

2023  
ANNUAL SECURITY & FIRE  
SAFETY REPORT  
FOR  
THE UNIVERSITY OF TENNESSEE  
SPACE INSTITUTE



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**\*UPDATED 1/5/2024\***

**NOTE: Pages 42-43 were added to the updated ASFSR, as they were inadvertently left off the original document.**

## UTSI ANNUAL SECURITY REPORT 2022

### A MESSAGE FROM UTSI SAFETY AND SECURITY COORDINATOR LEO BONNER

On behalf of the University of Tennessee Space Institute Safety and Security Office (SSO), welcome to our great Institute. We hope you will find the information in this report informative and helpful and that your experience will be safe and rewarding. While we enjoy one of the lowest crime rates of any university, no campus is immune to crime. Though it is our department's mission to minimize crime and the opportunity for it to occur, safety is a shared responsibility. We ask you to be an active member in your personal safety and that of the community, which begins by considering the following:

- Report crime and situations that seem suspicious to our department immediately.
- Don't leave property unattended/unsecure. Theft is one of the most common crimes and unattended items are an easy target.
- Always lock your dorm, office & car when unattended. Never leave valuables such as purses, cellphones, or electronics visible.
- Avoid walking alone at night.

### UNIVERSITY OF TENNESSEE SPACE INSTITUTE SAFETY AND SECURITY OFFICE

The University of Tennessee Space Institute Safety and Security Office (SSO) provides basic security services to the campus of the Space Institute. The main objective is to provide a safe campus for students, staff, faculty, and visitors. UTSI employs armed security officers during normal business hours (8am to 5 pm) and provides armed security after hours and on weekends through a contract security agency. Security officers perform a variety of tasks that include patrolling campus, escort services, security surveys, parking/traffic enforcement, training programs, accident and fire response, and security for special events. The office also offers campus safety statistical information such as Clery and TIBRS reporting, as well as informational materials and seminars on a variety of related topics.

UTSI SSO reports to the Office of Executive Director for UTSI, 411 BH Goethert Parkway, Tullahoma TN 37388, (931)-393-7213.

### Mission Statement

The mission of the University of Tennessee Space Institute Safety and Security Office is to provide the safest environment possible by working with administration, faculty, staff, and students as well as local law enforcement to identify and reduce criminal opportunity and community anxiety. Our department is committed to treating all people fairly while supporting an environment where diverse social, cultural, and academic values are allowed to develop. We embrace the core values of professionalism, respect, integrity, dedication, and excellence.

### Contact Information

UTSI SSO may be contacted at:

University of Tennessee Space Institute  
411 BH Goethert Parkway, Tullahoma TN 37388  
E-mail: [lbanner@utsi.edu](mailto:lbanner@utsi.edu) Telephone: (931) 393-7208  
Emergency: 911

UTSI SSO maintains a website, which provides safety, security, and Clery Act information to the University community:

Website: [UTSI Safety & Security Office](#)

## Officers and Training

UTSI SSO employs state licensed armed security officers on campus. Each officer has met all university and state requirements. Licensing requires that each officer pass both a classroom and range session and receive refresher training every two (2) years. These officers do not obtain arrest authority but will hold violators and offenders until Franklin County Sherriff's Department arrives. Additionally, one UTSI Security Officer maintains a Special Deputy status with Franklin County Sheriff's Office and completes 40 hours of Peace Officer Standards and Training (POST) annually. This training may include topics such as:

<i>Child Abuse</i>	<i>Basic First Aid</i>	<i>Policy and Procedures</i>
<i>Domestic Violence</i>	<i>Drug Recognition</i>	<i>Defensive Tactics</i>
<i>Firearms</i>	<i>Crime Scene Protection</i>	<i>Firearms</i>

## Authority and Working Relationships with Local Law Enforcement Agencies

UTSI security officers are not sworn or certified as law enforcement and do not have powers of arrest beyond those granted to individual citizens. Authority of employees to serve as armed security is granted by the State of Tennessee Private Protective Services Division by completing requirements for licensing. Additionally, UTSI is registered with the State of Tennessee Department of Commerce as a Proprietary Security Organization, which gives authority to the Institute to employ licensed security officers. Each UTSI security officer shall, in all cases, use only the minimum amount of force that is consistent with the accomplishment of his/her mission, and shall exhaust every other reasonable means of defense before considering the use of a firearm.

UTSI SSO employs armed guards that serve during daytime business hours. After hours, weekends and holidays, security is through a contract security agency that provides armed, uniformed security guards. This allows for the Institute campus and its surrounding areas to be patrolled 24 hours a day, 365 days a year. These patrols include vehicle and foot patrols as weather permits or need arises. Patrols also include building and facility checks for suspicious activity, those in need of assistance and/or to assure all areas are otherwise secure.

UTSI is listed as a Limited Account Non-Terminal Agency with Franklin County 911. Authorized security officers may request registration information for vehicles on our campus, to include the owner's name and address. No criminal or NCIC information may be obtained. Any crime reported to UTSI SSO is passed along immediately to Franklin County Sheriff's Office (FSCO) for investigation. Criminal matters involving Institute students may also be referred to the appropriate Institute administrative office for disciplinary action.

UTSI maintains a working relationship with the Franklin County Sheriff's Office, which serves as jurisdictional law enforcement agency covering the UTSI campus and surrounding area. A written memorandum of understanding between UTSI and FCSO has been adopted. Although crime is exceedingly rare on campus, UTSI and FCSO communicate should an incident occur on and around the campus area.

UTSI also maintains a working relationship with the FBI, however UTSI does not maintain a written agreement with this agency.

The Clery Act requires the Institute to include in this report a statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities. The Institute does not officially recognize student organizations; rather, the Institute only registers student organizations. With respect to criminal activity in which students engage at off-campus locations of registered student organizations, UTSI does not assist with responding to or investigating student-related incidents in a law enforcement capacity as UTSI



has no authority in those matters. If UTSI is contacted by law enforcement about criminal activity occurring off campus involving Institute students, they may face disciplinary action per university policy.

## REPORTING A CRIME, EMERGENCY, OR SUSPICIOUS ACTIVITY

UTSI strongly encourages students, employees, and visitors to report criminal incidents, suspicious activity, and other public safety related emergencies and incidents promptly and accurately to Franklin County Sheriff's Office, another appropriate law enforcement agency, UTSI Security or to designated Institute officials. This includes situations in which the victim of such crime either elects or is unable to report an incident. Promptly reporting criminal incidents, suspicious activity, and other emergencies and incidents to UTSI SSO or other designated Institute officials assists the Institute in issuing **UTSI Alerts** or **Safety Notices**, as required by the Clery Act, and including the incident in the Institute's annual crime statistics.

UTSI cannot overemphasize the importance of prompt and accurate reporting of criminal incidents. If a criminal incident is not reported promptly, evidence can be destroyed and/or the potential to apprehend a suspect can be lost. Without accurate reports, investigative leads could be missed, and the investigation could proceed in the wrong direction. If you witness a crime, promptly report it to Franklin County Sheriff's Office by calling directly or via 911 and be prepared to answer questions as accurately as you can. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, or you have seen or received information of criminal activity, please contact FCSO or call 911 immediately.

### Emergencies

Call **911** to report criminal incidents, suspicious activity, or other incidents that are emergencies, whether on campus or off campus. All 911 calls placed on campus telephones are routed to the Franklin County E911 emergency center. The call will then be dispatched to FCSO for response.

All campus elevators have emergency phones that transmit to an outside line. In the event of an emergency, use this phone to call 911. Police, fire, or medical services ARE NOT automatically dispatched. Other emergency calls during working or after hours may require contact with the Institute's **Facilities Services** ([Facilities & Operations - Space Institute \(utsi.edu\)](#)) department or the **Safety and Security Office** ([Safety & Security - Space Institute \(utsi.edu\)](#))

### Non-Emergencies

#### Franklin County Sheriff's Office

To report criminal incidents, suspicious activity, or other incidents that are not emergencies:

- Call **9-931-962-0123** (from a campus phone) or **931-962-0123** (from an off-campus phone or cell phone)
- Report in person at **420 Wilton Circle, Winchester TN 37398**.

#### UTSI Safety and Security Office

You may also report criminal incidents, suspicious activity, or other incidents that are not emergencies to the UTSI Safety and Security Office:

- During normal business hours call **37208** (from a campus phone) or **931-393-7208** (from an off-campus phone or cell phone)
- Report in person at **411 BH Goethert Parkway, Tullahoma TN, Building 8101, C-103**
- To any campus security guard or
- If you are a Campus Security Authority, the Clery reportable form may be found at [CSA-Reporting-Form-September-2021.pdf \(utsi.edu\)](#)

For general questions or other inquiries, you may send UTSI SSO an e-mail at [lbanner@utsi.edu](mailto:lbanner@utsi.edu).

Reports of Clery Act crimes filed through a Campus Security Authority (CSA), as defined by the Clery Act, provided to UTSI SSO will be included in the Institute’s annual crime statistics published in the Annual Security Report. All statistics enclosed in the Annual Security Report are anonymous. CSA reports have the option to include the victim’s name or initials for tracking purposes and to ensure the victim is offered the proper services. However, if you wish to remain anonymous, your personal information does not have to be disclosed. CSA reports of prohibited conduct (as those terms are defined in the university’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, a copy of which can be found in **Appendix E**) to UTSI SSO will also be made available to the Institute’s Title IX Coordinator. Reporting a Clery Act crime allows UTSI SSO to keep an accurate record of specific criminal incidents and the ability to alert the campus community of potential danger.

### UTSI Alert

The UTSI Alert emergency messaging system provides the campus community with important notifications via text messaging, voice mail and email. UTSI Alert messages are sent only during emergencies when situations require people to act immediately or to be aware of an imminent threat to their safety. The system is also utilized to alert the campus community about severe weather, campus operating delays and closures or problems with facilities and grounds affecting many people. UTSI Alert is an automatic signup with you UTSI email and you can add a mobile phone number at [UTSI Alert Signup - Space Institute](#).

### Alternative Reporting

As an alternative to reporting a criminal incident to FCSO or UTSI SSO, an individual may report criminal incidents, suspicious activity, or other incidents that are not emergencies to the following Institute offices:

Executive Director	<b>931-393-7213</b>	Building 8101 Room A-204
HR/Title IX Coordinator	<b>931-393-7226</b>	Building 8101 Room C-106A
Student and Community Affairs	<b>931-393-7318</b>	Building 8101 Room A-205
Support Services (Dorms)	<b>931-393-7228</b>	Building 8101 Room D-100
Director, Facilities Services	<b>931-393-7311</b>	Building 8105 Room 104
Student Services	<b>931-393-7228</b>	Building 8101 Room D-100

To report criminal incidents, suspicious activity, or other incidents that are not emergencies occurring off campus in Franklin County, individuals also may contact:

Franklin County Sheriff’s Office:

420 Wilton Circle, Winchester TN 37398

**931-962-0123**

To report criminal incidents, suspicious activity, or other incidents that are not emergencies that occur off campus outside of Franklin County, individuals also may contact the law enforcement agency that has jurisdiction over the location where the incident occurred. Individuals may contact UTSI SSO for assistance in contacting another jurisdiction’s law enforcement agency.

### Confidentiality

UTSI SSO encourages anyone who is the victim of or witness to any crime to promptly report the incident to FCSO or another law enforcement agency. However, it cannot ensure that a report will remain confidential because police reports relating to closed cases generally are subject to inspection by any citizen of Tennessee under the Tennessee Public Records Act.

The Institute's annual crime statistics do not include any personally identifiable information relating to a victim, suspect, or witness.

The Institute's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking a copy of which can be found in [Appendix E](#), provides information on the Institute's policy for handling a situation in which a person reports an incident of sexual assault, dating violence, domestic violence, or stalking to the Institute but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken. This policy also provides information on confidential resources that serve as alternatives to reporting an incident of sexual assault, dating violence, domestic violence, or stalking to the Institute.

For victims of sexual assault, there are steps to preserve evidence and maintain anonymity. A victim of a sexual assault may go to a local hospital and request a forensic sexual assault examination. If the victim chooses not to report the incident to law enforcement at the time of the medical examination, the medical provider will provide the examination materials to local law enforcement with a unique identifying number that will also be provided to the victim. The law enforcement agency with jurisdiction will store the examination materials for up to three (3) years. If in that time the victim decides to make a police report, they may report to the law enforcement agency with jurisdiction and refer to the unique identifying number so that the examination materials may be matched up with the victim's law enforcement report for evidentiary purposes. Once a police report has been filed, the incident can no longer be anonymous.

### [Pastoral and Professional Counselors](#)

In accordance with the Clery Act, professional counselors are not considered campus security authorities (i.e., they are not obligated to report crimes to FCSO. The term "professional counselor" means an Institute employee whose official responsibilities include providing mental health counseling to members of the Institute's community and who is functioning within the scope of his/her license or certification. The Institute does not have procedures for encouraging professional counselors, when they deem appropriate, to notify persons whom they are counseling of the voluntary, anonymous reporting options to ensure that an incident is included in the Institute's annual disclosure of crime statistics.

The Institute does not employ pastoral counselors. Pastoral counselors not employed by the Institute are not obligated to report crimes to UTSI. In addition, the Institute does not have procedures that encourage pastoral counselors to inform persons they are counseling of the Institute's procedures to report crimes on a voluntary, anonymous basis for inclusion in the Institute's annual disclosure of crime statistics.

### [Reporting Sexual Assault, Dating Violence, Domestic Violence, and Stalking](#)

Additional information concerning options for reporting sexual assault, dating violence, domestic violence, and stalking can be found in UTSI's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, a copy of which can be found in [Appendix E](#). This policy also provides information on confidential resources that are alternatives to reporting an incident to the Institute.

### [Retaliation](#)

No UTSI 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. UTSI's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, found in [Appendix E](#), prohibits retaliation. Retaliation under this policy means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. [University of Tennessee Human Resources Policy HR0580](#)

[\(HR0580 - Code of Conduct - UT System Policies \(tennessee.edu\)\)](#) protects employees from retaliatory discharge if in good faith they report or attempt to report illegal activities.

## Timely Warnings (Safety Notices)

A timely warning, in the form of **Safety Notice**, will be disseminated utilizing method(s) likely to reach members of the affected campus community when the reported incident is a Clery Act crime which: (1) is reported in good faith to UTSI SSO directly or reported to UTSI SSO indirectly through an Institute campus security authority or a local law enforcement authority; (2) occurs on the Institute's Clery geography (i.e., on campus, in or on a non-campus building or property in use or controlled by the Institute, or on public property immediately adjacent to the Institute); and (3) is a serious or continuing threat to Institute students and employees, or their property.

A Safety Notice will be issued in a manner which: (1) is timely (i.e., as soon as the pertinent information is available); (2) does not disclose the name or other identifying information about the victim, as defined in 42 U.S.C. § 13925(a)(20); and (3) will aid in the prevention of similar crimes. A Safety Notice will contain sufficient information about the incident to enable people to protect themselves or their property and aid in the prevention of similar crimes. Such information generally will include: (1) a brief description of the incident; (2) the general location, date, and time of the incident; (3) a description of the suspect, if a sufficient amount of detail is known about the suspect, which may include a composite drawing or photograph of the suspect; (4) a description of injuries or the use of force, if relevant; (5) a description of the incident's possible connection to other incidents; (6) suggested measures that Institute students and employees can take to help protect themselves or their property; and (7) contact information for FCSO and/or UTSI SSO and other instructions for the campus community. Safety Notices will not include information that, in the judgment of the FCSO Sheriff or UTSI SSO or his/her designee, would compromise law enforcement efforts.

The decision whether to issue a Safety Notice is made by UTSI SSO Safety Coordinator or his/her designee on a case-by-case basis considering all the facts known concerning the crime, such as the nature of the crime and whether Institute students and employees are at risk of becoming victims of a similar crime. The apprehension of the alleged perpetrator typically removes the risk to Institute students and employees. A Safety Notice may not be issued for an incident for which a report was filed more than five days after the alleged incident.

The Clery Act does not require the Institute to issue a Safety Notice for: (1) a Clery Act crime that occurs outside of the Institute Clery Geography; or (2) for a crime that is not a Clery Act crime, even if that crime occurs on the Institute's Clery Geography. However, the UTSI SSO Safety Coordinator or his/her designee may, in his/her discretion, issue a Safety Notice for a crime for which the Clery Act does not require the Institute to issue a Safety Notice.

Safety Notices typically are written by the Safety Coordinator or his/her designee and distributed to all students, faculty, and staff through the Safety and Security Office. Safety Notices also may be distributed through the Institute's social media accounts (e.g., Facebook, [The University of Tennessee Space Institute | Tullahoma TN | Facebook](#), and Twitter, [UT Space Institute at Tullahoma \(@UT\\_Space\\_Inst\) / X \(twitter.com\)](#)). If an incident occurs on property owned or controlled by the Institute, a Safety Notice may be distributed through a flyer on buildings adjacent to the incident area, to individuals located in the incident area, or to the entire campus community.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the Institute will follow its **Emergency Response and Evacuation Procedures** ([emergency-evacuation-2022.pdf \(utsi.edu\)](#)). No Safety Notice based on the same circumstance will be issued. However, follow-up information will be disseminated to the campus community as needed.

## Emergency Response and Evacuation Procedures

The Clery Act requires the Institute to have and disclose the following emergency response and evacuation procedures, which the Institute will follow in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

## Emergency Response

The Institute's Emergency Operations Plan (EOP) is updated annually and available in the UTSI Safety and Security Office for anyone wishing to view it. The EOP provides information on how the Institute will prepare and organize to respond to emergencies. The EOP provides detailed guidance on roles and responsibilities for emergency response personnel and guidance for colleges and departments' continuity and emergency action planning. The EOP is administered by the Institute's **Safety and Security Office** following the principles of the National Incident Management System.

The EOP establishes an annual exercise to test and evaluate the EOP and to improve the skills of the Institute personnel assigned emergency management responsibilities. The exercises may be training and workshops, a tabletop exercise, or a full-scale exercise. Additional training and exercises may be conducted in addition to the campus exercises to include participation with local, state, and federal agencies efforts.

In addition to making the EOP available to all students, faculty and staff upon request, additional information and procedures are also published at [Safety & Security - Space Institute \(utsi.edu\)](#) and an emergency preparedness training module available on Blackboard (Login required) at [Canvas Training](#). The UTSI Safety and Security Office conducts awareness efforts to encourage campus community members to review safety related information.

Along with UTSI Safety and Security personnel, various campus administrators have received training on incident command and responding to critical incidents on campus. The Institute works in conjunction with a variety of local, state, and federal agencies to respond to any type of incident impacting our campus.

## Evacuation

Evacuation drills are conducted in Institute buildings on a schedule based on the occupancy and functionality of the building (announced and unannounced drills have been conducted in on-campus housing in the past). The purpose of the evacuation drill is to prepare building occupants for an organized evacuation in case of fire or another emergency. Drills are used as practice and to familiarize students, faculty, and staff with exit locations and assembly areas and educate them on emergency procedures. Documentation of Institute building evacuation/fire drills is maintained by UTSI SSO and maintained in accordance with the procedure (GS 43) for Records Retention for Safety, Health, and Environmental Protection procedure. Key performance measures are established, evaluated, and feedback is provided to the building occupants.

Sheltering inside a building is often the safest action depending on the emergency, such as tornado, hazardous materials release, or active shooter. The campus community may be instructed to seek shelter via a **UTSI Alert** message at which time they should proceed to the best available shelter in the building they are in. Shelter locations are designated on signage in the building and available at ([UTSI Recommended Shelters](#)). Individuals should know the basic characteristics of good shelter so they can respond properly when informed of an emergency. More information on what to do during an emergency is available at [UTSI Emergency Preparedness](#).

The following is basic shelter guidance:

- If you are inside when directed to seek shelter, find the best available shelter in that building. If you are outdoors, proceed to the closest building as quickly as possible. Continue to monitor campus communications and do not exit unless directed by competent authority.
- For sheltering from severe weather or other threats to the building's integrity, you should seek an interior room as low in the building as possible preferably with no windows.
- For sheltering from hazardous materials release, you also want to shut off ventilation, air handling systems, and use available materials to seal windows and doors.
- The reaction to an active shooter event depends on your location regarding the threat. Barricading in a room is a form of sheltering and the proper response for most of the campus.

## How to Report an Emergency

Students and employees are encouraged to call 911 first if possible or notify UTSI security of any situation or incident that involves a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

## Emergency Notification System

The Institute will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The Institute utilizes multiple methods to notify the campus community of emergency situations.

The following information describes the Institute's emergency notification system:

### Confirming the Existence of a Significant Emergency or Dangerous Situation

As stated above, the Institute will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Examples of situations in which an emergency notification is likely to be issued include: a building fire; a hazardous material spill/leak impacting a large area; severe weather-related threat; or an active shooter.

As used in this section, "confirmation" means that the Institute has verified that a legitimate emergency or dangerous situation exists involving an immediate threat to the health or safety of students or employees occurring on the campus. The UTSI Safety Coordinator is the primary person who determines whether such a situation exists; however, the Assistant Safety Coordinator, Contract Security Guards, Facilities Director, the Assistant Executive Director, and the Executive Director could also make such a determination. In the process of verifying whether such a situation exists, those persons may rely on information received from witnesses, first responders, Institute departments/units, and entities outside of UTSI SSO with information relevant to the situation including, but not limited to: The Franklin County Sheriff's Office; AEDC Security Force; Estill Springs Volunteer Fire Department; AEDC Fire Department; National Weather Service; and local EMA. So that there is no undue delay in notification, confirmation does not necessarily mean that all the pertinent details about the situation are known or even available.

## UTSI Alert

UTSI Alert is one of the primary methods of notifying the campus community about serious emergencies, ongoing situations, or disruptions to normal operations on campus in a timely manner. Students, faculty, and staff must opt-in to the system for text and voice messages from UTSI Alert. Students, staff, and faculty can register to receive mobile UTSI Alerts at [UTSI Alert Signup - Space Institute](#). Individuals are responsible for updating their contact information periodically to ensure their continued participation in the UTSI Alert system. Individuals are responsible for the cost of any text messaging fees from their mobile service provider incurred because of active or test messages received during their participation in the UTSI Alert system. Signing up for the UTSI Alert system is not a guarantee of one's personal safety. Individuals may opt-out of the UTSI Alert text messaging portion of the system at any time. The UTSI Alert emergency notification method is tested during the spring and fall semesters each year. For those not in the UTSI Alert system, an email will be sent for notification.

Information on other methods of emergency notification used by the Institute can be found later in this section of the report.

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

UTSI Alert text and e-mail messages will reach subscribers regardless of their actual location when the emergency notification system is activated. Due to the small size of the UTSI community, geographic segments are not identified for notification distribution. However, UTSI Alerts can be sent to the general population or to the Emergency Operations Team, which includes administration. The UTSI Safety Coordinator generally is the person who determines which segment of the campus community receives an emergency notification.

Initiating the Emergency Notification System and Determining the Contents of an Emergency Notification  
 UTSI SSO, while responding to an emergency or dangerous situation, typically will gather the necessary information pertinent to share with the campus community about incidents on campus that present an ongoing risk. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the UTSI Safety Coordinator is the primary person with the authority to send a UTSI Alert. A UTSI Alert may also be sent by the Assistant Safety Coordinator and Facilities Services Director.

The content of UTSI Alert text and e-mail messages for most potential campus emergencies are not pre-scripted and are written as the situation dictates. UTSI Alert text messages are generally short and very direct due to character limitations. The initial UTSI Alert message is primarily designed for quick notification of a dangerous situation. Each UTSI Alert will have a subsequent final message with a resolution of the incident. The campus community is encouraged to seek additional information after becoming aware of an emergency by monitoring their utsi.edu e-mail and the utsi.edu website. The Institute’s emergency notification system uses various communication methods that vary in delivery speed and more details can be provided in e-mail and on the web.

### Emergency Notification Methods

Emergency notifications are sent using some or all the following methods, based upon the situation and availability:

NOTIFICATION METHOD	USES	TYPES OF WARNINGS	CONTENT ADMINISTRATOR
<b>UTSI Alert Text (SMS) Message, Email &amp; Voice</b>	Campus-wide emergency requiring immediate action	Text messages	UTSI Safety Coordinator
<b>“Giant Voice” External Speakers</b>	Campus-wide emergency requiring immediate action	PA system	UTSI Safety Coordinator or Facilities Director
<b>UTSI Email</b>	Emergency Information	Email	UTSI Safety Coordinator or Facilities Services Director
<b>Digital Signage</b>	Campus-wide Emergency	RSS feed	UTSI Safety Coordinator or Facilities Services Director
<b>NOAA Weather Radio &amp; Wireless Emergency Alerts</b>	National, state, and local hazards	Voice and tone	National Weather Service & TEMA
<b>Social Media</b>	Issue emergency statements	Twitter & Facebook	Safety Coordinator, Facilities Services Director, or Public Relations
<b>Local Media</b>	Issue emergency statements	Radio, TV, web & print	Public Relations

The following provides a more detailed summary of the Institute’s various emergency notification methods:

- **UTSI Alert Text (SMS) Message, Email & Voice** – This method can send text, e-mail and voice messages to staff, faculty, and students.
- **“Giant Voice” External Speaker** – UTSI has a public address system that can be utilized for emergency announcements.
- **UT Email** – The Institute can send emergency information without activating the UTSI Alert system via the Institute’s e-mail exchange to all UTSI students, staff, and faculty with a net-id.
- **Digital Signage** – UTSI can display messages on digital screens in some campus buildings.
- **NOAA Weather Radio and Wireless Emergency Alerts** – Units receive all hazard information from the Emergency Alert System (EAS) regarding Amber Alerts, severe weather, and regional emergencies. The Institute does not control content and cannot initiate a message using these devices. Several departments on-campus have these units.
- **Social Media** – The Office of Computer Services may repost UTSI Alerts to Twitter and/or Facebook. Computer Services will also monitor and respond to Twitter and Facebook traffic using the main campus accounts to provide updates, dispel rumors, and share emergency information.
- **Local Media** – Public Relations will use their contacts with all local media to assist in spreading emergency public information.

The notification methods described above are implemented with the understanding that they are best used in combination with each other. The type of emergency or dangerous situation drives which methods are used. Notification methods will always include SMS text and e-mail.

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

The goal for issuing an emergency notification is to provide accurate information as quickly as possible so that the campus community can take precautions in the case of an emergency or dangerous situation. Not every individual will be reached; thus, the campus community is asked to spread emergency notification information to others.

Information pertaining to an emergency or dangerous situation that exceeds the boundaries of the University of Tennessee’s campus typically is provided by the Office of Public Relations to local television and radio media outlets. The Office of Public Relations determines the content of the information that is provided.

## Missing Student Notification Procedures

This section of the Annual Security Report sets forth the Institute’s missing student notification procedures for students who reside in on-campus student housing facilities. These procedures only apply to students who reside in on-campus residential facilities operated by the University of Tennessee Space Institute.

### How to Report a Missing Student

Students, employees, or other individuals who want to report that a student who lives in on-campus housing has been missing for 24 hours should contact Franklin County Sheriff’s Office at **931-962-0123** and UTSI Safety & Security Office **931-393-7208**. Individuals can report a student missing at any time after 24 hours of no contact with the student has accumulated.

If an Institute employee believes that a student who lives in on-campus housing has been missing for 24 hours, then that employee must immediately report their belief to Franklin County Sheriff’s Office, UTSI Safety Coordinator (or designee),



and the Executive Director (or designee). Those individuals will contact other Institute officials who have a need to know about the missing student report.

Unless there is evidence to the contrary, a student living in on-campus housing should not necessarily be considered missing if the student provided information about their intended whereabouts or if the student is absent during recognized Institute holidays or breaks.

### Identification of Emergency Contact(s)

Upon contracting with the Institute to live in on-campus housing, all students can identify and provide confidential emergency contact information for the Institute's use when the Institute or a local law enforcement agency has officially determined that a student is missing. Upon checking into on-campus housing, students are provided with a written reminder of the opportunity to identify and provide confidential emergency contact information for the Institute's use when the Institute or a local law enforcement agency has officially determined that a student is missing. Students living in on-campus housing may add or change confidential emergency contact information by visiting the Coordinator of Support Services, building 8101, Office D-100 or calling 931-393-7228. Students are advised that emergency contact information will be accessible to authorized Institute officials only and that emergency contact information will not be disclosed to others except to FCSO or other law enforcement personnel in furtherance of a missing person investigation.

### Investigation of a Missing Student Report

UTSI will notify FCSO upon any report of a missing student who lives on campus. FCSO will investigate the report following established protocol and appropriate laws. UTSI SSO will assist the investigation within the boundaries of Institute policy. If FCSO or UTSI officially determines that the student has, in fact, been missing for 24 hours or more, and FCSO and/or UTSI is unable to locate the student, UTSI and/or FCSO will contact the student's emergency contact and the local law enforcement agency (unless the local law enforcement agency was the entity that made the determination that the student is missing) within 24 hours of the determination that the student is missing. This information will be obtained from the University Support Services. If the student has not provided the Institute with emergency contact information, then, if appropriate, FCSO and/or UTSI may contact other law enforcement agencies. If a student is under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to 1) notifying any additional contact person designated by the student and 2) notifying the local law enforcement agency. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UTSI must inform the local law enforcement agency that has jurisdiction in the area within 24 hours of the determination that the student is missing.

### Sexual Assault, Dating Violence, Domestic Violence, and Stalking

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

UTSI'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 investigate and resolve reports of Prohibited Conduct thoroughly, equitably, and promptly. Additional information about UTSI's procedures and training and prevention programs relating to Prohibited Conduct can be found online at [UTSI-2023-2024-Full-Policy.pdf](#).

### 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 at the University of Tennessee Space Institute;
- Employees and affiliates of the University<sup>1</sup>; 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 Student Code of Conduct (“Code”). The Code applies to Prohibited Conduct which occurs on university-controlled property. The Code also applies to Prohibited Conduct that occurs off of University-controlled property in certain situations, including Prohibited Conduct which: (1) occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience; (2) is prohibited by local, state, or federal law, and the conduct was committed within Coffee County or Franklin County; (3) is fairly attributable to a student organization based on a consideration of the criteria in the Code; (4) is committed against another member of the University community; or (5) threatens, or indicates that the student poses a threat to, the health, safety, or welfare of others or the security of any person’s property.

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

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.

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<sup>1</sup> “University” under the Policy means the University of Tennessee Space Institute.

## 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 120 hours after the incident.
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair.
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags)
- Preserve or capture electronic communications such as text messages, 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 F** 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 University<sup>2</sup>. 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 K.**

### 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.

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<sup>2</sup> 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.

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

INCIDENT LOCATION	CONTACT
Regardless of where the incident occurred	Call 911 in an emergency
On Campus or in Franklin County area or adjoining property	Franklin County Sheriff's Department 494 George Fraley Parkway; Winchester, TN 37398 (931) 962-0123
Off Campus Crimes	The jurisdictional law enforcement agency for the location

### 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. 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 course of action.

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

#### Patricia Burks-Jelks

411 B.H. Goethert Parkway Tullahoma, TN 37388

(931) 393-9700

[pjelks@utsi.edu](mailto:pjelks@utsi.edu); [Title IX Sexual Harassment - Space Institute \(utsi.edu\)](#)

The University's list of Title IX Officials are:

NAME	TITLE(S)	CONTACT INFORMATION
Pam Ledford	Deputy Title IX Coordinator for Human Resources	(931) 393-7226
Leo Bonner	Deputy Title IX Coordinator for Clery Compliance	(931) 393-7208
Charlene Hane	Deputy Title IX Coordinator for Student Support	(931) 393-7228

## 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 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 Non-Title IX Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,<sup>3</sup> the Title IX Coordinator will initiate the grievance procedures outlined in **Appendix H or Appendix I** 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.<sup>4</sup> In fairly assessing the need for an individual to receive Supportive Measures, the Title IX Coordinator does not rely on fixed rules or operating

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<sup>3</sup> 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 the 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 acting under the Policy, including by treating the alleged conduct as Prohibited Conduct to which the Policy applies.

<sup>4</sup> 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).

assumptions in favor of one party over another. **Examples of Supportive Measures, including protective measures that the University may offer, are listed in Appendix F of the Policy.**

### Protection Orders

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

#### **Legal Aid Society of Middle Tennessee & the Cumberland's**

281 Industrial Blvd

Tullahoma, TN 37388

931-455-7000 or 1-866-898-0171

[Tullahoma - Legal Aid Society of Middle Tennessee and The Cumberlands \(las.org\)](http://las.org)

#### **Franklin County Circuit Court Clerk**

[Franklin County Circuit Court Clerk | 440 George Fraley Parkway, Room #157, Winchester TN 37398 \(931\) 967-2923](#)

A Title IX Official or the police can assist with arranging an appointment with the Legal Aid Society of Middle Tennessee & the Cumberlands to discuss options for pursuing an order of protection and other legal remedies. The Tennessee Coalition to End Domestic and Sexual Violence provides information about orders of protection on its website: [TN Coalition to End Domestic & Sexual Violence](#). 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 K**.

### Protecting Confidentially

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

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

## 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 H** of the Policy describes the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is a **student**.
- **Appendix I and J** of the Policy describe the procedures the University uses to investigate and resolve allegations of Prohibited Conduct when the Respondent is an **employee**.
- **Appendix I** 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 I** of the Policy are not appropriate.
- When the Respondent is **both a student and an employee** the Title IX Coordinator will determine the appropriate procedures to use to address the report of Prohibited Conduct based on the facts and circumstances of the situation.

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

this notification and other notifications to both the Complainant and the Respondent regarding disciplinary proceedings and appeals can be found in **Appendices H and I** of the Policy.

## Prevention and Awareness Programs

UTSI 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 UTSI community. UTSI 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

UTSI 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.

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

- UTSI’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 UTSI’s current Primary Prevention Programs should be directed to the Title IX Coordinator. The University’s primary prevention program for incoming students is a mandatory online module called, “Think About It.”

### Primary Awareness Programs

UTSI 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 UTSI’s Primary Awareness Programs should be directed to the Title IX Coordinator.

### Ongoing Prevention and Awareness Campaigns

UTSI 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 UTSI and including information about:

- UTSI’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 UTSI's ongoing prevention and awareness campaigns should be directed to the Title IX Coordinator. A description of ongoing prevention and awareness campaigns can be found at [Title IX Sexual Harassment - Space Institute \(utsi.edu\)](https://utsi.edu).

### 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 to promote safety and to help individuals and communities address conditions that facilitate violence.

## Security and Access to Campus Facilities

Campus-specific rules relating to security and access to campus facilities are described below.

### Security Cameras

The Institute has numerous cameras on campus. The Safety Office and Facilities Services are jointly responsible for overseeing camera operation including camera placement. Both entities have the authority to select, coordinate, operate, manage, and monitor all campus video surveillance equipment.

### Residence Halls

The institute offers one residence hall to accommodate the needs of our students. This building is an apartment style consisting of twenty (20) rooms capable of single or double occupancy. One room is ADA compliant.

The Office of Support Services manages the residence hall at the University of Tennessee Space Institute in Tullahoma. The residence hall staff primarily consists of one full-time, live-in Resident Assistant (RA) and one Assistant Resident Assistant.

The Resident Assistant and Assistant Resident Assistant may be contacted 24 hours a day. In the event the RA or Assistant RA cannot be contacted, the Coordinator of Support Services, Facilities Services Director, Security Coordinator, or security guards may be contacted for guidance dependent upon the situation. Residents may have overnight guests per the following guidelines:

- a. Notify the Coordinator of Support Services at extension 37228 or email at [chane@utsi.edu](mailto:chane@utsi.edu) to provide the name of guest, dates of visit, and make and model of vehicle.
- b. Guests must be age 18 or older.
- c. The maximum length of any visit is three (3) consecutive nights.
- d. Double occupancy residents must receive the prior expressed consent of the roommate.

All guests are governed by Institute and residence hall regulations, and it is the host's responsibility to make guests aware of these policies. In cases where the guest is in violation of Institute regulations, disciplinary action may be brought against the host.

All maintenance and service personnel are required to maintain two-person integrity while in residences in the residence hall. Deliveries may not be made directly to residence hall rooms.

All exterior doors in residence halls are locked 24-hours to limit entrance to the hall. During nightly rounds by security personnel, all exterior doors are checked to ensure that they are secure. All exterior doors utilize locks with control keys. Control keys are highly restricted by Facilities Services and only issued to dorm residents, designated security/emergency personnel, Facilities Services Director, and Coordinator of Support Services.

All residence hall rooms are equipped with smoke detectors approved by Underwriters Laboratory (UL), and all halls have fire alarm systems installed in accordance with the National Fire Protection Association (NFPA). The fire alarm system in residence hall is local only and does not connect to a central monitoring station.

Residence hall room doors have individual key locks and slide-chains on the inside. If a key is lost or misplaced, the room's lock may be re-cored and new keys are issued dependent upon circumstances. The determination is made by the Facilities Services Director. Residents are urged to keep their doors always locked. All windows are non-opening. Door viewers have been installed in all student room doors. All internal rooms have connecting doors to adjoining rooms. These doors are back-to-back (one in each room) and access to the adjoining room cannot be had unless both parties allow it as they are each locked from inside residence.

### Sorority and Fraternity Housing

The University of Tennessee Space Institute does not have sorority or fraternity student organizations on campus.

### Other Institute Facilities

UTSI SSO conducts random foot and vehicle patrols of non-residential Institute facilities (e.g., academic, and administrative buildings) as time permits; however, buildings do not have officers exclusively assigned to them. Most buildings are open to students, staff, and faculty during normal business hours. Facilities on campus have varied levels of access including key access and card access. For more information about security and access to Institute facilities, please contact the Director of Facilities Services [Facilities & Operations - Space Institute \(utsi.edu\)](#) or call **931-393-7311**.

### Security Considerations Used in the Maintenance of Campus Facilities

UTSI's Facilities Services strives to ensure that campus facilities, grounds, and landscaping are maintained in such a way as to eliminate natural obstructions that could become safety concerns. Lighting surveys have been performed by a group of campus representatives and based on those results, significant improvements in outdoor lighting were made. UTSI Facilities Services personnel, as part of their normal duties, report malfunctioning lights and other potentially unsafe physical conditions to the Physical Plant Supervisor for correction. Members of the Institute community are encouraged to report any deficiency in lighting (e.g., dim, obstructed, or non-operational lighting) or other potentially unsafe physical conditions to Facilities Services at **931-393-7311** or **37311** (from a campus phone). Such reports to Facilities Services may be made via email [WorkOrder@utsi.edu](mailto:WorkOrder@utsi.edu) or voice mail (**931-393-7311**) 24 hours a day, seven days a week. Reports may be made in person during normal business hours.

### Evening and Special Transportation

The University of Tennessee Space Institute does not provide evening or special transportation.

## Crime Prevention and Security Awareness Programs

UTSI SSO conducts programs designed to inform the campus community about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others.

### UTSI Safety and Security Office

UTSI SSO facilitates crime prevention and security awareness programs in which qualified staff members or experts in specific fields explain and demonstrate how students, staff, and faculty can protect themselves and their property. Past programs include:

- **Personal Safety:** A simple approach with realistic safety tips. Optional overview of self-defense devices can be included.
- **Substance Abuse Awareness:** This program discusses the dangers of drug abuse, as well as the abuse of prescription medication. The course also highlights the misconceptions students, faculty and staff may have concerning drug use.
- **Community Response to Active Shooter:** One of the most frightening situations that can occur on a college campus is dealing with an active shooter. An active shooter is a person who is actively threatening lives or prepared to threaten lives in a populated area. This program focuses on how to deal with a potential active shooter situation. The course gives information on past occurrences, warning signs, and what to do if a shooting occurs in your immediate area.

All programs and courses are free to Institute students and employees. Programs are not on a set schedule and topics may vary in the future. UTSI offers these type courses as time and manpower permits.

Institute students and employees may also review external resources regarding dating violence, domestic violence, sexual assault, and stalking by visiting the following websites:

- End Violence Against Women International (EVAWI) developed the Online Training Institute (OLTI) to provide the opportunity to provide knowledge on cutting edge developments in the criminal justice and community response to sexual assault for anyone who is interested. This training specifically focuses on those crimes committed by someone known to the victim (non-stranger). **The OLTI is a small fee to register, enroll, or complete any of the modules.** [OLTI Continuing Education - EVAWI \(evawintl.org\)](https://www.evawintl.org)
- The Stalking Prevention, Awareness, and Resource Center (SPARC) ensures allied professionals have the specialized knowledge to identify and respond to the crime of stalking. SPARC provides ready-to-teach modules providing everything you need including PowerPoints and presenter guides. [The Stalking Prevention, Awareness, and Resource Center | SPARC \(stalkingawareness.org\)](https://www.stalkingawareness.org)

National Online Resource Center on Violence Against Women offers VAWnet, a comprehensive and accessible online collection of information and resources on domestic violence, sexual violence, and related issues. The VAWnet library provides training tools and materials to support efforts in raising awareness, increasing capacity, and **enhance efforts to prevent violence against women and intervene more effectively when it occurs.** [Training Tools | VAWnet](https://www.vawnet.org)

## Alcohol and Illegal Drugs

This section of the report provides information on the Institute's policies regarding the possession, use, and sale of alcoholic beverages and enforcement of Tennessee's underage drinking laws. This section also provides information on the Institute's policies regarding the possession, use, and sale of illegal drugs and enforcement of federal and Tennessee drug laws and a description of the Institute's drug and alcohol abuse prevention programs.

## Drug Free Campus and Workplace Policy

A copy of the following policy can be found at: [HR0720 - Drug Free Campus and Workplace - UT System Policies \(tennessee.edu\)](https://www.tennessee.edu/policies/hr0720-drug-free-campus-and-workplace).

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

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

Individuals who are paid by UT through federal grants or contracts must abide by this policy and notify the Institute 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 Institute is, in turn, required to inform the granting or contracting agency of such a violation within 10 days of the Institute's receipt of notification.

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

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

A complete set of drug screening procedures for employees in positions requiring the use of a commercial driver's license (CDL) is available for those employees and their supervisors from their campus or institute human resources office. The procedures discuss the types of screenings, when and how they are to be conducted, and the actions that will be taken by the Institute should the employee receive a confirmed positive alcohol or drug test.

### Alcohol

All members of the Institute community and guests are required to comply with Institute policies and federal, state, and local laws regarding the distribution, possession, and consumption of alcoholic beverages. FCSO enforces those laws and UTSI SSO enforces policies. Institute policies relating to alcoholic beverages are outlined below under the description of the Standards of Conduct for students and the Code of Conduct for employees.

It is unlawful in Tennessee for:

- any person under 21 years of age to buy, possess, transport (unless in the course of employment), or consume alcoholic beverages, wine, or beer
- any person to purchase an alcoholic beverage for or at the request of a person under 21 years of age

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

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

### Illegal Drugs

Various federal and Tennessee laws make it unlawful to manufacture, distribute, dispense, deliver, or sell or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances. The penalty imposed for violating one or more of those laws depends upon many factors, which include the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial monetary fines. Consequences for violating those laws and/or Institute policies prohibiting similar misconduct could result in criminal prosecution, fines, imprisonment, and/or disciplinary sanctions by the Institute. FCSO strictly enforces those laws and policies.

### Standard of Conduct for Students

UTSI's Standards of Conduct for students, state that a student may be disciplined for engaging in the following misconduct:

- Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on Institute-controlled property or in connection with an Institute-affiliated activity.
- Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.
- Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.
- 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.
- Committing an act that is prohibited by local, state, or federal law.

These and other Standards of Conduct for students, in addition to the possible sanctions for violating the Standards of Conduct can be found in the student handbook, *Hilltopics*, at [Hilltopics Student Handbook | The University of Tennessee, Knoxville \(utk.edu\)](https://hilltopics.utk.edu/).

## Code of Conduct for Employees

The University of Tennessee's Code of Conduct for employees, a copy of which can be found at [HR0580 - Code of Conduct - UT System Policies \(tennessee.edu\)](#), prohibits: "The unlawful manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, intoxicants, or controlled substances; abuse of prescription drugs while on duty; use of alcohol in an Institute vehicle on or off Institute property; possession or use of alcohol while on duty (except at Institute 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 illegal drugs or alcohol or while unlawfully using controlled substances." Violation of the Code of Conduct is grounds for disciplinary action, up to and including termination of employment, pursuant to University of Tennessee Human Resources Policy 0525, a copy of which can be found at [HR0525 - Disciplinary Action - UT System Policies \(tennessee.edu\)](#). Illegally using, manufacturing, possessing, distributing, purchasing, or dispensing of controlled substances or alcohol constitutes gross misconduct under university policy.

## Drug and Alcohol Abuse Prevention

UTSI does not operate student counseling facilities due to limited size of operations and budgetary constraints. However, students needing help with drug or alcohol issues may be referred to units at the Knoxville campus such as the Center for Health Education and Wellness, the Student Health Center, the Student Counseling Center, and the Office of the Dean of Students in certain situations. More information about Knoxville campus' Center for Health Education and Wellness programs for Alcohol & Other Drugs can be found at [Request a Presentation | Center for Health Education & Wellness \(utk.edu\)](#). UTSI is committed to promoting responsible decision-making regarding alcohol and drugs.

The university's **Employee Assistance Program (855-437-3486)** ([Other Benefit Information - Space Institute \(utsi.edu\)](#)) manages the alcohol & drug abuse and rehabilitation program for benefits-eligible employees. The Employee Assistance Program also provides counseling and referral services.

## Health Risks

Aside from any legal or university policy considerations, the use of illicit drugs and/or the abuse of alcohol may be harmful to one's health. Some of the health risks associated with such use/abuse are:

- **Alcohol-abuse health risks:** Liver damage—cirrhosis, alcoholic hepatitis; heart disease—enlarged heart, congestive heart failure; ulcers and gastritis; malnutrition; cancer—of the mouth, esophagus, stomach, liver; brain damage—memory loss, hallucinations, psychosis; damage to fetus if pregnant mother drinks; death—50 percent of fatal auto accidents involve alcohol, 31 percent of suicides are committed by alcoholics.
- **Drug-use health risks:** Overdosing—psychosis, convulsions, coma, death; long-term use—organ damage, mental illness, malnutrition, death; casual use—heart attack, stroke, brain damage, death; needles—infections, hepatitis, AIDS, death; if a pregnant mother uses drugs, her baby can be stillborn or born addicted.

## Weapons

With respect to the possession of firearms and other weapons on Institute property, it is important to differentiate between Tennessee criminal law and Institute policies.

### Tennessee Criminal Law

It is a criminal offense for a person to carry or possess a firearm or other weapon, whether openly or concealed, on any property owned, used, or operated by the University of Tennessee (Tennessee Code Annotated § 39-17-1309).

However, this law was amended and effective July 1, 2016, to allow limited handgun to carry on campus. The bill allows those eligible employees who wish to carry a concealed handgun on the UTSI campus to do so after presenting themselves to the Franklin County Sheriff's Office. The bill also authorizes the University of Tennessee Space Institute to establish a procedure within the system policy guidelines for how the process is facilitated. Those eligible to carry on

campus are limited to full-time faculty or staff members who are current Tennessee handgun permit holders (see TCA § 39-17-1351).

1. Under the provisions of the changes to TCA § 39-17-1309 (e), anyone wishing to carry a concealed handgun shall present in person to the Franklin County Sheriff's Office. The eligible employee shall meet with an authorized deputy and provide a valid University of Tennessee identification card, driver's license, and valid Tennessee Handgun Carry permit. Identifying information including- Name, Office address, phone number, job title, Employee ID number, and date of birth.
2. The eligible employee will be required to acknowledge a series of disclaimers including acknowledgement that they will not be carrying a handgun in any official Institute capacity, are not entitled to workman's compensation claims resulting from the use of 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 the Franklin County Sheriff's Office of any change in employment or student status. The information above will be contained and acknowledged on an official form and require the signature of the eligible employee. All information gathered will be maintained solely by the Franklin County Sheriff's Office and may only be shared with other law enforcement agencies on a need-to-know basis.
3. It is important to note that any person carrying a firearm on the University of Tennessee Space Institute campus who has failed to follow this procedure or does so in violation of any other provision of this statute will be subject to arrest.

## University Policies

The university's Standards of Conduct for students prohibit students from: "possessing, using, storing, or manufacturing any weapon or facsimile of a weapon on university-controlled property or in connection with a university-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee." University policy SA0875 addresses firearms on campus and can be found at [SA0875 - Firearms - UT System Policies \(tennessee.edu\)](#). It states, "The University permits employees to carry or possess firearms on university property only as authorized by law. Unless authorized by Section 3 of this policy, an employee shall not possess or carry a firearm on university property or while acting within the course and scope of their University employment."

## Tennessee Sex Offender Registry

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act and the Family Educational Rights and Privacy Act of 1974, UTSI is providing the link below to the Tennessee Sex Offender Registry. The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student.

In Tennessee, convicted sex offenders must register with the Tennessee Sex Offender Registry maintained by the Tennessee Bureau of Investigation (TBI). Tennessee Code Annotated § 40-39-206 requires persons who are required to register pursuant to the Tennessee Sexual Offender and Violent Offender Registration, Verification and Tracking Act of 2004 (Tennessee Code Annotated § 40-39-201 et seq.) to disclose the name and address of any institution of higher education in Tennessee at which the offender is employed, carries on a vocation or is a student. TBI is responsible for maintaining the Tennessee Sex Offender Registry. Click on the following link to access the Tennessee Sex Offender Registry: [Sex Offender Registry \(tn.gov\)](#). In accordance with Tennessee Code Annotated § 40-39-201, members of the public should not use information from the Tennessee Sex Offender Registry to inflict retribution or additional punishment on offenders. Though much of the information in the registry is of record, some of the information contained on the registry is obtained directly from offenders. Neither the Tennessee Bureau of Investigation nor UTSI

guarantees the accuracy or completeness of the information in the registry. The information contained in an offender's record does not imply that the offender will commit a specific type of crime in the future, nor does it imply that if a future crime is committed by an offender what the nature of that crime may be. Neither TBI nor UTSI makes any representation as to any offender's likelihood of reoffending. If you believe that information concerning a specific offender is incorrect, please contact TBI at [888-837-4170](tel:888-837-4170).

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

The Institute 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 because of such crime or offense, the next of kin of such victim shall be treated as the alleged victim. The Institute 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

UTSI SSO is responsible for preparing and distributing this Annual Security Report to comply with the Clery Act. Within UTSI SSO, the responsibility for preparing the Annual Security Report is assigned to the Clery Compliance Coordinator. The Annual Security Report is published and distributed every year by October 1st. The Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on the Institute's Clery Geography. Statistics for Clery Act offenses that did not occur within Clery Geography are not included in the Institute's Clery Act crime statistics even if Institute students or employees were involved.

UTSI SSO submits the crime statistics published in the Annual Security Report to the University of Tennessee Knoxville, who in turn submits 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 Report and a daily crime log are available for review 24 hours a day on the Institute's Clery Act website, [Clery Act - Space Institute \(utsi.edu\)](http://Clery Act - Space Institute (utsi.edu)). The Institute provides an electronic notice of availability of the Annual Security Report to: (1) all current Institute faculty, staff, and students; and (2) prospective Institute students, faculty, and staff.

In compliance with the Clery Act, the Institute shares the crime statistics contained in [Appendix A](#).

For more information on the Institute's Clery geography, you may visit [Clery Act for UTSI](#) for a detailed map and geography descriptions.

## 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 using 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 this definition, dating violence includes, but it 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 using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Larceny – Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- **Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities (Public Intoxication and driving under the influence are not included in this definition).
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding).
- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Non-Campus:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is being used in direct support of, or in relation to, the institution’s educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.
- **On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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

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

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

- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent.
- **Simple Assault**: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.
- **University, Institute or UTSI**: The University of Tennessee Space Institute in Tullahoma.
- **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 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 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 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 several 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 Space Institute 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

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

### Fire Log and Reporting Non-Emergency Fires

The UTSI Safety and Security Office ([Safety & Security - Space Institute \(utsi.edu\)](https://utsi.edu)) maintains a log of all fires that occur in on-campus student housing facilities. The fire log is available for review in person at building 8101, room C-103, 411 BH Goethert Parkway, Tullahoma, TN from 8:00 a.m. – 4:30 p.m. CST, Monday through Friday on Institute business days.

In addition, the Institute 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 Safety and Security Office, University Housing, or Facilities Services 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:

<b>Safety and Security Office</b>	<b>931-393-7208</b>
<b>University Housing</b>	<b>931-393-7228</b>
<b>Facilities Services</b>	<b>931-393-7313</b>

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

Students who are found to have violated the policies or rules described below will be subject to discipline in accordance with the procedures outlined in *Hilltopics*, [Hilltopics Student Handbook | The University of Tennessee, Knoxville \(utk.edu\)](https://hilltopics.utk.edu).

#### *Smoking*

The University of Tennessee system’s policy on smoking can be found at: [SA0900 - Smoking - UT System Policies \(tennessee.edu\)](https://sa0900.tennessee.edu). 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, bongos, and hookahs, are not permitted in residence halls.

Entrances to all Institute buildings, including residence halls, are designated as smoke free. Unless otherwise posted, smoking is prohibited within twenty-five (25) feet of all doorways, windows, and ventilation systems of all Institute

buildings. Smokers are responsible for ensuring that all smoking activity, including lighting and discarding cigarettes, takes place a sufficient distance from doorways, windows, and ventilation systems of Institute buildings to avoid infiltration of smoke into the building.

#### *Open Flames*

Items that require an open flame to operate or which produce heat are not permitted in resident's rooms. No materials, liquid or otherwise, of an explosive or combustible nature shall be kept on premises. Examples of prohibited items include, but are not limited to candles, incense, lit cigarettes, open heating coils, halogen lamps and gasoline.

#### *Portable Electric Appliances*

Individual dorm room kitchens are provided for residents to use for cooking. Underwriter's Laboratories approved appliances with fully enclosed heating elements and/or electrical wiring are permitted. Refrigerators (with freezers) and ranges (stovetop with oven) are provided in residence halls. Other refrigerators are not permitted in student residence hall rooms. One microwave unit and one toaster are permitted in kitchens in apartment style halls.

#### *False Reports and Interference with Fire Safety Systems*

The university's Standards of Conduct for students prohibits: Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment. Students who are found to have violated that Standard of Conduct will be subject to discipline in accordance with the procedures outlined in *Hilltopics*, [Hilltopics Student Handbook | The University of Tennessee, Knoxville \(utk.edu\)](#).

#### *Evacuation Procedures for Student Housing in Case of a Fire*

Evacuation procedures are both general and specific for the Institute's on-campus student housing facilities. In case of a fire, all students are directed to leave their room, close the door, and proceed to the nearest exit upon fire alarm activation. Elevators are not to be used during evacuation. Once outside the building students assemble at a designated location. Additional site-specific evacuation information is provided on the front door of the dorm.

#### *Procedures that Students and Staff Should Follow in Case of a Fire*

The Estill Springs Volunteer Fire Department is the community organization that responds to fires on campus. In addition, Arnold Engineering Development Complex Fire Department may respond as well.

The following are general procedures for Institute staff in the event of a fire or other emergency that requires evacuation:

**R— Rescue** anyone in danger if it is safe to do so.

**A— Alarm** If you are inside a building, sound the alarm by activating the building's fire alarm system or use another method to alert occupants of the building. Fire alarm pull stations are typically located near an interior stairway entrance or near an exterior door. Pulling a fire alarm in 8101, Main Academic Building will send a signal to an alarm monitoring company. The alarm company will notify Franklin County 911 Communications who will dispatch the Estill Springs Volunteer Fire Department and a Franklin County Sheriff's Office officer to the building. All other buildings are local alarm only and are NOT monitored by a service company. If you pull an alarm, always call 911 as soon as possible. If you are outside a building and can't readily access a fire alarm pull station, call 911. This number connects you with Franklin County 911 Communications Center, which will dispatch the Estill Springs Volunteer Fire Department.

**C— Close** all doors.

**E — Extinguish** the fire if safe to do so or evacuate the building to a defined assembly point for a head count and do not to re-enter the building until approval is given by police or fire officials.

Designated Institute staff should check the area to ensure everyone hears the alarm and evacuates.

The following are general procedures for Institute students in the event of a fire or other emergency that requires evacuation:

1. Activate the nearest fire alarm pull station.
2. Students are not encouraged to use portable fire extinguishers.
3. Upon hearing the alarm, leave the building using the nearest exit stairway.
4. Close doors while exiting the building.
5. Meet at the designated assembly point for a head count.
6. Do not re-enter the building until approval is given by police or fire officials.

### Evacuation and Fire Drill Procedures for Individuals with Disabilities

The University of Tennessee recognizes that emergency conditions can occur at any time and no one policy can cover every emergency condition, or the limitations presented by various disabilities. Individuals with disabilities will need to make decisions based upon the circumstances they are presented with at that time of each emergency.

Everyone with a disability has the responsibility to contact [Student Disability Services \(931-393-7228 or in building 8101 \(Main Academic\) office \(D-100\)](#) for assistance they may need in case of an emergency. In addition, they should meet with the Student Housing Director and Resident Advisor to communicate their disability-related needs as well. The Student Housing Director will identify residents with disabilities, gather necessary assistance information, and work with the Office of Disability Services in providing proper evacuation procedures for their residents.

Whenever possible, individuals with mobility impairments will be assigned housing on a level from which they are able to exit unassisted. Individuals with mobility impairments and who are assigned to floors that require the use of assistance should immediately dial 911 to report their current location and that they will move to the nearest stairwell to wait for assistance.

Each staff member with a disability has the responsibility to contact the ADA coordinator at [\(931\) 393-7226](#) in the Human Resources office in Lower C wing.

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

1. If the building alarm sounds, an alert sent or general announcement for evacuation is made over the giant voice, individuals with disabilities are to evacuate the building by the safest and nearest exit and follow the general procedures for emergency evacuation.
2. 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 any campus security officer, Franklin County Sheriff's Office, or the fire department upon their arrival to the building.
3. 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.).
4. In the event a fire alarm sounds, the first responding agency (UTSI SSO, FCSO or the fire department) will search for individuals with disabilities reported to be in the building and help 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.
5. In the event of an evacuation during a non-fire emergency, the steps described above will be followed.
6. Individuals should consider providing a copy of their current schedules and immediately report changes to their Resident Advisor and UTSI SSO. NOTE: individuals with disabilities who anticipate that they may have difficulty in evacuating any campus building should provide a copy of their current schedule as well as any updates to UTSI SSO.



The procedures to be followed for fire drills are identical to the emergency evacuation plan in the steps described above, except those 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 training and education programs are required for all staff and students. All students are required to complete Fire Safety Training as part of comprehensive safety training. These training sessions are provided online via [K@TE](mailto:K@TE). In addition, the Security and Safety Office offers an annual course in the use of fire extinguishers. This course includes a classroom session and a practical exercise. Training and education programs describe the procedures that students and employees should follow in case of a fire.

Procedures related to fire safety can be found here:

#### FIRE

[fire-2022.pdf \(utsi.edu\)](#)

#### EVACUATION

[emergency-evacuation-2022.pdf \(utsi.edu\)](#)

#### SAFETY MANUAL

[UTSI-Safety-Manual-2023.pdf](#)

### Plans for Future Improvement in Fire Safety

#### Residence Halls:

- Plans for fire alarm system improvements to the dorm rooms and hallways.

#### Campus-wide Buildings:

- Plans for installation of fire alarm systems in all buildings.
- Plans for off-campus notification to emergency responders for all buildings.

## NON-DISCRIMINATION EEO/AA STATEMENT

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, or any other characteristic protected by federal or state law.

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, the University of Tennessee affirmatively states that it does not discriminate based on 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 UT Space Institute Office of Equity and Diversity, 411 B. H. Goethert Parkway, Tullahoma, TN 37388, telephone 931-393-7226. Requests for accommodation for a disability should be directed to the ADA Coordinator at the UT Space Institute Office of Equity and Diversity.

## APPENDIX A: Crime Statistics

### CAMPUS CRIME STATISTICS FOR The University of Tennessee Space Institute

(Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act)

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	0	0	0	0	0
	2020	0	0	0	0	0
Fondling	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
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	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

\*No notes or comments needed

<b>VAWA Offenses; and Arrests &amp; Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations</b>	<b>Calendar Year</b>	<b>On Campus (Including Residential)</b>	<b>Non- Campus</b>	<b>Public Property</b>	<b>Total</b>	<b>On Campus (Residential Only)</b>
<b>Domestic Violence</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Dating Violence</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Stalking</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Liquor Law Violation Arrests</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Drug Law Violation Arrests</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Weapons Law Violation Arrests</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Liquor Law Violations Referred for Disciplinary Action</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Drug Law Violations Referred for Disciplinary Action</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
<b>Weapons Law Violations Referred for Disciplinary Action</b>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

\*Due to federal mandates in reporting, institutions are required to publish sex offenses under the FBI's Uniform Crime Reporting structure.

\*Unfounded crimes are incidences that have been determined to be false or baseless through a formal investigation by sworn or commissioned law enforcement.

Hate Crime Statistics	
2022	0
2021	0
2020	0

Unfounded Crimes	
2022	0
2021	0
2020	0

## 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			
	FY	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Apartment Residence	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	N/A

## APPENDIX C: Fire Safety Systems in On-Campus Student Housing Facilities

<b>Housing Facility</b>	Apartment Residence Hall, Industry Student Center
<b>Full Sprinkler System<sup>5</sup></b>	NO
<b>Smoke Detection</b>	YES
<b>Fire Extinguisher Devices</b>	YES
<b>Evacuation Plans and Placards</b>	YES
<b>Number of Evacuation (Fire) Drills Conducted in FY 2022</b>	2
<b>Fire Alarm Systems</b>	YES
<b>Other Fire Control</b>	Fire rated stairs, exterior walls, floors, roof assembly, hallways; smoke tight hallways

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<sup>5</sup> The term “full sprinkler system” is defined as having sprinklers in both the common areas and individual rooms.

## APPENDIX D: Resources

### **University of Tennessee Space Institute Safety and Security Office**

411 BH Goethert Parkway

931-393-7208

Email: [lbonner@utsi.edu](mailto:lbonner@utsi.edu), [Safety Office - Space Institute \(utsi.edu\)](#)

### **Franklin County Sheriff's Office**

420 Wilton Circle

931-962-0123

Emergencies: 911 [Franklin County Sheriff's Office \(fcsheriff.org\)](#)

### **University of Tennessee Space Institute Clery Compliance**

411 BH Goethert Parkway

General Inquiries: 931-393-7156

Email: [nvanzand@utsi.edu](mailto:nvanzand@utsi.edu), [Clery Act - Space Institute \(utsi.edu\)](#)

### **Coordinator of Student Services (Dorms)**

411 BH Goethert Parkway

931-393-7228

Email: [chane@utsi.edu](mailto:chane@utsi.edu)

### **Human Resources, Equity and Diversity**

411 BH Goethert Parkway

General Inquiries: 931-393-7226

Email: [pjelks@utsi.edu](mailto:pjelks@utsi.edu)

[Human Resources - Space Institute \(utsi.edu\)](#)

### **Distressed Student Protocol**

865-974-HELP (4357)

[Center for Health Education & Wellness | The University of Tennessee, Knoxville \(utk.edu\)](#)

### **Distressed Staff Protocol**

865-946-CARE (2273) [946-CARE for Distressed Faculty and Staff | Human Resources \(utk.edu\)](#)

## **Employee Assistance Program**

1-855-Here4TN (1-855-437-3486) [Home \(here4tn.com\)](http://here4tn.com)

## **Title IX Coordinator**

411 BH Goethert Parkway

General Inquiries: 931-393-7226

Email: [pjelks@utsi.edu](mailto:pjelks@utsi.edu)

[Human Resources - Space Institute \(utsi.edu\)](http://utsi.edu)

## **Disability Services**

[Home - Student Disability Services \(utk.edu\)](http://utsi.edu)

## **Student Handbook**

[Hilltopics Student Handbook | The University of Tennessee, Knoxville \(utk.edu\)](http://hilltopics.com)

## **US Department of Education Campus Crime Data**

[Campus Safety and Security \(ed.gov\)](http://ed.gov)

## **Family Educational Rights and Privacy Act**

[Family Educational Rights and Privacy Act \(FERPA\)](http://ed.gov)

## **Policies**

[Policy Central | The University of Tennessee, Knoxville \(utk.edu\)](http://utk.edu)



## APPENDIX E: Policy on Sexual Misconduct

# POLICY ON SEXUAL HARRASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE AND STALKING



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**EFFECTIVE June 30, 2022**

### Section 1: Introduction

#### Overview

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

The primary purposes of this Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence and Stalking (“Policy”) are to: (1) define, eliminate, prevent, and remedy the effects of Prohibited Conduct; (2) identify care, support, and reporting options for students and employees; (3) explain the obligations of employees to report Prohibited Conduct to the University; and (4) identify the grievance procedures the University will follow to thoroughly, equitably, and promptly investigate and resolve reports of Prohibited Conduct. Additional information about each campus’s procedures and training and prevention programs relating to Prohibited Conduct can be found online at [UTSI-2023-2024-Full-Policy.pdf](#).

#### Scope and Applicability

##### *Individuals Covered by this Policy*

This Policy applies to the conduct of and protects:

- Students at the University of Tennessee Space Institute;
- Employees and affiliates of the University<sup>6</sup>; and
- University contractors and third parties participating or attempting to participate in the University’s operations or education.

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

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

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<sup>6</sup> “University” in this Policy means the University of Tennessee Space Institute

- 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.

#### *Jurisdiction*

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

The University’s jurisdiction concerning misconduct by students is governed by the University’s Student Code of Conduct (“Code”). The Code applies to Prohibited Conduct which occurs on university-controlled property. The Code also applies to Prohibited Conduct that occurs off of University-controlled property in certain situations, including Prohibited Conduct which: (1) occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience; (2) is prohibited by local, state, or federal law, and the conduct was committed within Coffee County or Franklin County; (3) is fairly attributable to a student organization based on a consideration of the criteria in the Code; (4) is committed against another member of the University community; or (5) threatens, or indicates that the student poses a threat to, the health, safety, or welfare of others or the security of any person’s property.

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

#### *Effective Date*

The effective date of this Policy is June 30, 2022. This Policy applies to all Prohibited Conduct reported to have occurred on or after June 30, 2022. If the Prohibited Conduct reportedly occurred prior to June 30, 2022, then: (1) the report will be evaluated using definitions 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., the grievance procedures) will be based on this Policy.

#### *Other University System Policies*

Except for University of Tennessee System Safety Policy 0575 (Programs for Minors)

([SA0575 – Programs for Minors - UT System Policies \(tennessee.edu\)](#)) 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”) ([HR0220 - Equal Employment Opportunity - UT System Policies \(tennessee.edu\)](#)), 0280 (“Sexual Harassment and Other Discriminatory Harassment”) ([HR0280 - Sexual Harassment & Other Discriminatory Harassment - UT System Policies \(tennessee.edu\)](#)), and 0580 (“Code of Conduct”) ([HR0580 - Code of Conduct - UT System Policies \(tennessee.edu\)](#)).

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 2.2.6 of the UTK Faculty Handbook

([Faculty Handbook | The University of Tennessee, Knoxville \(utk.edu\)](#)). 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.

### 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

### Introduction

This Policy prohibits the following conduct:<sup>7</sup>

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

### Definitions of Prohibited Conduct

#### *Sexual Harassment*<sup>8</sup>

**“Sexual Harassment”** is conduct based on 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.

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<sup>7</sup> The University’s Nondiscrimination Statement ([Equity and Diversity - Space Institute \(utsi.edu\)](#)) 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, based on sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Complaints of Sex Discrimination should be reported to the Title IX Coordinator and will be handled in accordance with the procedures on the Office of Equity and Diversity’s website [Equity and Diversity - Space Institute \(utsi.edu\)](#).

<sup>8</sup> 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”)( [HR0280 - Sexual Harassment & Other Discriminatory Harassment - UT System Policies \(tennessee.edu\)](#)). 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 ([UTSIDiscriminationComplaintForm01232018.pdf](#)) and will be handled in accordance with the procedures on the Office of Equity & Diversity website [Equity and Diversity - Space Institute \(utsi.edu\)](#).

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).

#### *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.

#### *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.

#### *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.

#### *Incest*

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

#### *Statutory Rape*

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

#### *Dating Violence*

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

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the people involved in the relationship.

#### *Domestic Violence*

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

In cases involving allegations of mutual acts or threats of acts of violence, the designated investigator(s) will, when appropriate, identify the primary aggressor in the situation based on the totality of the information gathered, including without limitation: the history of violence between the parties; the relative severity of the injuries inflicted on each person; information gathered from the persons involved in the situation and witnesses to the situation; and whether the

acts or threats were done in self-defense. The primary aggressor will be considered the Respondent for purposes of evaluating Domestic Violence.

### *Stalking*

**“Stalking”** means 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.

“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.

### *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 act 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 act(s) with a person other than oneself.

#### *Retaliation*

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

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

1. The exercise of rights protected under the First Amendment does not constitute retaliation.
2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith during 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.

#### Related Definitions: Consent, Force, Incapacitation

##### *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 G** 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 G**.

##### *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; o 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.

### *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 when a reasonable person would have known the other person to be Incapacitated. For evaluating Incapacitation, a “reasonable person” means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.

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

### *Section 3: Grievance Procedures Used to Address Prohibited Conduct*

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

#### *Grievance Procedures when the Respondent is a Student*

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

#### *Grievance Procedures when the Respondent is an Employee*

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

#### *Grievance Procedures when the Respondent is Both a Student and an Employee*

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

## Grievance Procedures when the Respondent is a Third Party

**Appendix I** 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 I** are not appropriate.

## Section 4: Supportive Measures and Reporting Options

### 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.

### 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, based on 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:

Patricia Burks-Jelks

The University of Tennessee Space Institute

411 B. H. Goethert Parkway

Tullahoma, TN 37388 (931) 393-7226 [pjelks@utsi.edu](mailto:pjelks@utsi.edu)

[Title IX Sexual Harassment - Space Institute \(utsi.edu\)](https://www.utsi.edu/title-ix)

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

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

The responsibilities of Title IX Officials are described in more detail at [Title IX Sexual Harassment - Space Institute \(utsi.edu\)](https://www.utsi.edu/title-ix). 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](mailto:OCR.Atlanta@ed.gov).

### 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.



- **Privacy:** Information communicated to a Title IX Official (Section 4), or a Mandatory Reporter will be kept as private as possible, which means that the information will be shared only with the University employees whom a Title IX Official determines need to be involved in responding to the incident, except as required or permitted by 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.

### *Confidential Care and Support*

The persons identified below can keep information communicated to them confidential and will not communicate such information to a Title IX Official, the University, the police, or any other third party, unless required or permitted by law<sup>9</sup>. Complainants may pursue confidential cares, support, and reporting options regardless of whether they choose to report the incident to the University or the police.

### *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.

### *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 F**.

### *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.

### *Report to the Police*

Prohibited Conduct may constitute both a violation of this Policy and criminal law. Therefore, the University encourages Complainants to report incidents of Prohibited Conduct to the police. Prompt reporting of an incident to the police is especially critical because the collection and preservation of evidence is essential for police investigations and criminal prosecutions. A Complainant has the right to decline to report the incident to the police. Even if a Complainant does not report the incident to the police, the Complainant may still request Supportive Measures by reporting the incident to a Title IX Official. **Appendix F** provides contact information for campus and local police and information about what to expect after reporting an incident to the police. **Appendix F**, Sections 1 and 2, also provide suggestions about the preservation of evidence relating to Prohibited Conduct.

### *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.

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<sup>9</sup> An employee of the UTSI Safety Office participates in the University's Title IX Response Team. However, the UTSI Safety Office will not write a police report unless the Complainant decides to report the incident to the police.

## 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, UTSI Office of Equity and Diversity (OED) employees, Title IX Officials, department heads, deans, vice chancellors, chancellors, vice presidents, campus police).

### **Exceptions – No Duty to Report:**

- The employee is a Confidential Employee 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 to the allegations that a Mandatory Reporter failed to report Prohibited Conduct to the Office of Equity & Diversity, which will investigate. OED 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 OED'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 K** 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) ([SA0575 – Programs for Minors - UT System Policies \(tennessee.edu\)](#)). 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 the UTSI Safety Office 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 the UTSI Safety Office. **Employees who have been designated as Campus Security Authorities may have an obligation to report misconduct to the UTSI Safety Office even when they do not have an obligation to report the misconduct under this Policy. Questions about the reporting obligations of Campus Security Authorities should be directed to Nick Van Zandbergen, the University’s Clery Compliance Coordinator, at [nvanzand@utsi.edu](mailto:nvanzand@utsi.edu) or (931) 393-7156.**

#### [Benefits of Reporting Prohibited Conduct to the University](#)

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

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

**Appendix F**, Section 2 describes the steps the Title IX Coordinator will take after receiving a report of Prohibited Conduct.

#### [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 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.

There are limited circumstances in which the Title IX Coordinator may determine that the University must continue with an investigation without the Complainant’s participation or assent, because of the University’s commitment to providing

a safe and non-discriminatory learning, living, and working environment free from Prohibited Conduct. These limited circumstances are referred to as University- Initiated Investigations. For example, if the University has credible information that the Respondent is alleged to have committed one or more other acts of Prohibited Conduct, then the balance of factors might compel the University to investigate the allegation, and, if appropriate, pursue disciplinary action.

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

- The risk that the Respondent will commit additional acts 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 investigate, 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.

#### [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.

### Amnesty

The University recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident of Prohibited Conduct may be hesitant to report the incident to the University because of a fear of university disciplinary sanctions for the person's own violation of the University standards of conduct. Because of the importance to the University of responding to incidents of Prohibited Conduct, a student who reports Prohibited Conduct to the University or provides information in a University investigation into alleged Prohibited Conduct will not be subject to disciplinary action by the University of Tennessee, Knoxville (UTK) Office of Student Conduct and Community Standards for personal consumption of alcohol or other drugs, or minor offenses, at or near the time of the reported incident, but may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk ("Amnesty"). The University may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or drugs. The Title IX Coordinator, in coordination with the UTK Title IX Coordinator, has the discretion to grant Amnesty to persons other than the person who reported Prohibited Conduct (e.g., Complainant, Respondent, witnesses). The Student Code of Conduct, Section 11, also contains a policy on Amnesty for individuals acting as Good Samaritans and students in need of emergency medical attention. This section does not apply to reports to the police; rather, it applies only to discipline for violations of the University's Code of Conduct.

### 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.

### Supportive and Remedial Measures

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement supportive 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.<sup>10</sup> In fairly assessing the need for an individual to receive Supportive Measures, the Title IX Coordinator does not rely on fixed rules or operating assumptions in favor of one party over another.

Examples of Supportive Measures are listed in **Appendix F**, 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

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<sup>10</sup> 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).

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

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

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

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

## APPENDIX F: Guide on Supportive Measures and Reporting Options

The University of Tennessee Space Institute 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”)<sup>11</sup>.

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 Complainant “You Are Not Alone” Guide and a separate Respondent Resource Guide 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 Deputy Title IX Coordinators, who are trained and accessible for consultation and assistance about the available Supportive Measures; the right to file a formal complaint; and how to file a formal complaint. The Title IX Coordinator, the Deputy Title IX Coordinators, and their designees are referred to collectively in the Policy and this guide as “Title IX Officials.”

### Section 1: Supportive Measures

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

#### General Medical Care

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

**According to the Sexual Assault Center of Nashville**, the key to success of the evidentiary exam is collecting physical evidence as soon as possible; however, evidence can be collected up to 120 hours after the assault. Assaults do not have to be reported to law enforcement to receive a Sexual Assault Forensic Exam (SAFE)/ Sexual Assault Nurse Examiner (SANE) service. 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 Section 2 of this Appendix (F).

**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 (e.g., Vanderbilt-Tulahoma Healthcare-Harton) or at the Sexual Assault Center Nashville Office; 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

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<sup>11</sup> Capitalized terms have the same meaning in the Policy and Appendix A.

prosecution or an order of protection. The medical examination likely will be performed by a Sexual Assault Nurse Examiner (SANE) who is specially trained to collect evidence in cases of Sexual Assault. If the Complainant chooses not to report the incident to the police at the time of the medical examination, then the medical provider will provide the examination materials to local police with a unique identifying number that will also be provided to the Complainant. The police department with jurisdiction will store the examination materials for up to three (3) years. If in that time the Complainant decides to make a police report, then the Complainant may report to the police department with jurisdiction and refer to the unique identifying number so that the Complainant’s examination materials may be matched with the Complainant’s police report for evidentiary purposes.

The University strongly encourages Complainants who experience any form of interpersonal violence to seek medical care immediately 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
Sexual Assault Center Nashville Office <a href="http://sacenter.org">sacenter.org</a>	Monday-Thursday 8:00 am - 6:00 pm & Fridays 8:00 am - 2:00 pm  If you need an exam, please call 615-258-5888	Crisis and Support 1-866-811-RISE (7473)  101 French Landing Drive Nashville, TN 37228 615-259-9055
Southern Tennessee Medical Center <a href="http://Southerntnwinchester.com">Southerntnwinchester.com</a> <a href="http://Southerntnsewanee.com">Southerntnsewanee.com</a>	24 hours, seven days a week	185 Hospital Road, Winchester, TN; 931-967-8200  1260 University Avenue Sewanee, TN; 931-598-5691
Vanderbilt Tullahoma – Harton <a href="http://Tenova.com">Tenova.com</a>  Unity Medical Center	24 hours, seven days a week   24 hours, seven days a week	1801 N. Jackson St. Tullahoma, TN; 931-393-3000  481 Interstate Drive Manchester, TN; 931-728-6354

### 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 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 regardless of whether they choose to report the incident to the University or the police.

#### *University “Confidential Employees”*

Confidential Employees are University employees who can keep information confidential because they hold a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a



professional’s client or patient or because the University has deemed the employee as a confidential resource for students and employees.

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

Information communicated to a Confidential Employee does not constitute notice or a report to the University of an incident of Prohibited Conduct. Except in the limited circumstances described in below (under Identification of Confidential Employees), 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.

Identification of Confidential Employees

Confidential Employee	Who May Access Their Services	How to Contact
<p>A University employee who holds a valid license in a profession for which Tennessee law recognizes a confidential relationship between a professional and a professional’s client or patient, <b>if the employee is acting within the course and scope of his/her university employment and Tennessee law would recognize the existence of a confidential relationship between the employee and the student in the situation</b></p>	<p>Students and Employees</p>	<p>Varies by employee</p>

**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).**

Confidential Employees include the persons identified above, 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.

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 aged 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.).

#### *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:

#### **UTSI/Middle TN/Tulahoma Area Resources for Complainants:**

- **Sexual Assault Center (SAC)**  
**SAC's 24-Hour Crisis & Support Line for help at 1-866-811-RISE (7473)**  
 101 French Landing Drive Nashville, TN 37228 (615) 259-9055 [Sexual Assault Center \(sacenter.org\)](http://sacenter.org)
  - The primary mission of the Sexual Assault Center is to provide excellent and compassionate services for survivors of sexual assault and to empower communities through education and social change. **A Complainant does not have to report a Sexual Assault to the police to receive services from the Sexual Assault center.**
- **Haven of Hope** 800-435-7739  
 300 Hillsborough Blvd, PO Box 1271 Manchester, TN 37355  
 24/7 hotline: (931) 680-3011 [Find Domestic Violence and Abuse Help, Information and Stats \(domesticshelters.org\)](http://domesticshelters.org)
- **United Healthcare Student Resources**  
 Nurse Line and Student Assistance  
 888-799-7716 [Sign in - UHC Student Resources \(healthsafe-id.com\)](http://healthsafe-id.com)
  - Students who are enrolled in UnitedHealthcare health insurance have immediate access to nurse advice, a health information library, and counseling support 24 hours a day by calling the toll-free number listed on their medical ID card. Nurse Line is staffed by both English and Spanish speaking Registered Nurses who can provide health information, support, and guidance on when to seek medical care. UnitedHealthcare's Student Assistance Program coordinates services using a network of resources. Services available include financial and legal advice, as well as mediation. Counseling is also available from Licensed Clinicians who can provide insureds with someone to talk to when everyday issues become overwhelming. Translation services are available.

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

- Tennessee Coalition to End Domestic & Sexual Violence 800-289-9018  
 800-356-6767 – 24 hour statewide domestic violence hotline [TN Coalition to End Domestic & Sexual Violence](http://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); [About the National Sexual Assault Telephone Hotline | RAINN](#)
- **National Domestic Violence Hotline**; 800-799-SAFE (7233); [Domestic Violence Support | National Domestic Violence Hotline \(thehotline.org\)](#)
- **Love is Respect – National Dating Abuse Hotline**; 866-331-9474; [Healthy relationships for young adults | love is respect](#)
- **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.

#### Legal Resources for Complainants and Respondents

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

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

- Legal Aid Society of Middle Tennessee & the Cumberland  
281 Industrial Blvd, Tullahoma, TN 37388  
931-455-7000 1-866-898-0171  
[Tullahoma - Legal Aid Society of Middle Tennessee and The Cumberland \(las.org\)](#)
- Franklin County Circuit Court Clerk  
Room 157  
440 George Fraley Parkway, Winchester, TN 37398  
(931) 967-2923 [Franklin County Circuit Court Clerk | 440 George Fraley Parkway, Room #157, Winchester TN 37398 \(931\) 967-2923](#)

A Title IX Official or the police can assist with arranging an appointment with the Legal Aid Society of Middle Tennessee & the Cumberland to discuss options for pursuing an order of protection and other legal remedies. The Tennessee Coalition to End Domestic and Sexual Violence provides information about orders of protection on its website: [Legal Services – TN Coalition to End Domestic & Sexual Violence](#). The Title IX Coordinator can explore the implementation of University Supportive Measures to assist with enforcing the terms of an order of protection.

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: [Lawyer Referral Service \(knoxbar.org\)](#)

The Tennessee Coalition to End Domestic and Sexual Violence ([TN Coalition to End Domestic & Sexual Violence](#)) 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.

## *Visa and Immigration*

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

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

International Student and Scholar Services

1620 Melrose Avenue, Knoxville, TN 37996-3531

Phone: (865) 974-3177

Fax: (865) 974-2985

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 ([TN Coalition to End Domestic & Sexual Violence](#)) operates an Immigrant Legal Clinic ([Immigrant Legal Clinic Intake – TN Coalition to End Domestic & Sexual Violence](#)), 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) ([Find A USCIS Office | USCIS](#)), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation:

USCIS Find Help in your Community Webpage: [Find Help in Your Community | USCIS](#)

USCIS Find Legal Services Webpage: [Find Legal Services | USCIS](#)

The Board of Immigration Appeals ([Board of Immigration Appeals \(justice.gov\)](#)) provides a listing of attorneys by state who provide free or low cost immigration services: [List of Pro Bono Legal Service Providers | EOIR | Department of Justice](#).

The American Immigration Lawyers Association ([AILA - American Immigration Lawyers Association](#)) offers an online immigration lawyer referral service ([AILA's Immigration Lawyer Search \(ailalawyer.com\)](#)) that can help a student or employee find an immigration lawyer.

Student Financial Aid Resources for Complainants and Respondents

Students who need assistance with financial aid issues may contact a Title IX Official or One Stop Student Express Services ([About Financial Aid - One Stop Student Services \(utk.edu\)](#)).

## Supportive Measures Implemented by the University for Complainants and Respondents

After receiving a report of Prohibited Conduct, the Title IX Coordinator may implement 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 of the Policy explains the availability of Supportive Measures and how they are determined, implemented, and enforced.

The following are examples of Supportive Measures:

- Issuing a no-contact directive, which provides mutual restrictions between parties from having verbal, physical, written, and/or electronic contact and/or from being present on designated University- controlled property for a definite or indefinite period.
- Issuing an Emergency Removal (i.e., Interim Suspension) of the Respondent (student or employee) 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 appendix (e.g., arranging an appointment with the Legal Aid Society of Middle Tennessee & the Cumberlands to discuss options for pursuing an order of protection)
- Exploring changes in class and extracurricular schedules, including adjustments so that the Complainant and the Respondent do not share the same classes.
- Assisting an individual in communicating with faculty
- Assisting an individual in requesting that directory information be removed from public sources by contacting the Manager for Student Affairs
- 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.

## Reporting Prohibited Conduct

The University encourages students who have experienced, have knowledge of, or have witnessed Prohibited Conduct to promptly report the incident to the police or the University.<sup>12</sup> 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.

## 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.

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<sup>12</sup> Student-employees who are Mandatory Reporters are required to report information they receive about Prohibited Conduct.

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

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 120 hours after the incident.
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid changing clothing, bathing, showering, using a douche, using the bathroom, brushing one’s teeth, drinking liquids, washing one’s hands or face, or combing one’s hair.
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags)
- Preserve or capture electronic communications such as text messages, 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.

#### 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.

#### Contact Information for Police

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

INCIDENT LOCATION	CONTACT
Regardless of where the incident occurred	Call 911 in an emergency
On Campus or in Franklin County area or adjoining property	Franklin County Sheriff’s Department 494 George Fraley Parkway; Winchester, TN 37398 (931) 962-0123
Off Campus Crimes	The jurisdictional law enforcement agency for the location

Upon the Complainant’s request, a Title IX Official will assist a Complainant in contacting the Franklin County Sherriff’s Department or another appropriate local police department.

Employees of the University's Safety Office are Mandatory Reporters for reports on Prohibited Conduct involving students. Accordingly, if a person reports an incident to the UTSI Safety Office, and the incident has not been previously reported to a Mandatory Reporter outside of the University, then the UTSI Safety Office 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 outside of the University, then the Complainant also will need to report the incident to a Title IX Official if the Complainant wants the University to take any action under the Policy.

#### *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. 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 the pertinent details of the assault. When the Franklin County Sheriff's Department conducts the police interview, the police officer typically will ask the Complainant whether they want to call an on-call victim advocate from the local Sexual Assault Center 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.

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

#### *Anonymous Reporting to the Police*

Persons may report a crime anonymously to the Franklin County Sheriff's Department by calling **(931) 962-0123**. The Franklin County Sheriff's Department will provide further direction.

#### *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. 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 course of action.

#### *Who to Contact at the University*

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

Patricia Burks-Jelks

411 B.H. Goethert Parkway, Tullahoma, TN 37388 (931) 393-7226 [pjelks@utsi.edu](mailto:pjelks@utsi.edu)

[Title IX Sexual Harassment - Space Institute \(utsi.edu\)](https://www.utsi.edu)

**As explained in this section 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 F, Section 1.**

**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. The Policy identifies the University employees who are Mandatory Reporters.**

#### *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 Non-Title IX Prohibited Conduct Complaint. Regardless of the designation of the formal complaint,<sup>13</sup> the Title IX Coordinator will initiate the grievance procedures outlined in **Appendix H** or **Appendix I** of the Policy: and

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

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

#### *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 take Limited Action. 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. The Policy explains Limited Action and the limited circumstances where the University will initiate an investigation without the complainant's participation or assent.

#### *Amnesty for Students Who Report Prohibited Conduct to the University*

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

#### *The University's Disclosure Obligations under Federal and Tennessee Law Relating to Reports of Prohibited Conduct for Clery Act*

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 UTSI Safety Office for Clery Act purposes, but statistical information must be sent to the UTSI Safety Office 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, the Safety office 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 adjoining property.

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<sup>13</sup> 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 acting under this Policy, including by treating the alleged conduct as Prohibited Conduct to which this Policy applies.

Complainants of Prohibited Conduct also should be aware that the Clery Act requires the University to issue timely warnings for crimes reported to the UTSI Safety Office 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 considering the potential danger.

The University's Clery Compliance Coordinator is Nick Van Zandbergen, (931) 393-7156, [nvanzand@utsi.edu](mailto:nvanzand@utsi.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" 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 the UTSI Safety Office 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 are also 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 non-forcible 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 the University's Safety Office to notify the Franklin County Sheriff's Department upon the University's Safety Office's receipt of a report from a victim alleging that any degree of rape has occurred on university property. The Nottingham Act requires the University's Safety Office and the Franklin County Sheriff's Department to participate in a joint investigation of the rape. The Nottingham Act also requires sexual assault programs and services on campus to

report annually to the University's Safety Office the number of requests for assistance received from persons who were raped on or in the vicinity of campus during the preceding calendar year.

### **Disclosure to Complainants and Respondents During the Disciplinary Process**

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

## APPENDIX G: Consent

The University of Tennessee Space Institute 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”).<sup>14</sup>

The purpose of this Appendix G is to inform students, employees, and third parties about how the University, in investigations and disciplinary hearings,<sup>15</sup> will determine whether sexual act(s) occurred without Consent.

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

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

Consent can be revoked at any time.

Valid Consent cannot be given if:

- A person is Incapacitated and a Reasonable Person in the same situation as the Respondent would have known that the person is Incapacitated.
- A person is Forced or the sexual penetration of a person by the Respondent would constitute mitigated statutory rape, statutory rape, or aggravated statutory under state law, based on the ages of the Respondent and the other person.
- During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During a university investigation or disciplinary hearing, the University has the burden of proving that a sexual act(s) occurred without Consent (and it is not a Respondent’s burden to prove Consent).
- Whether a person has communicated Consent to participate in a sexual act(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 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 indicates that a person no longer agrees to participate in sexual act(s). Once a person’s withdrawal of

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<sup>14</sup> Capitalized terms have the same meaning in the Policy and Appendix G.

<sup>15</sup> Including contested case proceedings under the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101 et seq. (“UAPA”).

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 sexual act (e.g., oral sex) does not constitute or imply Consent for another sexual act (e.g., vaginal intercourse), whether during a sexual encounter or based on a previous sexual encounter.
- The following do not communicate a person's willingness to participate in 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 H: Procedures for Investigating and Resolving Allegations of Prohibited Conduct when the Respondent is a Student

The University of Tennessee Space Institute 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”).<sup>16</sup>

Disciplinary proceedings<sup>17</sup> 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 H and in compliance with Title IX regulations, 34 C.F.R. 106.45, and Clery Act regulations, 34 C.F.R. § 668.46. At the end of Appendix H, a graphical summary of this process is available for reference. A copy of the Code may be found at [Home - Student Conduct & Community Standards \(utk.edu\)](#).

### How to File a Formal Complaint

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

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

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

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

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<sup>16</sup> Capitalized terms have the same meaning in the Policy and Appendix H.

<sup>17</sup> “Disciplinary proceeding” means all activities related to the University’s non-criminal resolution of a report to the University of Prohibited Conduct, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. “Disciplinary proceeding” does not include communications and meetings between Title IX Officials and a Complainant or a Respondent concerning supportive measures.

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

### **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 result. Throughout the grievance process, investigators and decision makers will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

### **Standard of Proof**

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

### **Right to an Advisor**

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

The role of the advisor in the Formal Hearing depends on the type of Formal Hearing (described below) used to resolve the Formal Complaint. The role of the advisor is described in the Code in Sections 5.3. In general, an advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, participate as a witness, or participate directly in any other manner during any phase of the student conduct process, except in a Title IX Hearing. In a Title IX Hearing, the advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

### **Right to a Support Person**

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

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

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<sup>18</sup> 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.

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 an 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 a student; 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 SCCS deciding that no action will be taken with respect to a report of Prohibited Conduct, then the Complainant may appeal that determination in accordance with Section 7.5.1 of the Code. Under the Code, a Complainant who is informed by SCCS of a no action determination may appeal the decision to SCCS, in writing, within five (5) business days of the date that SCCS transmitted notice of the no action determination to the Complainant. If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with SCCS 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 seven (7) calendar days of the date that SCCS transmitted notice of the no action determination to the Complainant. Upon receipt of the appeal, SCCS will send a copy of the appeal to the Respondent. The Respondent may respond to the appeal by filing a written response within three (3) calendar days after receipt of the Complainant's appeal. The Director of Student Conduct may affirm the decision of SCCS, reverse the decision and direct SCCS 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) calendar days of receipt of the Complainant's appeal or the Respondent's



response, Following the appeal, the respondent will receive notice. The decision of SCCS 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, SCCS may not decide that no action will be taken. Therefore, Section 7.5.1 of the Code 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 VII through IX of the Code describe the types of Formal Hearings that will be used in cases of Prohibited Conduct.

A Non-Title IX Prohibited Conduct Complaint may be resolved by a hearing before the Student Life Hearing Officer, a hearing before the Student Conduct Board, or, in some cases, a hearing under state law, the Uniform Administrative Procedures Act.<sup>19</sup> Sections VII and VIII 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.

<b>Student Life Hearing Officer (SLHO) Hearing / Student Conduct Board (SCB) Hearing</b>		
Step	Code Reference	Anticipated Timeline
Complainant and Respondent provide names of advisors and witnesses, evidence, and any statements to SCCS	Section 8.3.1	At least five (5) business days prior to the hearing
SCCS provides all copies of the information submitted by the parties to the other party and the SLHO or SCB	Section 8.3.2	At least three (3) business days prior to the hearing
Notice of Decision issued by SLHO or SCB	Section 8.5.4	Within three (3) business days 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 IX of the Code describes the process for a Title IX Hearing. The University generally concludes these hearings with a decision within forty (40) business days of the end of the investigation.

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.

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<sup>19</sup> 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.

<b>Title IX Hearing</b>		
Step	Code Reference	Anticipated Timeline
Notice of Title IX Hearing sent to Complainant and Respondent	Section 9.3	At least ten (10) business days prior to the hearing
Complainant and Respondent provide names of advisors to Title IX Hearing Officer, or inform Title IX Hearing Officer that they have no advisor, and an advisor will be appointed	Section 9.4	At least five (5) business days prior to the hearing
Notice of Decision issued by Title IX Hearing Officer	Section 9.7	Within ten (10) business days of the conclusion of the hearing

**Appeals**

The Complainant and the Respondent have equal rights to appeal against the decision after a Formal Hearing. Code Section 8.6 describes the appeal process for appealing a decision by a Student Life Hearing Officer or Student Conduct Board. Code Section 9.8 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. The parties are directed to the provisions of the Code for additional information.

<b>Appeals from Student Life Hearing Officer or Student Conduct Board Decision (Non-Title IX Prohibited Conduct)</b>		
Step	Code Reference	Anticipated Timeline
Notice of Appeal filed	Section 8.6.2	Within five (5) business days of the transmittal of the decision
SCCS determines whether the appeal is procedurally valid	Section 8.6.6	Within five (5) business days of receipt of the Notice of Appeal
SCCS appoints Appellate Board and transmits Notice of Appeal to Appellate Board	Section 8.6.8	As soon as practicable
Non-appealing party may submit written response to Appellate Board	Section 8.6.8	Within five (5) business days of transmittal of Notice of Appeal
Appellate Board issues Notice of Final Decision	Section 8.6.12	Within ten (10) business days
<b>Appeals from Title IX Hearing Officer Decision</b>		

Step	Code Reference	Anticipated Timeline
Notice of Appeal filed	Section 9.8.2	Within five (5) business days of the transmittal of the decision
SCCS notifies non-appealing party of appeal	Section 9.8.2	As soon as practicable
Both parties may submit written statement in support of or opposition to decision to the Vice Chancellor for Student Life	Section 9.8.5	Within five (5) business days of the date on which the non-appealing party received notice that the other party filed a Notice of Appeal
Notice of Decision issued by the Vice Chancellor for Student Life	Section 9.8.5	Within five (5) business days of receipt of written statements

### Anticipated Timelines

Although the University strives to adhere to the timelines described above, in each case, the University may extend the times frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the complexity of the disciplinary proceeding; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening University holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances. If 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 Life Hearing Officer, Student Conduct Board, or Title IX Hearing Officer will issue a sanction. Section IX 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; deferred suspension; suspension; expulsion; withholding of degree; disciplinary probation for student organizations; social probation for student organizations; revocation or suspension of university registration for student organizations; educational activities; restitution; supervised work/service; loss or restriction of privileges; University housing reassignment or removal; and/or mandatory education. Any sanction imposed by the SLHO, SCB, or Title IX Hearing Officer may be appealed as set forth in Sections VIII and IX of the Code. Once a sanction decision is final, SCCS 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.** Section 7.3 applies to Non-Title IX Prohibited Conduct Complaints. Section 7.3 of the Code provides that, 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, SCCS 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 SCCS 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 SCCS 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 SCCS in the discussion of an alternative resolution, then SCCS will provide the Complainant with an opportunity to provide a timely objection to the proposed alternative resolution. In appropriate cases, SCCS 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.** Section 7.4 applies to Title IX Prohibited Conduct Complaints. Section 7.4 of the Code provides that, at any time prior to reaching a determination regarding responsibility, SCCS may facilitate an informal resolution process with the Complainant and the Respondent. SCCS will not facilitate an information resolution process without both parties' agreement, and will obtain their voluntary, written consent. SCCS 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 ([1720-01-05.PDF \(tnsosfiles.com\)](https://www.tn.gov/files/1720-01-05.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 IX 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).

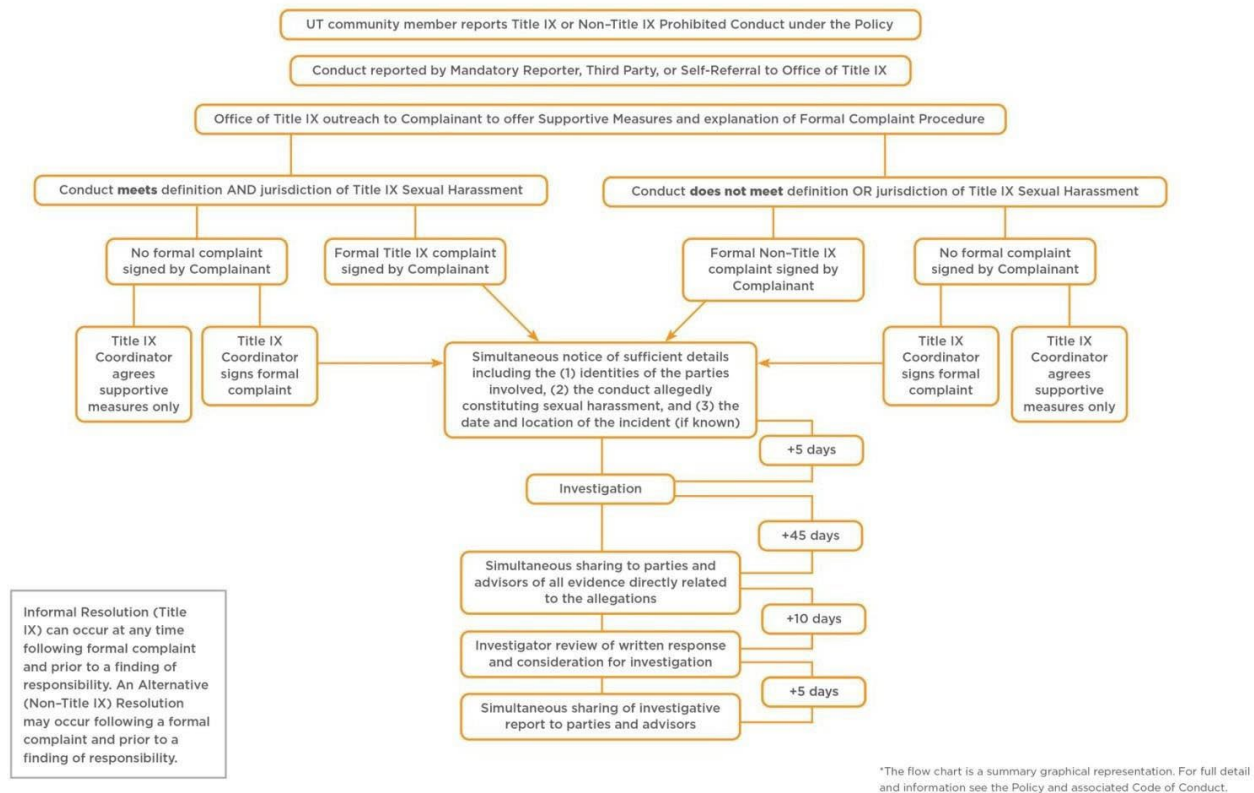
## Training for University Officials

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 [Title IX Sexual Harassment - Space Institute \(utsi.edu\)](https://utsi.edu).

### Title IX & Non-Title IX Prohibited Conduct Complaints & Investigations (1 of 3)\*

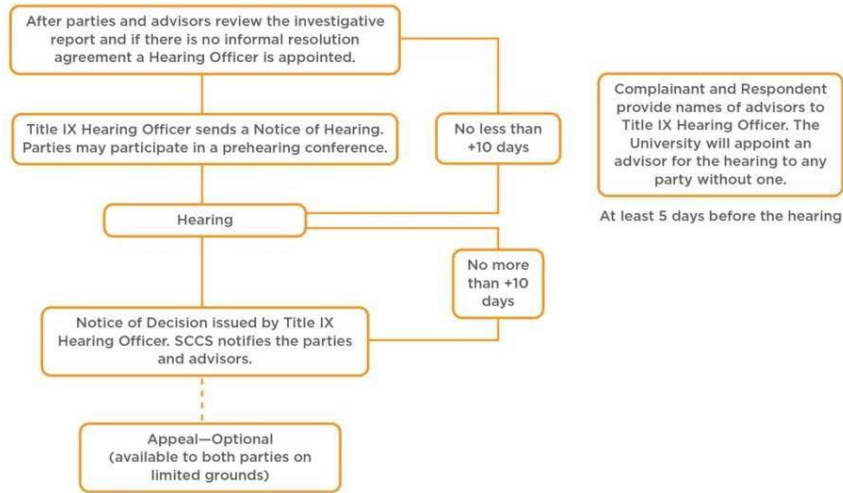


\*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

## Title IX Prohibited Conduct Hearing and Appeals (2 of 3)\*

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

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



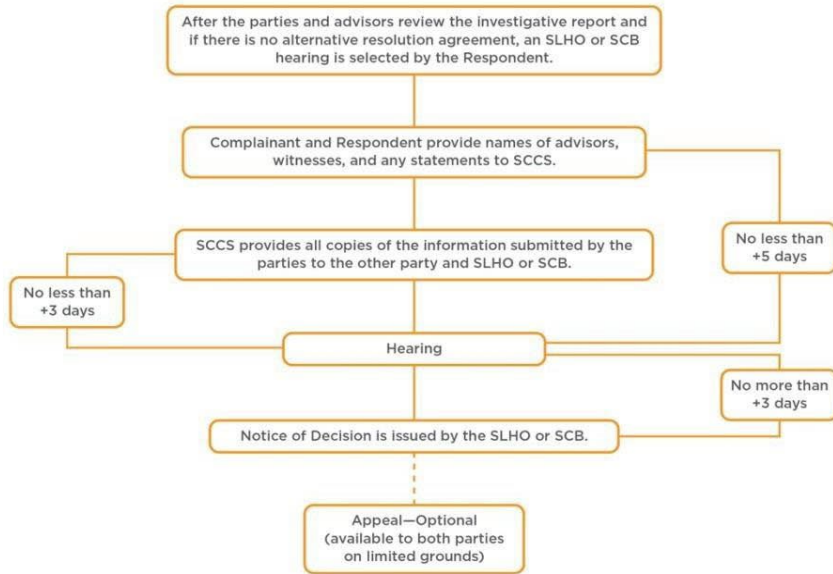
\*The flow chart is a summary graphical representation. For full detail and information see the Policy and associated Code of Conduct.

## Non-Title IX Prohibited Conduct Hearing and Appeals (3 of 3)\*

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

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

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



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

## APPENDIX I: Procedures for Investigating and Resolving Allegations of Prohibited Conduct when the Respondent is an Employee or Third Party

The University of Tennessee Space Institute 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”).<sup>20</sup>

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. § 668.46.<sup>21</sup>

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### 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 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 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 Advisor of their choice, who may

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<sup>20</sup> Capitalized terms have the same meaning in the Policy and Appendix I and J.

<sup>21</sup> The procedures set forth in Appendix I and J will discuss employee Respondents, and will be modified, as needed, for third parties.

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 result. Throughout the grievance process, investigators and decision makers will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

### **Standard of Proof**

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

### **Right to an Advisor**

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

In general, an Advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, participate as a witness, or participate directly in any other manner during any phase of the



process, except in a Title IX Hearing. In a Title IX Hearing, the Advisor, and not the party, must ask the other party and any witnesses all relevant questions and follow-up questions.

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

### Right to a Support Person

The Complainant and the Respondent also have the right to be assisted by a support person during all stages of the Prohibited Conduct investigation, and if applicable the hearing process, 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 investigation or grievance process.

### Investigation

Within three (3) business days of receiving a Formal Complaint, the Title IX Coordinator will refer the Formal Complaint to an investigator, who will investigate the allegations.<sup>22</sup>

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 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

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<sup>22</sup> 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.

other party. A hearing, if required, shall not take place until the ten (10) days to respond has lapsed, even if a response from a party has been received earlier.

### **Disposition of Non-Title IX Matters**

If the investigation of a Non-Title IX Prohibited Conduct Complaint concludes with the University deciding 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 a determination that the Respondent is responsible and/or sanctions are recommended, 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 the 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 J describes the Title IX Hearing process.

The Complainant and the Respondent have equal rights to appeal the decision after a Title IX Hearing, or a decision by the University to dismiss a Formal Complaint. Appendix J 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 J, 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. If 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 J. 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 prejudice 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 [Title IX Sexual Harassment - Space Institute \(utsi.edu\)](https://utsi.edu)

## APPENDIX J: 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 party submitted at least seven (7) business days in advance of the hearing. The University has the discretion to make the final determination of whether to grant such a request and will notify the parties of the decision.
  - d. **Consequences of Failing to Attend a Title IX Hearing.** If a party fails to attend a Title IX Hearing, the Title IX Hearing Officer may proceed with the Title IX Hearing without that party's participation.
4. **General Rules Governing Title IX Hearings.**
  - a. The Title IX Hearing will take place no sooner than ten (10) business days after the parties' receipt of the written investigative report.
  - b. The Title IX Hearing Officer may conduct pre-hearing meetings or conferences with the parties and their Advisors, if any, to discuss any pre-hearing issues, including but not limited to, the date of the hearing, the location of the hearing, any technology to be used at the hearing, the general rules governing the hearing, including any rules of decorum, the identification of witnesses, and the availability of evidence at the hearing,

- c. Each party must notify the Title IX Hearing Officer at least five (5) business days before the hearing of the identity of the party's Advisor, if any, or that the party does not have an Advisor so that the University can provide an Advisor.
  - d. At the request of either party, the University will provide for the hearing to occur with the parties located in separate rooms with technology enabling the Title IX Hearing Officer and parties to simultaneously see and hear the party or the witness answering questions.
  - e. Upon the request and for good cause shown, a Title IX Hearing Officer may permit the participation of witnesses who were not identified by the party to the investigator, or the inclusion of evidence not provided by the party to the investigator.
5. **Procedural Rules for Title IX Hearings.**
- a. **Authority of the Title IX Hearing Officer.** The Title IX Hearing Officer has the authority to maintain order and make all decisions necessary for the fair, orderly, and expeditious conduct of the Title IX Hearing. The Title IX Hearing Officer shall be the final decision maker concerning what, how, and in what order witnesses are questioned and evidence is examined.
  - b. **Exclusion of Information.**
    - i. 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.
    - ii. 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.
    - iii. The University cannot not 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 by 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.

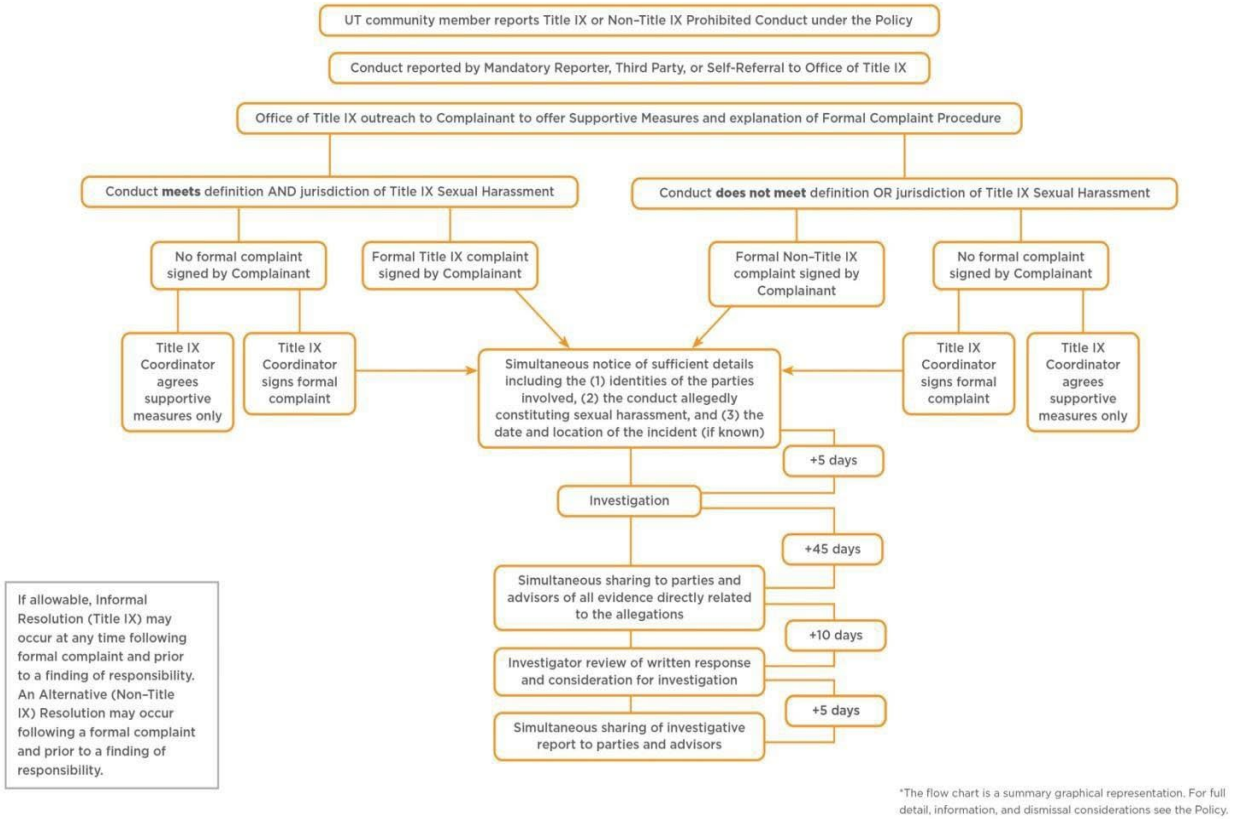
In deciding the appropriate sanctions for a Respondent's misconduct, the Title IX Hearing Officer may consider information provided at the hearing by the Complainant, the Respondent, or any other witness with relevant information concerning the appropriate sanctions, if the Respondent is determined responsible.

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:
    - i. Procedural irregularity that affected the outcome of the matter

- ii. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.
- iii. 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.
- iv. 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
- v. The Title IX Hearing Officer made a clear error in dismissing a Formal Complaint or in determining that the Respondent is or is not responsible for the Title IX Allegations.
  - 1. **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.
  - 2. **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 thirty (30) business days of the receipt of the last written statement, the Chief Human Resources Officer (for staff) and the Chief Academic Officer (for faculty) will issue a written decision (Notice of Title IX Final Decision) describing the result of the appeal and the rationale for the result, which will be provided simultaneously to both parties. The decision of the Chief Human Resources Officer (for Staff) and the Chief Academic Officer (for Faculty) is final and not further appealable.

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

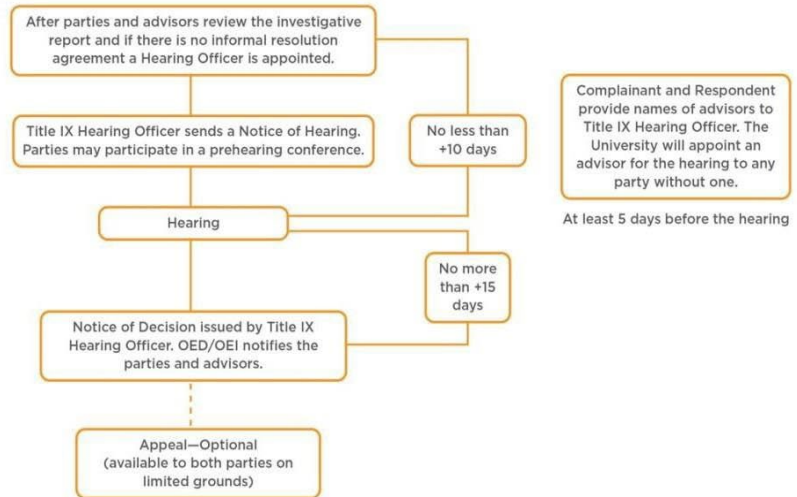




**Appendix D**  
**Title IX**  
**Prohibited Conduct Hearing and Appeals**  
**Faculty and Staff** (2 of 2)\*

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

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



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

## APPENDIX K: Guide for Mandatory Reporters

The University of Tennessee Space Institute 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”).<sup>23</sup>

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 Appendix F or contact a Title IX Coordinator if you are not sure whether you are a Confidential Employee)**
  - a. 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 and provide information on reporting options and Supportive Measures and provide emotional support.
  - b. If no, proceed with asking Question 2.
2. Is the Complainant a child (under age 18)?
  - a. 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.
  - b. If no, proceed with asking Question 3.
3. Is either the Complainant or the Respondent a student?
  - a. If yes, then you must report the incident to a Title IX Official<sup>24</sup> unless:
  - b. You received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites or blogs.
  - c. You received notice of the incident during the student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol.
  - d. You received notice through an in-class discussion, a class paper, or other academic assignment or

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<sup>23</sup> Capitalized terms have the same meaning in the Policy and Appendix K.

<sup>24</sup> The names and contact information for Title IX Officials are listed in Section 4 of the Policy.

- e. You are a student employee (e.g., graduate assistant) and you did not receive notice of the incident in your university employment capacity.
  - f. If no, proceed with asking Question 4.
4. Are you the supervisor of either the Complainant or the Respondent, or do you otherwise have the authority to redress the Prohibited Conduct?
- a. If yes, then you must report the incident to a Title IX Official unless you received the information about Prohibited Conduct during a public awareness event such as “Take Back the Night,” candlelight vigil, protest, “survivor speak outs” or other public forums including online forums such as social networking sites and blogs, or you received notice of the incident during a person’s participation as a subject in an Institutional Review Board-approved human subjects research protocol;
  - b. If no, then the University strongly encourages you to report the information to a Title IX Official even though you are not a Mandatory Reporter with respect to the incident. Employees who have been designated by campus law enforcement as Campus Security Authorities for purposes of compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”) should evaluate whether they have an independent obligation to report the incident to the UTSI Safety Office. Questions about the reporting obligations of Campus Security Authorities should be directed to Nick Van Zandbergen the University’s Clery Compliance Coordinator, at [nvanzand@utsi.edu](mailto:nvanzand@utsi.edu) or (931) 393-7156.

## 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:
  - a. Assisting the Complainant with obtaining medical assistance (if requested) or accessing other on- or off-campus resources (if requested); and
  - b. 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:
  - a. Report the incident to a Title IX Official promptly after receiving notice of the incident (no later than 48 hours<sup>25</sup> after receiving the report).<sup>26</sup> The Mandatory Reporter must communicate all details known about the alleged incident; or
  - b. 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 F of the Policy)

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<sup>25</sup> 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.

<sup>26</sup> 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.

3. A Complainant's option under the Policy includes meeting with the Title IX Coordinator, accessing Supportive Measures, and choosing to make a formal complaint and
4. If the person indicates hesitancy to report an incident to the University, inform the person that the University prohibits Retaliation and will not only take steps to prevent Retaliation but also take responsive action if Retaliation occurs.

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

1. Provide emotional support to the Complainant.
2. Encourage the Complainant to preserve any evidence (see **Appendix F** 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 F** of the Policy.

#### 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 Franklin County Sheriff's Department) without the Complainant's consent and/or
4. Investigate or otherwise attempt to resolve reports of Prohibited Conduct without the approval of a Title IX Official, other than taking an action required or recommended in Section 2 or Section 3.