

Annual Security and Fire Safety Report

For UT Martin Main Campus and Centers (Jackson, Parsons, Ripley, Selmer, and Somerville)

2023



Reflects statistics from January 1, 2020, through December 31, 2022.

A printed copy of this report is available upon request.

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UTM ANNUAL SECURITY REPORT 2023

A MESSAGE FROM UTM's DIRECTOR OF PUBLIC SAFETY MICHAEL O'NEILL

The University of Tennessee at Martin prides itself on being “the campus that cares” and public safety is a vital part of our environment. We strive to provide a safe learning environment for all members of our campus community. Our success relies on developing and maintaining close working relationships with staff, faculty, students, and other stakeholders at UT Martin as well as with the Martin Police and Fire Departments, Weakley County Sheriff's Department, state and federal agencies and the entire local community.



This report provides security statistics for the preceding three years at UT Martin, and also includes valuable information on prevention and awareness programs, emergency response, sexual assault awareness, and policies regarding alcohol, drugs, and weapons on campus. It also outlines procedures to sign up for notifications and alerts on campus. I highly recommend that everyone involved with UT Martin take the opportunity to read this report.

Safety is everyone's responsibility. Please take an active role in keeping UT Martin one of the safest university campuses in the nation. Report crime and suspicious situations, keep your valuables secure, and tell someone if you believe a classmate or coworker is in crisis. Our officers are here to help.

UNIVERSITY OF TENNESSEE AT MARTIN POLICE DEPARTMENT OVERVIEW

UTM's Main Campus has a dedicated on-campus Police Department. The UT Martin Police Department has twelve fully commissioned public safety officers, each with the authority to make arrests. The UT Martin officers are commissioned by the State of Tennessee and the City of Martin (with limitations pursuant to an MOU) to enforce all local, state, and federal laws and the administrative policies of the University. Each officer attends the State Law Enforcement Academy within six months of employment and receives a minimum of 40 hours of in-service training annually, as required by the Tennessee Peace Officer Standards and Training Commission (P.O.S.T.).

In addition, the UT Martin officers have specialized training in, among others, criminal investigations, sexual assaults, defensive tactics (including chemical spray and TASER), EMS first responder training (including AEDs), domestic violence, armed intruder response, National Incident Management System (NIMS), response to man-made or

natural emergencies, firearms, crime scene processing, domestic and foreign terrorist intelligence, cybercrimes, response to emotionally disturbed persons, and emergency vehicle operation. Many of our officers have bachelor's degrees, while several have or are pursuing advanced degrees. One of our command level officers is a graduate of the Southern Police Institute.

Mission Statement

The University of Tennessee at Martin Department of Public Safety provides quality, responsive police and safety service through partnership and collaboration with the students, faculty, staff, and other campus partners. We are committed to maintaining a safe environment to live, learn and work on campus.

Contact Information

A. UT Martin Main Campus

The Department of Public Safety is in Crisp Hall, near the heart of campus. Our address:
215 Hurt St
159 Crisp Hall
Martin, Tn. 38238
Non-Emergency Contact number (731) 881-7777 (7777 from an on-campus landline)
Emergency Contact number 911

B. UTM Centers

UT Martin operates nonresidential education centers in Jackson, Parsons, Ripley, Selmer, and Somerville. While the UT Martin Police Department maintains primary law enforcement jurisdiction at these centers, there is no on-campus public safety department or personnel. As a result, the local municipal police departments where each center is located will, in all likelihood, be the first responders should an emergency occur. Contact information for pertinent local law enforcement agencies follows:

UTM CENTER	LOCAL LAW ENFORCEMENT	CONTACT INFORMATION
Jackson Center	Jackson Police Department	731-425-8400
Parsons Center	Parsons Police Department	731-847-9999
Ripley Center	Ripley Police Department	731-635-1515
Selmer Center	Selmer Police Department	731-645-7907
Somerville Center	Somerville Police Department	901-465-3205

Accreditation

The UT Martin Police Department received full accreditation from the Tennessee Law Enforcement Accreditation Program in December of 2013, received their second award in 2018, and received their third award in 2020.

Authority, Jurisdiction and Working Relationships with State and Local Law Enforcement Agencies

A. City of Martin Police Department

UTM and the City of Martin have a memorandum of understanding (MOU) between the two police departments that in most cases establishes that the primary investigative agency for most crimes will be the agency that has primary jurisdiction over the area where the crime was initiated, or where the most serious aspect of the crime occurred. Officers have concurrent responsibilities in areas of the city that are primarily designated for student use. The only exceptions are: 1) in the event of a sexual assault on campus, there will be a joint investigation, and; 2) if there is an unexplained death on campus, the City Police will lead the investigation as required by State Law. UTM is contained within the city limits of Martin, thus City Police have full enforcement authority on campus and can make arrests.

B. County/State/Federal Officers

The Weakley County Sheriff's Department, State of Tennessee, and Federal Law Enforcement Officers have full enforcement authority on Campus and can make arrests. As normal protocol, they work through the UT Martin Police Department when needing to contact persons on campus, unless emergency or investigative conditions dictate otherwise.

C. Information about Monitoring & Reporting Off-Campus Criminal Activity, including at Noncampus locations of Officially Recognized Student Organizations

As noted above, UTM and the City of Martin have concurrent responsibilities in areas of the city that are primarily designated for student use. This includes, but is not limited to, noncampus locations of student organizations officially recognized by UTM (at the UTM Main Campus this includes fraternity houses). This means that City Police may monitor, respond to, and document criminal activity occurring at noncampus locations of student organizations. In these situations, City Police will generally notify the UT Martin Police Department. (*Note the Centers do not have any recognized student organizations with noncampus locations). UT Martin PD has communicated with local police requesting their cooperation in informing the institution about situations reported to them that may warrant an emergency response.

REPORTING A CRIME, EMERGENCY, OR SUSPICIOUS ACTIVITY

A. Accurate & Prompt Reporting

Students, faculty, staff, and visitors are encouraged to promptly and accurately report all crimes and public safety-related incidents to the UT Martin Police Department or the appropriate local police agency, including when the victim elects to, or is unable to, make such a report. Crimes and incidents should be reported as soon as possible for the purpose

of making timely warning or emergency notification reports to the community, and for inclusion in the annual statistical disclosure.

B. Where & How to Report

Crimes and emergencies can be reported by contacting the following police agencies:

Emergency - Police, Fire, or Ambulance	Dial 911
UT Martin Police Department	Dial 911 or 731-881-7777
Emergency Assistance Call Boxes	Use any of the designated call boxes located throughout campus to connect immediately with the UT Martin Police Department
Local Police Departments <i>* See page 6 for Centers' local police departments</i>	<u>Martin Police Department</u> 732 N. Lindell St., Martin, TN 38237 or 731-587-5355 <u>Weakley County Sheriff's Office</u> 7951 HW 22, Dresden, TN 38225 or 731-364-5454

UTM Alert Systems

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all these methods of communication may be activated in the event of an emergency. These methods of communications include emergency text messaging via RAVE, and campus-wide or portions of the campus emergency e-mail. The University may also use:

- Fire Alarm System
- The UTM Home Page/Portal (mainly for updates)
- The tornado siren (weather related only)
- The mass audible alert system (loudspeakers)
- Campus and local media entities
- Posters placed in Campus Buildings and/or Residential Facilities

Those attending UTM Centers will receive Emergency Notifications, via their campus e-mail and text messaging system. Students attending UTM Centers are encouraged to opt-into the emergency text messaging system.

Once the incident is over or the threat no longer exists, an all-clear notification will be disseminated to the community through the means used to issue the Emergency Notification(s).

How to Sign Up for Emergency Text Messaging:

We encourage all employees and students of the campus community to enroll in RAVE. To sign up (opt-in) to the emergency text messaging system, the procedure is as follows:

1. From the "UTM Home Page," enter your ID and Password into the "My UTM Portal."
2. Click on "Banner Self-Service" then, click on "Personal."

3. Select “Cell Phone (including Opt-In for Informational Text).”
4. Follow directions on screen.

Note: Multiple numbers can be added from your profile on the Rave website (<https://www.getrave.com/login/utm>) once you are registered.

Alternative Reporting

Designated Campus Security Authorities ¹ to whom a crime can be reported:

Director of Student Conduct and Care <i>*Contact for Main Campus & Centers</i>	Shannon M. Perry 215E Boling University Center 731-881-7703 sperry19@utm.edu studentconduct@utm.edu
Director of Equity and Diversity & Title IX Coordinator <i>*Contact for Main Campus & Centers</i>	Dominique Crockett 212 Boling University Center (731) 881-3505 dcrock12@utm.edu titleix@utm.edu
Director of UTM Center <i>*Centers Only & Center Specific</i>	<u>Parsons:</u> Dr. Kelli Beth Deere kdeere@utm.edu or 731-847-3880 <u>Selmer:</u> Alan Youngerman ayounge3@utm.edu or 731-646-1636 <u>Jackson:</u> Anita Cannedy acannedy@utm.edu 731-425-9277 <u>Somerville:</u> Kara Tapp ktapp1@utm.edu or 901-465-7313 <u>Ripley:</u> Dr. Simpfronia Taylor staylo47@utm.edu or 731-221-8778

¹ “Campus security authority” or CSA is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution.

(1) campus police department or a campus security department of an institution; (2) individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department, (3) individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and (4) an official of an institution who has significant responsibility for student and campus activities.

Confidentiality

UTM allows anyone to report crimes or other public safety-related incidents on a voluntary, confidential basis for statistical inclusion in this report. To submit a report for statistical inclusion only, use the anonymous tip website, available on the Public Safety website or here: [Crime Tip Form](#)

Pastoral and Professional Counselors

UTM also encourages all licensed mental health professionals and pastoral counselors to refer persons whom they are counseling to report crimes on a voluntary, confidential basis for statistical inclusion in this Report by using the anonymous tip line. This is because licensed mental health professionals and pastoral counselors, when acting as such, are not considered to be a Campus Security Authority for Clery Act purposes and are not required to report crimes for inclusion into the annual crime statistics contained in this Report.

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. The university's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, found in Appendix E, prohibits retaliation. 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 on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, 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.

TIMELY WARNINGS (SAFETY NOTICES)

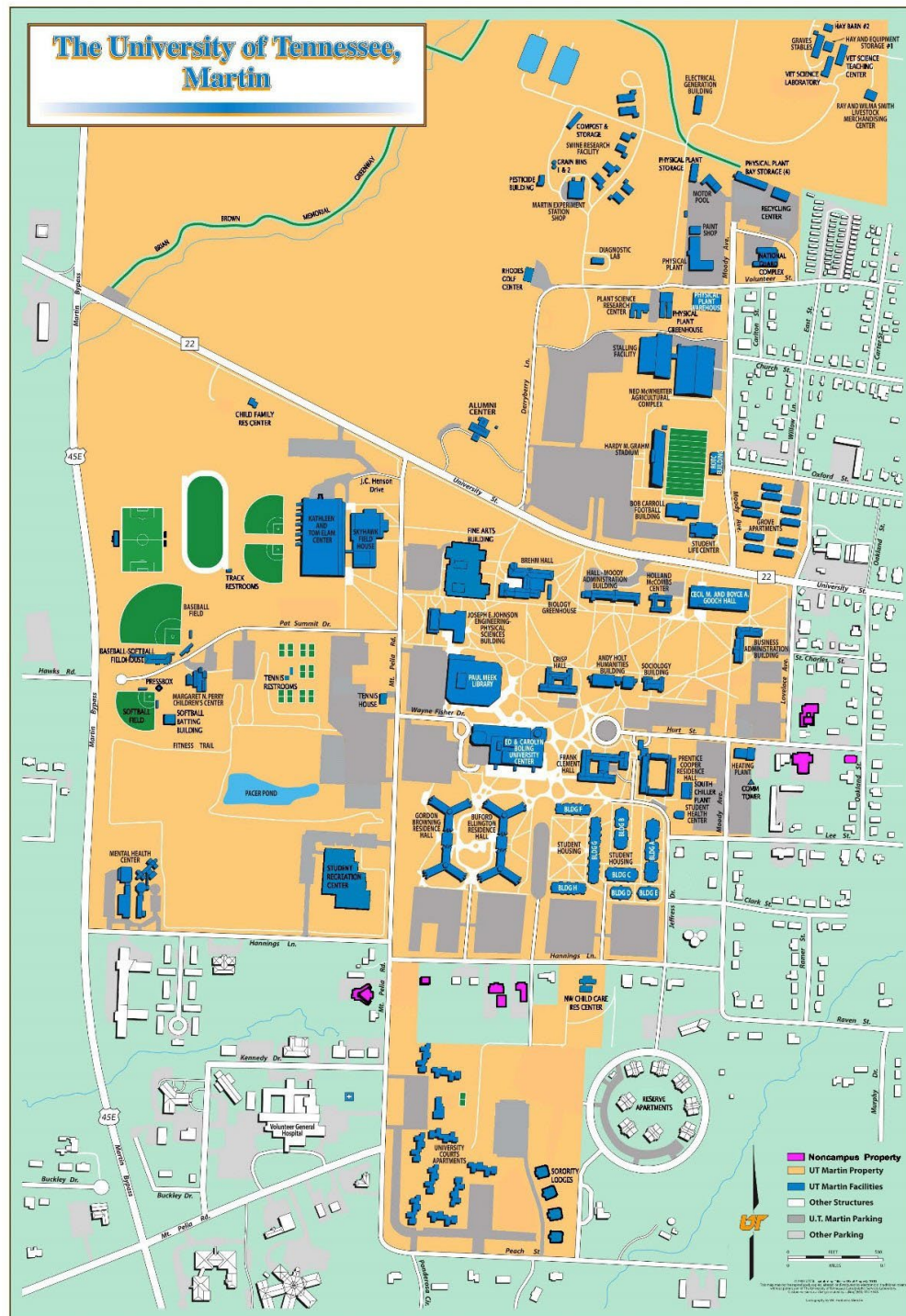
Statement of Policy

The University will issue a Timely Warning to the campus community for Clery-reportable crimes occurring on the University's Clery Act geography that are reported to Campus Security Authorities or local police agencies, and that are considered by the University to represent a serious or continuing threat to students and employees.

- Clery-reportable crimes include: murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, certain categories of hate crimes, domestic violence, dating violence, stalking, or violations of weapons, drug abuse, and liquor laws. Notices may also be posted for other crime classifications as deemed necessary.

- Clery Act geography, in general, means: on campus buildings or property, including residence complexes, noncampus property that University owns, leases, or controls (Includes locations such as fraternities, athletic travel or study trip where there is extended or repeated use), and certain public property within or immediately adjacent to campus.

UT Martin Clery Geography Map



Whether an incident constitutes a serious or continuing threat to students and employees is a case-by-case determination. In general, this means that there is a risk of students or employees becoming victims of a similar crime. For example, if a robbery is reported on campus and the alleged perpetrator has not been caught, the risk is there. If the alleged perpetrator was apprehended, there may be no continuing risk if the perpetrator acted alone. Other questions that may be asked are: does a criminal incident appear to be a one-time occurrence, or does it fall into a pattern of reported crimes? For example, if students set some posters on fire after the football team lost the homecoming football game, the arsons are probably a one-night event. If an unknown person was randomly setting fires, this would pose a continuing threat.

Statement of Procedures

Decision Criteria for a Timely Warning:

The Director of Public Safety (or designee) will determine whether a timely warning will be issued. The decision whether to issue a timely warning is decided on a case-by-case basis in light of all the facts surrounding a crime, including, but not limited to, the possible risk of compromising law enforcement efforts.

Content for a Timely Warning:

The amount and type of information presented in a timely warning will vary depending on the circumstances of the crime. If there is certain information that could compromise law enforcement efforts, it may be withheld from the timely warning notice. Generally, the warning will specify the type of crime reported, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim. The Director of Public Safety (or designee) will determine the content for each timely warning. If time permits, the Director of Public Safety (or designee) will consult with the Chancellor (or a designee), and/or the University Emergency Management Coordinator, and/or University Relations, in determining the content for each warning.

Timing for a Timely Warning:

Although the Clery Act does not define “timely,” the intent of a warning is to enable our University community to protect itself. This means that a warning is issued as soon as pertinent information is available so that it can be used as a preventive tool, and not solely constitute a description of the incident.

How Timely Warning Notices are Issued/Disseminated:

Timely warning notices will be made to the entire campus community through the use of the campus-wide e-mail system. The Director of Public Safety also has the discretion to issue the warning, via other tools, as necessary (including the emergency text messaging system if practical).

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The Emergency Response Plan for UTM Main Campus can be accessed through the Public Safety Web Site or at: https://www.utm.edu/offices-and-services/environmental-health-and-safety/_media/Emergency%20Response%20Plan%20-%20MASTER_Media%20Version.pdf

The Emergency Response Plan for UTM Centers can be accessed through the UTM Center's web page or at the following individual links:

Jackson: https://www.utm.edu/academics/jackson-center/_media/Emergency%20Response%20Plan%20Jackson%20Center.pdf

Parsons: https://www.utm.edu/academics/parsons-center/_media/Emergency%20Response%20Plan%20Parsons%20Center.pdf

Ripley: https://www.utm.edu/academics/ripley-center/_media/Emergency%20Response%20Plan%20Ripley%20Center.pdf

Selmer: https://www.utm.edu/academics/selmer-center/_media/Emergency%20Response%20Plan%20Selmer%20Center.pdf

Somerville: https://www.utm.edu/academics/somerville-center/_media/Emergency%20Response%20Plan%20Somerville%20Center.pdf

How to Report an Emergency

Crimes and emergencies can be reported by contacting the following police agencies:

Emergency Police, Fire, or Ambulance	Dial 911
UT Martin Police Department	Dial 911 or 731-881-7777
Emergency Assistance Call Boxes	Use any of the designated call boxes located throughout campus to connect immediately with the UTM Department of Public Safety.
Local Police Departments <i>* See page 6 for Centers' local police departments</i>	<u>Martin Police Department</u> 732 N. Lindell St., Martin, TN 38237 or 731-587-5355 <u>Weakley County Sheriff's Office</u> 7951 HW 22, Dresden, TN 38225 or 731-364-5454

Emergency Notification System

Statement of Policy

The University will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. "Immediate threat" as used here includes an imminent or impending threat. Examples of significant emergencies or dangerous situations may include but are not limited to: an outbreak of meningitis, norovirus or other serious illness; approaching tornado or other extreme weather conditions; earthquake; gas leak; terrorist incident; armed intruder; active shooter; bomb threat; civil unrest or rioting; explosion; and chemical or hazardous waste spill.

Confirming the Existence of a Significant Emergency or Dangerous Situation

The initial and primary responder to emergencies will normally be the UT Martin Police Department. It is possible that the initial and primary responder may be the Office of Environmental Health and Safety, particularly for incidents such as an outbreak of serious illness; extreme weather conditions; earthquake; gas leak; or chemical or hazardous waste spill. In either situation, the ranking or senior officer/administrator on the scene will quickly assess the situation and notify the Director of the UT Martin Police Department, or in his absence, the highest-ranking officer in Public Safety.

The Director (or highest-ranking officer) will take immediate steps to confirm whether the incident constitutes a “significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees,” such that an Emergency Notification is warranted. If time permits, the Director (or highest-ranking officer) may consult with the Vice Chancellor for Finance and Administration. If the Vice Chancellor for Finance and Administration cannot be contacted, and if time permits, the Chancellor will be consulted. If it is not possible to contact the Vice Chancellor for Finance and Administration or the Chancellor, and if time permits, efforts will be made to consult with the Vice Chancellor for Academic Affairs, the Vice Chancellor for Student Affairs, or the Vice Chancellor for University Advancement (in that order).

Upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees, UTM will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of the first responders, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Director of Public Safety (or designee) or the Emergency Management Coordinator (or designee) will initiate the notification system to the campus.

UTM Alert System

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an emergency. These methods of communications include emergency text messaging via RAVE, and campus-wide or portions of the campus emergency e-mail. The University may also use:

- Fire Alarm System
- The UTM Home Page/Portal (mainly for updates)
- The tornado siren (weather related only)
- The mass audible alert system (loud speakers)
- Campus and local media entities
- Posters placed in Campus Buildings and/or Residential Facilities

Those attending UTM Centers will receive Emergency Notifications, via their campus e-mail and text messaging system. Students attending UTM Centers are encouraged to opt-into the emergency text messaging system. Once the incident is over or the threat no longer exists, an all-clear notification will be disseminated to the community through the means used to issue the Emergency Notification(s).

How to Sign Up for Emergency Text Messaging:

We encourage all employees and students of the campus community to enroll in RAVE. To sign up (opt-in) to the emergency text messaging system, the procedure is as follows:

1. From the “UTM Home Page,” enter your ID and Password into the “My UTM Portal.”
2. Click on “Banner Self-Service” then, click on “Personal Information.”
3. Select “Cell Phone (including Opt-In for Informational Text).”
4. Follow directions on screen.

Note: Multiple numbers can be added from your profile on the Rave website (<https://www.getrave.com/login/utm>) once you are registered.

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

The UT Martin Police Department Director (or a designee), in conjunction with first responders, will determine the appropriate segments to notify and the appropriate modes to use. Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The UT Martin Police Department Director (or a designee), together with the Chancellor (or a designee), the Emergency Management Coordinator, and/or University Relations, will continually evaluate the situation and assess the need to notify additional segments of the campus population.

Initiating the Emergency Notification System and Determining the Contents of an Emergency Notification

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure that each message contains essential information, the mass notification system contains pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template. In those cases, where there are no predetermined templates in the system, the individual may use the “alert” template to craft a specific message. The goal is to ensure people are aware of the situation and they know the steps to take to stay safe.

Disseminating Emergency Information to the Larger Community (i.e., individuals and organizations outside the campus community)

If the campus activates its Emergency Notification, University Relations is responsible for determining when and how to disseminate emergency information to the larger community. This may include updating notices on Facebook, Twitter, and other social

networking platforms; maintaining communications with news outlets; distributing press releases; or scheduling press conferences.

Testing Emergency Response and Evacuation Procedures: Drills, Exercises, and Training

To ensure the campus emergency management plans remain current and actionable, the main campus, along with each center, conducts at least one test annually. Tests may be announced or unannounced. The UT Martin Police Department works with the main campus and each center to develop test scenarios. Outreach to local state and federal responders and stakeholders is also conducted in order to solicit participation. These tests are scheduled and include both exercises and drills. After each test, the main campus and each center conduct after-action reviews. In conjunction with at least one emergency management test each year, the main campus and each center notify the appropriate campus community of the test and remind the community of the University's alerts system and emergency response procedures. They also document for each test: a description of the exercises, the date, the time, and whether it was announced or unannounced.

MISSING STUDENT NOTIFICATION PROCEDURES

Missing Student Policy for Students Living in On-Campus Student Housing

The purpose of this policy is to establish a framework for cooperation among members of the University community aimed at locating and assisting students who are reported missing. A student shall be deemed missing when absent from the University for 24 hours. Individuals may report a student missing at any time; there is no requirement for the individual to wait until they believe the student has been missing for 24 hours.

How to Report a Missing Student

All reports of missing students should be made to one of the following:

UT Martin Police Department	731-881-7777
Residence Life Staff Member	731-881-8930
Office of Student Affairs	731-881-7700

All reports of missing students made to someone other than the UT Martin Police Department shall be immediately referred to the UT Martin Police Department at 731-881-7777, which shall investigate each report and make a determination whether the student is missing in accordance with this policy.

Identification of Emergency Contacts

In compliance with the Missing Student Notification Policy (20 USC 1092 C-Section 488 of the Higher Education Opportunity Act of 2008), it is the policy of the Office of Housing, Division of Student Affairs, and the UT Martin Police Department to actively investigate any report of a missing student currently enrolled at the University.

Students residing on-campus will update their missing person information annually through the housing application process. Students should provide an emergency person/number to be contacted if they are believed to be missing for more than 24 hours

and/or in potential danger. This information will only be utilized in the event that a missing person report is filed and will only be provided to authorized campus officials and law enforcement officers in furtherance of resolving the missing student's investigation/emergency situation.

This contact is for missing person purposes only and may be different from the person selected as the student's general emergency contact. General emergency contact information and missing persons contact information are kept separate, even if the student registers the same contact for both purposes. The University will contact this emergency contact no later than 24 hours after the determination by the Department that the student is missing.

If a missing student is under 18 years of age and not emancipated, the Department will notify a custodial parent or guardian of the missing student (in addition to notifying any additional contact person designated by the student) no later than 24 hours after the determination by the Department that the student is missing.

The Department will also notify the Martin Police Department no later than 24 hours after it determines that the student is missing, unless the Martin Police Department was the entity that made the determination that the student was missing.

Investigation of a Missing Student Report

Any report of a missing student, from whatever source, should immediately be referred to the UT Martin Police Department. The individual should provide as much information as possible, including:

- the name, campus address, physical description (including last known clothing), vehicle information, and any contact information relative to the missing student;
- the last time and location at which the missing student was seen;
- the circumstances leading to the belief that the student has gone missing;
- any friends, other locations, or changes in routine involving the missing student.

When a student is reported missing, the UT Martin Police Department shall:

- Initiate an investigation to determine the validity of the missing person report, including but not limited to: initiating a search on campus for the missing student to include common areas, residence halls, parking areas for his/her vehicle, or other known areas frequented by them; attempting to contact the involved missing student directly through cell phones, room phones, or e-mail/social networking venues; contacting known associates of the missing student; checking the missing student's room for information that might lead to his/her location; checking the involved missing student's campus email, phone, and Skyhawk Card records for recent usage. Class schedules and instructors may also be consulted to determine the latest attendance date.

- Make a determination as to the status of the missing student. The official determination that the student is missing can be made at any time by the UT Martin Police Department or by the Martin Police Department
- Notify the individual designated by the missing student as the missing person's contact within 24 hours of making the determination that the student is missing. If the student has identified multiple contacts, they will be contacted in an order determined by the UT Martin Police Department.
- If the student registered multiple contact persons, and the first person contacted confirms that the student is not missing, the UT Martin Police Department will contact each additional contact person in turn unless the student in question is reached by the Department or contacts the Department.
- The UT Martin Police Department will document attempts to contact the individual(s) named as contact persons.
- If the missing student is under the age of 18 and is not emancipated, the UT Martin Police Department will notify the student's custodial parent or guardian as contained in the records of the University within 24 hours of the determination that the student is missing.
 - Immediately notify the Martin Police Department within 24 hours after determining that the student is missing. This notification will be made even if the missing student has not registered a designated contact person, is above the age of 18, or is an emancipated minor.
- Once the missing student is located, all previously notified individuals will be updated as appropriate.

SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

The University of Tennessee at Martin is committed to creating and maintaining a safe and nondiscriminatory 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 suspension from the University and termination of employment.

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

Prohibited Conduct

The University prohibits the following conduct:

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

Scope and Applicability and Jurisdiction

The Policy applies to the conduct of and protects:

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

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

With respect to employees and other non-students, the 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 Standards of Conduct ("Code"). The Code applies to Prohibited Conduct which occurs on University-controlled property. The Code also applies to Prohibited Conduct that occurs off of University-controlled property in certain situations, including Prohibited Conduct which occurs in connection with a University-affiliated activity including if the conduct adversely affects the interests of the University, including but not limited to, conduct which (1) occurs in connection with a University-affiliated activity, including but not limited to, an overseas study program or a clinical, field, internship, or in-service experience; (2) involved another member of the University community; or (3) threatens, or indicates that the student poses a threat to, the health or safety of him/herself or others or the security of any person's property. The University may address Prohibited

¹ "University" under the Policy means the University of Tennessee at Martin and the centers at Jackson, Parsons, Ripley, Selmer and Somerville.

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

Under the Policy, a “**Complainant**” is 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 the Policy.

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

Procedures Students Should Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking

Preserving Evidence

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

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72 hours after the incident;
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one’s teeth, drinking liquids, washing one’s hands or face, or combing one’s hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, 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.

Seeking Medical Attention

In cases of Sexual Assault, it is important to seek immediate medical attention to determine the presence of physical injury, address pregnancy concerns, determine the possibility of exposure to sexually transmitted diseases, and, if the victim later decides to pursue legal options, to obtain evidence to assist in criminal prosecution, a civil action, or in obtaining a civil protection order. More information regarding medical care and the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order can be found in **Appendix E** of this report.

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 University². 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 about the procedures students should follow and how and to whom the alleged offense should be reported can be found in Appendix E.**

Reporting to Police

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

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

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

INCIDENT LOCATION	CONTACT
UT Martin Police Department 215 Hurt St. 159 Crisp Hall Martin, TN 38238	(731) 881-7777 (24 hrs/ day; 365 days /year) https://www.utm.edu/offices-and-services/public-safety/
Martin Police Dept. 732 N Lindell St Martin, TN	(731) 587-5355 (Non-emergencies) 9-1-1 (Emergencies) http://martindps.org/police/
Weakley County Sheriff's Dept. 7951 Highway 22 Dresden, TN	(731) 364-5454 http://www.weakleycountyttn.gov/sheriffdept.html

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

² Student-employees who are Mandatory Reporters are required to report information they receive about Prohibited Conduct. See Appendix E of this report for more information about Mandatory Reporters.

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. 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.

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

Dominique Crockett

215 Boling University Center

(731) 881-3505

dcrock12@utm.edu titleix@utm.edu

<https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/titleix/>

Procedures the Institution Will Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking

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 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 the Policy and/or another written publication approved by the Title IX Coordinator that informs the Complainant of the Complainant's rights and options under the 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 the Policy applies, the formal complaint will be received as a Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,³ the Title IX Coordinator will initiate the grievance procedures outlined in *Appendix C or Appendix D* of the Policy; and
- **If the Complainant requests, assist the Complainant in reporting the incident to the police.**

Supportive and Remedial Measures

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement supportive, protective, and remedial measures (“Supportive Measures”) while the University assesses, investigates, and resolves the report. Supportive Measures may be implemented upon request or at the Title IX Coordinator’s initiative. The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent.⁴ In fairly assessing the need for an individual to receive Supportive Measures, the Title IX Coordinator does not rely on fixed rules or operating assumptions in favor of one party over another. **Examples of Supportive Measures, including protective measures that the University may offer, are listed in *Appendix A* of the Policy.**

Protection Orders

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

- Weakley County General Sessions Court
116 W. Main St., #203

³ 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.

⁴ 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).

Dresden, TN 38225
(731) 364-3455

- West Tennessee Legal Services
210 W. Main St. Jackson, TN
(731) 423-0616 (800) 372-8346

A Title IX Official or the police can assist a Complainant with arranging an appointment with the General Sessions Court to discuss options for pursuing an order of protection and other legal remedies. The Title IX Coordinator can explore the implementation of University Supportive Measures to assist with enforcing the terms of an order of protection.

Information about the rights of the Complainant and the University's responsibilities regarding orders of protection, "no contact" orders, restraining orders or similar lawful orders issued by a criminal, civil, or tribal court or by the University can be found in **Appendix E**.

Protecting Confidentiality

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

- Certain University employees, called Campus Security Authorities, have a duty to report certain incidents including Sexual Assault, Domestic Violence, Dating Violence, and Stalking to the Clery Coordinator to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information to the Clery Compliance Coordinator for Clery Act purposes, but statistical information must be sent to the Clery Compliance Coordinator regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security and Fire Safety Report. Statistics published in the Annual Security and Fire Safety Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Information about how the University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim can be found in **Appendix E**.
- Information about how the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures can be found in **Appendix E**.

Procedures for Disciplinary Action

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

The Policy includes information about the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding. The Policy also describes how to file a disciplinary complaint and how the University determines which type of proceeding to use based on the circumstances of an allegation.

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

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

Prompt, Fair, and Impartial Proceedings

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

Training

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

Preponderance of the Evidence Standard

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

Right to an Advisor

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

Notifications to the Complainant and the Respondent

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

PREVENTION AND AWARENESS PROGRAMS

UTM implements comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to prevent prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking) by and against members of the UTM community. UTM intends that its Prevention Programs: (1) be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and (2) consider environmental risk and protective factors as they occur on the individual, relationship, University, community, and societal levels. Prevention Programs include both Primary Prevention Programs, Primary Awareness Programs, and Ongoing Prevention and Awareness Campaigns.

Primary Prevention Programs

UTM implements programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to prevent incidents of prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking) through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe Bystander Intervention, and seek to change behavior and social norms in healthy and safe directions.

UTM implements programs for incoming students and new employees that inform them about:

- UTM's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, including: the Institute's prohibition against prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking); the definitions of Tennessee Sex Offense Crimes and Tennessee Relationship Violence Crimes; the definition of consent with respect to crimes relating to sexual activity in the State of Tennessee; and the information that is included in the Institute's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (which includes the University's definition of consent and

- the purposes for which that definition is used) in accordance with 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2);
- Bystander Intervention; and
- Risk Reduction.

Questions about UTM's current Primary Prevention Programs should be directed to the Title IX Coordinator.

Primary Awareness Programs

UTM implements comprehensive, intentional, and integrated community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking), promote safety, and reduce the perpetration of prohibited conduct.

Questions about UTM's Primary Awareness Programs should be directed to the Title IX Coordinator.

Ongoing Prevention and Awareness Campaigns

UTM implements programming, initiatives, and strategies for students and employees that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing prohibited conduct (e.g. sexual assault, dating violence, domestic violence, and stalking) using a range of strategies with audiences throughout UTM and including information about:

- UTM's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, including: the Institute's prohibition against prohibited conduct; the definitions of Tennessee Sex Offense Crimes and Tennessee Relationship Violence Crimes; the definition of consent with respect to crimes relating to sexual activity in the State of Tennessee; and the information that is included in the Institute's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking (which includes the University's definition of consent and the purposes for which that definition is used) in accordance with 34 C.F.R. § 668.46(b)(11) and 34 C.F.R. § 668.46(k)(2);
- Bystander Intervention; and
- Risk Reduction.

Questions about the UTM's ongoing prevention and awareness campaigns should be directed to the Title IX Coordinator.

Bystander Intervention

Safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of Prohibited Conduct. Bystander Intervention includes: recognizing situations of potential harm; understanding institutional structures and cultural conditions that facilitate violence; overcoming barriers to intervening; identifying safe and effective intervention options; and taking action to intervene.

Risk Reduction

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

<i>Program Title</i>	<i>Type/Description</i>	<i>Frequency</i>	<i>Audience</i>
First-Year Initiatives: Code of Conduct	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Code of Conduct program include: • Hazing - what is it and what are behaviors that endanger the health, safety and welfare of students • Smoke-free campus • University's Standards of Conduct • University's evidentiary standard for student discipline • Alcohol and drug violations • Legal Drinking age in Tennessee • University Sanctions for violations of Standards of Conduct • University's prohibition of sexual harassment, sexual assault, dating and domestic violence and stalking • University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking • Discussion on consent • Bystander intervention including information about safe and positive options for intervening • Discussion about the "bystander effect" • Sexual Misconduct prevention including information about healthy relationships, how to identify an unhealthy relationship, and information about risk reduction and warning signs • Resources available to students that are experiencing sexual misconduct • Use of no-contact directives	Annually	Students

<i>Program Title</i>	<i>Type/Description</i>	<i>Frequency</i>	<i>Audience</i>
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First-Year Initiatives: Title IX	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Title IX program include: • Overview of the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking • University's prohibition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Scope of the University's Policy • Definition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Definition of consent • Title IX Coordinator's contact information	Annually	Students
Code of Conduct	Keeping employees safe through training on what is required of all employees: behavior, respect for others, respect for property etc.	At time of hire	Employee
New Employee Orientation	Discussion of the policies, including those that help keep campus safe (firearms, smoking, etc.); also includes campus contacts for safety (Public Safety Office; Title IX Coordinator; etc.). Title IX/Mandatory Reporter, FERPA, Technology Security.	At time of hire	Employee
Emergency Management	Describes the procedures for UTM in the event of fire, natural disasters, chemical spills, and other emergency situations.	At time of hire	Employee
Title IX	Mandatory Reporter training, including information on: • Overview of the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking • University's prohibition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Scope of the University's Policy • Definition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Definition of consent Title IX Coordinator's contact information	Annually	Employee
SANS Security Awareness	Provides an overview of digital threats to data and systems. Provides security training for our email and computer technologies on campus as well as training on how to protect our virtual and digital data. Includes information on general social media and internet safety habits and scam awareness.	Annually	Employee
Title VI	This course defines Title VI of the Civil Rights Act of 1964, explains UT's Title VI obligations, presents examples of discriminatory practices, defines Limited English Proficiency, and explains complaint procedures and prohibition on retaliation.	Annually	Employee
Campus Security Authority	Training focusing on the Clery Act and responsibilities as a Campus Security Authority. Includes description of the Act, definitions of crimes and geography, when and how to report, information on the Clery Coordinator, and where to get additional information.	Annually	Employee deemed CSA
Child Protection for UT Covered Adults	Training over UT Safety Policy 575, Minors on Campus. Covers Tennessee state law requiring reporting of child abuse and child sexual abuse, when, how, and where to report and gives guidance on how to handle situations involving a child reporting or indicating signs of child abuse or child sexual abuse.	Every 2 years	Students, Employees and Volunteers

SECURITY AND ACCESS TO CAMPUS FACILITIES

UTM is committed to providing a healthy learning and working environment for intellectual and personal growth. Safety on the campus of UTM is a natural source of concern for parents, students, and University employees. UTM recognizes this and employs a number of security measures to protect the members of its community. But safety is a “campus” responsibility. We all share the responsibility of making UTM a safe place to study, work and live by staying informed, aware, and alert.

Make safety and security issues part of your everyday planning. Please remember there can never be a 100% guarantee that one will not become the victim of a crime and the main responsibility for the safety of one’s person and property always remains with that individual! By developing a “security mindset” that involves remaining aware of your surroundings, taking preventative measures, and locking up/keeping control of your property you can greatly reduce the chances of becoming a victim.

Security Cameras

The University has hundreds of cameras throughout the campus, including the residence halls and parking lots, as well as academic buildings. UT Martin Police Department works in conjunction with the UT Martin I.T. Department to deploy and maintain cameras in advantageous security checkpoints throughout the campus. The University has 201 IP (internet protocol) cameras scattered throughout campus. The University also maintains 334 analog cameras to further maintain coverage of the University. Both UT Martin PD and UT Martin I.T. have the ability to review camera feeds at any time while I.T. has the responsibility of maintaining and managing the cameras and the video storage. Additionally, the UT Martin Office of Residence Life has the responsibility for monitoring and maintaining the cameras within the residence halls. UT Martin I.T. department does provide network support for the residence hall cameras.

Residence Halls

UT Martin Main Campus has six residence complexes: Browning Hall, Cooper Hall, Ellington Hall, University Village Phase I (A-E), University Village Phase II (F-H), and University Courts Apartments. The University takes extra precautions for the safety and security of its residents, including trained staff, restricted key and swipe card access, fire safety, security cameras and 24 hour operations in many complexes, maintenance assistance, and health & safety inspections.

Specifically, each residence hall has a Hall Director who is a full-time professional living in each complex, as well as Resident Assistants (RAs). Browning, Ellington, and Cooper Halls operate staffed desks and 24-hour access to staff. Although the remaining three complexes do not have 24/7 desk operations, residents can contact Public Safety for support, who will in turn contact the on-duty staff. University Courts residents who need assistance between the hours of 8am and 5pm, Monday through Friday, will call 731-881- 7928. After 5pm and on weekends, University Courts residents should call Public Safety at 731-881-7777 for any assistance.

Each resident is given a key to their individual room/apartment and ID card access to their floor or building, as applicable. Browning and Ellington Halls utilize card access readers on each floor,

while Cooper Hall and University Village Phase II apartments utilize card access for the building. University Village Phase I and University Courts apartments are typical apartments with keyed access. If a resident (or anyone) sees someone tampering with doors, they should contact the front desk of the applicable residence halls or Public Safety. Letting anyone else use another person's keys or ID card is a violation of the Standards of Conduct outlined in the Student Handbook, and jeopardizes the security of the floor, room, or apartment. Floor doors are not allowed to be propped open by residents at any time. Some facilities also have security cameras located in strategic areas. Furthermore, each complex conducts Health and Safety Inspections. These will be announced, via fliers, email, and/or banners at least 24 hours in advance, so that the residents can be at home, if possible.

Other Institute Facilities

In addition to the access restrictions listed above involving on-campus residential facilities, the University of Tennessee at Martin campuses, and facilities (including centers) are restricted to students, employees, guests, and invitees to the University, except when part or all of the campus, its buildings, or facilities are open to the general public for a designated time and purpose.

Most facilities have individual hours, and the hours may vary at different times of the year. Access to some of these buildings is controlled by card access after normal business hours, and all of these buildings have varied levels of access. Access to academic buildings, not normally open to students for class/study purposes during normal academic hours, will be limited to those on approved access lists filed with the UT Martin Police Department by the responsible instructor/university official. After hours use of facilities is limited in some areas, and those involved will depart the facility upon request of police or security personnel. Most academic and administrative buildings do not have UT Martin Police Department officers assigned to them, but officers patrol the academic and administrative buildings on a regular basis.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

A. UTM Main Campus

Facilities and landscaping are maintained in a manner designed to minimize the potential for hazardous conditions. The UT Martin Police Department officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Building Services for correction. It is helpful when other members of the Campus Community also report problems. Safety concerns can be reported by contacting Building Services at fixit@utm.edu or calling 731-881-7642 (or 7642 on campus). More information is available at <https://www.utm.edu/offices-and-services/physical-plant-operations/>.

In addition, UTM developed an email address, safety@utm.edu, which UTM personnel can use to easily report unsafe conditions or other safety concerns. The e-mail address safety@utm.edu can be found at the Environmental Health and Safety website at <https://www.utm.edu/offices-and-services/environmental-health-and-safety/>. Recipients of this e-mail are the UTM Safety Officer, the Emergency Management Coordinator and Safety Specialist, and the Director of Public Safety.

Additional Security Considerations

Emergency Assistance Call Boxes

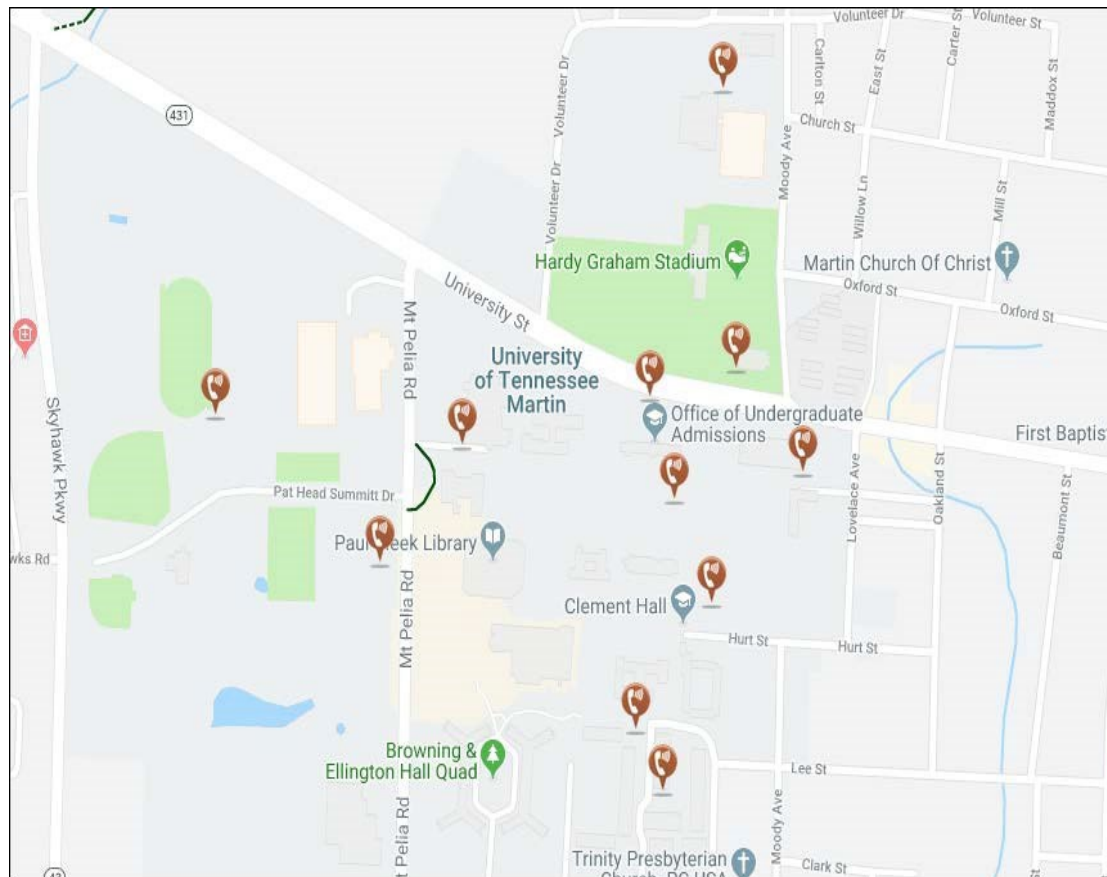
UTM has an extensive network of emergency assistance call boxes located throughout campus in well-lit areas. The call boxes are connected directly to the UT Martin Police Department, and are monitored 24 hours a day, seven days a week, including all holidays. If you need help, simply press the red button on the call box. The call will be answered by a police dispatcher in the UT Martin Police Department who will ask you to explain your situation and will send the appropriate help to your location. As part of safety preparedness, individuals are encouraged to be aware of the locations of the nearest emergency call boxes around campus. Locations of the exterior emergency call boxes are located on the map below and are on the campus parking map,

marked with a  symbol

https://www.utm.edu/offices-and-services/public-safety/ut-martin-parking/_media/21-22%20Parking%20Map.pdf

as well as the main UTM Campus map <https://www.utm.edu/campus-map/>

Locations of Emergency Call Boxes



Identification Cards:

Each full-time student at the university is required to obtain and carry an official university identification card (Skyhawk Card). The Skyhawk Card is used to check out books from the

library; to gain access to dorms and computer labs; to gain admission to certain events sponsored by the University and student organizations; to obtain discounts on items from certain local businesses; and to establish the owner's right to use university facilities. The Skyhawk Card is the property of the university and may be reclaimed if used by any person other than the person identified on the card. It must be shown when requested by any university official.

Registered Parking

All motor vehicles operated (utilized) by faculty, staff, and students in connection with their employment or attendance at UT Martin must be registered at the UT Martin Police Department in Crisp Hall. Visitor parking permit requests can be made in advance online at:

<https://www.utm.edu/offices-and-services/public-safety/ut-martin-parking/online-visitor-parking-permit.php>

B. UT Martin Centers

None of the UT Martin Centers have residential housing or on-campus security departments

Parsons: UT Martin Parsons Center is located in Decatur County at 975 Tennessee Avenue, North Parsons, TN 38363. The building is open: Monday-Thursday (7:00 a.m. to approximately 9 p.m.); Friday (7:00 a.m. to approximately 5:00 p.m.) and Saturday (7:00 a.m. to approximately 3:00 p.m.). When the building is open, access may only be achieved through the front door. All other building doors remain locked throughout the day. There are security cameras throughout the Center, and local law enforcement patrols the general vicinity, including the parking lot. Any maintenance needs can be reported to the Center Director at 731-847-3880.

Selmer: UT Martin Selmer Center is located in McNairy County at 1269 Tennessee Avenue, Selmer, TN 38375. The building is open from 8:00 am to 9:00 pm Monday - Friday. When the building is open, access may only be achieved through the front door. All other building doors remain locked throughout the day. There are security cameras throughout the Center, and local law enforcement patrols the general vicinity, including the parking lot. Any maintenance needs can be reported to the Center Director at 731-610-0065.

Jackson: UT Martin Jackson Center is located in Madison County at the Ned R. McWherter Center on the campus of Jackson State Community College (JSCC). The building address is 2046 North Parkway, Jackson, TN 38301. Within that building, the UT Martin Jackson Center currently operates out of Rooms 110 (administrative), 233 and 235. During business hours, the Center will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all JSCC facilities (including the Jackson Center) is by key, if issued. All security for the building is provided by the JSCC Campus Police Department. This Department also reports maintenance needs to the Physical Plant Director at JSCC. For more information about security at JSCC visit: <https://www.jsc.edu/about-jackson-state/administration/safety-and-security/>. For a contact at the Center itself, please contact the Center Director at 731- 425-9277.

Somerville: UT Martin Somerville is located in Fayette County at 214 Lakeview Road, Somerville, TN 38068. The building is open Monday - Friday from 8:00 a.m. to 5 p.m. On certain select evenings when classes are held, the building will reopen at 6:15 p.m. and close after the end of the last class. When the building is open, access may only be achieved through the front door. All other building doors remain locked throughout the day. There are security cameras throughout the Center, and local law enforcement patrols the general vicinity, including the parking lot. Any maintenance needs should be reported to the Center Director at 901-465-7313.

Ripley: UT Martin Ripley Center is located in Lauderdale County at 315 South Washington Street, Ripley, Tennessee 38063. The building is open Monday-Friday from 8:00 a.m. to 5 p.m. On certain select Saturdays, the building may be open from 8:00 a.m. to 12:00 p.m. Only the front door remains unlocked when the building is unlocked. All other building doors remain locked throughout the day. There are security cameras throughout the Center, and local law enforcement patrols the general vicinity, including the parking lot. Any maintenance needs sighted should be reported to the Center Director at 731-221-8778.

CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

<i>Program Title</i>	<i>Type/Description</i>	<i>Frequency</i>	<i>Audience</i>
First-Year Initiatives: Code of Conduct	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Code of Conduct program include: • Hazing - what is it and what are behaviors that endanger the health, safety and welfare of students • Smoke-free campus • University's Standards of Conduct • University's evidentiary standard for student discipline • Alcohol and drug violations • Legal Drinking age in Tennessee • University Sanctions for violations of Standards of Conduct • University's prohibition of sexual harassment, sexual assault, dating and domestic violence and stalking • University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking	Annually	Students

	• Discussion on consent • Bystander intervention including information about safe and positive options for intervening • Discussion about the “bystander effect” • Sexual Misconduct prevention including information about healthy relationships, how to identify an unhealthy relationship, and information about risk reduction and warning signs • Resources available to students that are experiencing sexual misconduct • Use of no-contact directives		
First-Year Initiatives: Title IX	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Title IX program include: • Overview of the University’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking • University’s prohibition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Scope of the University’s Policy • Definition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Definition of consent • Title IX Coordinator’s contact information	Annually	Students
First-Year Initiatives: Public Safety	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Public Safety program include: • Information about the University’s Annual Security Report • Personal safety and crime prevention tips such as locking doors and cars and keeping personal belongings with you at all times • Weapons policy on campus and how to properly check-in your weapon while on campus • Safety escorts • How to receive emergency information via text message	Annually	Students
First-Year Initiatives: Let’s Talk Study Abroad	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Let’s Talk Study Abroad program include: • Tips on how to stay safe while studying abroad • How to keep your money and personal belongings secure • Tips on how to prepare before your travel • Information about researching local customs and laws • Information about the U.S. Department of State’s Travel Advisories • Avoiding civil and political unrest • Protecting your health	Annually	Students

First-Year Initiatives: Drinking and the College Experience	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Drinking and the College Experience program include: • Reasons why some college students choose to drink alcohol during their college matriculation • How to make responsible decisions around drinking	Annually	Students
	• Types of drinking behaviors: binge drinking and heavy drinking • Negative impact drinking can have on the students' academic, mental, social, physical, and financial life • Health and safety risks associated with drinking: unsafe sex, drunk driving, substance abuse and dependence issues, psychological distress, abuse of other drugs • Myths and facts about drinking		
First-Year Initiatives: Taking Flight Toward Wellness	First-Year Initiatives is a comprehensive program that offers a suite of programming about a variety of campus services and information that is vital to new students. Topics covered under the Taking Flight Toward Wellness program include: • Information about alcohol and drug assessments • Information about the Substance Abuse Subtle Screening Inventory process	Annually	Students
New Employee Orientation	Discussion of the policies, including those that help keep campus safe (firearms, smoking, etc.); also includes campus contacts for safety (Public Safety Office; Title IX Coordinator; etc.). Title IX/Mandatory Reporter, FERPA, Technology Security.	At time of hire	Employee
Emergency Management	Describes the procedures for UTM in the event of fire, natural disasters, chemical spills, and other emergency situations.	At time of hire	Employee
Title IX	Mandatory Reporter training, including information on: • Overview of the University's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking • University's prohibition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Scope of the University's Policy • Definition of sexual harassment, sexual assault, dating and domestic violence, and stalking • Definition of consent • Title IX Coordinator's contact information	Annually	Employee
SANS Security Awareness	Provides an overview of digital threats to data and systems. Provides security training for our email and computer technologies on campus as well as training on how to protect our virtual and digital data. Includes information on general social media and internet safety habits and scam awareness.	Annually	Employee
Code of Conduct	Keeping employees safe through training on what is required of all employees: behavior, respect for others, respect for property etc.	At time of hire	Employee

ALCOHOL AND ILLEGAL DRUGS

Drug Free Campus and Workplace Policy

Federal law requires that the University notify all faculty, staff, and students of certain information pertaining to unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activity. The following information complies with the notification

requirements of the Drug-Free Schools and Communities Act (DFSCA) and its implementing regulations by providing standards of conduct, disciplinary sanctions, possible legal sanctions and penalties. This section also outlines certain health risks associated with alcohol and other drug (AOD) abuse and provides contact information for UTM's AOD programs available to students, staff, and faculty. For more information about the Drug-Free Schools and Communities Act or the University's Biennial Review, please contact the Division of Student Affairs, located in the Boling University Center or by calling (731)881-7700.

Alcohol

The following is a brief summary of UTM's policies regarding possession, use, and sale of alcoholic beverages, including UTM's policies regarding enforcement of Tennessee's underage drinking laws. Overall, UTM maintains an alcohol-free campus and workplace; and violation of this policy is grounds for disciplinary action -- up to and including immediate discharge for an employee and permanent dismissal of a student, and possible referral for prosecution of either students or employees, depending on age, location, and severity.

Standards of Conduct for Students, Alcohol

UTM prohibits consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law. UTM also prohibits providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law. The possession of and/or being under the influence of alcohol are also prohibited on University owned or controlled property including the residential life facilities or student auxiliary affiliations. If students are found possessing alcohol, whether on or off campus, these incidents will be documented and referred to the Office of Student Affairs for disciplinary action.

In addition, University policy prohibits any student and/or student organization from serving or permitting the consumption, possession or display of any alcoholic beverage or containers at any time, or by anyone on University premises. Student organization officers are responsible for initiating risk management procedures and refusing admission to their social gatherings of persons under the influence of alcoholic beverages. Student organizations sponsoring any social affairs are responsible for the general decorum of the event. Any student and/or organization can be sanctioned for violations of the UTM Standards of Conduct, whether on or off campus, if the Office of Student Affairs is notified or contacted.

In conjunction with any notification received by the Office of Student Conduct for any student who is found responsible of violating ordinances in regard to the consumption, presence, possession, and/or use of alcohol, the University follows the below *Alcohol Notification Policy*. A complete copy of this policy is located in The Student Code of Conduct, located here: https://www.utm.edu/offices-and-services/student-life-and-multicultural-affairs/media/student_handbook.pdf.

1. First Offense and/or Arrest

Parental and/or guardian notification will be issued in accordance to APA procedures, disciplinary probation (TBA-may or may not include a loss of privileges and/or scholarships) and educational sanctions including mandatory completion of the Alcohol eCHUG program.

2. Second Offense and/or Arrest

Parental and/or guardian notification; Indefinite Disciplinary probation (TBA-may or may not include a loss of privileges and/or scholarships), additional counseling sessions (TBA) and a \$100.00 monetary fine, payable within 7-10 days of notification. In addition, a mandated Alcohol/Drug (A&D) Assessment examination under the supervision of the UT Martin Counseling Center. The Counseling Center is located in the Student Health and Counseling Building, (731) 881-7720.

3. Third Offense and/or Arrest

Recommended suspension from the University.

Additional sanctions may be recommended at the discretion of the Office of Student Conduct.

Other violations listed in the Student Handbook may also result in suspension. Disciplinary action may be taken regardless of whether violations occur **on or off campus**.

Code of Conduct for Employees, Alcohol

UTM prohibits the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or intoxicants while on duty; use of alcohol in a university vehicle on or off university property; possession or use of alcohol while on duty (except at university-sponsored events and other events an employee is expected to attend as part of his or her duties); or reporting to work under the influence of alcohol or while unlawfully using controlled substances. HR0580 Code of Conduct is available at: <https://policy.tennessee.edu/policy/hr0580-code-of-conduct/>.

If employees are found violating these policies these incidents will be documented and referred to the Office of Human Resources for disciplinary action. Violation of these policies is grounds for disciplinary action -- up to and including immediate discharge for an employee and referral for prosecution. State law may provide additional penalties for such unlawful activities, including fines and imprisonment. Local ordinances may also provide various penalties for alcohol-related offenses.

Tennessee Underage Drinking Law

The following is a brief summary of Tennessee laws pertaining to underage drinking. This is not an exhaustive list and is subject to change as laws evolve.

Illegal Alcohol Purchase, Attempt to Purchase, Possession, or Consumption.

It is illegal in Tennessee for a person under the age of twenty-one (21) to buy (or attempt to buy), possess, transport, or consume alcohol; or knowingly provide false information to obtain alcohol. (Tenn. Code Ann. Sections 57-3-412(a)(3)(A), (a)(5)(A), &(b)(2)(c).) This type of violation is a Class A misdemeanor. In addition to possible criminal penalties, a judge may order license suspension. A minor who misrepresents the minor's age to buy or consume alcohol can be charged with a

misdemeanor. (Tenn. Code Ann. Sections 57-3-412.) In addition to criminal penalties, a minor younger than 18 may face license suspension, a fine of up to \$50, and at least 20 hours of community service, as decided by the judge. Minors between 18 and 20 will be fined between \$50 and \$200 and may also face license suspension for up to one year, and between five and 30 days in jail, as decided by the judge.

Furnishing Alcohol to a Minor

It is illegal in Tennessee for an adult to furnish alcohol to a minor, or to knowingly allow a minor to consume alcohol on the adult's property. (Tenn. Code Ann. Sections 39-15-404(a)(4).) Purchasing alcohol for a minor is a Class A misdemeanor. For first offenses, violators will be fined between \$25 and \$500, and between \$50 and \$1,000 for second and subsequent offenses. (Tenn. Code Ann. Sections 57-3-412(a)(4).) A violator who provided alcohol or allowed alcohol to be consumed on the violator's property will also have to perform 100 hours of community service, and possibly face suspension of driving privileges. (Tenn. Code Ann. Sections 39-15-404(d).)

Illegal Drugs

The following summarizes UTM's policies regarding possession, use, and sale of illegal drugs, including UTM's policies regarding enforcement of Federal and Tennessee drug laws. Overall, UTM maintains a drug-free campus and workplace, and violation of this policy is grounds for disciplinary action -- up to and including immediate discharge for an employee and permanent dismissal of a student, and possible referral for prosecution of either students or employees.

Standards of Conduct for Students, Drugs

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

The possession of and/or being under the influence of drugs are prohibited on University owned or controlled property including the residential life facilities or student auxiliary affiliations. If students are found possessing drugs, whether on or off campus, these incidents will be documented and referred to the Office of Student Affairs for disciplinary action. Violation of this policy is grounds for disciplinary action -- up to and including permanent dismissal of a student, and referral for prosecution. A complete copy of The Student Code of Conduct can be located here: https://www.utm.edu/offices-and-services/student-life-and-multicultural-affairs/_media/student_handbook.pdf.

Code of Conduct for Employees, Drugs

It is the policy of UTM to maintain a safe and healthy environment for its students and employees. Therefore, University policy prohibits the unlawful use, manufacture, possession, distribution, or dispensing of drugs ("controlled substances" as defined in the Controlled Substances Act, 21 U.S.C. 812). Specifically, UTM prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or controlled substances; abuse of prescription drugs while on duty; or reporting to work under the influence of illegal drugs or while unlawfully using

controlled substances. If employees are found in violation of this policy, these incidents will be documented and referred to the Office of Human Resources for disciplinary action.

If employees are found violating these policies these incidents will be documented and referred to the Office of Human Resources for disciplinary action. Federal and state laws provide additional penalties for such unlawful activities, including fines and imprisonment (21 U.S.C. 841 et seq.; T.C.A. 39-6-401 et seq.). Local ordinances also provide various penalties for drug-related offenses. In addition, UTM will take all appropriate actions against violators, which may include referral for legal prosecution or requiring the individual to participate satisfactorily in an approved drug use or rehabilitation program. Individuals who are paid by UTM through federal grants or contracts must abide by this policy and notify the university in writing of any criminal drug statute conviction which includes a finding of guilt, a plea of nolo contendere, or a sentence by any state or federal judicial body for a violation occurring in the workplace within five days after such conviction. The University is, in turn, required to inform the granting or contracting agency of such a violation within 10 days of the university's receipt of notification. A copy of the University's Drug Free Campus and Workplace HR0720 policy can be found at <https://policy.tennessee.edu/policy/hr0720-drug-free-campus-and-workplace/>.

Federal Illegal Drug Laws

The following is a brief summary of federal laws pertaining to illegal drugs. This is not an exhaustive list and is subject to change.

The Controlled Substance Act provides penalties for unlawful manufacturing, distribution, and dispensing of controlled substances. The penalties are determined by the schedule of the drug or other substance. There are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. The following information, although not complete, is an overview of federal penalties:

FEDERAL TRAFFICKING PENALTIES—MARIJUANA

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

Source: U.S. Department of Justice. (2017). *Drugs of Abuse*. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

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	
Fentanyl Analogue (Schedule I)	10–99 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	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.
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.		2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	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 Schedule V drugs	Any amount			

Source: U.S. Department of Justice. (2017). *Drugs of Abuse*. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

State Illegal Drug Laws

The following is a brief summary of Tennessee laws pertaining to illegal drugs. This is not an exhaustive list and is subject to change.

In Tennessee, a simple possession charge is a misdemeanor, but all other violations of drug laws are felonies. It is an offense for a defendant to knowingly:

- Manufacture a controlled substance;
- Deliver a controlled substance;
- Sell a controlled substance; or
- Possess a controlled substance with intent to manufacture, deliver, or sell the controlled substance.

The actual penalties will depend on numerous factors including criminal history. Possible penalties include: Forfeiture of property; Suspension of driver's license; Jail and/or prison time; Fines; Probation; Community service. (T.C.A §§ 29-38-104; 39-17-417; 39-17-425). Below is a snapshot of sentencing by controlled substances schedules

Schedule I (heroin, psychedelics), and II (opiates/opioids, cocaine, methamphetamines) substances: Purchase or possession; first offense: incarceration ranging from 2-15 years; Purchase or possession; second offense: incarceration ranging from 5-30 years; Sale or intent to distribute; first offense: incarceration ranging for 5-30 years; Sale or intent to distribute; second offense: incarceration ranging from 10-40 years or life.

Schedule III (anabolic steroids), IV (Xanax, Valium) and V (Tylenol with Codeine) substances: Purchase or possession; first offense: incarceration ranging from 1-5 years; Purchase or possession; second offense: incarceration ranging from 1-10 years; Sale or intent to distribute; first offense: incarceration ranging for 1-10 years.

Health Risks

Serious health and personal risks are associated with the use of illegal drugs and abuse of alcohol. They may include temporary or permanent physical or mental impairment, injury, or death. Use and abuse of such substances may also give rise to conduct which causes injury, death, or damage to the user/abuser or to the person or property of others, resulting in criminal or civil prosecution and liability. Use and abuse of such substances may also lead to unsafe and/or nonconsensual sex, unwanted pregnancy, and may cause defects, injury, or death in unborn children. Consequences also include temporary or permanent loss of educational or employment opportunities. And, if underage, the student will be charged with that offense. Some additional information follows:

Alcohol Poisoning symptoms: affects breathing and the “gag” reflex, extreme confusion, inability to be awakened, vomiting, seizures, low body temperature, blush or pale skin, impaired judgment.

Health related risks: Contracting an STD, physical injury, developing dependency.

Personal related risks: Emotional and mental anguish, guilt, embarrassment, loss of friendships or relationships, poor grades (may affect scholarships), disciplinary action from the university up to and including dismissal, negative impact on future education or employment opportunities.

Commission of criminal offenses: Underage drinking, driving while intoxicated, driving under the influence, fighting, sexual assault, vandalism, disorderly conduct, theft.

Sobering up: Drinking coffee, exercising, home remedies do not work. The only safe method is time. The body processes alcohol at a rate of ½ oz. per hour. That is two hours to get rid of 1 beer or 1 normal drink.

Where to seek help for alcohol related problems: The campus counseling center, student health, student affairs, public safety, the housing staff, or a trusted friend can assist/refer you to get help if needed.

Drug Abuse Symptoms: affects breathing and the “gag” reflex, extreme confusion, inability to be awakened, vomiting, seizures, low body temperature, blush or pale skin, impaired judgment.

Health related risks: Contracting an STD, physical injury, developing dependency.

Personal related risks: Emotional and mental anguish, guilt, embarrassment, loss of friendships or relationships, poor grades (may affect scholarships), disciplinary action from the university up to and including dismissal, negative impact on future education or employment opportunities.

Commission of criminal offenses: Violation of drug laws, fighting, sexual assault, vandalism, disorderly conduct, theft.

Where to seek help for drug related problems: The campus counseling center, student health, student affairs, public safety, the housing staff, or a trusted friend can assist/refer you to get help if needed.

Drug and Alcohol Abuse Prevention

The following program topics have been developed to help address alcohol abuse and are available from the UT Martin Police Department upon request:

Alcohol Education - A DUI information program consisting of slides and verbal descriptions of alcohol-related accidents. Precautionary measures and current Tennessee alcohol laws, including the 18-20-year-old Alcoholic Beverage Violations laws, are also explained.

Alcohol Abuse - A program which discusses the laws pertaining to alcohol, symptoms of alcohol abuse, precautionary measures, and area services available for counseling alcohol problems.

Know Your Limits - This is a different type of educational program that demonstrates levels of intoxication. The officers demonstrate a hand-held INTOXIMETER. The officers also explain the laws related to alcohol possession and consumption.

Drunk Goggles - These devices can be utilized during most alcohol awareness and education presentations. The goggles mimic the visual capacity of individuals who have consumed alcoholic beverages. There are varying levels of intoxication available. Typically, when the goggles are used, participants will be given tasks to perform to demonstrate the effect on reaction time, hand/eye coordination, balance, and decision-making abilities. Tasks include catching and throwing a tennis ball, writing names and sentences, and completing an obstacle course.

The following programs have been developed to help address drug abuse and are available from the UT Martin Police Department upon request:

Drug Education - A program to educate students on the types and effects of drug usage. The emphasis is on preventive measures. Drug laws are thoroughly discussed.

The following are support resources for alcohol/drug abuse:

Alcohol eCHUG (eCheckUp to Go) Course(students):

<https://interwork.sdsu.edu/echug2/?id=UTM&hfs=true>

This program will provide the user with accurate and personalized feedback about:

- The user's individual drinking pattern

- The user's risk patterns
- The user's aspirations and goals
- Helpful resources at the **University of Tennessee at Martin** and in the user's community

Student Health and Counseling Services (students):

For assistance, call (731) 881-7750. **Services are available to all UTM students, including Centers. For additional health service facilities near each center:*

<https://www.utm.edu/offices-and-services/student-health/educational-outreach-students.php>

State of Tennessee Employee Assistance Program, Behavioral Health, Substance Abuse (employees):

For assistance, call 1-855-437-3486; TTY Users, call 1-800-456-4006;

<https://hr.tennessee.edu/benefits/employee-assistance-program/>

WEAPONS

Tennessee Criminal Law

The UT Martin Police Department enforces Tennessee's criminal law concerning weapons. Among other prohibitions concerning weapons, Tennessee's criminal law generally prohibits persons from possessing or carrying, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, crossbow, bow and arrows, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, fireworks, firecrackers, stun guns, TASERs, or any other weapon of like kind, not used solely for University instructional or University-sanctioned ceremonial purposes, on any property owned, used or operated by the University. Anyone illegally possessing, carrying, or using any of those weapons will be subject to criminal sanctions. (T.C.A. §§ 39-17-1309 and 39-17-1359).

University Policies for Employees

Tennessee law allows a full-time university employee who is the holder of a valid handgun carry permit to carry a concealed handgun on university property if the employee satisfies certain requirements, which are described in more detail in University of Tennessee Safety Policy SA0875, found at <https://policy.tennessee.edu/policy/sa0875-firearms/>. Those requirements include, without limitation: 1. The employee shall always have the handgun carry permit in the employee's immediate possession when carrying a handgun and shall display the permit on demand of a law enforcement officer.

2. Prior to carrying the handgun, the employee shall provide written notification to UT Martin Police Department in accordance with policy and procedure for notification. Notification forms are available at UT Martin Police Department at Crisp Hall. The eligible employee shall meet with a member of the command staff of UT Martin Police Department and provide a valid University of Tennessee identification card, driver's license, and valid Tennessee Handgun Carry permit. Other identifying information that must be provided includes - name, office address, phone number, job title, Employee ID number, and date of birth. The eligible employee will be required to sign a form acknowledging the terms and conditions for carrying a handgun on university

property, including without limitation acknowledging that they will not be carrying a handgun in any official university capacity, are not entitled to workers' compensation claims resulting from the use or misuse of a handgun, that they are not currently enrolled as a student, that they agree to carry the handgun in a concealed manner, and that they will notify UT Martin Police Department of any change in employment or student status. All information gathered will be kept confidential by UT Martin Police Department and will not be shared with another person or entity other than a law enforcement agency for law enforcement purposes or except as otherwise permitted by law.

University Policies for Students

In addition to being subject to Tennessee's criminal law, University students are subject to the University's Code of Conduct for students. The Code of Conduct prohibits students from possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the UT Martin Police Department. The Code of Conduct for students defines "weapon" to mean any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as TASERS and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than four (4) inches. The term "weapon" does not include chemical repellents available over the counter for self-defense; instruments used solely for personal hygiene; preparation of food; maintenance; University-related instruction/athletics; or University employment-related duties. University-related instruction/athletics may be transported on campus only to and from the UT Martin Police Department for the purposes of checking the weapons in/out or to/from authorized University instruction/athletics events, which can be done at any time, 24 hours a day. All weapons shall remain unloaded while being checked in/out and stored.

TENNESSEE SEX OFFENDER REGISTRY

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the UT Martin Police Department is providing a link to the Tennessee Bureau of Investigation (TBI) Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the State concerning registered sex offenders may be obtained. It also requires sex offenders, already required to register in the State, to provide notice to any institute of higher education in this State at which the person is employed, carries a vocation, or is a student. In the State of Tennessee, those convicted as sex offenders must register with a Law Enforcement Agency periodically as required by law.

The TBI Sex Offender Registry information shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees or volunteers or otherwise for the protection of the public in general and children in particular. **Unlawful use of the**

information for purposes of intimidating or harassing another is prohibited and willful violation may make the violator subject to criminal and/or civil/university sanctions. The TBI is responsible for maintaining this registry. Follow the link below to access the TBI Sex Offender Registry which is also accessible from the UT Martin Police Department Web Site: <https://sor.tbi.tn.gov/home> or a registry map at <https://tnmap.tn.gov/sor/>

Further information can be found in the **Adam Walsh Child Protection and Safety Act** of 2006 Web Site: <http://georgewbush-whitehouse.archives.gov/news/releases/2006/07/20060727-7.html>

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

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

ANNUAL DISCLOSURE OF CRIME STATISTICS

The UT Martin Police Department is responsible for preparing and distributing this Annual Security and Fire Safety Report to comply with the Clery Act. Within Public Safety, the responsibility for preparing the Annual Security and Fire Safety Report is assigned to the Clery Compliance Coordinator. The Annual Security and Fire Safety Report is published and distributed every year by the date established by the Department of Education. The Annual Security and Fire Safety Report includes statistics for the previous three years concerning reported crimes that occurred on the university's Clery geography as well as that of the UT Martin Centers. 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 and Fire Safety Report, including the annual disclosure of crime, arrest, and referral statistics, with input from various sources, including: UT Martin Police Department; the university's Office of Title IX; the university's Office of Student Life; Student Conduct; university Campus Security Authorities (CSAs); and local law enforcement agencies, including the Martin Police Department and the Weakley 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 instance of missing or double counting incidents. For statistical purposes, crime statistics reported to any CSA are recorded in the calendar year in which the crime was reported. The statistics represent offenses that were reported to any of those sources, regardless of whether the alleged offense was investigated or whether there was a finding of guilt or responsibility. In order to collect reported crime information occurring at non-campus properties during student school sponsored travel, a travel form is listed on the Public Safety website for travel leaders to complete and submit. This information is used to request reported crime information from local law enforcement agencies with jurisdiction over the areas considered to be non-campus property. The Clery Coordinator submits the crime statistics

published in the Annual Security and Fire Safety Report to the United States Department of Education (ED), which makes crime statistics available to the public through the ED website. In addition, a copy of the Annual Security and Fire Safety Report and a daily crime log are available for review 24 hours a day on the university's Public Safety website, <https://www.utm.edu/offices-and-services/public-safety/>. 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 the crime statistics contained in Appendix A.

DEFINITIONS

Definitions of Terms Used in this Report

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

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

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

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

Clery Geography: Property for which the Institute is required to report crime statistics pursuant to the Clery Act (i.e., On-Campus buildings or property, Non-Campus buildings or property, and Public Property).

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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

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

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

Disciplinary Referral(s): Those individuals referred to the institute's Assistant Executive Director of Academic Affairs Office liquor law, drug law, and illegal weapons violations.

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

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

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

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

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity; e.g., bias against transgender or gender non-conforming individuals.

Religion: A preformed negative opinion or attitude toward a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being;

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex;

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry;

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth;

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

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

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

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

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

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

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

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

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

NOTE: Crime statistics for university housing facilities are recorded and included in both the "On-Campus" category and the "On-Campus Student Housing Facility" category.

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

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

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

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

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

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

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

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

University, Institute, UT Martin or UTM: The University of Tennessee at Martin.

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

Definitions of Terms for Local Jurisdiction

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

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

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

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

"Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose; "Unconsented contact" means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

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

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

- TCA § 39-13-503 *Rape* is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:
(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.
- TCA § 39-13-505 *Sexual battery* is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
(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.
- TCA § 39-15-302 A person commits *Incest* who engages in sexual penetration as defined in TCA § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:
(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.
- TCA § 39-13-506 *Statutory rape* is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
(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.

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

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

Any person who falls within the following categories:

(1) Adults or minors who are current or former spouses; (2) Adults or minors who live together or who have lived together; (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context; (4) Adults or minors related by blood or adoption; (5) Adults or minors who are related or were formerly related by marriage; or (6) Adult or minor children of a person in a relationship that is described in subdivisions (1)-(5). For purposes of this definition, TCA § 39-13-101 defines "assault" as (a) A person commits assault who: (1) Intentionally, knowingly or

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

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

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

In Tennessee, **Consent** with respect to most criminal offenses relating to sexual activity, sexual activity is criminal if: (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. (TCA § 39-13-501(1)) “Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct. (TCA § 39-13-501(3)) “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent. (TCA § 39-13-501(4)) “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act. (TCA § 39-13-501(5)) With respect to criminal offenses relating to sexual activity with a person under the age of eighteen (18) years of age, consent is irrelevant because Tennessee law deems a minor as incapable of consenting to sexual activity. However, Tennessee law provides a close-in age exception to that general rule that allows minors who are at least the age of thirteen (13) and less than the age of eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor.

University of Tennessee Martin definition:

Consent means an active agreement to participate in a sexual act.

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

Examples of sexual act(s) include, without limitation:

- vaginal intercourse;

- anal intercourse;
- oral sex;
- any other intrusion, however slight, of a person's finger or any object into any other person's genitals or anus;
- the intentional touching of a person's intimate parts (genital area, groin, inner thigh, buttock or breast),
- the intentional touching of the clothing covering the immediate area of a person's intimate parts, or
- the intentional touching of any other person with a person's own intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual gratification.

Consent can be revoked at any time.

Valid Consent cannot be given if:

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

ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all reportable fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to the University of Tennessee at Martin. UT Martin Centers are not included in this report in that they provide no on-campus student housing facilities.

For reporting purposes, the following definition applies:

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Log and Reporting Non-Emergency Fires

The UT Martin Police Department maintains a log of all fires that occur in on-campus student housing facilities. The fire log is kept in conjunction with the Daily Crime Log and is available for review 24 hours a day from a link on the Public Safety website, or directly at <https://drive.google.com/file/d/1mQmRJYF2B6kGrx3CUwKBsHwkQWbog1n4/view?usp=sharing>. The Crime and Fire Log is also available for viewing in the Department of Public Safety, located in Crisp Hall. In addition, the university is required by federal law to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. These are fires for which you are unsure whether UT Martin Police Department, University Housing, or the Environmental Health and Safety department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

UTM PD	(731)881-7777
University Housing	(731)881-8930
Environmental Health and Safety	(731)881-7602
Division of Student Affairs	(731)881-7700

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

Fire Statistics

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

Fire Safety Systems

Appendix C to this report contains a description of each on-campus student housing facility's fire safety system, including the number of fire drills held during 2022.

Policies and Rules for Appliances, Smoking and Open Flames

Smoking

Smoking in any form is prohibited on UT Martin property. UT Martin's policy on smoking and the smoke free campus can be found at:

<https://policy.tennessee.edu/policy/sa0900-smoking/>.

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

Prohibited Items Due to Fire Hazard

- Illegal Multi-plugs/Extension Cords- All multi-plug units are required by Housing to have a surge protector. No extension cords are allowed.
- Open Flames- Candles are allowed in the residential life facilities for decoration purposes only. Wicks must be removed from all candles.
- Incense is not allowed.
- Open Coil Appliances- Hot plates, toaster ovens, and other appliances with an open coil burner are not allowed in Browning, Ellington, and Cooper Halls. University Village A-E and F-H residents are allowed to have these items.
- Halogen Lamps
- Crock Pots (Allowed in University Village A-E / F-H only)
- Oil-based Scented Plug-in air freshener (battery operated ones are ok)
- BBQ Grills - are not permitted inside any of the residence halls, on any balcony of University Village, or inside the courtyard of Cooper Hall.
- Fireworks-Fireworks are not allowed on campus unless utilized during an approved and sanctioned University event.
- Hoverboards- Hoverboards are not allowed in any Campus Housing Units.

False Reports and Interference with Fire Safety Systems

The act of maliciously discharging or tampering with a fire extinguisher, lighting a fire, or misuse or tampering with the alarm/sprinkler/fire safety system endangers lives and will be considered a serious infraction that will subject the perpetrator to both criminal and/or University Administrative sanctions, up to and including arrest and/or dismissal from the University.

Evacuation Procedures for Student Housing in Case of a Fire

- Evacuate the building immediately.
- Do not use elevators.
- If requested, accompany and assist persons with disabilities who appear to need assistance, either by personally helping them or notifying responders of their location.
- Close and lock room doors as you exit to contain the fire, if feasible.

- Exit the building by the most direct route and proceed far enough from the building to be out of danger and so as not to interfere with emergency responders.
- Return to the building only when instructed to do so by police or fire department officials.

Procedures that Students and Staff Should Follow in Case of a Fire **Actions to Take in the Event of a Fire**

- Call 911 immediately.
- If you can help control the fire without personal danger, take action with available firefighting equipment. If not, leave the area immediately.
- If the building audible fire alarm has not been activated automatically, do so by using a pull station alarm.
- Never allow the fire to come between you and an exit.
- Remove all persons from the danger area. If possible, close the door behind you as you exit to contain the fire.

Evacuation and Fire Drill Procedures for Individuals with Disabilities

Typically, elevators are recalled to the ground level floor and remain inactive until emergency personnel determine the building is safe to reenter. Therefore, whenever possible, it is recommended that individuals with mobility impairments be assigned housing on a level from which they are able to exit without the use of the elevator and unassisted. Individuals with mobility impairments and who are assigned to floors that require the use of the elevator and/or assistance, should immediately dial 911 to report their current location and that they will move to the nearest stairwell to wait for assistance.

Prior planning and practicing of emergency evacuation routes are important in assuring a safe evacuation:

- If the building alarm sounds or a general announcement for evacuation is made over the intercom, individuals with disabilities are to evacuate the building by the safest and nearest exit and follow the general procedures for emergency evacuation.
- If individuals with disabilities are unable to evacuate without assistance, they should call 911, report their current location and that they will move to the nearest stairwell to wait for assistance. They should also request that any available person notify UT Martin Police Department or the fire department upon their arrival to the building.
- Individuals with disabilities should provide the available person with any information that may be required to assist in the evacuation process (wheelchair use and/or lift required, etc.).
- In the event a fire alarm sounds, the first responding agency (UT Martin Police Department or the fire department) will seek out individuals with disabilities reported to be in the building and provide assistance to evacuate the building if necessary. Keep in mind, emergency personnel may be engaged in various activities that prevent assisting all individuals; each person should be responsible for their own evacuation whenever possible.
- In the event of an evacuation during a non-fire emergency, the steps described above will be followed.

The procedures to be followed for fire drills are identical to the emergency evacuation plan in the steps described above, except that individuals with disabilities may be asked to remain in the building if the availability of evacuation personnel and/or special equipment is limited. Moving to the nearest stairwell is an acceptable safe space for individuals unable to exit the building.

Fire Safety Education and Training Programs for Students and Staff

Fire Safety and Training with Residence Life Staff

Fall staff training was conducted in August 2023. During the fall training time there was dedicated one full day to fire related training activities. Included in this training is:

- A review of all fire evacuation policies for each hall
- A review of each residence hall's fire alarm system operation
- A review of all illegal appliances on campus
- A review of how to utilize room checks to find life safety issues and how to respond to them
- Training time with Martin Fire Department that includes:
 - A training seminar on fire causes and safety
 - Real life training on extinguishing fires utilizing the PASS system with fire extinguishers
 - Residence Hall fire simulation in which RA's are placed in a residence hall and fake smoke is pumped into the building. All staff must learn how to safely exit a building and evacuate under these circumstances.

The residence life staff also meets for a campus wide meeting every month to review training topics and to discuss events for the next month. One of these meetings are set aside to recap fire safety protocols.

There is also an abbreviated training session in the spring semesters that conducts a review of all procedures including those related to fire safety.

Fire Safety and Education of Residents

Housing staff conducts a mandatory meeting with all residents each year. During this meeting, housing staff discusses various topics including expectations and responsibilities of students living in residential facilities. Topics related to fire and safety include:

- Housekeeping and maintenance expectations
- Prohibition of open flames or incense
- Student ID card policies and safety information
- Overview of emergency policies (fire, alarm, tornado, emergency response plan)

Plans for Future Improvement in Fire Safety

The University of Tennessee at Martin places great emphasis on the safety of our students, faculty, and staff. Through repetitive training and strategic reminders, we will maintain fire safety as a top priority of concern in our on-campus residential and other campus facilities.

For example, in August of 2019, the Martin Fire Department (in cooperation with the Housing Staff) conducted dynamic training exercises for their firefighters at the Cooper Residence Hall to include entrance/search and rescue operations in multi-storied buildings. In September of 2020, the Martin Fire Department utilized fake smoke in training for search and rescue operations in Grove Apartments (closed to residents). In October of 2020, the Martin Fire Department (in cooperation with the Housing Staff) utilized UT Martin Residence Hall facilities to further expand their proficiency, practicing ladder work and rescue techniques in Grove Apartments (closed to residents). Periodically the fire department conducts walk throughs and training in residence life facilities.

NON-DISCRIMINATION EEO/AA STATEMENT

The University of Tennessee at Martin is an equal employment opportunity institution and does not discriminate based upon race, color, or national origin. The University's Office of Equity and Diversity has adopted a policy and procedures to provide students and employees, who feel that they have experienced discrimination but are uncertain as to whether a complaint is justified or whether they wish to initiate a formal complaint, the opportunity to discuss their concerns confidentially and informally with the Equity and Diversity Officer/Title VI Coordinator for prompt and equitable resolution of discrimination complaints.

All qualified applicants will receive equal consideration for employment and admission without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, genetic information, veteran status, and parental status. In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, the University of Tennessee at Martin affirmatively states that it does not discriminate on the basis of race, sex, or disability in its education programs and activities, and this policy extends to employment by the university. Inquiries and charges of violation of Title VI (race, color, and national origin), Title IX (sex), Section 504 (disability), the ADA (disability), the Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Office of Equity and Diversity, 215 Boling University Center, Martin, TN 38238, telephone 731-881-3505. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity.

APPENDIX A: CRIME STATISTICS

UT MARTIN MAIN CAMPUS CRIME STATISTICS:

JANUARY 1, 2020 – DECEMBER 31, 2022

Criminal Offenses or Primary Crimes	Calendar Year	On Campus (Including Residential)	Non-Campus	Public Property	Total	On Campus (Residential Only)
Murder & Non-Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	0	0	0	0	0
	2021	5	0	0	5	5
	2020	7	1	0	8	7
Fondling	2022	0	2	0	2	0
	2021	4	0	0	4	4
	2020	2	0	0	2	2
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	1	0	0	1	0
Aggravated Assault	2022	2	2	0	4	2
	2021	0	0	1	1	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	1	0	0	1	1
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	1	0	0	1	0
	2021	2	0	0	2	0
	2020	1	0	0	1	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

VAWA Offenses; and Arrests & Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations	Calendar Year	On Campus (Including Residential)	Non- Campus	Public Property	Total	On Campus (Residential Only)
Domestic Violence	2022	5	0	0	5	5
	2021	3	0	0	3	3
	2020	4	0	0	4	4
Dating Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Stalking	2022	5	0	0	5	2
	2021	6	0	0	6	6
	2020	3	0	0	3	1
Liquor Law Violation Arrests	2022	2	0	5	7	1
	2021	0	1	1	2	0
	2020	0	0	0	0	0
Drug Law Violation Arrests	2022	2	0	0	2	1
	2021	2	0	3	5	2
	2020	3	0	1	4	0
Weapons Law Violation Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	40	0	0	40	36
	2021	34	0	0	34	33
	2020	27	0	2	29	21
Drug Law Violations Referred for Disciplinary Action	2022	31	0	0	31	31
	2021	19	0	0	19	15
	2020	23	0	0	23	23
Weapons Law Violations Referred for Disciplinary Action	2022	3	0	0	3	1
	2021	0	0	0	0	0
	2020	1	0	0	1	1

Hate Crime Statistics	
2022	None Reported
2021	None Reported
2020	1, Intimidation, On-Campus

Unfounded Crimes	
2022	None Reported
2021	1, Motor Vehicle Theft, On-Campus
2020	None Reported

UT MARTIN JACKSON CENTER CRIME STATISTICS:

JANUARY 1, 2020 – DECEMBER 31, 2022

UT Martin Jackson Center does not have on-campus student housing facilities

Criminal Offenses or Primary Crimes	Calendar Year	On Campus	Non-Campus	Public Property	Total
Murder & Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

VAWA Offenses; and Arrests & Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations	Calendar Year	On Campus	Non- Campus	Public Property	Total
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Hate Crime Statistics	
2022	None Reported
2021	None Reported
2020	None Reported

Unfounded Crimes	
2022	None Reported
2021	None Reported
2020	None Reported

UT MARTIN PARSONS CENTER CRIME STATISTICS:

JANUARY 1, 2020 – DECEMBER 31, 2022

UT Martin Parsons Center does not have on-campus student housing facilities

Criminal Offenses or Primary Crimes	Calendar Year	On Campus	Non-Campus	Public Property	Total
Murder & Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

VAWA Offenses; and Arrests & Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations	Calendar Year	On Campus	Non- Campus	Public Property	Total
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Hate Crime Statistics	
2022	None Reported
2021	None Reported
2020	None Reported

Unfounded Crimes	
2022	None Reported
2021	None Reported
2020	None Reported

UT MARTIN RIPLEY CENTER CRIME STATISTICS:

JANUARY 1, 2020 – DECEMBER 31, 2022

UT Martin Ripley Center does not have on-campus student housing facilities

Criminal Offenses or Primary Crimes	Calendar Year	On Campus	Non-Campus	Public Property	Total
Murder & Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

VAWA Offenses; and Arrests & Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations	Calendar Year	On Campus	Non- Campus	Public Property	Total
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Hate Crime Statistics	
2022	None Reported
2021	None Reported
2020	None Reported

Unfounded Crimes	
2022	None Reported
2021	None Reported
2020	None Reported

UT MARTIN SELMER CENTER CRIME STATISTICS:

JANUARY 1, 2020 – DECEMBER 31, 2022

UT Martin Selmer Center does not have on-campus student housing facilities

Criminal Offenses or Primary Crimes	Calendar Year	On Campus	Non-Campus	Public Property	Total
Murder & Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

VAWA Offenses; and Arrests & Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations	Calendar Year	On Campus	Non- Campus	Public Property	Total
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Hate Crime Statistics	
2022	None Reported
2021	None Reported
2020	None Reported

Unfounded Crimes	
2022	None Reported
2021	None Reported
2020	None Reported

UT MARTIN SOMERVILLE CENTER CRIME STATISTICS:

JANUARY 1, 2020 – DECEMBER 31, 2022

UT Martin Somerville Center does not have on-campus student housing facilities

Criminal Offenses or Primary Crimes	Calendar Year	On Campus	Non-Campus	Public Property	Total
Murder & Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

VAWA Offenses; and Arrests & Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations	Calendar Year	On Campus	Non- Campus	Public Property	Total
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Hate Crime Statistics	
2022	None Reported
2021	None Reported
2020	None Reported

Unfounded Crimes	
2022	None Reported
2021	None Reported
2020	None Reported

APPENDIX B: FIRES IN ON-CAMPUS STUDENT HOUSING FACILITIES

Housing Facility	Total Fires in the Housing Facility			Cause of Fire			Number of Injuries that Required Treatment at a Medical Facility			Number of Deaths Related to a Fire			Value of Property Damage Caused by Fire		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
University Village Phase I															
A - Unit 201 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B - Unit 201 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C - Unit 201 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
D - Unit 201 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
E - Unit 201 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
University Village Phase II															
F - Unit 209 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
G - Unit 209 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
H - Unit 209 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Browning Hall 315 Hannings Lane	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ellington Hall 301 Hannings Lane	0	1	0	N/A	Outlet shorted out	N/A	N/A	0	N/A	N/A	0	N/A	N/A	\$50.00	N/A
Cooper Hall 206 Hurt St.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
University Courts															
A - Unit 134 Mt. Pelia Rd.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B - Unit 134 Mt. Pelia Rd.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C - Unit 134 Mt. Pelia Rd.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
D - Unit 134 Mt. Pelia Rd.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
E - Unit 134 Mt. Pelia Rd.	0	0	1	N/A	N/A	Grease on Stovetop	N/A	N/A	0	N/A	N/A	0	N/A	N/A	\$63.09
F - Unit 134 Mt. Pelia Rd.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
G - Unit 134 Mt. Pelia Rd.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
H - Unit 134 Mt. Pelia Rd.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
J - Unit 134 Mt. Pelia Rd.	0	0	1	N/A	N/A	Grease on Stovetop	N/A	N/A	0	N/A	N/A	0	N/A	N/A	\$8,000.00
Grove Apartments (Closed to residents in Summer 2019)															
A - Unit 400 University St.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
B - Unit 400 University St.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C - Unit 400 University St.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
D - Unit 400 University St.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
E - Unit 400 University St.	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

APPENDIX C: FIRE SAFETY SYSTEMS IN ON-CAMPUS STUDENT HOUSING FACILITIES

University Village Phase I

A-Unit 201 Hannings Ln

Addressable fire alarm system that is monitored by fire alarm company Dry system throughout building including attic that has flow and tamper switches and monitored by fire alarm panel.

B-Unit 201 Hannings Ln

Addressable fire alarm system that is monitored by fire alarm company Wet system throughout building including attic that has flow and tamper switches and monitored by fire alarm panel.

C-Unit 201 Hannings Ln

Addressable fire alarm system that is monitored by fire alarm company Wet system throughout building including attic that has flow and tamper switches and monitored by fire alarm panel.

D-Unit 201 Hannings Ln

Addressable fire alarm system that is monitored by fire alarm company Wet system throughout building including attic that has flow and tamper switches and monitored by fire alarm panel.

E-Unit 201 Hannings Ln

Addressable fire alarm system that is monitored by fire alarm company Wet system throughout building including attic that has flow and tamper switches and monitored by fire alarm panel.

University Village Phase II

F, G, and H Units 209 Hannings Ln

Addressable fire alarm system that is monitored by alarm company Wet system on 1st, 2nd, and 3rd floors. 4th floor is a dry system. All floors have flow and tamper switches and are monitored by fire alarm panel.

Browning Hall (G & H) 315 Hannings Ln

Addressable fire alarm system with only pulls and horns and is monitored by fire alarm company No sprinkler system.

Ellington Hall (E & F) 301 Hannings Ln

Addressable fire alarm system with only pulls and horns and is monitored by fire alarm company No sprinkler system.

Cooper Hall 206 Hurt St

Addressable fire alarm system with only pulls and horns and is monitored by fire alarm company No sprinkler system.

University Courts (A-J) 134 Mt. Pelia Rd

No fire alarm system. No sprinkler system.

Residence Hall Occupancy Rates and Fire Drills

Building	2022 Fire Drills	Spring 2022 Occupancy	Summer 2022 Occupancy	Fall 2022 Occupancy
Browning Hall	2	206	0	292
Ellington Hall	2	271	0	401
Cooper Hall	3	207	21	237
University Village Phase 1	4	360	35	389
University Village Phase 2	4	361	0	385

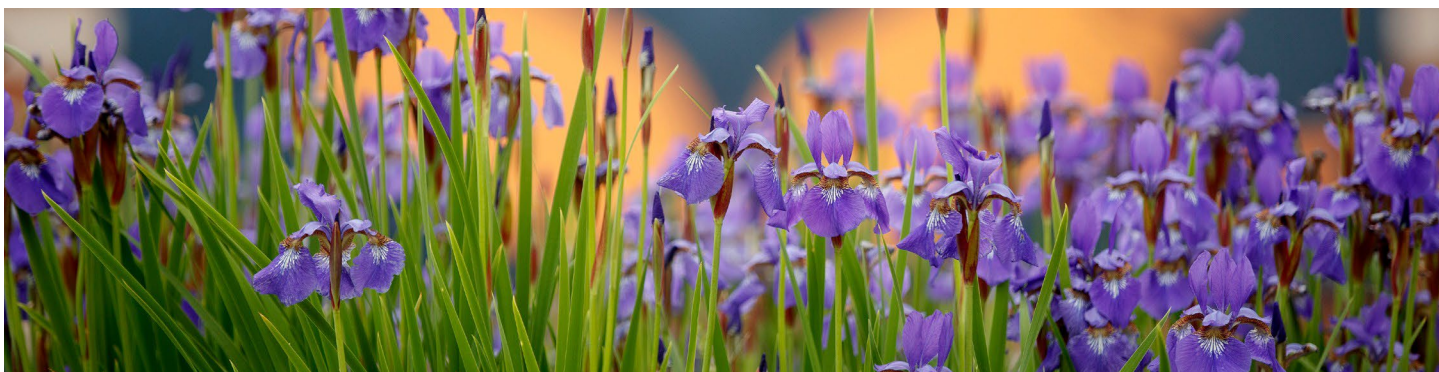
APPENDIX D: RESOURCES

University of Tennessee Martin Police Department 215 Hurt St. 159 Crisp Hall Martin, Tn 38238 Emergency: 911 Phone: (731) 881-7777 https://www.utm.edu/offices-and-services/public-safety/	Human Resources Michael Washington G2 Johnson EPS Building (731) 881-7845 https://www.utm.edu/offices-and-services/human-resources/
University of Tennessee Martin Clery Compliance Lt. Chad Worley (731) 881-7776 cworley@utm.edu https://www.utm.edu/offices-and-services/public-safety/campus-security-authorities.php	Employee Assistance Program https://www.here4tn.com/ 1-855-Here4TN (1-855-437-3486)
Vice Chancellor for Student Affairs Dr. Andy Lewter 211 Boling University Center (731) 881-7710 https://www.utm.edu/offices-and-services/division-of-student-affairs/	Office of Equity and Diversity Dominique Crockett 215 Boling University Center (731) 881-3505 https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/
Student Health & Counseling Services 609 Lee St. (731) 881-7750 https://www.utm.edu/offices-and-services/student-health/	Office of Disability Services 206 Clement Hall (731) 881-7195 https://www.utm.edu/offices-and-services/accessibility-resource-center/our-office.php
Student Conduct Shannon Perry 215E Boling University Center (731) 881-7703 https://www.utm.edu/offices-and-services/student-conduct/	UT System and Campus Policies https://policy.tennessee.edu/
Title IX Dominique Crockett 215 Boling University Center (731) 881-3505 https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/titleix/	US Department of Education Campus Crime Data https://ope.ed.gov/campussafety/#/
Housing and Residence Life Ryan Martin 269 Clement Hall (731) 881-7730 (800)829-UTM1 https://www.utm.edu/offices-and-services/residence-life-and-housing/	Family Educational Rights and Privacy Act https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html
UT Martin Care Team Shannon Perry 215E Boling University Center (731) 881-7703 https://www.utm.edu/offices-and-services/care-team/	Emergency Preparedness https://www.utm.edu/offices-and-services/environmental-health-and-safety/emergency-preparedness.php
Student Handbook https://www.utm.edu/offices-and-services/student-life-and-multicultural-affairs/media/student_handbook.pdf	UT Martin Emergency Response Plan https://www.utm.edu/offices-and-services/environmental-health-and-safety/media/Emergency%20Response%20Plan%20-%20MASTER_Media%20Version.pdf
UT Martin Standards of Conduct https://publications.tnsosfiles.com/rules/1720/1720-05/1720-05-01.20210317.pdf	UT Martin Student Rights https://www.utm.edu/offices-and-services/student-conduct/student-rights.php

APPENDIX E: POLICY ON SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING

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





INTRODUCTION

1.1 Overview

The University of Tennessee at Martin 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 suspension from the University and termination of employment.

The primary purposes of this Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence and Stalking (“Policy”) are to: (1) define, eliminate, prevent, and remedy the effects of Prohibited Conduct; (2) identify care, support, and reporting options for students and employees; (3) explain the obligations of employees to report Prohibited Conduct to the University; and (4) identify the grievance procedures the University will follow to thoroughly, equitably, and promptly investigate and resolve reports of Prohibited Conduct¹. Additional information about the University’s procedures and training and prevention programs relating to Prohibited Conduct can be found online at <https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/titleix/>.

1.2 Scope and Applicability

1.2.1 Individuals Covered by This Policy

This Policy applies to the conduct of and protects:

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

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

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

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

1. Changes to applicable law, and/or binding legal precedent may impact the applicability of certain provisions of this policy. The University will provide written notice during 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 at Martin and the centers at Jackson, Selmer, Parsons, Ripley, and Somerville.

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 Standards of Conduct ("Code"). The Code applies to Prohibited Conduct which occurs on University-controlled property. The Code also applies to Prohibited Conduct that occurs off of University-controlled property in certain situations, including Prohibited Conduct which occurs in connection with a University-affiliated activity including if the conduct adversely affects the interests of the University, including but not limited to, conduct which (1) occurs in connection with a University-affiliated activity, including but not limited to, an overseas study program or a clinical, field, internship, or in-service experience; (2) involved another member of the University community; or (3) threatens, or indicates that the student poses a threat to, the health or safety of him/herself or 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, 2023. This Policy applies to all Prohibited Conduct reported to have occurred on or after August 14, 2023. If the Prohibited Conduct reportedly occurred prior to August 14, 2023, then: (1) the report will be evaluated using definitions of misconduct contained in applicable University policies in effect on the date the reported Prohibited Conduct occurred; and (2) other aspects of the University's response to the report (e.g., grievance procedures) will be based on this Policy.

1.2.4 Other University System Policies

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

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

Consensual romantic or sexual relationships between members of the University community are subject to other University policies. For example, the University's policy on amorous or sexual relationships between faculty and students can be found in Section 5.3.2 in the University of Tennessee at Martin Faculty Handbook which is available at <https://www.utm.edu/facultyhandbook>. 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 conduct³:

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

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

2.2 DEFINITIONS OF PROHIBITED CONDUCT

2.2.1 Sexual Harassment⁴

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

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

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).

3. The University’s Nondiscrimination Statement [<https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/eoo-statement-and-tagline-for-advertisements.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 procedures outline in <https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/discrimination-complaint-procedure.php>

4. With respect to conduct by employees, the University also prohibits sexual harassment in accordance with University of Tennessee System Human Resources Policy 0280 (“Sexual Harassment and Other Discriminatory Harassment”) (policy.tennessee.edu/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. Complaint of sexual harassment prohibited by University of Tennessee System Human Resources Policy 0280 should be reported to the Title IX Coordinator and will be handled in accordance with the procedures in <https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/discrimination-complaint-procedure.php>

2.2.2 Sexual Assault

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

2.2.3 Rape

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

2.2.4 Fondling

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

2.2.5 Incest

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

2.2.6 Statutory Rape

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

2.2.7 Dating Violence

“Dating Violence” means violence committed by a person —

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

2.2.8 Domestic Violence

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

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

2.2.9 Stalking

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

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

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other

professional treatment or counseling. For the definition of Stalking, “reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant.

2.2.10 Sexual Exploitation

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

Examples of Sexual Exploitation include, without limitation:

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

2.2.11 Retaliation

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

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

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

2.2 RELATED DEFINITIONS: CONSENT; FORCE; INCAPACITATION

2.3.1 Consent

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

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

Consent can be revoked at any time.

Valid Consent cannot be given if:

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

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

2.3.2 Force

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

Examples of Force include, without limitation:

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

2.3.3 Incapacitation

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

A person violates this Policy when they engage in sexual activity with another person who is Incapacitated under circumstances in which a reasonable person 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 and D.1 describe the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is a staff member.

3.3 *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 *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:

Dominique L. Crockett
11 Wayne Fisher Drive
212 Boling University Center
Martin, TN 38238
(731) 881-3505
titleix@utm.edu
<https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/>

Reports or complaints of Prohibited Conduct or questions about the University's policies, procedures, resources, or programs concerning any of those issues, 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://www.utm.edu/offices-and-services/office-of-equity-and-diversity/titleix/>. 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.

5. An employee of the UTM Public Safety participates in the University's Sexual Misconduct, Relationship Violence and Stalking Response Team. However, Public Safety will not write a police report unless the Complainant decides to report the incident to the police.
<https://www.utm.edu/offices-and-services/care-team/>

4.4.2 Confidential Care and Support Outside of the University Community

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

4.5 Reporting Options

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

4.5.1 Report to the Police

Prohibited Conduct may constitute both a violation of this Policy and criminal law. Therefore, the University encourages Complainants to report incidents of Prohibited Conduct to the police. Prompt reporting of an incident to the police is especially critical because the collection and preservation of evidence is essential for police 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 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, OED director, Title IX Officials, department heads, deans, vice chancellors, chancellors, vice presidents, campus police).

Exceptions – No Duty to Report:

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

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

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

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

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

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

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

- **Child Abuse:** Employees who receive information about suspected child abuse or child sexual abuse must comply with University of Tennessee System Safety Policy 0575 (Programs for Minors) (policy.tennessee.edu/safety_policy/sa0575/). Safety Policy 0575 takes precedence over this Policy with respect to reporting suspected child abuse and child sexual abuse. Note that under Tennessee law, the obligation to report child abuse or child sexual abuse is not limited to situations involving University-related activities and programs.

Campus Security Authorities - Clery Act: Mandatory Reporters who have been designated by UTM Department of Public Safety (UTMDPS) 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 UTMDPS. *Employees who have been designated as Campus Security Authorities may have an obligation to report an incident to UTMDPS 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 Lt. Chad Worley, the University's Clery Compliance Coordinator, at cworley@utm.edu or (731) 881-7777.*

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 Supportive Measures (Section 4.6). A Complainant may opt to report an

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

4.5.2.3 Initial Response and Assessment by the Title IX Coordinator

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

4.5.2.4 Limited Action

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

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

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

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

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

- Whether there have been other reports of Prohibited Conduct or other relevant misconduct concerning the same Respondent, whether or not the incidents occurred while the Respondent was a University student or employee;
- Whether the Respondent threatened further Prohibited Conduct or other misconduct against the Complainant or others; and
- Whether the Prohibited Conduct was committed by multiple perpetrators;
- The nature and scope of the Prohibited Conduct, including whether the Prohibited Conduct was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether the University can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the Prohibited Conduct such as security cameras or physical evidence);
- Whether the Complainant's report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group;
- The University's commitment to providing a safe, non-discriminatory environment, including the risk 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 Office of Student Conduct for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk ("Amnesty"). The University may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or drugs. The Title IX Coordinator has the discretion to grant Amnesty to persons other than the person who reported Prohibited Conduct (e.g., Complainant, Respondent, witnesses). The Standards of Conduct (Code) also contains a policy on Amnesty for individuals acting as Good Samaritans and students in need of emergency medical attention. This Section 4.5.2.6 does not apply to reports to the police; rather, it applies only to discipline for violations of the University's Standards of Conduct.

4.5.2.7 False Reports

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

4.6 Supportive and Remedial Measures

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

The specific Supportive Measures implemented and the process for implementing those measures will usually be determined by the Title IX Coordinator or designee and will vary and be individualized, reasonable, and appropriate depending on the facts of each case and the student or employee status of the Complainant and the Respondent⁶. 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.

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).

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

Supportive Measures are available:

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

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

APPENDIX A

GUIDE ON SUPPORTIVE MEASURES AND REPORTING OPTIONS

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

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

The University has developed the UTooMatter booklet that highlights the areas addressed in this appendix, but this appendix serves as the comprehensive resource.

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

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

SECTION 1. CARE AND SUPPORT RESOURCES

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

1.1 Medical Care

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
West Tennessee Healthcare-Martin	24 hrs. / day	731-587-4261
Student Health and Counseling Center	7:30am-5 pm / M-F	731-881-7750

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

According to law enforcement and health professionals, the key to success of the evidentiary exam is collecting physical evidence as soon as possible; however, evidence can be collected up to 72 hours after the assault. 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 (West Tennessee Healthcare-Martin); physical examinations by other healthcare providers are likely to impede potential future legal remedies. In cases of Sexual Assault, a medical professional typically will: examine the Complainant; provide appropriate medical treatment; collect evidence of the assault, such as hairs, fluids, and fibers; and, if applicable, talk with the Complainant about the prevention of sexually transmitted infections and pregnancy. A medical examination preserves evidence for forensic analysis in case a Complainant wishes to pursue a criminal prosecution or an order of protection. The medical examination likely will be performed by a Sexual Assault Nurse Examiner (SANE) who is specially trained to collect evidence in cases of Sexual Assault. If the Complainant chooses not to report the incident to the police at the time of the medical examination, then the medical provider will provide the examination materials to local police with a unique identifying number that will also be provided to the Complainant. The police department with jurisdiction will store the examination materials for up to three (3) years. If in that time the Complainant decides to make a police report, then the Complainant may report to the police department with jurisdiction and refer to the unique identifying number so that the Complainant’s examination materials may be matched with the Complainant’s police report for evidentiary purposes.

1.2 Confidential Support and Counseling for Complainants and Respondents

Emotional and mental health support are critical resources in addressing Prohibited Conduct. The persons identified in this Section 1.2 can keep information communicated to them confidential, which means that they will not communicate such information to the University, the police, or any other third party, unless required or permitted by

law, court order, or subpoena. Complainants may pursue the confidential support and counseling options identified in this Section 1.2 regardless of whether they choose to report the incident to the University or the police.

1.2.1 University “Confidential Employees”

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

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

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

1.2.1.1 Identification of Confidential Employees

PLACE	WHEN	CONTACT INFORMATION
Student Health & Counseling Center	M-F, 7:30a.m. – 5 p.m.	731-881-7750
Employee Assistance Program	24-hour; 365 days/yr.	855-437-3486

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

1.2.1.2 Confidentiality Exceptions

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

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

1.2.2 Confidential Support and Counseling Outside of the University

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

Area Resources for Complainants

- Women's Resource and Rape Assistance Program (WRAP) 62
Director's Row
Jackson, TN (800) 273-8712
<https://www.wraptn.org>
- Center for Women and Gender Equality 255
Paul Meek Library
(731) 881-1658
<https://www.utm.edu/departments/wcenter/>
- Pathways Behavioral Health Services 930
Mount Zion Rd.
Union City, TN
(800) 372-0693
<http://www.wth.org/locations/pathways>
- Crime Victims & Rape Crisis Center
1750 Madison Ave, Ste. 102
Memphis, TN 38104
(901) 222-4350
<https://www.shelbycountyttn.gov/index.aspx?NID=737>

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

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

- Professional Care Services (Mental Health Services)
(800) 353-9918
<http://www.pcswn.org/>
- Quinco Mental Health Centers
(800) 467-2515
<http://www.quincocmh.com/>
- Tennessee Coalition to End Domestic & Sexual Violence (800)
289-9018
(800) 356-6767 – 24 hour statewide domestic violence hotline
<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.

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

Other confidential, non-University resources for Complainants and Respondents

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

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

1.3 *Legal Resources for Complainants and Respondents*

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

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

- Weakley County General Sessions Court 116
W. Main St., #203
Dresden, TN 38225
(731) 364-3455
- West Tennessee Legal Services
210 W. Main St.
Jackson, TN
(731) 423-0616
(800) 372-8346

A Title IX Official or the police can assist a Complainant with arranging an appointment with the General Sessions Court 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: <https://tncoalition.org/get-help/legal-services/>

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

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

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

1.3.2 *Visa and Immigration*

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

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

- Center for Global Education and Experience 124

Gooch Hall

Martin, TN 38238

(731) 881-1023

<https://www.utm.edu/offices-and-services/center-for-global-education-and-experience/travel-study-study-abroad.php>

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

The Tennessee Coalition to End Domestic and Sexual Violence (tncoalition.org) operates an Immigrant Legal Clinic (tncoalition.org/documents/ilc-english-brochure.pdf), 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) (<https://www.uscis.gov/about-us/find-a-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: [uscis.gov/avoid-scams/find-legal-services](https://www.uscis.gov/avoid-scams/find-legal-services)

The Board of Immigration Appeals ([justice.gov/eoir/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 (aila.org) offers an online immigration lawyer referral service (ailalawyer.org) that can help a student or employee find an immigration lawyer.

1.4 Student Financial Aid Resources for Complainants and Respondents

Students who need assistance with financial aid issues may contact a financial aid advisor at;

<https://www.utm.edu/finaid>

1.5 *Supportive Measures Implemented by the University for Complainants and Respondents*

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

The following are examples of Supportive Measures:

- Issuing a no-contact directive, which provides mutual restrictions between parties from having verbal, physical, written, and/or electronic contact and/or from being present on designated University-controlled property for a definite or indefinite period of time;
- Issuing an Emergency Removal (i.e. Interim Suspension) of the Respondent (student or employee) is issued based on an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The Respondent will have the ability to challenge the decision immediately (within 3 business days) following the removal;
- Informing the Complainant of the right to report the incident to the police for criminal investigation and prosecution and offering to assist the Complainant in reporting an incident to the police;
- Putting a Respondent (if an employee) on leave, in accordance with other applicable University policies, prior to the conclusion of the investigation and resolution of a report or formal complaint of Prohibited Conduct;
- Assisting an individual in obtaining medical, advocacy, and counseling services;
- Exploring changes in living, transportation, dining, and working arrangements;
- Arranging appointments for an individual for follow-up on-campus support services or off- campus support services, such as those identified in this Section 1 (e.g., arranging an appointment with the General Sessions Court of Weakley County or West Tennessee Legal Services).
- 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: Office of Academic Records
103 Hall-Moody Administration Bldg.
Martin, TN 38238
(731) 881-7050
- 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 University⁸. Those reporting options are not mutually exclusive. A student may report Prohibited Conduct to the University, to the police, to both, or to neither. This Section 2 describes reporting options in detail so that students can make informed choices about whether and how to report Prohibited Conduct.

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

2.1 *Preservation of Evidence*

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

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

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

2.2 *Reporting to the Police*

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

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

2.2.1 *Contact Information for Police*

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

INCIDENT LOCATION	CONTACT
UTM Dept. of Public Safety 159 Crisp Hall (215 Hurt St.) Martin, TN 38238	731-881-7777 (24 hrs/day; 365 days /year) https://www.utm.edu/of-services/public-safety/
Martin Police Dept. 732 N Lindell St Martin, TN	(731) 587-5355 (Non-emergencies) 9-1-1 (Emergencies) http://martindps.org/police/
Weakley County Sheriff's Dept. 7951 Highway 22 Dresden, TN	(731) 364-5454 http://www.weakleycountyttn.gov/sheriffdept.html

Upon the Complainant's request, a Title IX Official will assist a Complainant in contacting UTM Department of Public Safety or another appropriate local police department.

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

2.2.2 What to Expect after Reporting Prohibited Conduct to the Police

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

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

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

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

2.2.4 Anonymous Reporting to the Police

Persons may report a crime anonymously to the UTM Department of Public Safety by calling 731-881-7777. Persons may report a crime anonymously to the Title IX Office by visiting https://cm.maxient.com/reportingform.php?UTMartin&layout_id=24 or by visiting, <https://dynamicforms.ngwebsolutions.com/Submit/Page?form=3a6e3045-fb47-4798-9437-4edc0120e65b&page=417790&token=6sGkP0iX8vyqBP5oRZN8DBU20fNEud7Me82xeB3w3Lk> or by calling 731-881-7777; 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 respond to Complainants. The University's Title IX Coordinator is: Dominique Crockett, 212 Boling University Center (731) 881-3505, titleix@utm.edu, <https://www.utm.edu/offices-and-services/office-of-equity-and-diversity/titleix/>

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 complaint⁹, the Title IX Coordinator will initiate the grievance procedures outlined in Appendix C or Appendix D of the Policy; and
- If the Complainant requests, assist the Complainant in reporting the incident to the police.

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.*

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

2.3.3 Limited Action

If the Complainant declines to respond to outreach, or states that they do not wish to file a formal complaint or participate in an investigation, the University will generally take Limited Action. Limited Action includes providing supportive measures like academic support, safety escorts, no contact directives, and campus support services. If a Complainant chooses not to make a formal complaint, the University will normally take Limited Action. There are limited circumstances; however, in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant's participation or assent, because of the University's commitment to providing a safe and non-discriminatory learning, living, and working environment free from Prohibited Conduct. Section 4.5.2.3 of the Policy explains Limited Action 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 for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk ("Amnesty"). More information on the University's Amnesty policy can be found in Section 4.5.2.5 of the Policy.

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

Clery Act

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

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

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to: issue timely warnings for crimes reported to UTMDPS 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 Chad Worley, (731) 881-7776, cworley@utm.edu.

FERPA

In accordance with FERPA, personally identifiable information about a Complainant or Respondent who is a student that has been communicated to a Mandatory Reporter regarding Prohibited Conduct will be shared within the University only with Title IX Officials and those University employees who "need to know" in order to assist with the

University's response to the Prohibited Conduct. Personally identifiable information concerning a Complainant or Respondent who is a student will not be disclosed by the University to third parties unaffiliated with the University without the consent of the student except in response to a lawfully issued subpoena, court order, or as otherwise required or allowed by law. If a Respondent who is a student makes a request to review documents concerning the University's investigation or resolution of Prohibited Conduct, the University will be required by FERPA to grant the Respondent's request to inspect and review records that relate specifically to the Respondent. The University may be required, under FERPA regulations, to disclose information regarding a Complainant, where the records cannot be segregated or redacted.

Tennessee Public Records Act

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

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

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

Robert (Robbie) Nottingham Campus Crime Scene Investigation Act

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

Disclosure to Respondents During the Disciplinary Process

After the University has formally initiated the grievance procedure, a Respondent has rights under federal and state law, including the right to be informed of sufficient details including the identities of the parties involved, the conduct allegedly constituting Prohibited Conduct, 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 at Martin 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 hearings¹¹, 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 rape under state law, based on the ages of the Respondent and the other person.
- During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During a University investigation or disciplinary hearing, the University has the burden of proving that 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 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 sexual act that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent to participate in sexual act(s) may be withdrawn at any time. A withdrawal of Consent is communicated through clear words and/or conduct that indicate that a person no longer agrees to participate in an act of Sexual Contact. Once a person’s withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual act. Consent is automatically withdrawn when a person becomes Incapacitated or is Forced to participate in sexual act(s).
- Consent to one 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.

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”).

- The following do not communicate a person's willingness to participate in a sexual act(s):
 - Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in sexual act(s);
 - Consent communicated by the person on a previous occasion;
 - Consent communicated to a third person;
 - The person's failure to resist physical force (however, for purposes of the Policy, the person's resistance to physical force will be viewed as a clear demonstration that the person has not communicated Consent);
 - A current or previous dating, romantic, intimate, or sexual relationship with the other person;
 - Currently or previously cohabitating with the other person;
 - The person's attire, reputation, giving or acceptance of gifts, sexual arousal, or extension or acceptance of an invitation to go to a private residence, room, or other location.
- One's own use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from the other person. Another person's use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from that person.

Recommendations on Consent

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

APPENDIX C

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

The University of Tennessee Martin 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 copy of the Code may be found in the Student Handbook under "UTM Standards of Conduct" at https://www.utm.edu/studenthandbook/student_handbook.pdf.

HOW TO FILE A FORMAL COMPLAINT

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

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.

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

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

- **Title IX Prohibited Conduct Complaint:** First, a Complainant may file a Title IX Prohibited Conduct Complaint in a case involving allegations that a Respondent's conduct constitutes Sexual Harassment in the University's education program or activity in the United States as defined in 34 C.F.R. 106.30(a) ("Title IX Allegations") and the Complainant is participating or attempting to participate in an education program or activity. For Title IX Allegations, the University's "education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- **Non-Title IX Prohibited Conduct Complaint:** Second, the Complainant may file a Non-Title IX Prohibited Conduct Complaint in a case in which the Prohibited Conduct did not occur in the University's education program or activity, did not occur in the United States, or is not Sexual Harassment as defined in 34 C.F.R. 106.30(a), but would, if proven, violate the Code (i.e., allegations of misconduct in a study abroad program or off-campus misconduct committed against another member of the University community).

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 allegations¹⁴.

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

STANDARD OF PROOF

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

RIGHT TO AN ADVISOR

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

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

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

RIGHT TO A SUPPORT PERSON

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

A support person may be a friend, a family member, or any individual who is not otherwise a potential witness in the Prohibited Conduct investigation. The support person is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, participate as a witness, or participate directly in any other manner during any phase of the student conduct process.

INVESTIGATIONS OF PROHIBITED CONDUCT

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

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

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

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

DISMISSAL OF COMPLAINTS

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

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

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

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with OSC making a determination that no action will be taken with respect to a report of Prohibited Conduct, then the Complainant may appeal that determination in accordance with this Policy. A Complainant who is informed by OSC of a no action determination may appeal the decision to OSC, in writing, within five (5) business days of the date that OSC transmitted notice

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

At the conclusion of an investigation of a Title IX Prohibited Conduct Complaint, however, OSC may not make a determination that no action will be taken. Therefore, this appeal process does not apply to a Title IX Complaint.

FORMAL HEARINGS

NON-TITLE IX PROHIBITED CONDUCT

In Non-Title IX Prohibited Conduct cases that do not result in a determination that no action will be taken will proceed to a Formal Hearing. Sections 6 and 7 of the Code describe the types of Formal Hearings that will be used in cases of Prohibited Conduct.

A Non-Title IX Prohibited Conduct Complaint may be resolved by an administrative hearing before the Student Conduct Hearing Officer, a hearing before the Disciplinary Hearing Board, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act¹⁵. Sections 6 and 7 of the Code describe the process for those hearings. The University generally concludes these hearings with a decision within thirty (30) business days of the end of the investigation. The parties are directed to the provisions of the Code for additional information.

Disciplinary Hearing Board Hearing		
Step	Code Reference	Anticipated Timeline
Respondent requests a hearing before the Disciplinary Hearing Board	Section 7(a)	Within five (5) business days from receipt of the notice of charges
OCS provides notice of the date, time, and place of the hearing and the names of witnesses, and notice of the parties' rights to request copies of the investigative file and all documents that will be used in the hearing	Sections 5(a) and 7(b)	At least seventy-two (72) hours prior to the hearing
Notice of Decision issued by the Disciplinary Hearing Board	Section 7(d)(11)	Within forty-eight (48) hours of the conclusion of the hearing

TITLE IX PROHIBITED CONDUCT

A Title IX Prohibited Conduct Complaint must be resolved through the Title IX Hearing process, unless the parties agree to an Informal Resolution. Section 8 of the Code describes the process for a Title IX Hearing. The University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.

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

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.

Title IX Hearing		
Step	Code Reference	Anticipated Timeline
Notice of Title IX Hearing sent to Complainant and Respondent	Section 8(c)(1)	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(d)(3)	At least five (5) business days prior to the hearing
Notice of Decision issued by Title IX Hearing Officer	Section 8(g)	Within fifteen (10) business days of the conclusion of the hearing

APPEALS

The Complainant and the Respondent have equal rights to appeal the decision after a Formal Hearing. Code Section 9.1 describes the appeal process for appealing a decision by a Disciplinary Hearing Board. Code Section 9.2 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 of Title IX Hearing Officer Decisions. 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 9(2)(a)	Within five (5) business days of the transmittal of the decision
Both parties may submit written statement in support of or opposition to decision to the Vice Chancellor for Student Affairs	Section 9(2)(e)	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 for Student Affairs	Section 9(2)(e)	Within ten (10) business days of receipt of written statements

ANTICIPATED TIMELINES

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

POSSIBLE SANCTIONS

Following a determination under the Code that a student is responsible for engaging in Prohibited Conduct, the Student Conduct Officer, the Disciplinary Hearing Board, or Title IX Hearing Officer will issue a sanction. Section 5 of the Code identifies the possible sanctions that may be imposed if, after the conclusion of the student conduct process, a Respondent is found responsible for engaging in Prohibited Conduct. Possible sanctions include: warning; disciplinary probation; indefinite suspension; suspension for a specific period of time; permanent dismissal; revocation of degree; disciplinary probation for student organizations; social probation for student organizations; revocation of University registration for student organizations; educational activities; restitution; loss or restriction of privileges; and/or education. Any sanction imposed by may be appealed as set forth in Section 9 of the Code. Once a sanction decision is final, OSC will ensure the effective implementation of final sanctions. The Title IX Coordinator is responsible for effective implementation of any remedies.

RESOLUTION WITHOUT A FORMAL HEARING

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

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

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

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

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

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

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

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

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

only subject to the appeals process provided in Section XXX of the Code and mandated by the Title IX regulations. For Formal Complaints in Title IX Prohibited Conduct cases, the Title IX regulations preempt the Uniform Administrative Procedures Act. 34 C.F.R. § 106.6(h).

TRAINING FOR UNIVERSITY OFFICIALS

Disciplinary proceedings relating to Prohibited Conduct will be conducted by persons who receive annual training on the issues related to Prohibited Conduct. Title IX Officials, investigators, Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations, at a minimum, receive annual training on:

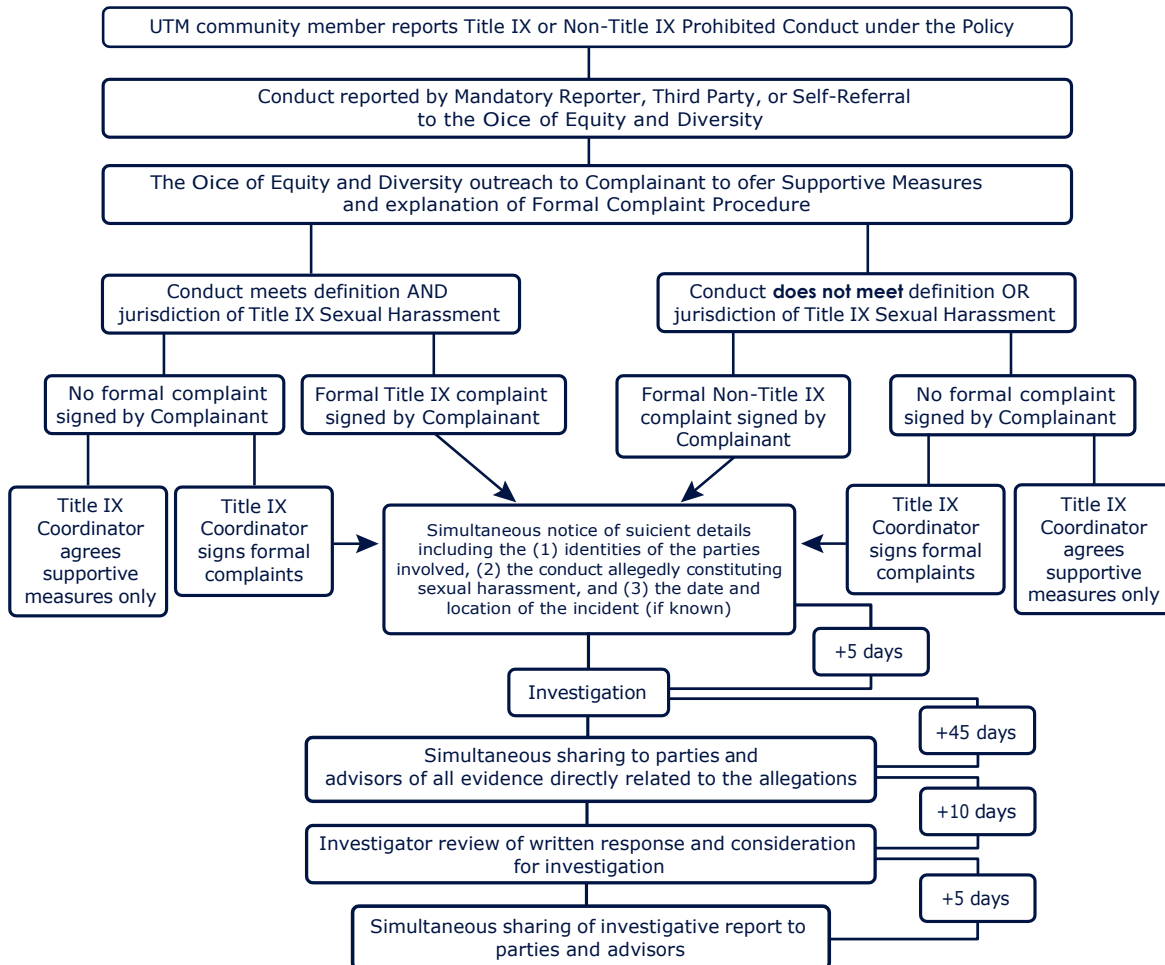
- (1) the definitions of Prohibited Conduct included in this Policy;
- (2) the scope of the University's "education program or activity;
- (3) how to conduct the grievance process outlined in the Policy and Code (including investigations, hearings, appeals, and informal resolution processes); and (4) how to serve impartially (including avoiding conflicts of interest, personal biases, and prejudgment of the facts of a matter. In addition, all investigators will receive training on issues of relevance and drafting an investigative report that fairly summarizes the evidence.

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

Training materials used to train Title IX Officials, investigators, Title IX Hearings Officers, and other decision makers will be publicly maintained at <https://www.utm.edu/tix>.

APPENDIX C: TITLE IX & NON-TITLE PROHIBITED CONDUCT COMPLAINTS & INVESTIGATIONS (1 OF 3)*

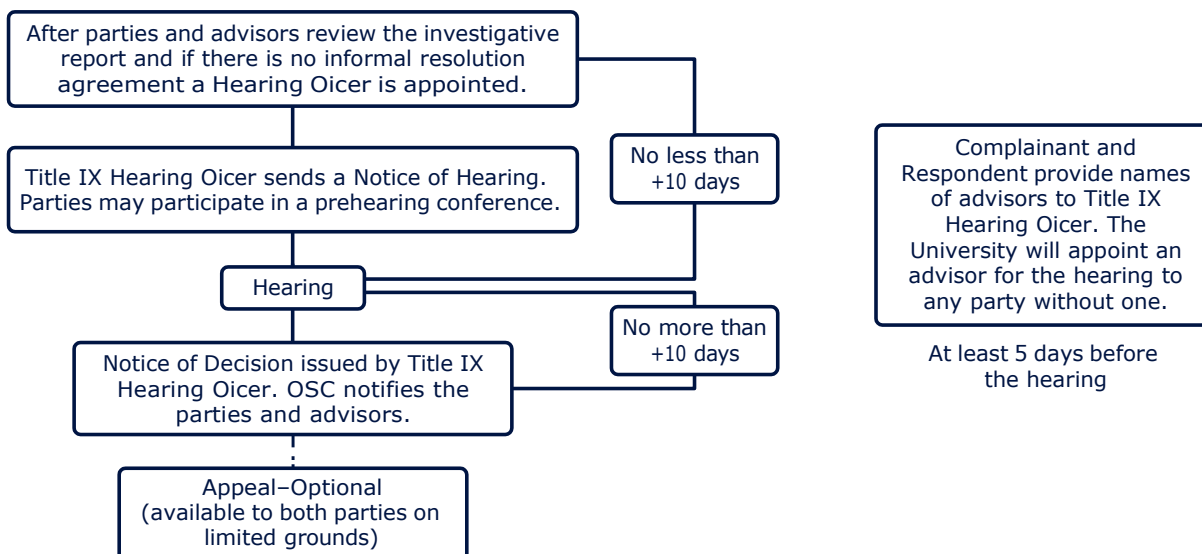
Informal Resolution (Title IX) can occur at any time following formal complaint and prior to a finding of responsibility. An Alternative (Non-Title IX) Resolution may occur following a formal complaint and prior to a finding of responsibility.



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 8 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.

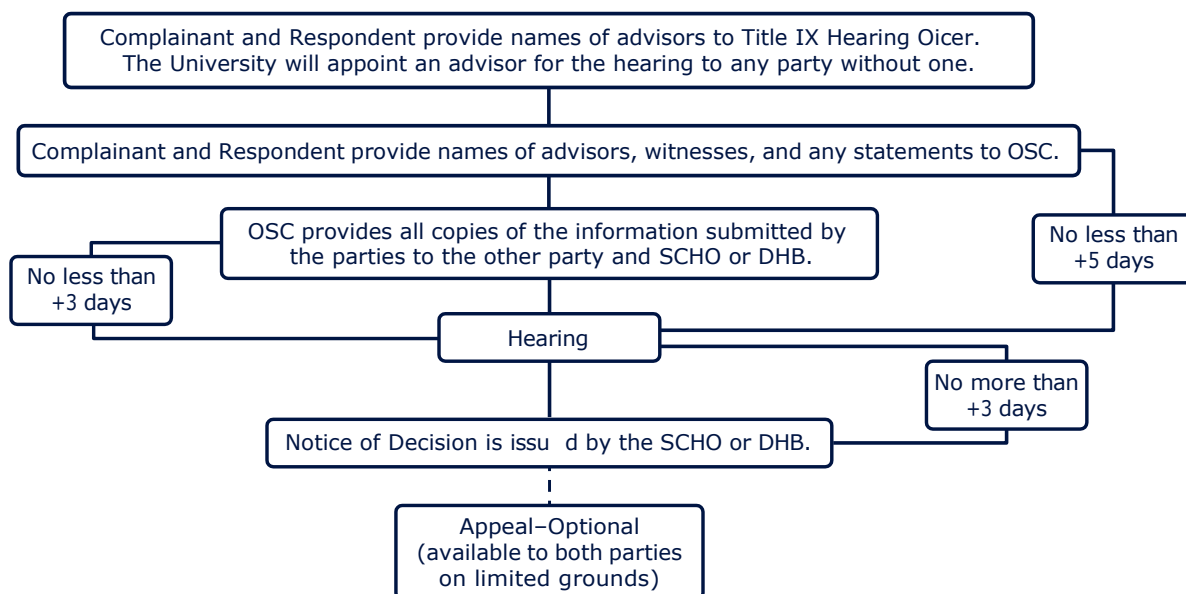
Informal Resolution can occur at any time following formal complaint and prior to a finding of responsibility.



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

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Student Conduct Hearing Officer, a hearing before the Disciplinary Hearing Board, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act. Sections VI and VII 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.

APPENDIX D

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

The University of Tennessee Martin 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 Equity and Diversity/ Inclusion (OED or OEI) in accordance with University Human Resources Policies (applicable to all employees) and the Board of Trustees Policies Governing Academic Freedom, Responsibility, and Tenure (BT0006) (applicable to faculty), as modified and/or clarified by this Appendix D and Appendix D-1, and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46¹⁷.

HOW TO FILE A FORMAL COMPLAINT

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

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

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

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

Second, the Complainant may file a *Non-Title IX Prohibited Conduct Complaint* in a case in which the Prohibited Conduct did not occur in the University’s education program or activity or 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, OED 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

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.

Advisor of their choice, who may be, but is not required to be, an attorney; (8) the parties' right to inspect and review evidence; and (9) notice that providing false information to a University official is a violation of the Code of Conduct, HR0580.

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

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

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

ADMINISTRATIVE LEAVE

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

CONFLICT OF INTEREST OR BIAS OF UNIVERSITY OFFICIALS

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

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

STANDARD OF PROOF

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

RIGHT TO AN ADVISOR

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

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

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

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 allegations¹⁸.

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

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

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

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

DISPOSITION OF NON-TITLE IX MATTERS

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

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

DISPOSITION OF TITLE IX MATTERS

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

¹⁸. Investigations of reports of Prohibited Conduct are usually performed by OED/OEI. However, for good cause, the Title IX Coordinator may select an investigator(s) external to OED/OEI, provided that the investigator has specific training and experience investigating allegations of Prohibited Conduct. Any investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest or bias. The investigator(s) may be a University employee, a team of University employees, an external investigator engaged to assist the University, or a team of external investigators engaged to assist the University. Good cause may include circumstances in which OED/OEI has a conflict of interest (e.g. an OED/OEI employee or someone who has oversight over OED/OEI is a party or witness), the complexity of the case requires expertise or resources external to OED/OEI; and the workload of OED/OEI require an investigator external to OED/OEI to timely investigate a case.

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

ANTICIPATED TIMELINES

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

POSSIBLE SANCTIONS

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

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

INFORMAL RESOLUTIONS

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

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

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

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

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

TRAINING FOR UNIVERSITY OFFICIALS

Proceedings relating to Prohibited Conduct will be conducted by persons who receive annual training on the issues related to Prohibited Conduct. Title IX Officials, investigators, Title IX Hearing Officers, and any other person who makes decisions in a case involving Title IX Allegations, 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://www.utm.edu/tix>.

APPENDIX D-1

OED/OEI TITLE IX HEARINGS AND APPEALS

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

(2) *The Title IX Hearing Officer.* The Director of OED/OEI will appoint a qualified Title IX Hearing Officer to conduct the Title IX Hearing and will notify the parties and their Advisors, if any, of the appointment. The Title IX Hearing Officer may be a University employee, a team of University employees, an external person engaged to conduct the Title IX Hearing, or a team of external people engaged to conduct the Title IX Hearing. A party may object to the appointment of any Title IX Hearing Officer, in writing to OED/OEI. Any objection must be received within three (3) days of the notice of appointment, and it must state the party's grounds for objecting. The Director of OED/OEI will decide whether an objection is justified, and that decision is final. If a Title IX Hearing Officer is removed based on an objection, the Director of OED/OEI will appoint a new qualified Title IX Hearing Officer to conduct the Title IX Hearing.

(3) *Notice of Title IX Hearing.*

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

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

Any Title IX Hearing may be rescheduled by the Title IX Hearing Officer or upon request of any party and for good cause shown.

(c) *More than One Respondent.* In cases involving more than one (1) Respondent, Title IX Hearings concerning each Respondent's conduct may be conducted separately upon written request of a Respondent 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 Respondents 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 OED/OEI, and OED/OEI shall notify the Respondent, the Complainant, and their Advisors about the written determination and provide a copy of it simultaneously to the parties and their Advisors.

(8) *Appealing Decisions of the Title IX Hearing Officer.*

(a) *Appealable Decisions.* The Complainant and the Respondent may appeal the decisions of the Title IX Hearing Officer that are contained in the Notice of Decision of Title IX Hearing Officer (as well as a decision by the University to dismiss a Formal Complaint), but the grounds for appeal are limited to those described in Section (8)(c).

(b) *Notice of Appeal.* An appeal is procedurally valid only if all of the following requirements are met: (1) an appeal shall be submitted to OED/OEI in writing by fully completing a form approved by the University called a "Notice of Appeal;" (2) the Notice of Appeal shall be received by OED/OEI within five (5) business days of the date that the University transmitted the Notice of Decision; and (3) the Notice of Appeal shall not include

information that is not included in the record of the Title IX Hearing, except the Notice of Appeal may contain a summary of the new information described in Section (8)(c)(2). The University will notify the other party in writing when an appeal is received.

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

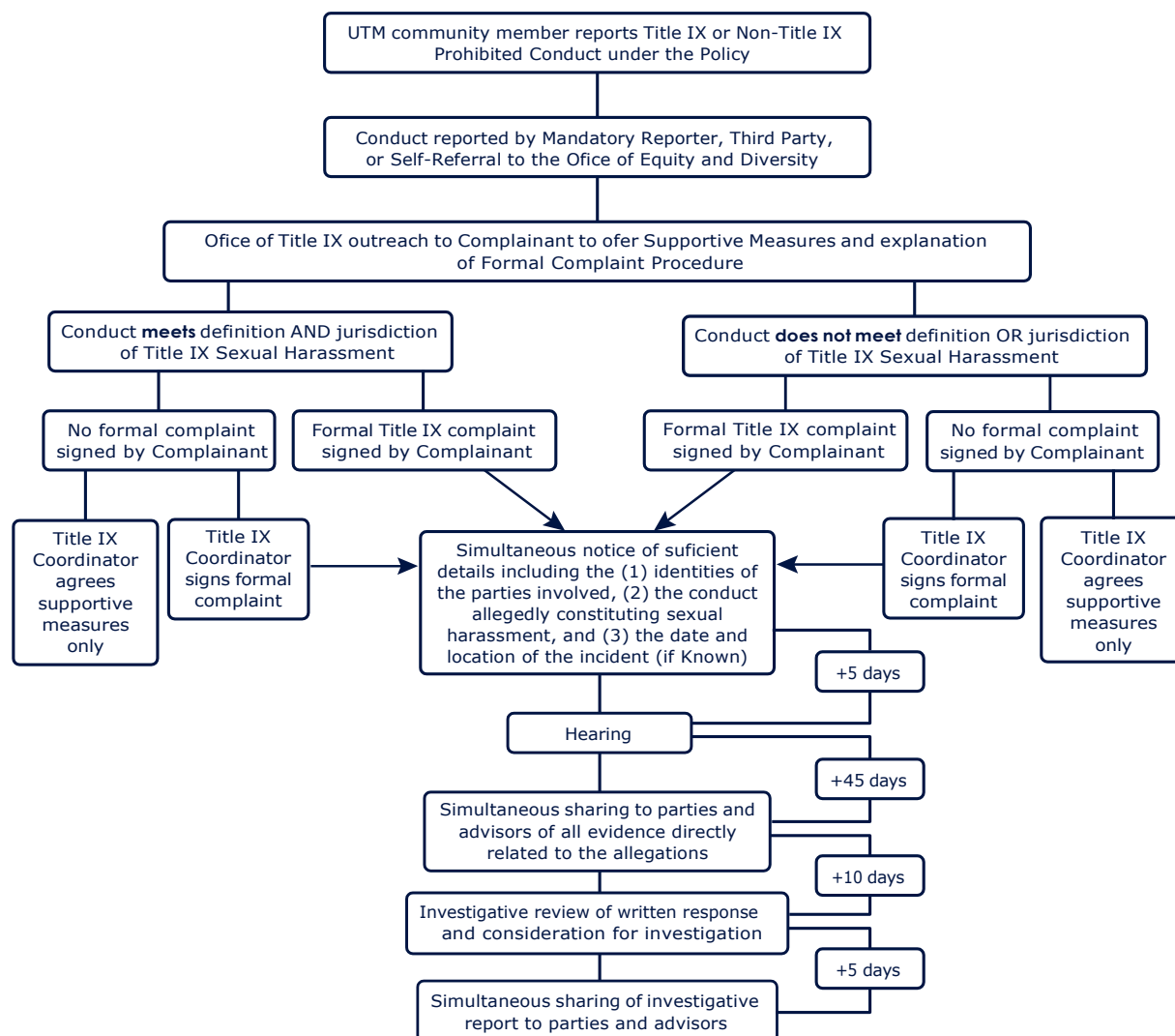
1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker(s)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

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

(e) *Appeal Process.* Each party may submit a written statement in support of or challenging the outcome of the Title IX Hearing. The written statement must be received by OED/OEI within five (5) business days of the date on which the Notice of Appeal was filed, or on which the non-appealing party received notice that the other party filed a Notice of Appeal. After all written statements are received by OED/OEI, staff appeals will be submitted to the Chief Human Resources Officer and faculty appeals will be submitted to the Chief Academic Officer. Within five (5) business days of the receipt of the last written statement, the Chief Human Resources Officer (for staff) and the Chief Academic Officer (for faculty) will issue a written decision (Notice of Title IX Final Decision) describing the result of the appeal and the rationale for the result, which will be provided simultaneously to both parties. The decision of the Chief Human Resources Officer (for Staff) and the Chief Academic Officer (for Faculty) is final and not further appealable.

APPENDIX D: TITLE IX AND NON-TITLE IX PROHIBITED CONDUCT COMPLAINTS & INVESTIGATIONS (1 OF 2)*

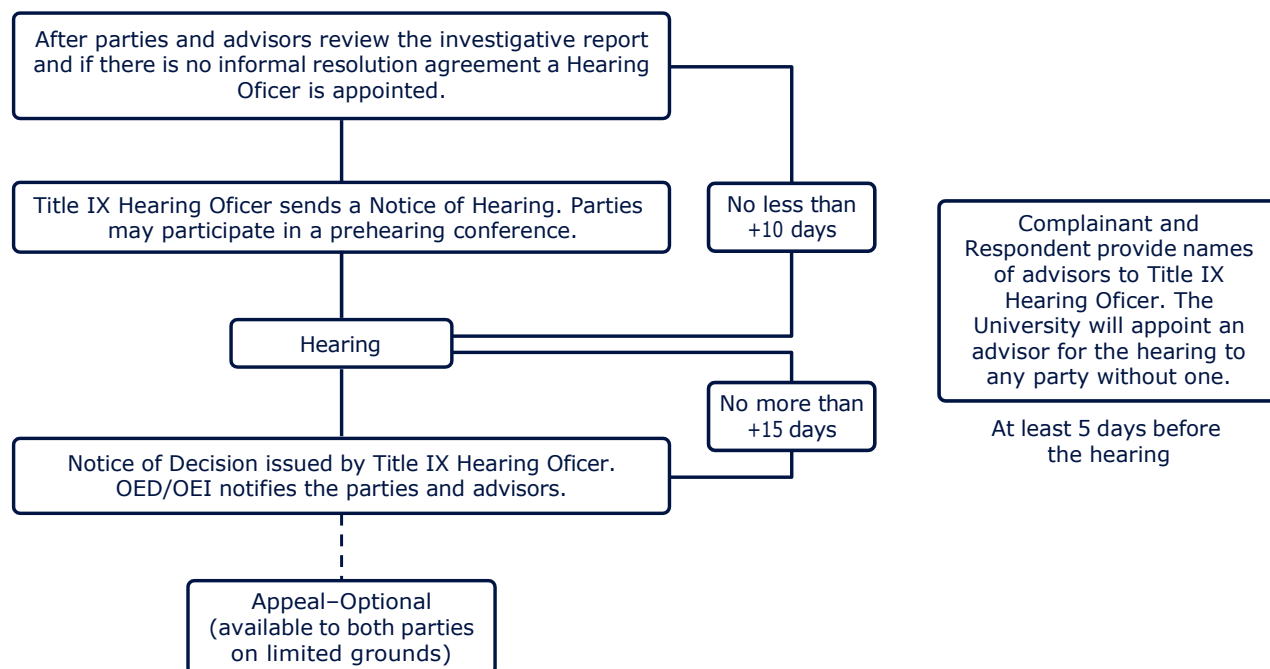
If allowable, Informal Resolution (Title IX) may occur at any time following formal complaint and prior to a finding of responsibility. An Alternative (Non-Title IX) Resolution may occur following a formal complaint and prior to a finding of responsibility.



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.



APPENDIX E

GUIDE FOR MANDATORY REPORTERS

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

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

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

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

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

- If yes, and if you received the information about Prohibited Conduct in the context of a confidential relationship, then you are not a Mandatory Reporter. You should help a Complainant explore options for care and support, 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:
 - 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;
 - 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.

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

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

(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 Coordinator unless you received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites and blogs, or you received notice of the incident during a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
- If no, then the University strongly encourages you to report the information to a Title IX Coordinator even though you are not a Mandatory Reporter with respect to the incident. Employees who have been designated by campus law enforcement as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) should evaluate whether they have an independent obligation to report the incident to campus law enforcement.

Questions about the reporting obligations of Campus Security Authorities should be directed to Lt. Chad Worley, the University’s Clery Compliance Coordinator, at cworley@utm.edu or (731) 881-7777.

SECTION 2. ACTIONS THAT MANDATORY REPORTERS MUST TAKE

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

(1) Support the Complainant by:

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

(2) Report the incident to the University:

- Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours²¹ after receiving the report)²². The Mandatory Reporter must communicate all details known about the alleged incident; or
- If the incident involves suspected child abuse or child sexual abuse, comply with University of Tennessee Safety Policy 0575.

SECTION 3. ACTIONS THAT MANDATORY REPORTERS SHOULD TAKE

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

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

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.

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 guide.

SECTION 4. ACTIONS THAT MANDATORY REPORTERS MUST NOT TAKE

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

- (1) Guarantee a Complainant that the employee will keep information confidential and not share the information with anyone else, including a Title IX Official;
- (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 UTMDPS or Martin 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 Coordinator, other than taking an action required or recommended in Section 2 or Section 3.