criminal prosecution or an order of protection. The medical examination likely will be performed by a Sexual Assault Nurse Examiner (SANE) who is specially trained to collect evidence in cases of Sexual Assault.

If the Complainant chooses not to report the incident to the police at the time of the medical examination, then the medical provider will provide the examination materials to local police with a unique identifying number that will also be provided to the Complainant. The police department with jurisdiction will store the examination materials for up to three (3) years. If in that time the Complainant decides to make a police report, then the Complainant may report to the police department with jurisdiction and refer to the unique identifying number so that the Complainant's examination materials may be matched with the Complainant's police report for evidentiary purposes.

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

Medical care may be obtained from the following:

PLACE	WHEN	CONTACT INFORMATION
University Health Services (UHS)	Daytime	901.448.5630 (appointments)
Local Hospitals	24 hours, seven days a week	Various locations in Memphis/Shelby /Knox/Hamilton/Davidson County Areas

1.2 CONFIDENTIAL SUPPORT AND COUNSELING FOR COMPLAINANTS AND RESPONDENTS

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

1.2.1 University “Confidential Employees”

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

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

Information communicated to a Confidential Employee does not constitute notice or a report to the University of an incident of Prohibited Conduct. Except in the limited circumstances described in Section

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



Identification of Confidential Employees

PLACE	WHEN	CONTACT INFORMATION
University Counseling and Behavioral Health Services Dr. Kimberly Williams Collins (kwill176@uthsc.edu or 901.448.3168) Students/Employees Dr. Clay Woemmel (cwoemmel@uthsc.edu or 901.448.2775) Residents/Fellows	Monday - Thursday: 9:00 a.m. to 6:00 p.m. Friday: 8:00 a.m. – 5:00 p.m. Monday – Thursday: 10:00 a.m. to 7:00 p.m. Friday: 10:00 a.m. 6:00 p.m.	901.448.5630 (appointments and medication management)
Student Behavioral Health	Monday – Friday: 8:00 a.m. – 5:00 p.m.	901.448.5630 (daytime)
Student Counseling Services (https://www.uthsc.edu/studentsuccess/academic-success/resources/counseling.php) Licensed Counselors Only	Mon – Thurs 8:00 a.m. to 6:00 p.m. Friday 8:00 a.m. to 5:00 p.m.	901.448.5056 (daytime) After hours: 901.690.CARE (2273)
College of Medicine- Chattanooga Lucy White, Med, LPC-MHSP lucy.white@erlanger.org Graduate School of Medicine Ombudsperson Joan R. Rentsch, PhD jrentsch@utmck.edu All College of Medicine sites Melody Cunningham, MD Mcunn16@uthsc.edu or ombuds@uthsc.edu	Calls at any time. Calls at any time.	423.778.9420 865.250.7533 406.439.7279

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

1.2.1.1 Confidentiality Exceptions

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

- The patient or client signs a written consent permitting the information disclosure;
- Confidential Employees may be required to comply with subpoenas and court orders to testify in legal proceedings;
- Confidential Employees may periodically report non-personally identifiable information about Prohibited Conduct to the Title IX Coordinator or a Deputy Title IX Coordinator to keep that person informed about the general extent and nature of Prohibited Conduct on and off-campus;
- Confidential Employees who are “Campus Security Authorities” for purposes of Clery Act compliance are required to report non-personally identifiable information to the University’s Clery Compliance Coordinator unless they received the information when acting as a pastoral or professional counselor as defined by the Clery Act regulations, 34 C.F.R. § 668.46(a);
- Confidential Employees are required by Tennessee law to report suspected child abuse or child sexual abuse (Tennessee Code Annotated §§ 37-1-401 et seq.; 37-1-601 et seq.);
- Confidential Employees are required to report certain injuries to law enforcement (Tennessee Code Annotated § 38-1-101);
- Confidential Employees are required to report threats of serious bodily harm or death against a reasonably identifiable victim or victims (Tennessee Code Annotated §§ 33-3-206; 33-3-210);
- Confidential Employees may be required to report information about a person knowingly exposing another person to sexually transmitted diseases. (Tennessee Code Annotated §§ 68-10-102; 68-10-115); and
- Confidential Employees are required by law to report information that a person age 60 or older, or a person with certain physical and mental disabilities, has been subject to abuse, neglect, or exploitation (Tennessee Code Annotated § 71-6-101 et seq.).

1.2.2 Confidential Support and Counseling Outside of the University

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

1.2.2.1 Memphis Area Resources for Complainants

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

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

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

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

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

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

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

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

1.1 LEGAL RESOURCES FOR COMPLAINANTS AND RESPONDENTS

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

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

- Knoxville Family Justice Center
 - 400 Harriet Tubman Street Knoxville, TN 37915
 - (865) 521-6336 (24/7 crisis line)
 - <https://www.fjcknoxville.org/>
- Knox County Fourth Circuit Court
 - City County Building 400 Main Street Knoxville, TN 37902
 - (865) 215-2399
 - <https://www.knoxcounty.org/fourthcircuitcourt/index.php>
- Hamilton County Clerk & Master
 - 625 Georgia Avenue Chattanooga, TN 37402
 - <https://www.hamiltontn.gov/Courts.aspx>
- Circuit Court Clerk's Office
 - 1 Public Square Suite 302 Nashville, TN 37201
 - (615) 862-5181
 - <http://circuitclerk.nashville.gov/>

- Bristol – Victim’s Services
 - 801 Anderson Street P O Box 1189
 - Bristol, TN 37620
 - <http://bristoltn.org/925/Victims-Services>
- Northwest Safeline
 - 800-957-0055 (24-hour crisis hotline)
 - <https://www.help4tn.org/node/1084/northwest-safeline> (This entity provides services to victims of domestic violence in the following West Tennessee counties: Crockett, Dyer, Henry, Lauderdale, Lake, Obion, Tipton, and Weakley.)

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

Additional information on orders of protection can be found here:

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

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

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

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

1.3.2 Visa and Immigration

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

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

Office of International Affairs

910 Madison / Suite 105 / Memphis, TN 38163

Phone: (901) 448-8484 | Fax: (901) 448-1370 | Email: oa@uthsc.edu

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

The Tennessee Coalition to End Domestic and Sexual Violence (<https://tncoalition.org/>) operates an Immigrant Legal Clinic (tncoalition.org/get-help/legal-services), which provides legal advice and representation to immigrant and trafficked victims of domestic or sexual violence throughout Tennessee. The Immigrant Legal Clinic was created to address the unique problems faced by immigrant victims of domestic or sexual violence. There are no restrictions on what type of immigration case the clinic takes, nor are there strict income guidelines.

However, all the clients must be victims of domestic or sexual violence and unable to afford an attorney on their own. Case acceptance is handled on a case-by-case basis and determined on the merits of the case and whether relief is available. To inquire about receiving the services of the Immigrant Legal Clinic, an individual may call (615) 386-9406 or 800-289-9018.

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

USCIS Find Help in your Community Webpage: <https://www.uscis.gov/citizenship/apply-for-citizenship/find-help-in-your-community>

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

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

The American Immigration Lawyers Association <https://www.aila.org/> offers an online immigration lawyer referral service <https://ailalawyer.com/> that can help a student or employee find an immigration lawyer.

1.3 STUDENT FINANCIAL AID RESOURCES FOR COMPLAINANTS AND RESPONDENTS

Students who need assistance with financial aid issues may contact the financial aid office at 901.448.7703, <https://www.uthsc.edu/financial-aid//>.

1.5 SUPPORTIVE MEASURES IMPLEMENTED BY THE UNIVERSITY FOR COMPLAINANTS AND RESPONDENTS

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

The following are examples of Supportive Measures:

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

appointment with a Family Safety Center of Nashville, Knoxville, or Chattanooga to discuss options for pursuing an order of protection in the respective county);

- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes;
- Assisting an individual in communicating with faculty;
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Office of the Registrar;
- Accessing academic support for an individual, including tutoring;
- Assisting with requesting academic accommodations such as re-scheduling exams, obtaining extensions of time for assignments, re-taking a course, dropping a course, or withdrawing for a semester without financial or academic penalty.

SECTION 2

REPORTING PROHIBITED CONDUCT

The University encourages students who have experienced, have knowledge of, or have witnessed Prohibited Conduct to promptly report the incident to the police or the University.⁸ Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or to neither. Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report Prohibited Conduct.

2.1 PRESERVATION OF EVIDENCE

The University recognizes that a Complainant may need time to decide whether to report an incident of Prohibited Conduct to the police and/or the University. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident. The University strongly encourages Complainants, as soon as possible after experiencing Prohibited Conduct, to take steps to preserve evidence of the Prohibited Conduct, such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72 hours after the incident (Appendix A, Section 1.1);

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

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

2.2 REPORTING TO THE POLICE

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

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

2.2.1 Contact Information for Police

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

INCIDENT LOCATION WITH CONTACT
<p>Regardless of where the incident occurred:</p> <p>Call 911 in an emergency Or UT Health Science Center Campus Police 3 N. Dunlap Street, Memphis, TN (901) 448-4444 www.uthsc.edu/campus-police/</p>
<p>In the city of Memphis, Nashville, Knoxville, or Chattanooga:</p> <p>Memphis Police Department (MPD) 201 Poplar Avenue, Memphis, TN (901) 636-3700 www.memphispolice.org/</p> <p>Metropolitan Nashville Police Department 200 James Robertson Parkway Nashville, TN 37201 Interpersonal Crimes Branch (615) 862-7540 (615) 862-8600 (Non-emergency) https://www.nashville.gov/departments/police/investigative-services</p> <p>Knoxville Police Department 800 Howard Baker Jr. Ave Knoxville, TN 37915 (865) 215-7450 (Non-emergency) https://knoxvilletn.gov/government/city_departments_offices/police_department</p> <p>Knox County Sheriff 400 Main Street, Suite L165, Knoxville, TN 37902 (865) 215-2243 http://www.knoxsheriff.org</p> <p>Chattanooga Police Department 3410 Amnicola Hwy. Chattanooga, TN 37406 http://www.chattanooga.gov/police-department (423) 643-5000 Dispatch: (423) 698-2525</p>

INCIDENT LOCATION WITH CONTACT

In Shelby County but outside of the City of Memphis:

Shelby County Sheriff's Office 201 Poplar Avenue,
Memphis, TN (901) 222-5600
<http://www.shelby-sheriff.org/>
or UTHSC-PD

Outside of Shelby County:

Contact the law enforcement agency that has jurisdiction over the location where the incident occurred; or Contact UTHSC-PD for assistance in contacting another jurisdiction's law enforcement agency

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

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

2.2.2 What to Expect after Reporting Prohibited Conduct to the Police

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

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

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

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

2.2.4 Anonymous Reporting to the Police

Memphis

Persons may report Sexual Misconduct or Relationship Violence anonymously to the Campus Police through the [Confidential Silent Witness Report](#) portal. The portal is an Internet-based tool that enables the police to respond. Persons may also report a crime anonymously to the Memphis Police Department by calling (901) 545-2677 or visiting Cyber Watch. Persons may report a crime anonymously to the Shelby County Sheriff by calling (901) 379-7625.

Emergency calls should be made to 911.

Knoxville

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

Nashville

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

Chattanooga

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

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

2.3 REPORTING TO THE UNIVERSITY

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

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

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

2.3.1 Who to Contact at the University

Students are encouraged to report Prohibited Conduct to a Title IX Official, who are trained to support Complainants: The University's Title IX Coordinator is Dr. Michael Alston, 920 Madison Ave, Ste. 825., Memphis, TN. 39163, 901.448.2112, mialston1@uthsc.edu or oc-hsc@uthsc.edu

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,⁹ the Title IX Coordinator will initiate the grievance procedures outlined in Appendix C or Appendix D; and

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

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

2.3.3 Limited Action

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

2.3.4 Amnesty for Students Who Report Prohibited Conduct to the University

Because of the importance to the University of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to the University or provides information in a University investigation into alleged Prohibited Conduct will not be subject to University disciplinary action by the Office of Student Conduct and Community Standards for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk ("Amnesty"). More information on the University's Amnesty policy can be found in Section 4.5.2.6 of the Policy.

⁹ If the formal complaint is received as a Sexual Harassment Complaint, and the conduct alleged in the formal complaint would not constitute Sexual Harassment as defined in this Policy, did not occur in the University's education program or activity, or did not occur against a person in the United States, the Title IX Coordinator is required by federal law to dismiss the formal complaint. However, that dismissal does not preclude the University from taking action under this Policy, including by treating the alleged conduct as Prohibited Conduct to which this Policy applies.

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

2.3.5.1 Clery Act

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

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

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

The University's Clery Compliance Coordinator is Captain Joanne Morrow, (901) 448-6452, jmorrow9@uthsc.edu

2.3.5.2 FERPA

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

University may be required, under FERPA regulations, to disclose information regarding a Complainant, where the records cannot be segregated or redacted.

2.3.5.3 Tennessee Public Records Act

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

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

2.3.5.4 Robert (Robbie) Nottingham Campus Crime Scene Investigation Act

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

2.3.5.5 Disclosure to Respondents During the Disciplinary Process

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

APPENDIX B CONSENT

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment including Sexual Assault, Domestic Violence, Dating Violence, and Stalking (collectively, “Sexual Harassment”), Sexual Exploitation, and Retaliation. Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹⁰

The purpose of this Appendix B is to inform students, employees, and third parties about how the University, in investigations and disciplinary hearings,¹¹ will determine whether Rape or Fondling occurred without Consent.

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

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

- Valid Consent cannot be given if:
 - A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated;
 - A person is Forced; or
 - The sexual penetration of a person by the Respondent would constitute mitigated statutory rape, statutory rape, or aggravated statutory under state law, based on the ages of the Respondent and the other person.
- During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During a University investigation or disciplinary hearing, the University has the burden

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

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

of proving that sexual act(s) occurred without Consent (and it is not a Respondent's burden to prove Consent).

- Whether a person has communicated Consent to participate in a sexual act(s) generally is evaluated from the perspective of what a Reasonable Person who perceived the individual's words and/or non-verbal conduct would have understood; however, in the context of a relationship that has involved sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., What did the specific person who initiated the sexual act(s) conclude based on the pattern of communication?).
- A verbal "no" (or words equivalent to "no") or the nonverbal communication of "no," even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously communicated has been withdrawn. The absence of a verbal "no" or the absence of a nonverbal communication of "no" does not necessarily mean that Consent has been communicated.
- Consent must exist from the beginning to the end of each sexual encounter and for each act of sexual act(s) that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent to participate in a sexual act(s) may be withdrawn at any time. A withdrawal of Consent is communicated through clear words and/or conduct that indicate that a person no longer agrees to participate in an act of sexual act. Once a person's withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual act. Consent is automatically withdrawn when a person becomes Incapacitated or is Forced to participate in a sexual act(s).
- Consent to one type of sexual act (e.g., oral sex) does not constitute or imply Consent for another type of sexual act (e.g., vaginal intercourse), whether during a sexual encounter or based on a previous sexual encounter.
- The following do not communicate a person's willingness to participate in a sexual act(s):
 - Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in Sexual Contact or Sexual Penetration;
 - Consent communicated by the person on a previous occasion;
 - Consent communicated to a third person;
 - The person's failure to resist physical force (however, for purposes of the Policy, the person's resistance to physical force will be viewed as a clear demonstration that the person has not communicated Consent);

- A current or previous dating, romantic, intimate, or sexual relationship with the other person;
- Currently or previously cohabitating with the other person;
- The person's attire, reputation, giving or acceptance of gifts, sexual arousal, or extension or acceptance of an invitation to go to a private residence, room, or other location.
- One's own use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from the other person. Another person's use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from that person.

Recommendations on Consent

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

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

APPENDIX C

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

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹²

Disciplinary proceedings¹³ relating to Prohibited Conduct when the Respondent is a student will be handled by the University in accordance with the Student Code of Conduct (“Code”), as modified and/or clarified by this Appendix C and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46. A graphical summary of the process can be found at the end of Appendix C. A copy of the Code may be found at <https://www.uthsc.edu/studentsuccess/student-conduct/index.php>

1.1 HOW TO FILE A COMPLAINT

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

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

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

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

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

¹³ “Disciplinary proceeding” means all activities related to the University’s non-criminal resolution of a report to the University of Prohibited Conduct, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. “Disciplinary proceeding” does not include communications and meetings between Title IX Officials and a Complainant or a Respondent concerning supportive measures.

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

Within three (3) business days of receiving a Formal Complaint, the Title IX Coordinator will refer the Formal Complaint to an investigator, who will investigate the allegations.¹⁴

1.2 CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

1.3 STANDARD OF PROOF

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

1.4 RIGHT TO AN ADVISOR

The Complainant and the Respondent 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.

The role of the advisor in the Formal Hearing depends on the type of Formal Hearing (described below) used to resolve the Formal Complaint. The role of the advisor is described in the Code in Section 8.2. In

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

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

1.5 RIGHT TO A SUPPORT PERSON

The Complainant and the Respondent also have the right to be assisted by a support person during all stages of a disciplinary proceeding, including all meetings, investigative interviews, and hearings. 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 student conduct process.

1.6 INVESTIGATION OF PROHIBITED CONDUCT

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

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

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

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

1.7 DISMISSAL OF COMPLAINTS

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

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

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

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with OSCCS making a final determination that no action will be taken with respect to a report of Non-Title IX Prohibited Conduct, then the Complainant may appeal that determination to the Vice Chancellor for Academic, Faculty and Student Affairs (VCAFSA), in writing, within five (5) business days of the date that OSCCS transmitted notice of the no action determination to the Complainant. Upon receipt of the appeal, OSCCS will send a copy of the appeal to the Respondent. The Respondent may respond to the appeal by filing a written response within three (3) business days after receipt of the Complainant's appeal.

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

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

1.9 FORMAL HEARINGS

In **Non-Title IX Prohibited Conduct** cases that do not result in a determination that no action will be taken, and, in all **Title IX Prohibited Conduct** cases, the cases will proceed to a Formal Hearing. Section VIII of the Code describes the types of Formal Hearings that will be used in cases of Prohibited Conduct.

A **Non-Title IX Prohibited Conduct** Complaint may be resolved by a hearing before a hearing examiner or hearing panel, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act.¹⁵

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

A **Title IX Prohibited Conduct** Complaint must be resolved through the Title IX Hearing process unless the parties agree to an Informal Resolution. Section 8.5 of the Code describes the process for a Title IX Hearing. These University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.

For ease of reference, the following charts show the steps that generally apply in a Title IX Hearing. The parties are directed to the provisions of the Code for additional information.

Title IX Hearing		
Step	Code Reference	Anticipated Timeline
Notice of Title IX Hearing sent to Complainant and Respondent	Section 8.5(c)	At least ten (10) business days prior to the hearing
Complainant and Respondent provide names of advisors to Title IX Hearing Officer, or inform Title IX Hearing Officer that they have no advisor and an advisor will be appointed	Section 8.5(d)	At least five (5) business days prior to the hearing
Notice of Decision issued by Title IX Hearing Officer	Section 8.5(g)	Within ten (10) business days of the conclusion of the hearing

1.10 APPEALS

The Complainant and the Respondent have equal rights to appeal the decision after a Formal Hearing.

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

Under the Code, the decision of a Hearing Officer or Hearing Examiner is subject to review by the Chancellor.

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

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

1.11 ANTICIPATED TIMELINES

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

1.12 POSSIBLE SANCTIONS

Following a determination under the Code that a student is responsible for engaging in Prohibited Conduct, the Hearing Examiner, Hearing Panel, or Title IX Hearing Officer will issue a sanction. Section V

of the Code identifies the possible sanctions that may be imposed if, after the conclusion of the student conduct process, a Respondent is found responsible for engaging in Prohibited Conduct. Possible sanctions include: warning; reprimand; disciplinary probation; suspension; permanent dismissal; revocation of degree; disciplinary probation for student organizations; social probation for student organizations; revocation of University registration for student organizations; restitution; loss of privileges; and/or education. Any sanction imposed may be appealed as set forth in Section VIII of the Code. Once a sanction decision is final, OSCCS will ensure the effective implementation of final sanctions. The Title IX Coordinator is responsible for effective implementation of any remedies.

1.13 RESOLUTION WITHOUT A FORMAL HEARING

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

1.13.1 Alternative Resolution of Non-Title IX Prohibited Conduct Complaints

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

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

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

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

1.13.2 Informal Resolution of Title IX Prohibited Conduct

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

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

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

Chapter 1720-1-5 of the Rules of the University of Tennessee <https://publications.tnsosfiles.com/rules/1720/1720-01/1720-01-05.20180524.pdf> sets forth the University's procedures for conducting a contested case hearing pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301 et seq. In a case involving a Non-Title IX Prohibited Conduct Complaint, the administrative judge or hearing officer must modify those procedures when required to comply with federal law, including without limitation, the Clery Act and FERPA. In Non-Title IX Prohibited Conduct cases, where the University recommends a sanction of suspension, expulsion, withholding of degree, or revocation of degree or greater, a Respondent may elect a contested case hearing. In Title IX Prohibited Conduct cases, the decision of the Title IX Hearing Officer is only subject to the appeals process provided in Section 8.5(i) of the Code and mandated by the Title IX regulations. For Formal Complaints in Title IX Prohibited Conduct cases, the Title IX regulations preempt the Uniform Administrative Procedures Act. 34 C.F.R. § 106.6(h).

1.15 TRAINING FOR UNIVERSITY OFFICIALS

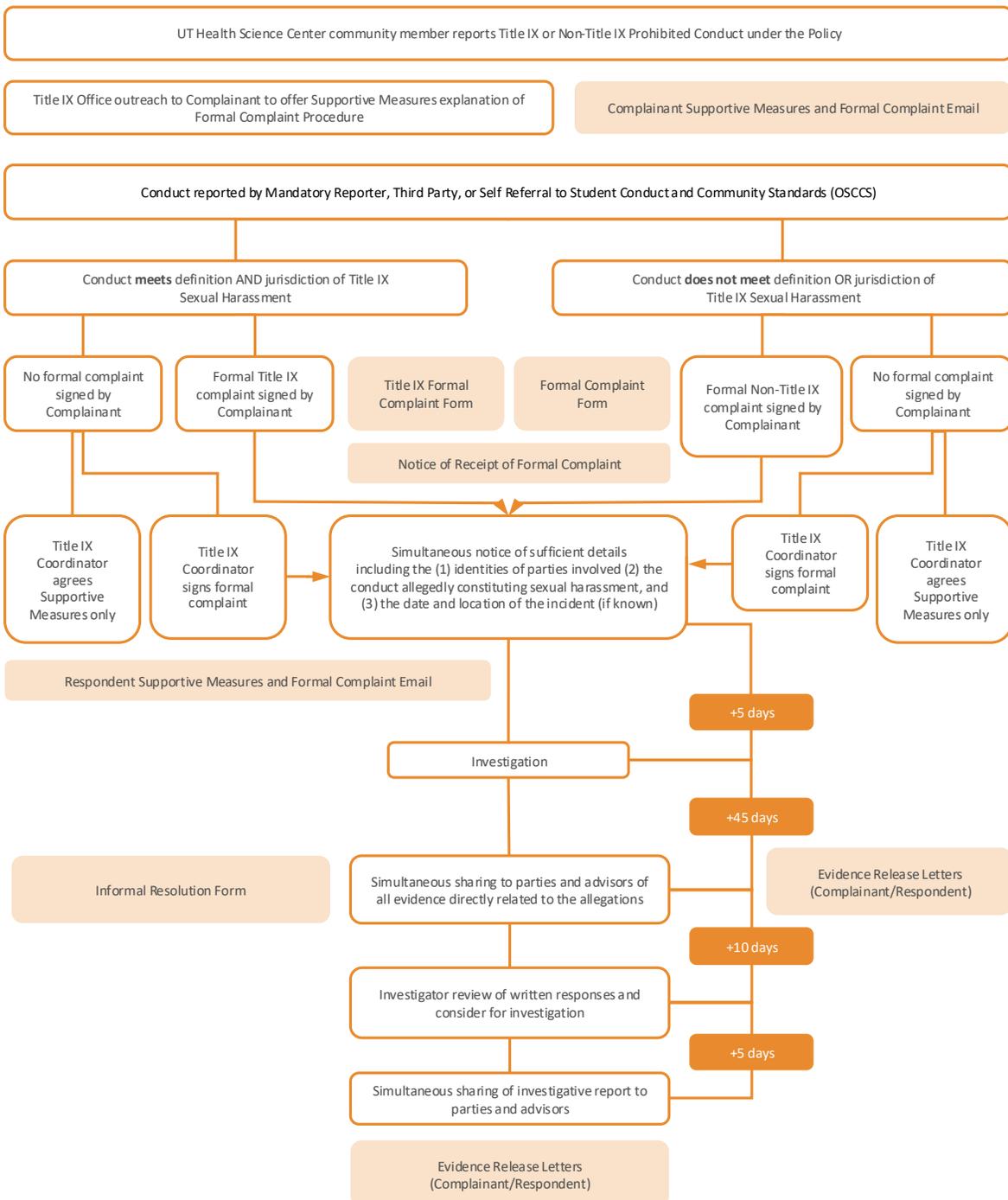
Disciplinary proceedings relating to Prohibited Conduct will be conducted by persons who receive annual training on the issues related to Prohibited Conduct. Title IX Officials, investigators, Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations,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

1.16 COMPLAINTS AND INVESTIGATION FLOWCHART (STUDENTS)

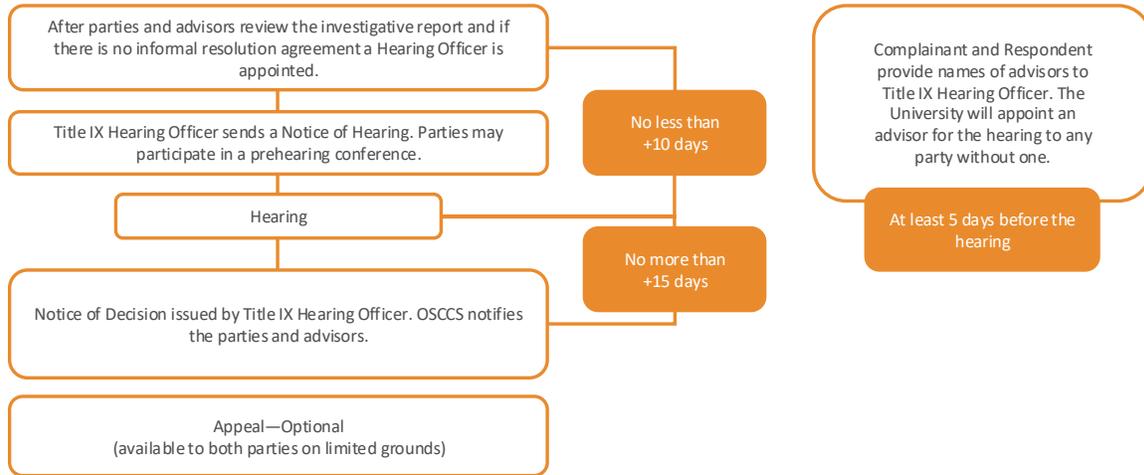
Appendix C: Title IX and Non-Title IX Prohibited Conduct Complaints and Investigations (1 of 3)*



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

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

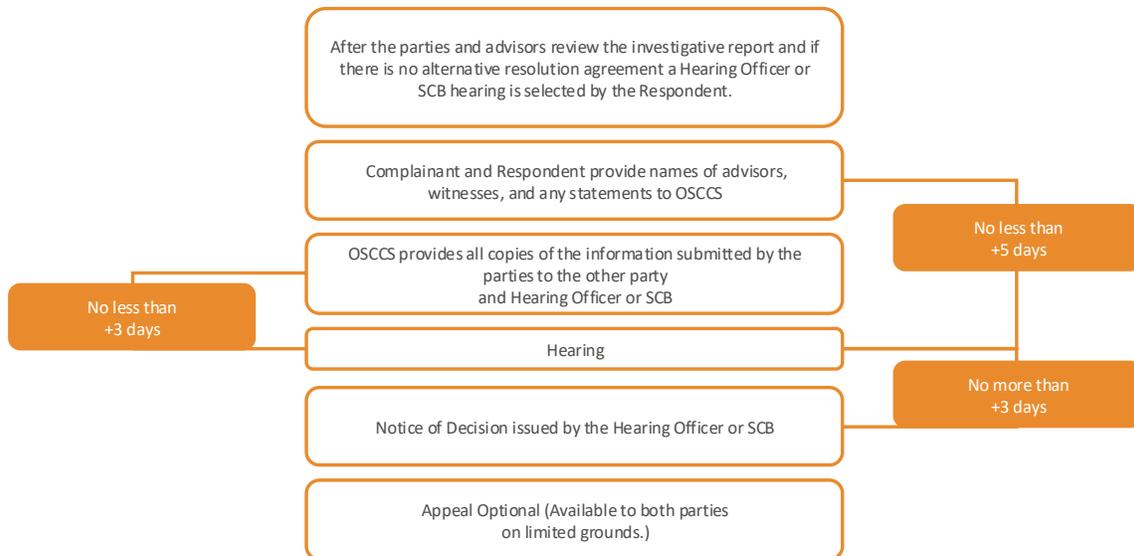
Informal Resolution can occur at any time following formal complaint and prior to a finding of responsibility.



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

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Hearing Officer, a hearing before the Student Conduct Board, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act. Sections VII and VIII of the Code describe the process for those hearings, unless the University agrees to an Alternative Resolution. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation. The timelines described do not apply if a Respondent exercises the right to have a hearing conducted under state law, the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”). If a Respondent exercises a right to a UAPA hearing, then an administrative judge will be appointed by the University’s Agency Head typically within five (5) business days of the Respondent’s request for a UAPA hearing. The timelines for a UAPA hearing are governed by the UAPA.

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



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

1.17 SAMPLE NOTICE OF RECEIPT OF FORMAL COMPLAINT

{{BASIC_SALUTATION}},

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

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

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

- {{SPECIFIC POLICY DEFINITION}}

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

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

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

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

Sincerely,
{{Signature}}

APPENDIX D

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

The University of Tennessee Health Science Center is committed to creating and maintaining a safe and non-discriminatory learning, living, and working environment free from Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence and Stalking), Sexual Exploitation, and Retaliation (collectively, “Prohibited Conduct”). Prohibited Conduct is defined in the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (the “Policy”).¹⁶

The process for investigating and resolving Prohibited Conduct when the Respondent is an employee or third party (such as a visitor to campus or a contractor) will be handled by the University’s Office of Compliance (OC) in accordance with University Human Resources Policies (applicable to all employees) and the Board of Trustees Policies Governing Academic Freedom, Responsibility, and Tenure (BT0006) (applicable to faculty), as modified and/or clarified by this Appendix D and Appendix D-1, and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46.¹⁷

1.1 HOW TO FILE A FORMAL COMPLAINT

Prohibited Conduct may be reported to any Title IX Official identified in Section 4 of the Policy. Upon receiving a report of Prohibited Conduct, the Title IX Coordinator (or designee) will promptly contact the Complainant to explain the process for filing a Formal Complaint. A Formal Complaint is a document filed by the Complainant (or, in some circumstances, signed by the Title IX Coordinator) alleging Prohibited Conduct against a Respondent and requesting that the University investigate the allegations.

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

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

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

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

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

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

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

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

1.2 ADMINISTRATIVE LEAVE

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

1.3 CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

1.4 STANDARD OF PROOF

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

1.5 RIGHT TO AN ADVISOR

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

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

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

1.6 RIGHT TO A SUPPORT PERSON

The Complainant and the Respondent also have the right to be assisted by a support person during all stages of the Prohibited Conduct investigation, and if applicable, the 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, participate or participate directly in any other manner during any phase of the investigation or grievance process.

1.7 INVESTIGATIONS

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

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

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

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

The University will send the investigative report to each party and the party's Advisor. Within ten (10) business days after being sent the reports, each party may make a written response to the investigative report, which will be provided to the other party. A hearing, if required, shall not take place until the ten (10) days to respond has lapsed, even if a response from a party has been received earlier.

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

1.8 DISPOSITION OF NON-TITLE IX MATTERS

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

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

1.8 DISPOSITION OF TITLE IX MATTERS

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

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

1.10 ANTICIPATED TIMELINES

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

1.11 POSSIBLE SANCTIONS

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

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

1.12 INFORMAL RESOLUTIONS

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

1.12.1 Alternative Resolution of Non-Title IX Prohibited Conduct Complaints.

Any time during the investigation process, allegations against a Respondent may be resolved through an alternative resolution. An alternative resolution is a resolution that is reached through a process and/or by a sanction or restriction outside of the normal process.

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

1.12.2 Informal Resolution of Title IX Prohibited Conduct Complaints

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

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

1.13 TRAINING FOR UNIVERSITY OFFICIALS

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

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

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

APPENDIX D-1 OC TITLE IX HEARINGS AND APPEALS

(1) THE TITLE IX HEARING

Any case involving allegations that a Respondent's conduct constitutes Sexual Harassment in the University's education program or activity in the United States as defined in 34 C.F.R. 106.30(a) ("Title IX Allegations") will be resolved through a Title IX Hearing. The Title IX Hearing must be conducted in accordance with 34 C.F.R. 106.45.

(2) THE TITLE IX HEARING OFFICER

The Associate Vice Chancellor of OC 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 OC. Any objection must be received within three (3) business days of the notice of appointment, and it must state the party's grounds for objecting. The Associate Vice Chancellor of OC will decide whether an objection is justified, and that decision is final. If a Title IX Hearing Officer is removed based on an objection, the Associate Vice Chancellor of OC will appoint a new qualified Title IX Hearing Officer to conduct the Title IX Hearing.

(3) Notice of Title IX Hearing

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

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

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

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

(4) GENERAL RULES GOVERNING TITLE IX HEARINGS.

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

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

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

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

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

(5) PROCEDURAL RULES FOR TITLE IX HEARINGS

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

(b) **Exclusion of Information.**

1. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent

committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

2. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.
3. The University cannot require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

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

(d) **Attendance and Participation.** Attendance during a Title IX Hearing generally is limited to the Title IX Hearing Officer, a representative from the University, the Complainant and the Complainant's Advisor, the Respondent and the Respondent's Advisor, and witnesses. Witnesses may attend the Title IX Hearing only while they are presenting information to the Title IX Hearing Officer unless the witness is the Complainant or the Respondent. The Title IX Hearing Officer and the University have the discretion to allow other persons to attend the Title IX Hearing, in accordance with state and federal law.

(e) **Opening Statements.** The Complainant and then the Respondent may make a brief statement of no longer than ten (10) minutes to the Title IX Hearing Officer, and they may provide a written copy of their statements to the Title IX Hearing Officer at the hearing. The Title IX Hearing Officer will provide a copy of any written statement received to the other party.

(f) **Questioning the Witnesses.** Following any opening statements, the Title IX Hearing Officer will question the Complainant, the Respondent, and any witnesses requested by the parties. The Title IX Hearing Officer will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness.

Before the Complainant, the Respondent, or any witness answers a cross-examination or other question, the Title IX Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party or witness does not submit to cross-examination at the hearing, the Title IX Hearing Officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Title IX Hearing Officer cannot draw an inference about the determination regarding responsibility based solely

on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

(g) **Closing Statements.** At the close of the Title IX Hearing, the Title IX Hearing Officer may allow the Complainant and the Respondent equal opportunities to make statements summarizing the information presented to the Title IX Hearing Officer and/or advocating the decision that the Title IX Hearing Officer should reach.

(6) Recording of the Title IX Hearing

The University will create an audio or audiovisual recording or transcript, of the hearing and make it available to the parties for inspection and review.

(7) Notice of Decision of Title IX Hearing Officer

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

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

The Title IX Hearing Officer shall transmit a copy of the Notice of Decision of Title IX Hearing Officer to the OC, and OC 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 OC 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 OC within five (5) business days of the date that the University transmitted the Notice of Decision; and (3) the Notice of Appeal shall not include information that is not included in the record of the Title IX Hearing, except the Notice of Appeal may contain a summary of the new information described in Section (8)(c)(2). The University will notify the other party in writing when an appeal is received.

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

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
4. Any disciplinary sanctions imposed on the Respondent should not be imposed, or different disciplinary sanctions from those specified in the determination regarding responsibility should be imposed, or disciplinary sanctions should be imposed if none were imposed;
5. The Title IX Hearing Officer made a clear error in dismissing a Formal Complaint or in determining that the Respondent is or is not responsible for the Title IX Allegations.

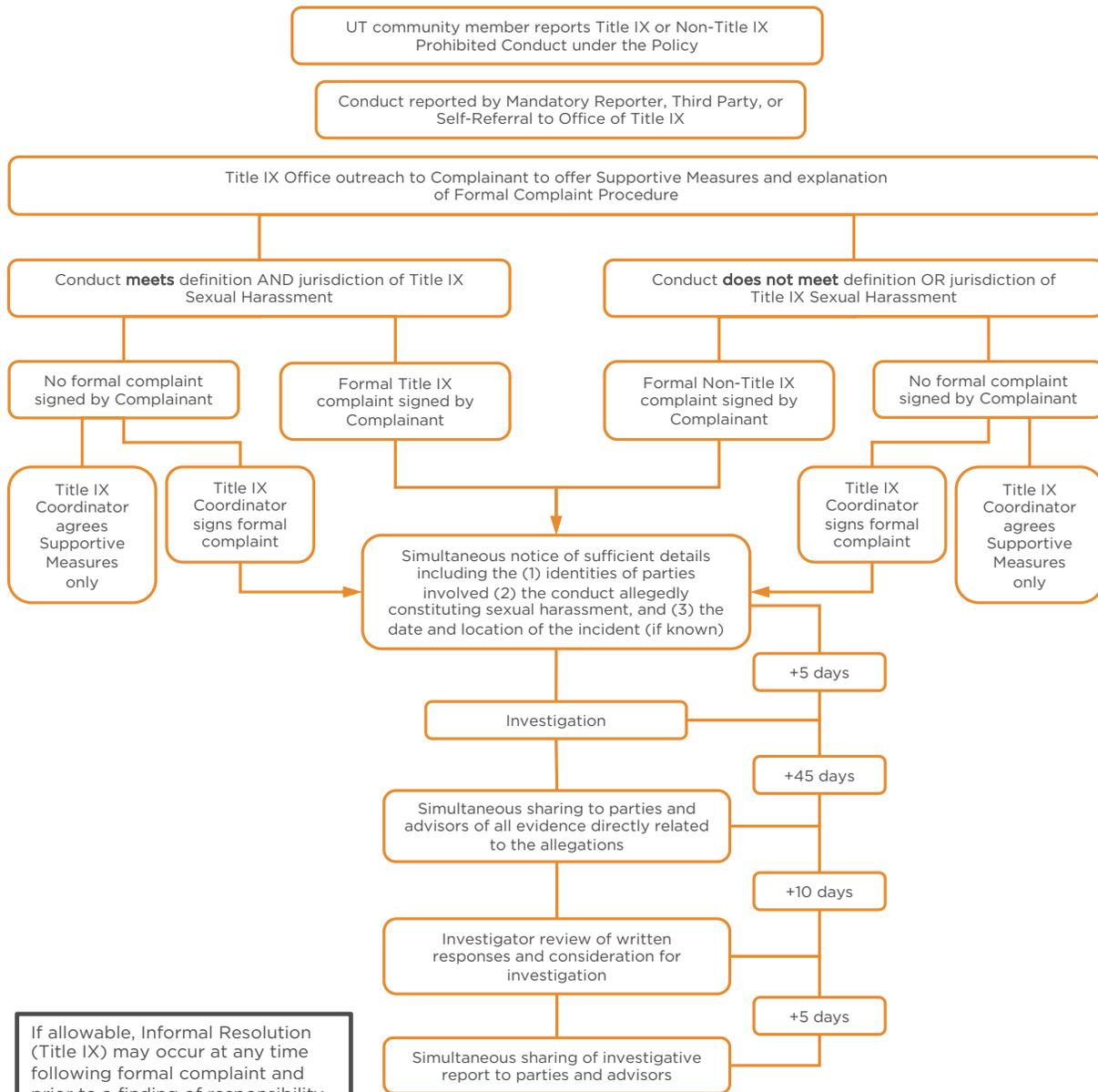
(d) **Effective Date of Sanction.** The sanction(s) imposed by the Title IX Hearing Officer shall not be effective during the period in which a Notice of Appeal may be submitted, or, if a procedurally valid Notice of Appeal has been submitted (as determined by Section (8)(c)), until a Notice of Title IX Final Decision is issued by the Chief Human Resources Officer (for staff), the Chief Academic Officer (for faculty), and the Associate Dean for Graduate Medical Education (for residents), whichever is later.

(e) **Appeal Process.** Each party may submit a written statement in support of or challenging the outcome of the Title IX Hearing. The written statement must be received by OC 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 OC, staff appeals will be submitted to the Chief Human Resources Officer, faculty appeals will be submitted to the Chief Academic Officer, and resident appeals will be submitted to the Associate Dean for Graduate Medical Education. Within thirty (30) business days of the receipt of the last written statement, the Chief Human Resources Officer (for staff), the Chief Academic Officer (for faculty), and the Associate Dean for Graduate Medical Education (for residents) will issue a written decision (Notice of Title IX Final Decision) describing the result of the appeal and the rationale for the result, which will be provided

simultaneously to both parties. The decision of the Chief Human Resources Officer (for staff) the Chief Academic Officer (for faculty), and the Associate Dean for Graduate Medical Education (for residents) is final and not further appealable.

TITLE IX PROHIBITED CONDUCT HEARING AND APPEALS FACULTY AND STAFF FLOWCHART

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



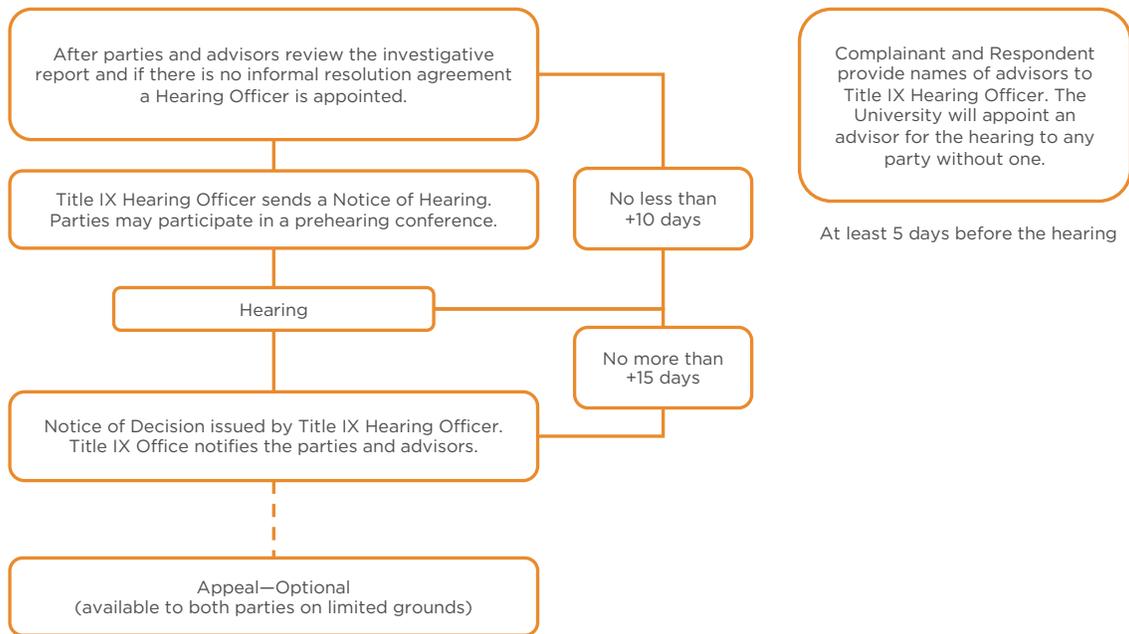
If allowable, Informal Resolution (Title IX) may occur at any time following formal complaint and prior to a finding of responsibility. An Alternative (Non-Title IX) Resolution may occur following a formal complaint and prior to a finding of responsibility.

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

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

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

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



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

APPENDIX E

GUIDE FOR MANDATORY REPORTERS

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

A Mandatory Reporter is a University employee who is required to report information about known or suspected Prohibited Conduct to a Title IX Official, whether the employee received the information by means of a complaint, report, personal observation, or otherwise, including information learned from third parties.

A University employee is almost always a Mandatory Reporter when either the Complainant or Respondent is a student.

Employees who have questions about their reporting responsibilities, or students who have questions about an employee’s reporting responsibilities, should contact the Title IX Coordinator.

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

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

- (1) Are you a Confidential Employee, or do you work under the supervision of a Confidential Employee?

If you do not know the answer to this question, then you are most likely not a Confidential Employee.

Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional’s client or patient or because the University has deemed the employee as a confidential resource for students, faculty, and staff. (Refer to Section 1.2.1 of Appendix A or contact a Title IX Coordinator if you are not sure whether you are a Confidential Employee)

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

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

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

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

(3) Is either the Complainant or the Respondent a student?

- If yes, then you must report the incident to a Title IX Official²⁰ unless:
 - You received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak-outs” or other public forums including online forums such as social networking sites or blogs;
 - You received notice of the incident during the student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
 - You received notice through an in-class discussion, a class paper, or other academic assignment; or
 - You are a student employee (e.g., graduate assistant) and you did not receive notice of the incident in your University employment capacity.
- If no, proceed with asking Question 4.

(4) Are you the supervisor of either the Complainant or the Respondent, or do you otherwise have the authority to redress the Prohibited Conduct?

- If yes, then you must report the incident to a Title IX Official unless you received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites and blogs, or

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

you received notice of the incident during a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;

- If no, then the University strongly encourages you to report the information to a Title IX Official even though you are not a Mandatory Reporter with respect to the incident. Employees who have been designated as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) should evaluate whether they have an independent obligation to report the incident to campus law enforcement. Questions about the reporting obligations of Campus Security Authorities should be directed to Captain Joanne Morrow, the University’s Clery Compliance Coordinator, at jmorrow9@uthsc.edu or 901.448.6452

SECTION 2 ACTIONS THAT MANDATORY REPORTERS MUST TAKE

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

(1) Support the Complainant by:

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

(2) Report the incident to the University:

- Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours²¹ after receiving the report).²² The Mandatory Reporter must communicate all details known about the alleged incident; or

²¹ If the end of the 48-hour reporting window falls on a weekend or a University holiday, then the Mandatory Reporter should report the incident as soon as possible on the next University business day.

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

- If the incident involves suspected child abuse or child sexual abuse, comply with University of Tennessee Safety Policy 0575.

SECTION 3 ACTIONS THAT MANDATORY REPORTERS SHOULD TAKE

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

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

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

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

SECTION 4 ACTIONS THAT MANDATORY REPORTERS MUST NOT TAKE

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

- (1) Guarantee a Complainant that the employee will keep information confidential and not share the information with anyone else, including a Title IX Official;
- (2) Share information about the incident with a person who does not have a University-related need to know;
- (3) Share personally identifiable information about the incident with law enforcement (including UTHSC-PD) without the Complainant's consent; and/or
- (4) Investigate or otherwise attempt to resolve reports of Prohibited Conduct without the approval of a Title IX Official (this provision does not apply to UTHSC-PD), other than taking an action required or recommended in Section 2 or Section 3.