Annual Campus Security and Fire Safety Report 2020
Who are we?

The University of Memphis (“University”) Police Services is a full-service police department that consists of police officers who have been state-certified by the Tennessee Peace Officers Standards and Training Commission (POST). We have 40 commissioned officers who meet the same employment and training requirements as all other police officers and deputy sheriffs in Tennessee. In addition to police, the University uses contract security on its main campus, Park Avenue campus, Millington Center, Collierville Center, the Cecil C. Humphreys School of Law, and at Lambuth in Jackson, TN. The security officers report to, and maintain communications with, Police Services.

What do we do?

Police Services is responsible for providing all police/law enforcement services to the University community. Our mission is to make the University a safe place to learn, live and work by providing professional and quality police and security services to the University community. Over the last six years, the University continuously has one of the lowest incident rates among the ten largest universities in the state. In 2019 the University had the lowest rate among Tennessee colleges with campus populations of greater than 5,000 students.

Police Services maintains a close working relationship with the Memphis Police Department (MPD) and Jackson Police Department (JPD). While we usually limit our activities to the main campus and “Enforcement Area”, University officers have enforcement powers anywhere in the City of Memphis based on the written mutual assistance agreement in effect with the City of Memphis.

Our “Enforcement Area” is bounded by Highland on the west, Poplar on the north, Goodlett on the east, and Park Avenue on the south, and includes the Park Avenue Campus and its border on Getwell. Officers on the Lambuth Campus in Jackson, TN also have enforcement powers in the areas around campus based on a written mutual assistance agreement with the JPD.

The MPD and JPD are voluntarily notified of most crimes on campus. Both agencies are invaluable partners in maintaining a safe University community in Memphis and Jackson. Both agencies share data and information with Police Services daily and allow us access to more resources than we could obtain alone. Both agencies share information with Police Services about the surrounding neighborhoods, with a special emphasis on any University-related persons or organizations (Greens, student religious organizations, et al.) for inclusion in the applicable crime report.
In two specific situations, Police Services are required by state law to investigate with the MPD or JPD. First, Police Services maintains the lead in sexual assault investigations on campus, but will do so with the assigned investigative bureau’s assistance (e.g., Sex Crimes Bureau). Second, the applicable municipal agency takes the lead in all death investigations (i.e., unattended death), regardless of the cause, with Police Services’ assistance on incidents occurring on University property.

The University also monitors and records information, in coordination with local police agencies, of criminal activity in which students engage in at off-campus locations of student organizations. The University does not officially recognize student organizations, but rather allows student organizations to register with the University. With respect to criminal activities at off-campus locations of registered student organizations, University officers can and do assist with responding to and investigating student-related incidents that occur in close proximity to the “Enforcement Area,” consistent with Police Services agreements with the MPD and JPD. If the MPD or JPD are notified about criminal activity occurring off campus involving University students, the MPD or JPD may notify Police Services. However, there is no official MPD or JPD policy requiring such notification. Students in those cases may be subject to arrest and University discipline.

In addition, Police Services responds to fires, accidents, medical emergencies, and other crisis events. Personnel are trained in first aid/CPR and have AED (Automated External Defibrillator) units available for cardiac emergencies. Several members of Police Services have been trained as CIT (Crisis Intervention Team) officers and have specialized training for interacting with individuals with mental health issues.

Contact Information

University of Memphis Police Services may be contacted at:
100 Zach Curlin Parking Garage
Memphis, TN 38152
Telephone: 901-678-3848
Emergency: 901-678-4357
Email: police@memphis.edu

ANNUAL DISCLOSURE OF CRIME STATISTICS

As a law enforcement agency, Police Services, is responsible for reporting crime statistics for each calendar year to the state (Tennessee Bureau of Investigation) and federal government (Department of Justice - Federal Bureau of Investigation). In addition, Police Services is responsible for compiling and publishing the Annual Security and Fire Safety Report as required by the Higher Education Opportunity Act and Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).
The Clery Act requires all institutions of higher education to provide students and employees with information about their security policies and procedures and statistics of certain crimes outlined in the Act (“Clery Crimes”). A list of the Clery Crimes can be found in Appendix D of this Report.

The University’s ASR includes statistics for the previous three years concerning reported Clery Crimes that occurred on the University’s campus, in or on non-campus buildings or property, or on public property, as those terms are defined in the Clery Act (also referred to as “Clery Geography”). The Clery Act defines Clery Geography as:

**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 area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Noncampus Buildings or Property.** 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 used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

The ASR is prepared in cooperation with local law enforcement agencies surrounding each campus location, Residence Life, Dean of Students Office, Office of Institutional Equity, and other members of the University community. Each entity provides updated information about their education efforts and programs in compliance with the Clery Act. The full text of the ASR can be located on our [website](#). The University also provides an electronic notice of availability of the ASR to current University faculty, staff, and students as well as to prospective faculty, staff, and students.

The University maintains a daily crime log for review during normal business hours 8:00 AM to 4:30 PM, Monday through Friday in the Police Services office in the Zach Curlin Garage. An [online log](#) of crimes is also available.

Campus crime, arrest and referral statistics include those reported to Police Services, designated campus officials (including but not limited to directors, deans, department heads, advisors to students/student organizations, athletic coaches), and local law enforcement agencies.
The University offers several ways to report criminal activity while preserving privacy. Victims who do not wish to pursue campus disciplinary or criminal action, but who wish to document the details of an incident with the University, may file a report using the Silent Witness program.

REPORTING CRIMES AND OTHER EMERGENCIES

The University encourages students, employees, staff, visitors, or any other members of the University community to promptly and accurately report all suspicious and/or criminal activity, or any other public safety related emergencies or dangerous situation to Police Services or appropriate law enforcement agencies in a timely manner. This includes situations in which the victim of such crime either elects or is unable to report the incident. Promptly reporting suspicious and/or criminal activity, or any other public safety related emergencies or dangerous situation to Police Services assists the University in issuing timely warnings and emergency notifications as required by the Clery Act.

Police Services is open 24 hours a day, 7 days a week, 365 days a year. Reports can be made in person to a member of the department at the Zach Curlin Garage (505 Zach Curlin), to any University police officer on patrol, by telephone at 901-678-4357, by dialing 9-1-1 (emergencies only) from any emergency phone on campus (blue light phones, red lobby phones, call boxes in elevators and at garage stairwell entrances), by e-mail, or through the LiveSafe smartphone app or anonymously using the Silent Witness program. If victims do not report to Police Services, they are encouraged to contact their local law enforcement agency. A list of all Shelby county police agencies is provided on our website.

At the Lambuth campus in Jackson, TN, reports can be made to the Police office in the Lower Level Carney Johnston, to any officer on patrol, by telephone at 731-425-1942, from any emergency phone on campus, or by e-mail. Links to the Jackson Police and Madison County Sheriff are also found on our website.

As will be discussed in more detail in sections below, incidents of sexual harassment and sexual/gender-based misconduct (which encompasses dating violence, domestic violence, stalking, and sexual assault) should be reported to Police Services and/or the Office for Institutional Equity (OIE) at (901) 678-2713.

While Police Services encourages anyone who is a victim or witness to any crime to promptly report the information, it cannot guarantee that reports will remain confidential because police reports relating to closed cases generally are subject to inspection by citizens of Tennessee under the Tennessee Public Records Act. Police Services’ annual crime statistics, however, do not include any personally identifiable information relating to a victim, suspect, or witness.
However, Police Services does have an **Office of Victim Services** in Clement Hall rooms 122 and 124, phone 901-678-4471, who are confidential and can help victims make informed choices on filing a report and receiving assistance from both on campus and off campus resources. They are also available as an advocate for students in both on campus and off campus procedures (i.e. court appointments, hearings, writing victim impact statements, and referrals to other assistance).

Some persons may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as “Campus Security Authorities” (CSA), from which Police Services collects Clery crime statistics. The act defines CSAs as:

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of an institution.

While the University has identified a number of CSAs, it has officially designated the following offices as places where campus community members can report crimes:

<table>
<thead>
<tr>
<th>Office</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean of Students</td>
<td>359 University Center</td>
<td>901-678-2187</td>
</tr>
<tr>
<td>Office of Student Accountability, Outreach, &amp; Support</td>
<td>359 University Center</td>
<td>901-678-2298</td>
</tr>
<tr>
<td>Office for Institutional Equity</td>
<td>156 Administration Building</td>
<td>901-678-2713</td>
</tr>
<tr>
<td>Vice President, Student Affairs</td>
<td>235 Administration Building</td>
<td>901-678-2114</td>
</tr>
<tr>
<td>Senior Director, Human Resources</td>
<td>171 Administration Building</td>
<td>901-678-3573</td>
</tr>
<tr>
<td>Deputy Athletic Director</td>
<td>570 Normal</td>
<td>901-678-2335</td>
</tr>
<tr>
<td>Director, Student Health Center</td>
<td>200 Hudson Health Center</td>
<td>901-678-2287</td>
</tr>
</tbody>
</table>
TIMELY WARNINGS

Police Services issues timely warnings to the University community when a Clery Act crime has already occurred within the University’s Clery Geography and represents a serious or continuous threat. The Chief of Police Services (or their designee) will decide whether to issue a timely warning in consultation with others, when time permits, and on a case-by-case basis in light of the facts surrounding the crime and the continuing danger to the campus community. The warning will be disseminated in a manner that is timely, does not disclose the name or other identifying information about the victim, and will aid in the prevention of similar crimes.

The timely warning will also be distributed in a manner reasonably likely to reach the entire campus community, including but not limited to students, faculty, and staff. Depending on the circumstances, any of the following methods, or combination thereof, may be used to disseminate the timely warning: campus-wide email, LiveSafe smartphone app, text message, social media, posting to the University homepage, activation of the campus outdoor warning system, special information hotline (901-678-0888), posting of notices, public address systems – mounted on Police Services vehicles, trained residence hall staff, press release, or local news media.

Students, faculty, and staff are encouraged to read these alerts as soon as they receive them. Further, Campus Security Authorities are instructed to report crimes promptly so that the University may determine if a timely warning is warranted.

EMERGENCY NOTIFICATION

The University will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety to some or all of the campus community. After receiving a report or information, the University will immediately investigate to confirm a significant emergency or dangerous situation, usually through Police Services’ dispatch and/or personnel at the scene. The University and Police Services may also rely on information from other people or organizations to confirm a significant emergency, including, but not limited to, public safety officials, CSAs, Environmental Health & Safety, National Weather Services, and MPD or JPD.

Upon confirmation of a significant emergency or dangerous situation, the President and select members of the President’s Council, including the Chief of Police Services, or their designee, and the Executive Vice President for University Relations have the authority and ability to draft and send emergency communications and initiate the notification system. Such designated individuals will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and the appropriate segment of the community to receive it based on the information available at the time. The content of most emergency notifications is pre-scripted and ready to be sent to avoid unnec-
necessary delays. Employees with authority to send emergency notifications, however, can amend the content of the message are insufficient based on the details of the situation.

The University maintains various systems for communicating information quickly to the University community. Some or all of these methods of communication may be activated in the event of an emergency or dangerous situation. These include:

- An outdoor warning system that can emit tones, pre-recorded digital voice messages, or live voice communication.
- **LiveSafe smartphone app** which delivers SMS messages, push notifications & emails to mobile phones.
- Mass e-mail to the University e-mail domain.
- Indoor “Informer” units that emit tones and voice messages in specific locations (e.g. Child Care Center, Residence Life lobbies)
- The University’s main web page or Twitter feed
- Notification of local media outlets
- Alertus program on all University network devices

The University will, without delay, and taking into account the safety of the community, determine the content of the emergency notification 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 the emergency.

Members of the larger community, such as parents or campus neighbors, may receive information about emergencies on campus from local/national media, social media, and/or the University’s website.

**EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The University’s offices of Crisis Management and Environmental Health and Safety are responsible for implementing emergency planning, training, responses, and evacuation procedures. The University has a comprehensive plan that details the procedures that will be implemented in response to any significant emergency or dangerous situation that involves an immediate threat to the health or safety of the campus community. The plan is reviewed annually and published online. The University also publishes guides which provide summaries of emergency response and evacuation procedures, which are also online.

The University’s emergency response plan includes procedures for a campus-wide evacuation in the event of an emergency. The University schedules drills, tests, and exercises (both announced and unannounced) internally and with outside agencies (Memphis/Shelby County EMA, etc.) to evaluate the procedures and plans. Some activities occur monthly,
such as testing the outdoor warning system, while larger scale tests and exercises occur less frequently (e.g. annually, biannually). The University conducts evacuation drills regularly in all university buildings for the purpose of preparing building occupants for an organized evacuation in the case of an emergency evacuation. Each drill is documented, including a description of the drill, its date, time, location, whether it was announced or unannounced, and any other pertinent information. University officials provide information on emergency evacuation procedures during evacuation procedures tests.

Crisis Management conducts yearly exercises to train personnel and evaluate the adequacy of University’s plan. The University also conducts a functional exercise involving response personnel, faculty, staff, and students, as warranted. After a functional exercise is conducted, action reports are prepared and submitted to the President. The University’s emergency operation plan is also reviewed and updated, if necessary, after each exercise.

When the University determines that a building or an area of the University must be evacuated, individuals should evacuate the building in accordance with established emergency response plans. Should an emergency occur when there is no notification, an individual who feels the need to evacuate should relocate themselves in accordance with procedures contained in the emergency plan for the building or structure in which they inhabit. This does not mean that individuals should go home. They should assemble in the designated evacuation assembly area and wait for further instruction from designated emergency personnel. Individuals should not return to the building until instructed to do so by authorized personnel.

When asked to evacuate a building or an area of the University, the following should be taken into consideration:

- Remain calm. Immediately proceed to the nearest emergency exit and get out of the building.
- Be alert to broken glass, particularly in the lobbies.
- As you evacuate, check for other employees, students or visitors who may be disoriented and assist them in exiting.
- Take only your keys, purse, or emergency supplies that you need. Do not attempt to take large or valuable objects that might slow your progress.
- Shut (but do not lock) doors behind you as you exit.
- Floor wardens should lock the building or monitor any open entrances if it does not jeopardize their own safety.
- Do not use elevators.
- In emergency stairwells, stay to the right side and use the handrails. Remove high heeled shoes, if possible.
- Floor wardens for each department should ensure that all members of their department evacuate the building, and that they are accounted for at the Assembly Area.
• If it is determined that employees, students, or visitors remain inside the building, this information should be conveyed to responding emergency workers. Rescue teams may be sent in only if it is deemed to be safe to proceed.
• Do not re-enter the building until emergency personnel announce that it is safe.
SECURITY OF AND ACCESS TO CAMPUS FACILITIES

The campus and facilities of the University are restricted to students, faculty, staff, guests, and invitees of the University, except when all or part of the campus, its buildings or facilities are open to the general public for a designated time and purpose. The University’s Access to and Use of Campus Property and Facilities policy can be located online. Individuals loitering without a legitimate purpose may be issued trespass warnings and directed to leave campus. Failure to comply with the warning or returning without prior permission or clearance of the trespass warning may result in arrest.

The main lobbies of residence halls are open from 7:00 a.m. to midnight each day. After midnight, the residence hall lobbies are restricted to student residents of that building and authorized staff. Visitation hours may not exceed 12 hours (Noon to Midnight) on weekdays and 14 hours (Noon to 2:00 a.m.) on weekends. For more information concerning residence halls consult Housing and Residence Life.

Some buildings and residence halls require a valid card swipe or key fob for entry by policy. All non-residence hall hours are set by the staff assigned to the building or by the functions scheduled (e.g., classes). Doors not on an automated system are manually locked and unlocked for business hours by Police Services.

Police Services can open doors by request from authorized faculty and staff, or admit persons approved by a department head or instructor. Police Services should be notified whenever an activity has concluded and the responsible party lacks the means to secure the space. Any maintenance problem with doors should be reported to Physical Plant, 901-678-2699, or through online work order.

Police Services, Physical Plant, Campus Planning, Information Technology, and the Criminology and Criminal Justice Department conduct surveys of campus facilities and the surrounding community using Crime Prevention Through Environmental Design (CPTED) principles. Everything from landscaping to lighting is examined to maximize proven safety principles. When new buildings are being planned, or older buildings are to be remodeled, safety and security are incorporated into the design phase.

The University has installed over 800 web-based cameras across the institution. These units allow for “real time” monitoring as necessary and provide invaluable data for investigators following a crime, an accident, or a natural disaster.
SECURITY AWARENESS

Police Services, in conjunction with multiple University units, sponsors ongoing programming on crime prevention and security awareness for students, faculty, and staff. Programs are offered year-round and include general crime prevention and security awareness topics such as domestic violence, sexual assault, fire safety, emergency response and evacuations procedures, theft prevention, and self-defense. Annual programming is provided to new students during orientation and freshman ACAD classes. In addition, programming is provided to faculty and staff in employee orientation, Human Resources sponsored training, and individual work stations and departments.

The University provides safety awareness brochures that address different safety related matters such as, reporting harassment, vehicle crime prevention, campus safety and security measures, and how to handle bomb threats. All students are encouraged to read and understand the Code of Student Rights and Responsibilities, which includes additional security awareness information.

These efforts encourage all students, faculty, staff, visitors and guests to adopt safe behaviors and foster a sense of personal responsibility for safety, and to encourage students and employees to be responsible for their own security and the security of others.

ALCOHOL AND ILLEGAL DRUGS

The University prohibits students and employees from engaging in the unlawful use, sale, distribution, or manufacture of alcohol and other drugs. The University can, and will, impose disciplinary sanctions for violations of University policy. Students and employees are also subject to city ordinances and state and federal laws.

The University strongly encourages students and employees to voluntarily obtain assistance for dependency or abuse problems before such behavior results in an arrest and/or disciplinary referral which could result in an individual’s separation from the institution. The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of University policy.

The Annual Notification of Alcohol and Other Drugs Standards, Sanctions, Health Information, Programs and Services can be found here. The Annual Notification provides detailed information about the University’s alcohol and illegal drug standards, including employee and student sanctions, state law sanctions, and health risks, and prevention and education programs and services.

The University also has policies and procedures in place related to the unlawful possession, use or distribution of illegal drugs and alcohol. The policy applicable to employees is HR5060 – Drug-Free Campus and Alcohol Abuse Prevention. The policies applicable to students are: (1) Student Code of Rights & Responsibilities, and (2) Drug-Free Campus and Alcohol Abuse Prevention.
**Student Sanctions**

University Students and Student Organizations are required to comply with all relevant University policies, including the Code of Student Rights and Responsibilities and the University Student Housing Policy.

Students and Organizations may be subject to disciplinary action for the use and/or possession of alcoholic beverages on or off institution owned or controlled property. This includes, but is not limited to, any of the following: (1) Possession or consumption of alcoholic beverages by students under the age of 21; (2) Possession or consumption of alcoholic beverages by students aged 21 and over on University owned or controlled property, including student housing; (3) The intentional or unintentional furnishing or sale of alcohol to any person under the age of 21; (4) Appearing on University owned or controlled property while under the influence of an intoxicating substance; (5) Driving under the influence of alcohol; and (5) Possession or use of false forms of identification to obtain alcoholic beverages.

Students and Organizations may also be subject to disciplinary action for the unlawful possession, use, or sale of any drug or controlled substance. This includes, but is not limited to, any of the following: (1) The unlawful possession or consumption of drugs or controlled substances; (2) The intentional or unintentional unlawful furnishing or sale of drugs or controlled substances; (3) Knowing misuse, possession or sale of prescription drugs; (4) Driving under the influence of drugs; and (5) The use or possession of equipment used or intended for use in the unlawful manufacture, growth, or distribution of any drug or controlled substance.

Violation of University policy or the Code of Student Rights and Responsibilities can lead to disciplinary sanctions ranging from Censure, Warning, Probation, Suspension, to Expulsion. A student may also be required to participate in specified assessment, educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.

**Employee Sanctions**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol by employees on University premises, or while conducting University business off University premises, is absolutely prohibited.

Violations of this prohibition by employees may result in disciplinary action up to and including termination, as well as the possibility of required participation in an approved drug abuse assistance or rehabilitation program.

All employees are required to notify Human Resources within five (5) days if they are convicted of violating any criminal drug statute as a result of any activity occurring at the
University workplace or while engaged in work activities of the University. Failure to report a criminal conviction may result in termination once the conviction is discovered.

Legal Sanctions

In addition to University disciplinary action, the possession, use or distribution of drugs, drug paraphernalia, or alcohol by University students or employees on campus or at any University sponsored or related activity is subject to applicable federal, state and local laws. Criminal sanctions for illegal drug and alcohol activity can be severe. University students and employees are not exempt from these laws by virtue of their status as students or their presence on University property. The following link contains a list of alcohol and drug related offenses under Tennessee law: https://www.memphis.edu/hr/pdf/drug_free_dfsca_daapp_annual_notification.pdf.

Drug and Alcohol Abuse Prevention

A variety of resources are available to students and employees who wish to obtain assistance or information concerning use/abuse of drugs and/or alcohol. The University encourages the use of confidential resources such as the University Counseling Center (students only), 901-678-2068; Employee Assistance Program (employees only), 1-800-308-4934; and Alcoholics Anonymous, 901-454-1414. Additionally, through the University Student Health Center, the University Counseling Center, and other departments and offices, a variety of alcohol and drugs prevention programs are provided such as Alcohol Awareness Day, an Adderall Awareness Program, as well as pamphlets and information about drugs and alcohol.

The University has also established Alcohol and Drug College Campus Connect (ADCCC) to serve the students, faculty, and staff by educating and supporting students on the health, safety, and impact of alcohol and other drugs. The purpose of ADCCC is to reduce high risk behaviors and stigma in relation to alcohol and drugs and mental health, by increasing proactive responses to substance use and providing educational and recreational options to engage students.

More information about health risks associated with alcohol and drug use, as well as prevention and education can be found here.

PREVENTING AND RESPONDING TO SEX OFFENSES

The University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined by the Clery Act. Such behavior can impair or limit the educational and occupational opportunities of members of the University community and has no place in any academic environment. As such, the University has adopted Interim Sexual Harassment & Sexual/Gender-Based Misconduct Policy (included in this report as Appendix B), which is applicable to both students and employees and addresses allega-
tions of sexual harassment and sexual/gender-based misconduct occurring on or after Au-
gust 14, 2020. For allegations of sexual misconduct occurring between September 23, 2015
through August 13, 2020, the University’s Sexual Misconduct and Domestic Violence Poli-
cy applies (included in this report as Appendix C).

The University’s Interim Sexual Harassment & Sexual/Gender-Based Misconduct Poli-
cy sets forth policies and procedures for addressing sexual harassment and sexual/gender-
based misconduct (hereinafter referred to as “Sexual Misconduct”), which includes dating
violence, domestic violence, sexual assault and stalking. The University promptly investi-
gates all complaints of Sexual Misconduct, and the investigative process is conducted in a
fair and impartial manner from the initial investigation to the final result. Officials who
conduct the investigative process receive annual training on issues related to domestic vio-
lence, dating violence, sexual assault and stalking and how to conduct investigations and
hearing processes in a manner that protects the safety of victims and promotes accountabil-
ity.

**Reporting Sexual Harassment and Sexual/Gender-Based Misconduct**

The University is committed to providing a variety of accessible means to encourage all
complainants, witnesses, and bystanders to report incidents of Sexual Misconduct. When a
student or employee reports to the University that he or she has been a victim of Sexual
Misconduct, the University will provide the student or employee with a written explana-
tion of the student or employee’s rights and options.

- **Title IX**
  Coordinator
  Office of Institutional Equity
  156 Administration Building
  (901) 678-2713
  oie@memphis.edu

- **University Police Services**
  Main Campus: 100 Zach Curb Parking Garage
  901-678-HELP (emergency); 901-678-3848 (non-emergency)
  police@memphis.edu
  Lambuth Campus: 731-425-1942 (emergency)
  Lambuthpolice@memphis.edu

- **Electronic Complaint Form**
  [https://www.memphis.edu/oie/complaint.php](https://www.memphis.edu/oie/complaint.php)

- **Office of Legal Counsel**
  201 Administration Building
  (901) 678-2155 or legal@memphis.edu
If you are in immediate danger or want to speak with a trained officer about your situation, you can call University Police Services (Phone Number: 901-678-4357; Jackson Campus: 731-425-1942) or the Memphis or Jackson Police (9-1-1). Filing a police report does not necessarily mean that further legal action must be taken. While the University strongly encourages you to report incidents of sexual assault, domestic violence, dating violence, and/or stalking to the police, you have the right to choose not to make a police report. However, evidence it likely to be stronger the sooner it is reported after the incident. In addition, it should be noted that the act of filing a police report is distinct from making a complaint through the University disciplinary process.

**Immediate Assistance and Preservation of Evidence**

The University recognizes that deciding whether to report Sexual Misconduct (to the University and/or to the police) and deciding how to proceed if and when a report has been filed (including deciding whether and when to pursue a University complaint) can be a decision-making process that unfolds over time. Whatever steps a complainant ultimately decides to take, in the immediate aftermath of Sexual Misconduct or similar events, the most important thing is for the complainant to get to a safe place.

When a feeling of safety has been achieved, the complainant should seek medical attention, regardless of his or her decision to report the crime to the police. It is very important for the complainant of sexual assault to seek medical attention immediately. Such screening, at the option of the complainant, may include screening for sexually transmitted diseases, pregnancy, date rape drugs, emergency contraception, and psychological comfort and counseling and treatment for any physical injuries. Forensic rape kits and examinations can only be obtained at:

Shelby County Rape Crisis Center  
1060 Madison Avenue  
Memphis, TN 38104  
(901) 222-3950  
https://www.shelbycountytn.gov/737/Crime-Victims-Rape-Crisis-Center

A complainant has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.

Complainants reporting sexual Misconduct are also encouraged to preserve verbal, written and photographic evidence by saving notes, emails, text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that might be useful for University hearings, investigators or police.
Valuable physical evidence can also be obtained from the complainant and the complainant’s clothing. A complainant should make every effort to save anything that might contain the offender’s DNA. Therefore, a complainant should not:

- Bathe or shower;
- Wash his/her hands;
- Brush his/her teeth;
- Use the restroom;
- Change clothes;
- Comb hair;
- Clean up the area where the incident took place; or
- Move anything the offender may have touched

Even if the complainant has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date should the complainant decide to prosecute or seek an order of protection.

Orders of Protection

For assistance in pursuing orders of protection in Shelby County, an individual may contact:

Family Safety Center of Memphis and Shelby
1750 Madison Avenue Suite 600
Memphis, TN 38104
(901) 222-4400 24-HOUR CRISIS LINE (901.249.7611)
https://familysafetycenter.org/

Confidentiality

The University encourages victims of Sexual Misconduct to talk to somebody about what happened so they can get the support they need and so that the University can respond appropriately. Though the University will keep reports as confidential as possible, it cannot guarantee the confidentiality of every report or complaint. Additionally, all reports of Sexual Misconduct made to University Police will be referred to the Title IX Coordinator for review and investigation even if the complainant declines to pursue criminal charges. The University shall not share personally identifiable information with law enforcement without the complainant’s consent, or unless the complainant has also reported the incident to law enforcement.

The University of Memphis will keep reports as private as possible and will only disclose information to the extent necessary to provide interim and supportive measures or to fully investigate the complaint. The provisions below detail the confidentiality options available to individuals.
The following resources hold statutorily protected confidentiality that prohibits the release of an individual’s information without that individual’s express consent (except under limited circumstances that pose an imminent danger to the individual or to others):

- Reports to professional licensed counselors (including the University’s Counseling Center) or to professional medical healthcare providers (including the University’s Student Health Center) are confidential to the extent allowed by law.
- Counselors and doctors will maintain confidentiality of any such reports unless required by law or court order to disclose information. For example, Tennessee’s mandatory reporting law related to abuse of minors, imminent harm to others, or subpoenas for testimony may require disclosure of all information received. Counselors and doctors affiliated with the University may assist the complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. In some cases, providing requested assistance might require the counselor or doctor to reveal identifying information to other individuals.

Additionally, the Office of Victim Services in Clement Hall rooms 122 and 124, phone 901-678-4471, have also been designated as confidential, so they can help victims make informed choices on filing a report and receiving assistance from both on campus and off campus resources. These individuals, however, are considered Campus Security Authorities for the purpose of the Clery Act and have an obligation to report crimes under the Clery Act. No personally identifiable information will be included in the report.

**Accommodations**

After receiving a report, disclosure, or formal complaint of Sexual Misconduct, the University’s Title IX Coordinator will provide written notifications to the parties about supportive measures available to them, including, but not limited to reasonable requests for:

1. Restrictions on contact between the complainant and the respondent;
2. Exclusions from areas of campus;
3. Escorts to ensure that the complainant or respondent can move safely between classes, meeting and activities;
4. Changes in housing assignments;
5. Counseling services;
6. Medical services;
7. Academic support services such as tutoring;
8. Course related extensions or adjustments;
9. Work and/or course schedule adjustments;
10. Arrangements for a complainant or respondent to re-take a course or withdraw
from a class without penalty, including ensuring that any changes do not ad-
versely affect the complainant’s academic record; or

11. Other reasonable measures related to academic, living, transportation and work-
ing situations.

Accommodations will be provided in a manner intended to protect the confidentiality of the victim to the fullest extent possible and to the extent that maintaining confidentiality will not impair the ability to provide interim or other protective measures and other supports or accommodations.

University will also provide information of existing campus and community medical ser-
vices, victim advocacy, legal assistance, visa and immigration support, student financial aid assistance, counseling and mental health services, and other services available to victims of Sexual Misconduct whether or not the incident is reported to campus, criminal and/or civil authorities.

Below are University and community resources that are available to victims of sexual of-
fenses:

**University Resources**

- **Office of the Dean of Students** • 901.678.2187
- **University of Memphis Counseling Center** • 901.678.2068
- **Office of Student Accountability, Outreach & Support** • 901.678.2298
- **University of Memphis Police Services** • 901.678.4357
- **Office of Victim Services** • 901.678.4471
- **Student Health Center** • 901.678.2287
- **University of Memphis Psychological Services Center** • 901.678.2147
- **The Athena Project** • 901.678.3973
- **Office for Institutional Equity and Title IX Coordinator** • 901.678.2713

**Community Resources**

- **Shelby County Rape Crisis Center** • 901.222.4350
- **Memphis Police Department** • 901.545.2677
- **Family Safety Center** • 901.222.4400
- **TN Coalition to End Sexual Violence** • 1.800.273.8255 (24-Hour State-Wide Hotline)
- **Memphis Crisis Center** • 901.274.7477

_The University also has a list of helpful resources that can be found online._
Disciplinary Proceedings

The University applies appropriate disciplinary procedures to individuals who violate its Interim Sexual Harassment & Sexual/Gender-Based Misconduct Policy. The University’s disciplinary proceedings, as well as special guidance for cases involving Sexual Misconduct, are detailed in that Policy, which is attached as Appendix B.

Upon receipt of a Sexual Misconduct report, the University will provide parties with a written notice of the grievance process, including the informal resolution process(es), and written notice of the allegations potentially constituting Sexual Misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

1. The Title IX Coordinator initially evaluates a formal Title IX complaint to determine whether the conduct as alleged could qualify as a Title IX violation. Matters not meeting the Title IX jurisdictional requirements will be dismissed for Title IX purposes and will proceed through the investigative process as a sexual/gender-based misconduct complaint if applicable.

2. The Title IX Coordinator may consolidate Title IX sexual harassment complaints or sexual/gender-based misconduct complaints when the allegations are against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

3. The University may dismiss a Title IX sexual harassment complaint or sexual/gender-based misconduct complaint upon notice from a complainant that s/he would like to withdraw the complaint, when the respondent is no longer enrolled, employed or affiliated with the University, or where there is insufficient evidence to reach a determination. Written notice of any dismissal and reasons for dismissal will be provided to both the complainant(s) and respondent(s). Either party may appeal the University’s dismissal of a formal complaint.

The Office for Institutional Equity (OIE) investigates all Sexual Misconduct complaints. Any party whose participation is invited or expected will be provided written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Prior to completion of the investigative report, each party and the party’s advisor, if any, will receive, in an electronic format or a hard copy, the evidence collected by the investigator that is directly related to the allegations. The parties will have ten (10) business days to submit a written response to be considered by the investigator prior to completion of the investigative report.
After the elapse of ten (10) business days or receipt of the parties’ written responses, whichever is longer, the investigator will issue an investigative report that fairly summarizes the investigation including relevant evidence. The investigator will not make any findings as to the credibility of the parties or witnesses nor will the investigator make a recommendation regarding whether a violation of the Policy occurred.

No sooner than ten (10) business days after the issuance of the final investigative report, a hearing will be conducted before a hearing panel. At the conclusion of the hearing, the hearing panel will deliberate to determine if University policy was violated. The hearing panel will evaluate responsibility using a preponderance of the evidence standard. Decisions of the hearing panel will be by majority vote.

Within fifteen (15) days of the conclusion of the hearing, the hearing panel chair will notify the parties, Title IX Coordinator, and the applicable office as determined by the respondent’s status with the University, of the panel’s decision in the form of a written determination. The determination will be provided simultaneously to both parties. The parties will also be provided simultaneous notification of applicable appeal procedures, any change to the result of a decision, and when the result becomes final.

Within ten (10) days following the hearing panel’s determination of responsibility, the parties will be provided with notice of their appeal rights, which are dependent on whether the complaint was investigated as a Title IX sexual harassment complaint or a sexual/gender-based misconduct complaint.

1. If the matter was investigated as a Title IX sexual harassment complaint, either party may appeal only on the following bases:
   a. Procedural irregularity that affected the outcome of the matter;
   b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and
   c. The Title IX Coordinator, investigator(s), or hearing officer 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.

2. If the matter was investigated as a sexual/gender-based misconduct complaint, the parties will be notified of their appeal rights in accordance with applicable law.

Within ten (10) days of receipt of an appeal, the University will notify the non-appealing party that an appeal has been filed and provide both parties with the name of the individu-
al hearing the appeal. Either party may raise objections as to the appeal officer(s)’ objectivity. Within a reasonable time, the appeal officer(s) will issue a written appeal decision describing the result of the appeal and the rationale for the result. The written appeal decision will be provided simultaneously to both parties.

Under some circumstances, disciplinary charges that may result in dismissal from the University may be heard in conformance with the requirements of the Tennessee Uniform Administrative Procedures Act. The TUAPA is an official state act defining certain procedures that are required when a student chooses to have their case heard through the Act’s provisions.

During the investigative and disciplinary process, both the respondent and complainant shall have the same opportunity to have an advisor, of their choosing, present during any proceeding at which their presence is required or expected such as meetings with staff, the investigator, informal resolution proceedings or hearings.

**Disciplinary Sanctions**

Ranges of University sanctions for students (for any type of offense) include:

1. Warning
2. Censure
3. Probation
4. Suspension
5. Interim Suspension
6. Expulsion
7. Revocation of Admission, Degree or Credential
8. Service to the University Community
9. General Restrictions
10. Specified Educational/Counseling Program
11. Apology
12. Fines
13. Housing Probation
14. Housing Suspension and Forfeiture
15. Restitution
16. Interim Measures
17. Other educational conditions and/or sanction(s) deemed appropriate by the disciplinary hearing body charged with the adjudication of an alleged disciplinary violation.
Ranges of University sanctions for Employees include:

1. Verbal warning;
2. Written warning;
3. Probation;
4. Suspension with or without pay;
5. Demotion; or
6. Termination.

An individual found guilty of violating the University’s Sexual Harassment & Sexual/Gender-Based Misconduct Policy could also be subject to criminal prosecution.

**Education and Prevention**

To further its commitment to prevent sexual misconduct within the University community, the Office of Institutional Equity (OIE) implements a comprehensive approach to providing training and prevention programs intended to reduce dating violence, domestic violence, sexual assault, and stalking. The prevention program is guided by the Centers for Disease Control and Prevention (CDC) Stop SV Model, which includes promoting social norms that protect against violence (such as bystander intervention), teaching skills to prevent sexual violence, and supporting victims/survivors to lessen harm, among other strategies. The University achieves its goals through targeted trainings, events and programs, student engagement, and community partnerships.

The University conducts both in-person and online trainings throughout the year. A major component of the trainings involves coverage of the Campus SaVE or Violence Against Women Reauthorization Act (VAWA), which includes a review of each of the four major pillars of the act: domestic violence, sexual assault, dating violence and stalking. The training communicates the requirement that responsible employees must report all known or suspected violations of the Act and any corresponding University policies. Examples of trainings, programs and outreach events include, but are not necessarily limited to, the following:

- **ACAD 1100** is a freshman academic strategies course. OIE and campus partners present in person and virtual interactive, 70-minute, researched-based workshops with each of the 63 sections of ACAD 1100 that engaged students in conversations about healthy relationships, bystander intervention, warning signs in relationships, and resources/reporting options. Approximately, 1200 students participate in the courses.
- **OIE** conducts a one-hour training for all faculty, staff, and students to educate them about the services and resources available from the OIE office and to introduce them to the basic concepts of Title IX, including areas of dating violence, domestic violence, sexual assault, and stalking.
• OIE conducts in-person training sessions for athletics teams on the topics of Diversity, Equity and Inclusion policies and Title IX, including areas of dating violence, domestic violence, sexual assault, and stalking.
• OIE conducts presentations on healthy relationships, consent, sexual assault prevention and what constitutes sexual misconduct on campus to incoming students and their parents as part of New Student Orientation activities.
• In cooperation with Student Groups (Student Government Association, SAPAC, HEALS, Safety Net, etc.), and other University Departments such as the Office of the President, Student Affairs and the Office of Student Accountability and Outreach, OIE conducts several educational and preventative programs that address Title IX related issues. Programs included Navigating Dating Apps, Peer Educator Training and approximately ten sexual misconduct prevention sessions for employees and students.
• OIE administers university-wide online training modules on preventing sexual misconduct, including areas of dating violence, domestic violence, sexual assault, and stalking through Everfi, a third-party vendor who provides course content specific to preventing sexual misconduct.

The University has a Title IX: Prevention Specialist position and created a University Prevention Center that focuses on engaging students, staff and faculty on how to maintain healthy relationships, how to identify warning signs for possible concerns and how to report concerns to appropriate actors on and off-campus. Some of the programs and trainings created by the Title IX Prevention Specialist and Prevention Center include Healthy Relationships with Boundary Setting and Conflict Resolution, Safety and Dating Apps Workshops, and Condom Carnivals. These programs include presentations on risk reduction techniques, which includes topics such as:

• Consent
  ◊ What it is and isn’t
  ◊ Giving consent
  ◊ Recognizing consent
  ◊ Respecting boundaries

• Alcohol and substance use concerns
  ◊ Knowing when someone is too intoxicated to consent
  ◊ Knowing your own personal limits

• Conflict Resolution
  ◊ Appropriate communication when there are disagreements
  ◊ How to step back when feeling too angry to communicate

• Bystander Intervention
  ◊ How to safely intervene in a problematic situation
  ◊ Keeping your own safety and the safety of others in mind
• Setting technological boundaries
  ◦ Giving out phone numbers
  ◦ Social media access
• Safely meeting someone from a dating app
  ◦ Letting friends know when and where you’re going
  ◦ Meeting in a public place
  ◦ Driving separately
• Recognizing red flags
  ◦ Violating personal boundaries
  ◦ Cyberstalking

The University also emphasizes coordination and alignment of campus resources regarding Title IX implementation. OIE partners with other offices such as Human Resources, the Office of Employee Engagement, the Office of Legal Counsel, University Police Services, Provost’s Office and Student Affairs to implement University Title IX compliance efforts with regard to policy reviews, trainings, outreach and interim measures. The University has also established committees and teams comprised of key stakeholders that provide strategic support and resources for ensuring Title IX compliance and implementation. Two such committees include the University’s Title IX Advisory Committee and the Sexual Assault Response Team (SART).

The Title IX Advisory Committee provides critical advice and leadership regarding policy implementation, campus culture, training and educational programming, and complaint and disciplinary processes. The committee may make recommendations to the Title IX Coordinator on ways the University can maintain and achieve improved compliance. The Title IX Advisory Committee consists of students, faculty, and senior administrators from throughout the University. The committee is comprised of the following members: the Title IX Coordinator, Deputy Title IX Coordinators, Dean of Students, University Police Services Chief of Police, Director of Residence Life, Director of Counseling Center, Director of Disability Resources for Students, Deputy Athletic Director, a member of the Faculty Senate, a member of the Staff Senate and the Provost.

SART is part of the university's overall efforts to reduce sexual violence on campus and consists of a multidisciplinary team who work collaboratively to create a support network for individuals who experience sexual assault, dating/domestic violence, and stalking. Utilizing a victim supportive approach, SART provides access to resources ranging from medical care to advocacy, 24 hours a day, 7 days a week. The Title IX Coordinator chairs SART. For the current reporting period, SART included team members from Police Services, Counseling, the Dean of Students Office, Student Conduct, Office of Legal Counsel, Residential Life, Provost’s Office, Human Resources and Athletics. SART community partners included the Shelby County Rape Crisis Center, the Shelby County Special Victims Prosecution Unit and the Shelby County Domestic Violence Unit.
Student involvement and engagement around sexual assault prevention and awareness at the University is also a significant component of education and prevention. The Sexual Assault Prevention and Awareness Coalition (SAPAC) is a registered student organization that is dedicated to educating the University community on the issues of sexual and domestic violence through outreach, training, and events. SAPAC uses the Centers for Disease Control and Prevention's STOP SV Technical Package as a framework for its prevention efforts, and much of its work focuses on bystander intervention, building allies, and dispelling common myths around sexual violence through programming and training.

The University continues to strengthen ties with internal (Police Services, Counseling Center, Student Health Services) and external (Rape Crisis Center, Memphis Area Women's Council) resources for individuals impacted by violence. Our campus/community collaborations have included providing the University of Memphis the opportunity to host nationally recognized speakers on sexual assault prevention on campus, as well as support the initiatives of governmental agencies and non-profits working in the City of Memphis to combat sexual and domestic violence. The University of Memphis will continue to invest in prevention and awareness initiatives with the goal of reducing violence in our university community.

The University will continue to invest in prevention and awareness initiatives with the goal of reducing violence in our university community.

**Bystander Intervention Tips**

Bystander Intervention is a sexual assault and harassment prevention strategy that helps build skills necessary to recognize warning signs and to prevent sexual assault, sexual harassment, dating violence, and domestic violence. After learning about the warning signs associated with dating violence and sexual assault (among other issues), individuals are encouraged to act based on the 6 "Ds" of Bystander Intervention:

- **Direct**: Be direct with the person causing the harm or with the person experiencing harm
- **Distract**: Create a distraction to de-escalate the situation
- **Delegate**: Ask someone to help you address the situation who may be better equipped or more comfortable than you
- **Document**: Use cell phone to take pictures or videos of the situation
- **Delay**: Wait to address the situation until it is safe to do so or until you have enough information to act
- **Don't Act**: Don't act if it is dangerous to act or if acting would further escalate the situation
DISCLOSURE TO VICTIMS OF VIOLENT CRIMES OR NON-FORCIBLE SEX OFFENSES

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased because of the crime or offense, the University will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

SEX OFFENDER REGISTRY

The Campus Sex Crimes Prevention Act (“CSCPA”) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies (Tennessee Bureau of Investigation) to provide the University with a list of registered sex offenders who have indicated that they are either enrolled, employed, or carrying on a vocation at the University.

The University is required to inform the campus community that a TBI registration list of sex offenders will be maintained and available at the dispatch office of Police Services and will be available for viewing 24 hours a day, every day (weekends and holidays included). The Police Services Dispatch office is located in the Zach Curlin Parking Garage and can be reached at 901-678-3848. In addition, the Tennessee sex offender registry can be accessed online.
MISSING STUDENT NOTIFICATION PROCEDURES

Overview
The purpose of this policy is to establish policies and procedures, in compliance with Higher Education Act of 2008, for the University community regarding the reporting, investigation, and required emergency notification of any residential student of the University who, based on the facts and circumstances known to the University, has been determined to be missing for 24 hours or more.

This policy only applies to residential students. For the purpose of this policy, a residential student is a currently enrolled student who resides in University-owned, on-campus student housing under a housing contract.

All reports on students suspected to be missing for 24 hours or more should be directed to Police Services at 901-678-4357. It is the responsibility of all members of the academic community, including students, faculty, and staff, to report to Police Services when they believe that a student is missing.

Notification of this policy will be made directly to all students residing in on-campus housing annually and be available in conjunction with the “Annual Campus Security and Fire Safety Report” that provides information in compliance with the Clery Act.

Identification of Emergency Contacts
All University students applying for on-campus housing will have the option, in addition to providing an emergency contact, of identifying one or more individuals to be contacted by the University within 24 hours of a determination that the student is missing in accordance with this policy. The missing person contact information will be registered confidentially, and will not be disclosed externally except to authorized campus officials, including University police, and law enforcement agencies in furtherance of a missing person investigation.

If a residential student is under 18 years of age and not an emancipated minor, the University is required to notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any other contact person designated by the student.

All missing person contact information will be maintained by Housing and Residence Life. Students can submit revised missing person contact information at any time by updating their emergency contact information in my.memphis.edu, notifying Housing and Residence Life at housing@memphis.edu or 901-678-5219.

Procedures for Reporting Missing Students
Students, employees, staff, or any other members of the University community who have reason to believe that a residential student is missing should immediately notify the University Police at 901-678-4357. The University Police will generate a missing person report and initiate an investigation.
Individuals may report a residential student missing at any time; there is no requirement for the individual to wait until he or she believes the residential student has been missing for 24 hours.

**Investigating a Missing Student Report**

Upon receipt of a report of a possible missing residential student, Police Services will immediately initiate a missing person investigation. A residential student is determined to be missing when the University police have verified that the reported information is credible and the circumstances warrant declaring the student missing.

Should the University police determine that a residential student has been missing for 24 hours or more, Residence Life will be notified to verify the student’s appropriate missing person contact information. Police Services will then notify the following individuals no later than 24 hours after the student is determined to be missing:

1. If the student is 18 years or older, Police Services will notify the student’s missing person contact, if one has been provided, and the Memphis Police Department, Jackson Police Department, or other appropriate law enforcement agencies.

2. If the student is under 18 years old and emancipated, Police Services will notify the student’s missing person contact, if one has been provided, and the Memphis Police Department, Jackson Police Department, or other appropriate law enforcement agencies.

3. If the student is under 18 years of age and not emancipated, Police Services will notify the student’s custodial parent or guardian and any other designated contact person, as well as the Memphis Police Department, Jackson Police Department, or other appropriate law enforcement agencies.

If the student is not a residential student, Police Services will make a determination if additional action is needed.

Nothing in this policy restricts the University from making notifications earlier than noted above if deemed appropriate under the circumstances. Nothing in this policy restricts the University from contacting other individuals if deemed necessary to prevent harm to a student or others, necessary to the investigation, or otherwise appropriate under the circumstances.

Regardless of whether the student who has identified a missing person contact is above the age of 18, or is an emancipated minor, Police Services will inform the Memphis Police Department, the Jackson Police department, or other appropriate law enforcement agencies within 24 hours of the determination that the student is missing. The law enforcement agency, however, will not be notified if the law enforcement agency was the entity that made the determination that the student was missing.

The determination of whether a student is emancipated will be based on the information available at the time the contact is required.
ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act requires all academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and fire related statistics related to student housing. The University of Memphis complies with all fire regulations per the Tennessee State Fire Marshal’s Office. All fires should be reported to Police Services at 901-678-4357 or at Lambuth call 731-425-1942. A log is maintained at Police Services of all fires and can be viewed during normal business hours (Monday through Friday 8:00 a.m. to 4:30 p.m.).

FIRE SAFETY EQUIPMENT

Centennial Place, Rawls Hall, Smith Hall, South Hall, and the LLC (Living Learning Center) have sprinkler systems with monitored smoke detection systems that report to a central alarm panel. The townhouses on the western end the Carpenter Complex (sorority row) also have sprinklers and monitored smoke detection. The townhouses on the north side of Carpenter (along Poplar Avenue) have localized smoke detection only. The remainder of Carpenter Complex has localized smoke detection and centrally monitored pull stations in each apartment. Park Avenue student family housing has localized smoke detection. At Lambuth, Carney Johnston Hall has sprinklers and monitored smoke detectors.

EDUCATION, TRAINING AND DRILLS

The Office of Environmental Health and Safety (EHS) schedules multiple fire drills and evacuations at student housing facilities and academic buildings. Housing and Residence Life staff receives training on fires and evacuation from EHS. This training includes the use of a fire extinguisher simulator.

<table>
<thead>
<tr>
<th>Location</th>
<th>Fire Drills 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centennial Place</td>
<td>2</td>
</tr>
<tr>
<td>Rawls</td>
<td>4</td>
</tr>
<tr>
<td>Smith</td>
<td>2</td>
</tr>
<tr>
<td>LLC</td>
<td>1</td>
</tr>
<tr>
<td>South</td>
<td>2</td>
</tr>
<tr>
<td>Carpenter Complex</td>
<td>26</td>
</tr>
<tr>
<td>Carney Johnston</td>
<td>4</td>
</tr>
<tr>
<td>(Lambuth)</td>
<td></td>
</tr>
</tbody>
</table>
FIRE ALARM EVACUATION PROCEDURE

When the fire alarm is heard, leave the building via the nearest exit and travel a safe distance from the building. DO NOT USE ELEVATORS! EVERY ALARM SHOULD BE TREATED AS A POTENTIAL FIRE!

Assist all persons with impaired mobility to the nearest illuminated exit or stairwell to await rescue by trained personnel. Faculty and Staff should notify Police Services of any known student or visitor with impaired mobility who is unable to independently exit the building.

Department Chairs and Directors of Activities are responsible for having a plan to account for employees and to notify Police Services of those missing who may be trapped in the building.

State and local regulations require all occupants to leave the building if a fire alarm occurs. Before a fire occurs, there are some simple steps you can follow that will aid your survival. Find the nearest exit and also an alternate exit, should the primary one be blocked. Ensure that the path out is clear of any obstructions and that all doors leading out of the building can be opened. Find the nearest fire extinguisher and learn how to use it if necessary.

IN THE EVENT OF A FIRE:
1. Rescue any person in immediate danger.
2. Sound the fire alarm. Pull stations are near each exit on each floor.
3. Call Police Services at 901-678-4357 or 911. They will initiate a conference call with you and the Memphis Fire Department. Stay on the phone until the Fire Department and Police Services obtain all information. At Lambuth, call 731-425-1942 or 911.
4. When the fire alarm sounds, evacuate the building immediately using the nearest exit. As you exit, close as many doors as possible between you and the fire. Move a safe distance away from the building (at least 50 feet).
5. Before opening any door, feel it with the back of your hand. If it is hot, do not open it! If it is not hot, open cautiously, bracing yourself against it to slam it shut if you feel a rush of heat.
6. If the closest exit is blocked, go to an alternative exit. If all doors are blocked, exit through a ground floor window, but watch for broken glass.

IF YOU BECOME TRAPPED BY THE FIRE:
1. Stay calm; fire fighters are on the way.
2. Move as far away from the fire as you can, closing every door between you and the fire.
3. Hang or wave an object from a window or outside the door to attract the attention of rescuers.
4. If smoke enters under the door or around vents, stuff the opening with towels, drapes, or anything available. Soak them with water if possible.
5. Crack open the window at the top to let heat and smoke out and at the bottom to let in
fresh air. Stay as close to the floor as possible. Crawl if necessary.

**STUDENTS AND STAFF ARE NEITHER REQUIRED NOR ENCOURAGED TO FIGHT FIRES, HOWEVER, IF YOU DECIDE TO FIGHT THE FIRE:**

1. Do not let the fire get between you and the exit.
2. Avoid breathing smoke or fire gases.
3. Use the proper fire extinguisher. **Do not use water on an electrical fire.**
   - Pull the pin.
   - Aim the nozzle at the base of the fire.
   - Squeeze the handle.
   - Sweep from side to side.

**SMOKING AND FIRE SAFETY HOUSING POLICIES**

Smoking is prohibited on campus with limited exceptions. There is no smoking in Residence Halls.

Housing and Residence Life has several policies, that are related to fire safety in all of the residence halls on main campus including:

- Size and power requirements of refrigerators and microwave ovens are limited.
- Heat producing cooking appliances other than a microwave or coffeemaker are prohibited.
- Halogen lamps are prohibited.
- All appliances must be UL approved.
- Vehicles with an internal combustion engine are not allowed inside a residence facility.
- Portable air conditioners are prohibited.
- Residents may not possess or use any device which produces an open flame or noxious odor, including candles, incense, potpourri, kerosene lamp or smoking substances.
- Normal extension cords are discouraged and residents are asked to use power strips with built in circuit breakers.
- Tampering with or disabling fire alarm mechanisms, smoke detectors, fire extinguishers, or other safety equipment is prohibited.

Housing and Residence Life has the right to enter and inspect a residence at any time for fire or health hazards, maintenance requirements, and to determine compliance with University regulations.

**FUTURE IMPROVEMENTS**

The University of Memphis continues to upgrade and improve fire systems in its buildings and will continue to enhance existing systems or install new systems as necessary. In addition, policies and procedures will continue to be reviewed for safety improvements and situational or legal (fire code) changes.
<table>
<thead>
<tr>
<th>Total Crimes Reported For:</th>
<th>The University of Memphis Campus</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Manslaughter by Negligence</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>6</td>
<td>6</td>
<td>1</td>
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<tr>
<td>Fondling</td>
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<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
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<td>Cause of Fire</td>
<td>Number of Injuries that Required Treatment at a Medical Injury</td>
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<td>Smith</td>
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<td>Clothes Dryer overheating</td>
<td>Cooking - Microwave</td>
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<td>Student Family Housing</td>
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Purpose

This policy is adopted by the University of Memphis specifically to address: 1) sexual harassment as defined by Title IX of the Education Amendments of 1972 and its implementing regulations which includes dating violence, domestic violence, sexual assault, and stalking; and 2) sexual/gender-based misconduct as defined by University policy. The University of Memphis prohibits conduct that constitute sexual harassment and sexual/gender-based misconduct. The University is committed to eliminating all acts of sexual harassment and sexual/gender-based misconduct on its campus. Any allegation of sexual harassment as defined herein will be investigated and adjudicated according to this policy and its corresponding procedures and in compliance with Title IX of the Education Amendments of 1972, the Higher Education Act, and the Violence Against Women Reauthorization Act of 2013, as well as the regulations implementing these Acts. Conduct falling outside of the definition of sexual harassment as set forth by Title IX and its implementing regulations may still constitute a violation of the University’s policy against sexual/gender-based misconduct. Such conduct will still be addressed by the University using the same procedures applicable to Title IX based sexual harassment. Nothing in this policy prohibits the Title IX Coordinator, or their designee, from determining what conduct constitutes sexual harassment under Title IX and its implementing regulations and what conduct constitutes sex/gender-based misconduct under University policy.

Definitions

Advisor:

Any person selected by the parties to provide assistance during meetings, interviews, hearings, or any phase of the University’s grievance process. The University will not limit a parties’ choice of advisor. A party is required to use an advisor to ask the opposing party and any witnesses all relevant questions during hearings. If a party does not have an advisor during this phase of the process, the University will provide one free of charge.
**Appeal:** The process by which any party to the University’s sexual harassment grievance process can request a reconsideration of the findings and/or sanctions issued by a hearing panel.

**Campus Security Authority:** A University official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. All Campus Security Authorities are required to report to the Title IX Coordinator any knowledge they may have of conduct covered by this policy.

**Complainant** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Consent:** Means an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon activity. Consent cannot be given by an individual who is asleep; unconscious; or incapacitated, either through the effect of drugs/alcohol or for any other reason; or is under duress, threat, coercion, or force. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

**Dating Violence:** Violence committed by a person:
1. Who is or has been in a social relationship of a romantic or intimate nature with the complainant; 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 the relationship.
   (c) The frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by:
1. A current or former spouse or intimate partner of the complainant;
2. A person with whom the complainant shares a child in common;
3. A person who is cohabiting with or has cohabitated with the complainant as a spouse or intimate partner;
4. A person who is similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies; or
5. Any other person against an adult or youth who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Formal Complaint:** A document filed by a complainant or signed by the Title IX
Grievance Process: The formal means of resolving complaints of sexual harassment and sexual/gender-based misconduct. The grievance process includes all meetings, interviews, conferences, hearings and appeals that occur during the resolution of a complaint.

Incapcitation: The inability to make rational reasonable judgments as a result of the use of alcohol, other drugs, being asleep, unconscious, or in a state of blackout. Incapacitation is a state beyond drunkenness or intoxication in which a person is unable to make fully informed judgments or have an awareness of consequences.

Informal Resolution: A process by which the complainant and respondent agree to resolve a complaint. The informal resolution process is designed to assure fairness, facilitate communication and maintain an equitable balance of power between the parties. Informal resolutions are facilitated by the Title IX Coordinator or his/her designee.

Investigator: An official designated by the Title IX Coordinator to conduct investigations of sexual harassment under this policy, the Student Conduct Code, and any other applicable University policies.

Notice: University provided email is the official form of communication. When notice is transmitted by email, the notice is effective on the date that the email is sent. In situations where no University provided email is available or active, notice will be given in writing and transmitted by United States mail and or hand delivery to the address on file. When notice is transmitted by United States mail, the notice is effective on the date that it is mailed. When notice is hand delivered, it is effective on the date of delivery. Parties must notify the University of updated contact information throughout the grievance process.

Party: Either the complainant or the respondent. References in this Policy to the plural “parties” includes complainant and respondent.

Preponderance of The Evidence: The standard by which the University will determine at a hearing whether a violation of this policy has occurred. Preponderance of the evidence is also referred to as “more likely than not” that a violation of policy did or did not occur. This standard applies for all complaints of sexual harassment under this Policy.
Report: Any communication by any person to the Office for Institutional Equity of the occurrence of conduct that could constitute sexual harassment or sexual/gender-based misconduct.

Reporter: Any person communicating to the Office for Institutional Equity of an occurrence of conduct that could constitute sexual harassment or sexual/gender-based misconduct.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute a violation under this Policy.

Retaliation: Any action taken against a person because that person has reported an alleged violation of this policy or because that person has filed a complaint, served as a witness, assisted, participated or refused to participate in an investigation or grievance process. This includes action taken against a bystander who intervened to stop or attempt to stop sexual harassment as defined in this policy. Retaliation includes intimidating, threatening, or coercing an individual because of the individual’s complaint or participation.

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes:

1. Sex Offenses, Forcible: Any sexual act directed against a complainant, without the consent of the complainant including instances where the complainant is incapable of giving consent.
   
   (a) Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

   (b) Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

   (c) Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is
incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

(d) Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

2. Sex Offenses, Nonforcible: Unlawful, nonforcible sexual intercourse.

(a) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(b) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Sexual Exploitation:** Occurs when a person makes non-consensual or unjust sexual advantages toward another person for their own advantage or benefit, or to benefit another person other than the one being exploited. Any act that extends the bounds of consensual sexual activity with or without the knowledge of the other individual for any purpose, including but not limited to sexual gratification, financial gain, or personal benefit. Examples include:

1. Non-consensual streaming, audio or video recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without consent of all parties involved;
2. Allowing others to view sexual acts (whether in person or via a video camera or other recording device without consent of all parties involved);
3. Engaging in voyeurism without consent, even if the act itself is consensual;
4. Prostituting an individual;
5. Knowingly exposing an individual to sexually transmitted diseases without the individual’s knowledge;
6. Inducing incapacitation for the purpose of making an individual vulnerable to non-consensual sexual activity.
Sexual/Gender-Based Misconduct: Any conduct on the basis of sex or gender that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be severe, pervasive, or objectively offensive that it denies a person equal access to the University’s educational programs or activities; or

3. Any conduct that constitutes sex/gender-based discrimination, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation as defined in this policy.

Sexual Harassment: For purposes of Title IX of the Education Amendments of 1972, sexual harassment is any conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service 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 educational programs or activities; or


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

Title IX Coordinator The official responsible for oversight and coordination of the University’s educational programs and training efforts for the University community with regard to sexual harassment. The Title IX Coordinator, conducts or oversees investigations and, in conjunction with the Dean of Students, Human Resources and Academic Affairs, has the authority to implement all interim and supportive measures deemed appropriate. The Title IX Coordinator may delegate investigatory responsibility to Deputy Title IX Coordinators who are also authorized to implement
appropriate interim measures. The Title IX Coordinator receives annual training on topics related to responding to or investigating allegations of sexual misconduct and is the University official responsible for overseeing the institution’s response to sexual misconduct reports and complaints, and for addressing any patterns or systemic issues identified by such reports and complaints.

Policy

I. APPLICABILITY

This policy is applicable to the following individuals:

A. Title IX sexual harassment: For a complaint to be evaluated as a Title IX sexual harassment complaint, the following criteria must be met:

1. The complainant must be a current employee or student who has been subjected to sexual harassment as defined by Title IX and its implementing regulations;

2. The complainant must be a former student or employee who was subjected to sexual harassment if the conduct took place during the time of enrollment or employment at the University of Memphis, the conduct has a reasonable connection to the institution and the former student or employee is attempting to access the programs or benefits of the University;

3. The respondent must be a current employee or student or otherwise affiliated with the University such that the University exercises substantial control over the respondent’s access to or participation in its programs or activities.

B. University sexual/gender-based misconduct: For a complaint to be evaluated as University sexual/gender-based misconduct, the following criteria must be met:

1. The complainant must be a current or former employee, student, or individual who has been subjected to sex/gender-based misconduct while accessing or attempting to access the University’s programs or activities;
2. The respondent must be a current employee or student or otherwise affiliated with the University such that the University exercises substantial control over the respondent’s access to or participation in its programs or activities.

II. TRAINING OF UNIVERSITY PARTIES:

All University employees or designees involved in the investigation or adjudication of alleged violations of this policy will receive annual training on issues related to sexual harassment, domestic violence, dating violence, sexual assault, and stalking and the process for conducting an investigation and hearing that protects the safety of and promotes accountability of members of the University community. All training will be conducted in an unbiased and objective manner and will prepare those involved in the sexual harassment grievance process to serve impartially.

III. GEOGRAPHICAL SCOPE

The University will exercise Title IX jurisdiction over reports or complaints when the parties fall into the categories as defined above in section II. A. and the conduct occurred in the United States and at locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurred. This also includes any building owned or controlled by a student organization that is officially recognized by the University. Additionally, the University will exercise Title IX jurisdiction over any sexual harassment that occurs via the use of University computers, internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University.

Factors that will be considered when determining geographical jurisdiction include, but are not limited to whether the University funded, promoted, or sponsored the event or circumstance where the alleged harassment occurred.

Sexual harassment that occurs outside of the University’s Title IX geographical scope will be addressed as sexual/gender-based misconduct under this or other University policies. The University reserves the right to determine the appropriate policy under which to investigate complaints.

IV. RETALIATION

University of Memphis employees and students are strictly prohibited from retaliating, intimidating, threatening, coercing, or otherwise discriminating against any individual for exercising
their rights or responsibilities under any provision of this policy. Retaliation will result in disciplinary measures, up to and including separation from the University. Anyone who believes they have been retaliated against because they have exercised their rights under this policy should immediately make a report to the Office for Institutional Equity.

V. THE IMPORTANCE OF CONSENT/ THE IMPACT OF ALCOHOL & OTHER DRUGS

Although defined above, it is important for all to understand the significance of consent. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. For example, silence or an absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Parties should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn at any time. Being intoxicated does not diminish one’s responsibility to obtain consent.

The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. A person who is incapacitated is unable to give consent. The perspective of a reasonable person similarly situated to the complainant and, in consideration of the context of the behavior, will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another’s ability to give consent. Being intoxicated or high is never an excuse for sexual harassment.

VI. CONSENSUAL RELATIONSHIPS

The prior existence of a consensual relationship does not preclude a complainant from filing a complaint alleging a violation of this policy. Circumstances change and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policies.
For more information regarding the University’s position on consensual relationships refer to HR5055 - Nepotism and Personal Relationships, and GE2021 - Conflict of Interest.

VII. IMMEDIATE ASSISTANCE AND PRESERVATION OF EVIDENCE

A. Safety: The University recognizes that deciding whether to report sexual harassment, sexual assault, dating/domestic violence, or stalking (to the University and/or to the police) and deciding how to proceed if and when a report has been filed (including deciding whether and when to pursue a University complaint) can be a decision-making process that unfolds over time.

Whatever steps a complainant ultimately decides to take, in the immediate aftermath of sexual harassment, sexual assault, domestic violence, dating violence or similar events, the most important thing is for the complainant to get to a safe place.

B. Seeking Medical Attention: When a feeling of safety has been achieved, the complainant should seek medical attention, regardless of his or her decision to report the crime to the police. It is very important for the complainant of sexual assault to seek medical attention immediately. Such screening, at the option of the complainant, may include screening for sexually transmitted diseases pregnancy date rape drugs, emergency contraception, and psychological comfort and counseling and treatment for any physical injuries. Forensic rape kits and examinations can only be obtained at:

Shelby County Rape Crisis Center
1060 Madison Avenue
Memphis, TN 38104
(901) 222-3950
https://www.shelbycountytn.gov/737/Crime-Victims-Rape-Crisis-Center

A complainant has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.

C. Physical Evidence: Valuable physical evidence can be obtained from the complainant and the complainant’s clothing. A complainant should make every effort to save anything that might contain the offender’s DNA. Therefore, a complainant should not:

- Bathe or shower;
• Wash his/her hands;
• Brush his/her teeth;
• Use the restroom;
• Change clothes;
• Comb hair;
• Clean up the area where the incident took place; or
• Move anything the offender may have touched

Even if the complainant has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date should the complainant decide to prosecute.

D. Other Evidence: Complainants reporting sexual harassment or sexual/gender-based misconduct are encouraged to preserve verbal, written and photographic evidence by saving notes, emails, text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that might be useful to investigators.

VIII. REPORTING SEXUAL HARASSMENT & SEXUAL/GENDER-BASED MISCONDUCT

The University of Memphis is committed to providing a variety of accessible means to encourage complainants, witnesses and bystanders to report incidents of sexual harassment. In addition to making a report to a Campus Security Authority as defined in this policy, a complaint can be filed directly with the following University offices:

<table>
<thead>
<tr>
<th>Title IX Coordinator</th>
<th>Office of Institutional Equity</th>
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<tbody>
<tr>
<td></td>
<td>156 Administration Building</td>
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<tr>
<td></td>
<td>(901) 678-2713</td>
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<td><a href="http://www.memphis.edu/oie/">http://www.memphis.edu/oie/</a></td>
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<tr>
<th>University Police Services</th>
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<tr>
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<td>901-678-HELP (emergency); 901-678-3848 (non-emergency)</td>
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<td><a href="mailto:Police@memphis.edu">Police@memphis.edu</a></td>
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|                      | Lambuth Campus: 731-425-1942 (emergency) |
|                      | Lambuthpolice@memphis.edu               |

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<tr>
<td><a href="https://www.memphis.edu/oie/complaint.php">https://www.memphis.edu/oie/complaint.php</a></td>
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</tbody>
</table>
ALL CAMPUS SECURITY AUTHORITIES, AS DEFINED IN THIS POLICY, HAVE A DUTY AND RESPONSIBILITY TO REPORT ANY INCIDENT OF SEXUAL HARASSMENT OR SEXUAL/GENDER-BASED MISCONDUCT THAT THEY RECEIVE OR OF WHICH THEY BECOME AWARE TO THE OFFICE FOR INSTITUTIONAL EQUITY.

Even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual harassment or sexual/gender-based misconduct to the Title IX Coordinator or a Campus Security Authority. Public awareness events or other forums, including social media and class discussions, in which students disclose incidents of sexual harassment are not considered reports or notice to the University of sexual harassment or sexual/gender-based misconduct for purposes of triggering its obligation to investigate any incident(s).

IX. DISCIPLINARY AMNESTY FOR COMPLAINANTS AND WITNESSES

Anyone who is under the influence of alcohol or drugs during an incident of sexual harassment or sexual/gender-based misconduct should not be reluctant to seek assistance for fear of being sanctioned. The Office of Student Accountability will generally not pursue disciplinary violations against a student (or against a witness) for minor violations of the code if the student is making a good faith report of sexual misconduct. This practice only applies to amnesty from violations of the University’s Code of Student Rights and Responsibilities.

It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law. Further, excluded from this grant of immunity are all students accused of encouraging or voluntarily participating in the sexual misconduct incident.

Employee actions will be evaluated on a case by case basis to determine if any amnesty will be granted.

X. PRIVACY & CONFIDENTIALITY

The University of Memphis encourages complainants to report sexual harassment and sexual/gender-based misconduct so
they can get the support they need and so that the University can respond appropriately. As such, reports to the Office for Institutional Equity, University Police Services, or a Campus Security Authority are not confidential. Additionally, all reports of sexual harassment or sexual/gender-based misconduct made to University Police will be referred to the Title IX Coordinator for review and investigation even if the complainant declines to pursue criminal charges. The University shall not share personally identifiable information with law enforcement without the complainant’s consent, or unless the complainant has also reported the incident to law enforcement.

The University of Memphis will keep reports as private as possible and will only disclose information to the extent necessary to provide interim and supportive measures or to fully investigate the complaint. The provisions below detail the confidentiality options available to individuals.

A. Confidential Resources: The following resources hold statutorily protected confidentiality that prohibits the release of an individual’s information without that individual’s express consent (except under limited circumstances that pose an imminent danger to the individual or to others.):

1. The University considers reports made to the University’s Victim Services Coordinator as confidential and protected from disclosure during any internal investigation. (These individuals are considered Campus Security Authorities for the purpose of the Clery Act and have an obligation to report crimes under the Clery Act. No personally identifiable information will be included in the report.)

2. Reports to professional licensed counselors (including the University’s Counseling Center) or to professional medical healthcare providers (including the University’s Student Health Center) are confidential to the extent allowed by law.

Counselors and doctors will maintain confidentiality of any such reports unless required by law or court order to disclose information. For example, Tennessee’s mandatory reporting law related to abuse of minors, imminent harm to others, or subpoenas for testimony may require disclosure of all information received. Counselors and doctors, acting in their capacity as a healthcare provider, affiliated with the University of Memphis, may assist the party in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.
In some cases, providing requested assistance might require the counselor or doctor to reveal identifying information to other individuals. Written permission from the complainant to reveal the minimum information necessary to arrange requested assistance will be obtained prior to disclosure. Any person who speaks to a counselor or doctor and chooses not to disclose the sexual harassment or authorize a report to be made on their behalf must understand that a request for confidentiality may prevent the University from pursuing disciplinary action against the alleged respondent(s).

B. Parallel investigations with local law enforcement: Some forms of sexual harassment or sexual/gender-based misconduct may be criminal in nature, and a complainant may choose to file a report with law enforcement. If a complainant makes a report to University Police alleging that any degree of rape has occurred on University property, University Police is required to notify the Memphis Police Department. In the case of an alleged rape, University Police will lead the investigation and will cooperate in every respect with the investigation conducted by the Memphis Police Department. T.C.A. § 49-7-129.

C. Requests for No Action: If a complainant discloses an incident to a Campus Security Authority or the Office of Institutional Equity but requests that no investigation be conducted or disciplinary action taken, the University will weigh that request against its obligation to provide a safe, non-discriminatory environment for all students, including the complainant. However, if the University honors the request that no action be taken the complainant should understand that the University’s ability to meaningfully respond and implement corrective action may be limited.

The Title IX Coordinator will evaluate a complainant’s request for no action and will consider a range of factors, including the increased risk that the alleged respondent could commit additional acts of sexual harassment, sexual/gender-based misconduct or other misconduct; whether there have been other sexual harassment or sexual/gender-based misconduct complaints about the same alleged respondent; whether the alleged respondent has a history of arrests or records from a prior school indicating a history of misconduct; whether the alleged respondent threatened further sexual harassment, sexual/gender-based misconduct or other misconduct against the complainant or others; whether the sexual harassment, sexual/gender-based misconduct was committed by multiple perpetrators; whether the sexual harassment, sexual/gender-based misconduct was perpetrated with a weapon; whether the complainant is a minor; whether the University possesses other means to obtain relevant evidence of the alleged sexual
harassment or sexual/gender-based misconduct; or whether the complainant’s report reveals a pattern of perpetration at a given location or by a particular group. The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary actions. If none or only a limited number of these factors is present, the University will make best efforts to respect the complainant’s request that no action be taken. If the University determines that it cannot accommodate the complainant’s request, the Title IX Coordinator will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response.

A complainant or respondent will not be required to participate in any investigation or disciplinary proceeding.

XI. SUPPORTIVE MEASURES

All parties are entitled to supportive measures regardless of whether a complaint is filed or whether an investigation is conducted. Parties may also request supportive measures as an accommodation. Examples of such supportive actions include, but are not limited to:

- Restrictions on contact between the complainant and the respondent;
- Exclusion from areas of campus;
- Providing an escort to ensure that the complainant or respondent can move safely between classes, meeting and activities;
- Ensuring that the complainant and respondent do not attend the same classes or other necessary appearances;
- Moving the complainant or respondent to a different residence hall;
- Providing counseling services;
- Providing medical services;
- Providing academic support services such as tutoring;
- Arranging for the complainant or respondent to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record.

XII. EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

In situations that require immediate action to address safety or other concerns, the University will take any reasonable administrative action that is appropriate. Students may be subject to Emergency Removal pending the outcome of the investigation under the appropriate circumstances. Emergency Removal will only be exercised after an individualized safety
and risk analysis determines that an imminent risk of the physical health or safety of any person, arising from the sexual harassment allegations.

Similarly, in appropriate circumstances and consistent with University Human Resource policies, employees may be placed on administrative leave pending the outcome of the investigation.

In such situations, the Office of Institutional Equity, in conjunction with the Dean of Students, Human Resources, and the Office of the Provost are responsible for implementing the interim measure(s) after consultation with the Office of Legal Counsel.

XIII. COMPLAINT RESOLUTION

All proceedings will include a prompt, fair, and impartial investigation. Complainants and respondents will be treated with respect before, during, and after the conclusion of the process. The University shall provide the respondent and complainant equitable rights during the investigative and institutional hearing processes as further described in this policy. All respondents are presumed not responsible for violations of this policy until a finding has been made at the conclusion of the grievance process.

All proceedings within the sexual harassment and sex/gender-based misconduct grievance process (investigations, meetings, hearings, and disciplinary actions) shall be conducted by officials who do not have a conflict of interest or bias for/against the complainant or the respondent. Both the complainant and respondent may object to the impartiality of any University official involved in the grievance process by submitting written notice to the University’s Title IX Coordinator. In cases where the objectivity of the Title IX Coordinator is questioned, the complaint may be submitted to the University’s Office of Legal Counsel. It will be the responsibility of the Title IX Coordinator (or Legal Counsel when the Title IX Coordinator is the concerned party) to determine if there is evidence that suggests that the concern has merit and to identify a suitable alternative University official to serve. Both the complainant and respondent will be informed of any such actions.

A. Reporting Title IX Sexual Harassment: Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment). Only the victim of sexual harassment or the Title IX Coordinator may file a formal complaint whether 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 report.

B. Reporting Sexual/Gender-Based Misconduct: Any person may report or file a complaint of sexual/gender-based misconduct. Upon receiving a report, the Office for Institutional Equity will evaluate the report to determine if the alleged conduct meets the definition of sexual/gender-based misconduct; and if so, will proceed as described below. If the conduct, as alleged, does not constitute sexual/gender-based misconduct but implicates another University policy, the report will be forwarded to the appropriate University office for further action.

C. Complaint/Report Evaluation: Upon receipt of a formal Title IX sexual harassment complaint or a sexual/gender-based misconduct report, the University will provide parties with a written notice of the grievance process, including the informal resolution process(es), and written notice of the allegations potentially constituting sexual harassment or sexual/gender-based misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

1. The Title IX Coordinator will evaluate formal Title IX complaints to determine whether the conduct as alleged could qualify as a Title IX violation. Matters not meeting the Title IX jurisdictional requirements will be dismissed for Title IX purposes and will proceed as a sexual/gender-based misconduct complaint if applicable.

2. The Title IX Coordinator may consolidate Title IX sexual harassment complaints or sexual/gender-based misconduct complaints when the allegations are against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondent, or by one (1) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

3. The University may dismiss a Title IX sexual harassment complaint or sexual/gender-based misconduct complaint upon notice from a complainant that s/he would like to withdraw the complaint, when the respondent is no longer enrolled, employed or affiliated with the University, or where there is insufficient evidence to reach a determination. Written notice of any dismissal and reasons for dismissal will be provided to both the complainant(s) and respondent(s). Either party may appeal the University's dismissal of a formal complaint.
D. Informal Resolution: At any time prior to a determination regarding responsibility, the parties may opt to participate in an informal resolution. The Office of Institutional Equity may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, as long as the parties provide their voluntary, written consent to the informal resolution process. Informal resolution is not available in cases where physical violence is alleged or where the complainant is a student and the respondent is an employee.

The University will not require the parties to participate in an informal resolution process. For purposes of Title IX sexual harassment, the University may not offer an informal resolution process unless a formal complaint is filed.

1. In order to facilitate the informal resolution process the University will provide the parties with:

   (a) A written notice disclosing the allegations;

   (b) The requirements of the informal resolution process including the circumstances under which the parties are prohibited from re-filing a formal complaint with respect to the same allegations; and

   (c) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. 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 grievance process with respect to the formal complaint.

E. Investigation: The Office for Institutional Equity will investigate all Title IX sexual harassment complaints and all sexual/gender-based misconduct complaints. Any party whose participation is invited or expected, will be provided written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Prior to completion of the investigative report, each party and the party’s advisor, if any, will receive, in an electronic format or a hard copy, the evidence collected by the investigator that is directly related to the allegations. The parties will have ten (10) business days to submit a written response to be considered by the investigator prior to completion of the investigative report.
After the elapse of ten (10) business days or receipt of the parties' written responses, whichever is longer, the investigator will issue an investigative report that fairly summarizes the investigation including relevant evidence. The investigator will not make any findings as to the credibility of the parties or witnesses nor will the investigator make a recommendation regarding whether a violation of this policy occurred.

**F. Hearings:** All hearings conducted pursuant to this policy will be live and in real time. No sooner than ten (10) business days after the issuance of the final investigative report, the University will conduct a hearing regarding the allegations of sexual harassment or sexual/gender-based misconduct. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University’s discretion or the request of a party, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At least ten (10) business days prior to the hearing the parties will be provided with the date, time and location of the hearing, access to or copies of the investigative file, and names of all witnesses expected to appear at the hearing. The parties will also be provided with the names of the hearing panelist(s) for review and to enable parties to raise any objections as to the panelist(s) objectivity.

At the conclusion of the hearing, the hearing panel will deliberate to determine if University policy was violated. The hearing panel will evaluate responsibility using a preponderance of the evidence standard. Decisions of the hearing panel will be by majority vote.

Within fifteen (15) days of the conclusion of the hearing, the hearing panel chair will notify the parties, Title IX Coordinator, and the applicable office as determined by the respondent’s status with the University, of the panel’s decision in the form of a written determination. The determination will be provided simultaneously to both parties.

The University reserves the right to conduct hearings during any official University breaks, including but not limited to the summer months.

**G. Advisors:** The complainant and respondent shall be provided with the same opportunities to have an advisor, of their choosing, present during any proceeding at which their presence is required or expected such as meetings with staff, the Investigator, informal resolution proceedings or hearings.
The advisor’s role in any meeting is limited to quietly conferring with their advisee through written or verbal communication.

During hearings, the advisor’s role is to ask the other party and any witnesses all relevant questions and follow up questions, including those challenging credibility. Cross examination of the opposing party MAY NOT be conducted by the parties themselves. If a party does not have access to an advisor, the University will provide one for the purpose of conducting cross examination on the party’s behalf.

Parties should notify the Office for Institutional Equity of their choice of advisor as soon as possible. Advisors are expected to follow the University’s rules of decorum throughout each stage of the grievance process. Failure to follow the rules of decorum will result in the advisor being barred from further participation in that stage of the process.

**H. Appeals:** Within ten (10) days following the Office of Institutional Equity’s dismissal of a Title IX formal complaint, a report or complaint of sexual/gender-based misconduct or the receipt of the hearing panel’s determination of responsibility, the parties will be provided with notice of their appeal rights which are dependent on whether the complaint was investigated as a Title IX sexual harassment complaint or a sexual/gender-based misconduct complaint.

1. If the matter was investigated as a Title IX sexual harassment complaint, either party may appeal only on the following bases:
   
   a. Procedural irregularity that affected the outcome of the matter;
   
   b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and
   
   c. The Title IX Coordinator, investigator(s), or hearing officer 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.

2. If the matter was investigated as a sexual/gender-based misconduct complaint, the parties will be notified of their appeal rights in accordance with applicable law.
Within ten (10) days of receipt of an appeal, the University will notify the non-appealing party that an appeal has been filed and provide both parties with the name of the individual hearing the appeal. Either party may raise objections as to the appeal officer(s)’ objectivity. Within a reasonable time, the appeal officer(s) will issue a written appeal decision describing the result of the appeal and the rationale for the result. The written appeal decision will be provided simultaneously to both parties.

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**Revision Dates**

[List revision dates here]

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**Subject Areas:**

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<th>Academic</th>
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This policy is adopted by the University of Memphis specifically to address sexual misconduct which includes the following offenses: dating violence, domestic violence, sexual assault, and stalking; and, to establish procedures for responding to incidents of sexual misconduct. Sexual misconduct is a form of sex discrimination prohibited by Title IX and the University of Memphis. The University is committed to eliminating any and all acts of sexual misconduct and discrimination on its campus. Any allegation of sexual misconduct as defined herein will be investigated and adjudicated according to this policy and in compliance with Title IX of the Education Amendments of 1972, Section 485(f) of the HEA, as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR § 668.41, §668.46, and Appendix A to Subpart D of Part 668.

These procedures are available for use by the following individuals and may apply to incidents occurring on or off campus:

1. Any employee or student who has been a victim of sexual misconduct, regardless of sexual orientation or gender identity/expression;
2. Any former employee or student who has been a victim of sexual misconduct if the conduct took place during the time of employment or enrollment at the University of Memphis and the conduct has a reasonable connection to the institution;
3. Any employee or student who has knowledge of an act of sexual misconduct against another employee or student in order to report such misconduct; and,
4. All third parties with whom the University has an educational
or business relationship who have been a victim of sexual misconduct when the conduct has a reasonable connection to the University.

Geographical Scope. This policy applies to employees and non-employee third parties who are alleged to have violated this policy regardless of the location of the incident. The University also has the discretion to discipline a student for an act that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which: (a) Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience; (b) Involves another member of the University community; or (c) Threatens, or indicates that the student may pose a threat to, the health or safety of him/herself or others or the security of any person’s property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault or misconduct, stalking, and theft.

Incidents that do not rise to the level of sexual misconduct may still be prohibited by other University policies. The University reserves the right to determine the appropriate policy under which to investigate complaints.

**RETALIATION** University of Memphis faculty, employees and students are strictly prohibited from retaliating, intimidating, threatening, coercing, or otherwise discriminating against any individual for exercising their rights or responsibilities under any provision of this policy. Retaliation will result in disciplinary measures, up to and including separation from the University. Anyone who believes they have been retaliated against because they have exercised their rights under this policy should immediately make a report to the Title IX Coordinator or the Office of Legal Counsel.

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**Definitions**

**Campus Security Authority** An official of an institution who has significant responsibility for student and campus activities, including, but not limited to,
student housing, student discipline, and campus judicial proceedings.

**Complainant**
The person who asserts that he/she has been subjected to sexual misconduct or upon whose behalf a third party has so indicated.

**Consent**
An informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep, unconscious, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or is under duress, threat, coercion, or force. Past consent does not imply past or future consent.

**Dating Violence**
Violence against a person when the complainant and respondent are dating, or who have dated, or who have or had a sexual relationship. “Dating” and “dated” do not include fraternization between two (2) individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to:

1. Inflicting, or attempting to inflict, physical injury on the complainant by other than accidental means;
2. Placing the complainant in fear of physical harm;
3. Physical restraint;
4. Malicious damage to the personal property of the complainant, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the complainant;
5. Placing a complainant in fear of physical harm to any animal owned, possessed, leased, kept, or held by the complainant.

**Domestic Violence**

1. Violence against a person when the complainant and respondent:
   a. Are current or former spouses;
   b. Live or have lived together as a spouse or intimate partner;
   c. Are related by blood or adoption;
   d. Are related or were formally related by marriage; or,
   e. Are adult or minor children of a person in a relationship described above.
2. Violence includes, but is not necessarily limited to:
   a. Inflicting, or attempting to inflict, physical injury on the complainant by other than accidental means;
   b. Placing the complainant in fear of physical harm;
   c. Physical restraint;
   d. Malicious damage to the personal property of the complainant, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the complainant; or,
   e. Placing the complainant in fear of physical harm to any animal owned, possessed, leased, kept, or held by the complainant. Matters involving non-intimate individuals, i.e. dormitory roommates who live together may, at the discretion of the University, be addressed by the Code of Student Rights and Responsibilities.

**Reporter**
A person who communicates a concern to a Mandatory Reporter regarding the occurrence of sexual misconduct. A reporter need not be a complainant.

**Respondent**
The person who has been accused of engaging in sexual misconduct.

**Mandatory Reporter**
A University employee who has the authority to redress sexual misconduct, who has the duty to report incidents of sexual misconduct, or whom a student could reasonably believe has this authority or duty. For purposes of this policy, the employees in the following list are specifically designated as Mandatory Reporters:

(1) President, Senior Vice President, Provost, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents; (2) Deans, Associate Deans, Assistant Deans, Directors, Associate Directors, Assistant Directors, Department Chairs/Heads; (3) Faculty and graduate teaching assistants; (4) Academic advisors; (5) Advisors for student organizations including volunteers; (6) Residence Hall/Housing staff including resident assistants; (7) Athletic coaches and trainers; (8) Employees who occupy a supervisory or management position, i.e. an employee who has the authority to hire, transfer, suspend, discharge or discipline employees or will have their recommendations given significant import; (9) Title IX Coordinator, Title IX Deputy Coordinators, and designees; (10) University Police; and, (11) Campus Security Authorities.
Sexual Assault

Nonconsensual sexual contact with the complainant by the respondent, or the respondent by the complainant when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the complainant, and the respondent knows or has reason to know at the time of the contact that the complainant did not or could not consent. “Sexual contact” includes, but is not limited to, the intentional touching of the complainant’s, the respondent’s, or any other person’s intimate parts, or the intentional touching of the clothing covering the immediate area of the complainant’s, the respondent’s, or any other person’s intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

Sexual Misconduct

For the purposes of this policy, “sexual misconduct” is defined as dating violence, domestic violence, stalking, and sexual assault. It may also include actions which would typically include sexual harassment.

Stalking

A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the complainant to feel terrorized, frightened, intimidated, threatened, harassed, or molested. “Harassment” means conduct directed toward the complainant that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the complainant to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

Title IX Coordinator

The Title IX Coordinator receives annual training on topics related to responding to or investigating allegations of sexual misconduct and is the University official responsible for overseeing the institution’s response to sexual misconduct reports and complaints, and for addressing any patterns or systemic issues identified by such reports and complaints. This official oversees and coordinates the University’s educational programs and training efforts for the University community with regard to sexual misconduct. The Title IX Coordinator conducts or oversees investigations and has the authority to implement all interim measures deemed appropriate. The Title IX Coordinator may delegate investigatory responsibility to Deputy Title IX
Coordinators who are also authorized to implement appropriate interim measures.

## Procedures

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<th>THE IMPORTANCE OF CONSENT/IMPACT OF ALCOHOL AND/OR DRUGS</th>
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<td>Although defined above, it is important for all to understand the significance of consent. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. For example, silence or an absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Parties should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn at any time. Being intoxicated does not diminish one’s responsibility to obtain consent. The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person similarly situated to the complainant and in consideration of the context of the behavior will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another’s ability to give consent. Being intoxicated or high is never an excuse for sexual misconduct.</td>
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<th>CONSENSUAL RELATIONSHIPS</th>
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<td>The prior existence of a consensual relationship does not preclude a complainant from filing a complaint alleging a violation of this policy. Circumstances change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policies. For more information regarding the University’s position on consensual relationships</td>
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IMMEDIATE ASSISTANCE AND PRESERVATION OF EVIDENCE

Safety. The University recognizes that deciding whether or not to report sexual misconduct (to the University and/or to the police) and deciding how to proceed if and when a report has been filed (including deciding whether and when to pursue a University complaint) can be a decision-making process that unfolds over time. Whatever steps a complainant ultimately decides to take, in the immediate aftermath of a sexual assault, domestic violence, dating violence or similar events, the most important thing is for the complainant to get to a safe place.

Seeking medical attention. When a feeling of safety has been achieved, the complainant should seek medical attention, regardless of his or her decision to report the crime to the police. It is very important for the complainant of sexual assault to seek medical attention immediately. Such screening, at the option of the complainant, may include screening for sexually transmitted diseases/pregnancy/date rape drugs, emergency contraception, and psychological comfort and counseling and treatment for any physical injuries. A complainant has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.

Physical evidence. Valuable physical evidence can be obtained from the complainant and the complainant’s clothing. A complainant should make every effort to save anything that might contain the offender’s DNA. Therefore, a complainant should not:

- Bathe or shower;
- Wash his/her hands;
- Brush his/her teeth;
- Use the restroom;
- Change clothes;
- Comb hair;
- Clean up the area where the incident took place; or
- Move anything the offender may have touched even if the complainant has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date should the complainant decide to prosecute.

Other evidence. Complainants of sexual misconduct are encouraged to preserve verbal, written and photographic evidence by saving notes, emails, text messages, instant messages, social networking pages, other communications,
pictures, logs or other copies of documents that might be useful to investigators.

**REPORTING SEXUAL MISCONDUCT**

The University of Memphis is committed to providing a variety of accessible means to encourage complainants to report incidents of sexual misconduct. In addition to making a report to the Responsible Parties as defined in the policy, a complaint can be filed directly with the following University offices:

**Title IX Coordinator**
Office of Institutional Equity
156 Administration Building (901) 678-2713
http://www.memphis.edu/oie/

**Office of Student Conduct**
359 University Center (901) 678-2298
studentconduct@memphis.edu
http://www.memphis.edu/studentconduct/

**University of Memphis Police Services**
109 Zach Curlin St. 678-4357
police@memphis.edu
http://www.memphis.edu/police/index.php

Members of the University community may also find information about the University’s policies and procedures related to sexual misconduct in the following University Offices:

**Vice President for Student Affairs**
235 Administration Building (901) 678-2114
student@memphis.edu
http://www.memphis.edu/studentaffairs/vpoffice/index.htm

**Dean of Students Office**
359 University Center (901) 678-2187
http://www.memphis.edu/studentlife/index.htm

**Human Resources**
171 Administration Building (901) 678-3573
http://bf.memphis.edu/hr/

**ALL MANDATORY REPORTERS, AS DEFINED IN THIS POLICY, HAVE A DUTY AND RESPONSIBILITY TO REPORT ANY INCIDENT OF SEXUAL MISCONDUCT THAT THEY RECEIVE OR OF WHICH THEY BECOME AWARE TO THE OFFICE FOR INSTITUTIONAL EQUITY. Even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual misconduct to the Title IX Coordinator or a Responsible Party. Public awareness events or other forums, including social media and class discussions, in which students disclose incidents of sexual misconduct are not considered reports or notice to the University of sexual**
misconduct for purposes of triggering its obligation to investigate any particular incident(s).

**DISCIPLINARY IMMUNITY FOR STUDENT COMPLAINANTS AND WITNESSES**

Anyone who is under the influence of alcohol or drugs during a sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary violations against a student (or against a witness) for his or her improper use of alcohol or drugs (e.g. underage drinking) if the student is making a good faith report of sexual misconduct. This practice only applies to amnesty from violations of the University’s Code of Student Rights and Responsibilities [http://www.memphis.edu/studentconduct/studenthandbook.htm](http://www.memphis.edu/studentconduct/studenthandbook.htm). It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law. Further, excluded from this grant of immunity are all students accused of encouraging or voluntarily participating in the sexual misconduct incident.

Employee actions will be evaluated on a case by case basis to determine whether any amnesty will be granted.

**CONFIDENTIALITY**

The University of Memphis encourages complainants to talk to somebody, particularly a Mandatory Reporter, about what happened so they can get the support they need and so that the University can respond appropriately. Though the University of Memphis will keep reports as confidential as possible, it cannot guarantee the confidentiality of every report or complaint. The provisions below detail the confidentiality options available to individuals.

**Confidential Resources.** The following resources hold statutorily protected confidentiality that prohibits the release of an individual’s information without that individual’s express consent (except under limited circumstances that pose an imminent danger to the individual or to others.):

Reports to the University’s Victim Services Coordinator or members of Memphis Advocacy, Resources and Support are confidential to the extent allowed by law.

Reports to professional licensed counselors (including the University’s Counseling Center) or to professional medical
healthcare providers (including the University’s Student Health Center) are confidential to the extent allowed by law.

Counselors and doctors will maintain confidentiality of any such reports unless required by law or court order to disclose information. For example, Tennessee’s mandatory reporting law related to abuse of minors, imminent harm to others, or subpoenas for testimony may require disclosure of all information received. Counselors and doctors affiliated with the University of Memphis may assist the complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. In some cases, providing requested assistance might require the counselor or doctor to reveal identifying information to other individuals. Written permission from the complainant to reveal the minimum information necessary to arrange requested assistance will be obtained prior to disclosure.

Any complainant who speaks to a counselor or doctor and chooses not to disclose the sexual misconduct or authorize a report to be made on their behalf must understand that a request for confidentiality may prevent the University from pursuing disciplinary action against the alleged respondent(s).

Non-confidential reports. Reports to a Mandatory Reporter will not be considered confidential but will be handled in as private a manner as possible. Even if a complainant wants to make a report, but maintain confidentiality, no guarantee of confidentiality can be made. The University will, however, use its best efforts to restrict access to information when allowable. Information reported to a Mandatory Reporter will be shared only with people associated with handling the University’s response to the report.

All reports of sexual misconduct made to University Police will be referred to the Title IX Coordinator for review and investigation even if the complainant declines to pursue criminal charges. The University shall not share personally identifiable information with law enforcement without the complainant’s consent, or unless the complainant has also reported the incident to law enforcement.

Parallel investigations with local law enforcement. Sexual misconduct may be criminal in nature, and a complainant may choose to file a report with law enforcement. Unless the
complainant of a sexual assault does not consent to the reporting of an offense, University Police shall immediately notify the Memphis Police Department of a report from the complainant alleging that any degree of rape has occurred on University property. In the case of an alleged rape, University Police will lead the investigation and will cooperate in every respect with the investigation conducted by the Memphis Police Department. T.C.A. § 49-7-129. If the complainant does not consent to the reporting, the University will not report the offense to the Memphis Police Department.

Requests for Confidentiality. If a complainant discloses an incident to a Mandatory Reporter but wishes to maintain confidentiality, or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will weigh that request against its obligation to provide a safe, non-discriminatory environment for all students, including the complainant. However, if the University honors the request for confidentiality, the complainant should understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged respondent(s) may be limited.

The Title IX Coordinator will evaluate requests for confidentiality once a Mandatory Reporter is on notice of alleged sexual misconduct. When weighing a complainant’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the increased risk that the alleged respondent could commit additional acts of sexual or other misconduct; whether there have been other sexual misconduct complaints about the same alleged respondent; whether the alleged respondent has a history of arrests or records from a prior school indicating a history of misconduct; whether the alleged respondent threatened further sexual misconduct or other misconduct against the complainant or others; whether the sexual misconduct was committed by multiple perpetrators; whether the sexual misconduct was perpetrated with a weapon; whether the complainant is a minor; whether the University possesses other means to obtain relevant evidence of the alleged sexual misconduct; or whether the complainant’s report reveals a pattern of perpetration at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary
actions. If none or only a limited number of these factors is present, the University will make best efforts to respect the complainant’s request for confidentiality.

If the University determines that it cannot maintain a complainant’s confidentiality, the Title IX Coordinator will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response.

A complainant will not be required to participate in any investigation or disciplinary proceeding.

**COMPLAINT RESOLUTION**

**Training of University parties.** All University employees or designees involved in the investigation or adjudication of alleged violations of this policy will receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking and the process for conducting an investigation and hearing that protects the safety of complainants and promotes accountability of members of the University community.

**Time Frames.** All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Every reasonable effort shall be made to conclude the investigation and resolve the complaint within sixty (60) calendar days following receipt of the complaint. Within this sixty (60) day time frame, it is expected that the Investigator will conclude the investigation, prepare a written report and finding, and notify the parties in writing of the determination. This timeframe does not include any appeal as the result of a request by either party. If an appeal hearing is requested, every reasonable effort shall be made to conclude the appeal process within thirty (30) days following the University’s receipt of the appeal request. If the Investigator or Hearing Officer determines that additional time is needed, both parties shall be notified in writing of the delay, the anticipated date that the investigation or hearing will be concluded, and the reasons for such delay. If either party determines that additional time is needed, that party shall request such in writing to either the Investigator (if no initial determination has been made) or Hearing Officer (if a request for hearing has been received by the institution). The written request for additional time shall include the reasons for the requested delay and the number of additional days needed. The Investigator or Hearing Officer shall make every reasonable effort to respond to the request within two (2) business days.
following receipt of the request and shall notify both parties in writing as to whether or not the request for additional time is granted.

**Information for Complainants and Respondents.** All proceedings will include a prompt, fair, and impartial investigation and result. Complainants and respondents will be treated with respect before, during, and after the conclusion of the process. The University shall provide the respondent and complainant equitable rights during the investigative and institutional hearing processes as further described in this policy.

**Advisors.** The complainant and respondent shall be provided with the same opportunities to have an advisor, of their choosing, present during any proceeding at which their presence is required such as meetings with staff, the Investigator, or hearings. The advisor’s role in any meeting or hearing is limited to quietly conferring with the complainant or respondent through written correspondence or whisper. The advisor may not address other participants or witnesses except for the hearing officer.

**Notifications.** The complainant and respondent will be simultaneously notified in writing of the result of the investigation, the institutional hearing, and any disciplinary matters, unless the complainant or respondent requests not to be informed of this information; the procedures for appeal by the respondent or the complainant of the result of the disciplinary proceeding; any change to the result of the disciplinary matter (appeal decisions); and when such results become final.

**Meeting/Information Access.** The complainant and the respondent shall be timely notified of all meetings which they are allowed or requested to attend and will be provided with timely access to any information that will be used during any disciplinary proceeding;

**Conflict of Interest.** All investigation, hearing, and disciplinary actions shall be conducted by officials who do not have a conflict of interest or bias for/ against the complainant or the respondent. Both the complainant and respondent may object to the objectivity of any University official involved in the resolution of the complaint by submitting written notice to the University’s Title IX Coordinator. It will be the responsibility of the Title IX Coordinator to determine if there is evidence that suggests that the concern is merited. In cases where the objectivity of the Title IX Coordinator is questioned, the complaint may be submitted to the University’s Office of Legal Counsel to determine if there is evidence to suggest that the concern is merited. If evidence of bias is found, the Title IX Coordinator (or Legal Counsel when the Title
IX Coordinator is the concerned party) will identify a suitable alternative University official to serve. Both complainant and respondent will be informed of any such actions.

**Interim Measures/Accommodations.** In situations that require immediate action to address safety or other concerns, the University will take any reasonable administrative action, through interim measures, that is appropriate. Interim measures may be applied to one, both, or multiple parties associated with the complaint. In such situations, the Investigator is responsible for implementing the interim measure(s) after consultation with the Title IX Coordinator and Legal Counsel. Complainants may also request interim measures as an accommodation. Examples of such interim actions include, but are not limited to:

- Restrictions on contact between the complainant and the respondent;
- Exclusion from areas of campus;
- Providing an escort to ensure that the complainant can move safely between classes, meeting and activities;
- Ensuring that the complainant and respondent do not attend the same classes or other necessary appearances;
- Moving the complainant or respondent to a different residence hall;
- Providing counseling services;
- Providing medical services;
- Providing academic support services such as tutoring;
- Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record.
- Student respondents may be placed on Interim Suspension under the appropriate circumstances pending the outcome of the investigation. [See University procedures involving Interim Suspension at: http://www.memphis.edu/studentconduct/studenthandbook.htm]
- In appropriate circumstances and consistent with University Human Resource policies, employee respondents may be placed on administrative leave pending the outcome of the matter.

**Investigation Procedures.** Because every case is different, the University will tailor each investigation to the specific facts of the case, which may include some or all of the following steps:

1. Complaints shall preferably be made by a written statement. This statement should include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names and
contact information of any witnesses. However, complaints made anonymously or by a third party will also be investigated to the extent possible.

2. If, after consultation with Legal Counsel, the Title IX Coordinator determines that the complaint contains an allegation of dating violence, domestic violence, sexual assault, or stalking, the Title IX Coordinator may appoint a qualified, sufficiently trained person to investigate the allegations made in the complaint.

3. The investigation shall include interviews with both the complainant and respondent, unless either declines an in-person interview. The investigation shall also include interviews with relevant witnesses identified by the complainant and respondent or any other relevant witness made known to the Investigator.

4. The investigation shall also include the gathering and review of any documentary, electronic, physical, or other type of relevant evidence.

5. It is the responsibility of the Investigator to weigh the credibility of all individuals interviewed and to determine the weight to be given to information received during the course of the investigation. The Investigator shall not consider any evidence about the complainant's prior sexual conduct with anyone other than the respondent. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

6. Upon completion of the investigation, the Investigator shall draft a written report that includes the allegations made by the complainant, or reporter if the complainant declined to participate in the investigation, the response of the respondent, and a summary of the investigation. The Investigator shall make a determination as to whether or not a violation of the University’s sexual misconduct policy has occurred. This determination shall be based on the preponderance of the evidence standard. The Investigator's determination and the justification shall be made in writing and provided simultaneously to the complainant and the respondent. The Investigator’s written report shall also contain a notice to both parties of their right to request an appeal of this determination that a policy violation did or did not occur.

**Appeal of Investigator Determination.** After the Investigator has rendered a determination, either party (complainant or respondent) has the right of appeal. In all appeals, the University will use a “preponderance of the evidence” standard and evaluate available information from the perspective of a reasonable person in the
complainant’s position and in consideration of the context of the behavior.

1. A party who desires to appeal the determination that a policy violation did or did not occur must make their appeal, in writing, within ten (10) business days of receipt of the Investigator's decision. The appealing part(ies) must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, the appropriate standard was not applied, and how this would change the determination in the case. If a request is not received within ten (10) business days, the Investigator's determination is final.

2. The appeal hearing will be held before a Hearing Officer. The University will make every effort to schedule a hearing within fifteen (15) business days from the date of appeal. There will be no formal discovery.

3. After the hearing, the Hearing Officer shall issue a written determination, within ten (10) business days, as to whether or not a violation of this policy occurred and the justification for the decision. The complainant and respondent (regardless of which party appealed the Investigator’s determination) shall be simultaneously notified of the Hearing Officer decision. The parties shall also be notified of their right to appeal the Hearing Officer decision to the President of the University.

**Appeal to the President.** Either party may appeal the Hearing Officer’s decision.

1. If either party chooses to appeal the Hearing Officer decision, the party shall notify the Title IX Coordinator in writing of their decision to appeal within ten (10) business days of receipt of the hearing officer’s decision. If a written request for appeal is not received within ten (10) business days, the decision of the hearing officer is final.

2. The appeal to the President shall not involve the presentation of new evidence or testimony of witnesses and shall be solely on the record.

3. Within a reasonable period of time, the President shall simultaneously notify the parties in writing of the decision and a justification for it.

The President’s decision as to whether or not a violation occurred is final and no further review of whether a policy violation has occurred is allowed.
INSTITUTIONAL DISCIPLINARY ACTION

Sanctions for a finding of responsibility include, but are not limited to, expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions. If the respondent is faculty or staff, the sanctions available include all disciplinary measures up to and including termination or de-tenure.

If a final decision has been made that a policy violation occurred, the respondent shall be referred for a determination of discipline. The appropriate University Office(s) will be determined by the status of the respondent. If the respondent is a student, the matter shall be referred to the Office of Student Conduct. If the respondent is an employee/faculty member, the matter shall be referred to Human Resources or Provost.

The complainant and respondent will be simultaneously notified in writing of the outcome of the disciplinary process (unless the complainant or respondent requests not to be informed of this information).

The complainant has the following rights at this stage of the process:

- The complainant shall receive sufficient notice of and be allowed to attend any further meeting or hearing during this process, with an advisor of their choice.
- The complainant shall be allowed to submit a written statement about the effect of the conduct on his or her well-being.
- The complainant shall be allowed access to any further evidence presented during any disciplinary meeting or hearing.

The Title IX Coordinator or designee shall be appointed as the complainant's contact person for any questions or assistance during the disciplinary process.

THE UNIVERSITY’S COMMITMENT

Campus Wide Environment. The University is concerned about the effect of sexual misconduct for all members of its community. Therefore, if a final decision has been made that a policy violation occurred, the Title IX Coordinator or designee shall determine any remedies necessary to address the campus-wide environment.

Education and Prevention Programs. In furtherance of its commitment to preventing sexual misconduct within the
University community, the University of Memphis will engage in comprehensive educational programming to prevent sexual misconduct and increase awareness. More information about the University’s programs can be found at Office for Institutional Equity.

**Sexual Assault Response Team.** The Sexual Assault Response Team (SART) is a multidisciplinary team of University employees who support students affected by sexual violence by assessing and addressing their needs. The mission of SART is to provide services that ensure a transition from victim to survivor for every individual whose life is impacted by sexual violence. The SART members can provide a survivor with many supportive options including counseling, medical attention, judicial services, advocacy, law enforcement, referrals, and general information regarding sexual violence.

**Assistance and Resources for Complainants of Sexual Misconduct.** Regardless of whether a complainant elects to pursue a criminal complaint, the University of Memphis will assist complainants of sexual misconduct and will provide each complainant with a written explanation of her/his rights as a member of the University community. The University of Memphis does not publish the name of crime victims nor maintain identifiable information regarding victims in the Daily Crime Log or in the release of timely warnings.

**Tennessee Legal Rights.** Additionally, in the Tennessee court system, a victim of domestic violence, dating violence, sexual assault and stalking has the following rights: the right to confer with the prosecution, right to be free from intimidation, harassment and abuse throughout the criminal justice system, the right to be present at all proceedings where the defendant has the right to be present, the right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly, the right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person, the right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence, the right to restitution from the offender and the right to be informed of each of the rights established for victims. Information related to these rights may be found at [http://www.tndagc.com/vr.htm](http://www.tndagc.com/vr.htm).
**Protective Orders.** Protection from abuse orders may be available through [http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms](http://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms) and additional information related to such orders may be found at [http://tncoalition.org/resources/legal-resources.html](http://tncoalition.org/resources/legal-resources.html). Also, in Shelby County complainants may contact the Orders of Protection Department (aka Citizen’s Disputes) at 901.222.4013 for help with obtaining orders of protection. In Jackson, complainants may obtain orders of protection in Madison County Chancery Court at 731.426.6030 or Madison County General Sessions Court at 731.426.6128.

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**Revision Dates**

UM1786 - September 23, 2015
GE2031 supercedes UM 1786

**Subject Areas:**

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APPENDIX D

DEFINITIONS OF CRIMES FOR CLERY ACT STATISTICS REPORTS

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

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

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

**Criminal Homicide.** These offenses are broken up into two categories, Murder and Nonnegligent Manslaughter (willful (nonnegligent) killing of one human being by another), and Manslaughter by Negligence (killing of a person through gross negligence).

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

1. The existence of such a relationship shall be based on the reporting party’s statement and with consideration to the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition –
   a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   b. Dating violence does not include acts covered under the definition of domestic violence.

**Destruction/Damage/Vandalism of Property.** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
**Domestic Violence.** A felony or misdemeanor crime of violence committed –
1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**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.

**Hate Crime.** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For purposes of the Clery Act, the categories of bias that might serve as a basis for determination that a crime is a hate crime would include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

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

**Larceny.** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

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

**Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle.
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.

Sexual Assault. An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based 28 Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

1. Rape is defined as 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.
2. Fondling is defined as the touching of the private body parts of another person for the purposes 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.
3. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory rape is defined as 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.

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
   a. Fear for the person's safety or the safety of others; or
   b. Suffer substantial emotional distress.
2. For the purposes of this definition –
   a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property.
b. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

c. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
APPENDIX E

CERTAIN DEFINITIONS UNDER TENNESSEE LAW

The University’s local jurisdiction uses the Tennessee Code Annotated (TCA) to define criminal offenses. The following definitions are provided for the educational benefit of the campus community and are not used for Clery Act reporting purposes.

Consent. The State of Tennessee does not have a definition of consent. The University defines consent in its Interim Sexual Harassment & Sexual/Gender-Based Misconduct Policy as:

“[A]n informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon activity. Consent cannot be given by an individual who is asleep; unconscious; or incapacitated, either through the effect of drugs/alcohol or for any other reason; or is under duress, threat, coercion, or force. Past consent does not imply present or future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.”

Dating Violence. TCA does not define dating violence. A person in a dating relationship would fall under domestic assault as defined in TCA § 39-13-111.

Domestic Violence. TCA does not define domestic violence. However, TCA § 39-13-111 defines Domestic Assault and Domestic Abuse Victim as follows:

Domestic Abuse Victim. 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 (2) 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 1-5 above.
7. A person commits domestic assault who commits an assault as defined in § 39-13-101 against a domestic abuse victim.
**Assault (TCA 39-13-101).** 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.

**Sexual Assault.** TCA does not specifically define sexual assault, but defines several crimes under Sexual Offenses including:

**Rape (TCA § 39-13-503).** Unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

1. Force or coercion is used to accomplish the act;
2. The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
4. The sexual penetration is accomplished by fraud.

**Sexual Battery (TCA § 39-13-505).** Unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

1. Force or coercion is used to accomplish the act;
2. The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;
3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
4. The sexual contact is accomplished by fraud.
5. As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

**Statutory Rape (TCA § 39-13-506).** Unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

1. The victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or
2. The victim is at least fifteen but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim.

**Incest (TCA § 39-15-302).** A person who engages in sexual penetration as defined in 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 defines several other sexual offenses, which can be found in TCA code sections 39-13-501 through 39-13-511.

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

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

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

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

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

1. Following or appearing within the sight of that person;
2. Approaching or confronting that person in a public place or on private property;
3. Appearing at that person's workplace or residence;
4. Entering onto or remaining on property owned, leased, or occupied by that person;
5. Contacting that person by telephone;
6. 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, websites, or a social media platform; or
7. Placing an object on, or delivering an object to, property owned, leased, or occupied by that person.

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

**Aggravated stalking.** A person commits aggravated stalking who commits the offense of stalking as prohibited, and
1. In the course and furtherance of stalking, displays a deadly weapon;
2. The victim of the offense was less than eighteen years of age at any time during the person's course of conduct, and the person is five or more years older than the victim;
3. Has previously been convicted of stalking within seven years of the instant offense;
4. Makes a credible threat to the victim, the victim's child, sibling, spouse, parent or dependents with the intent to place any such person in reasonable fear of death or bodily injury; or
5. At the time of the offense, was prohibited from making contact with the victim under a restraining order or injunction for protection, an order of protection, or any other court-imposed prohibition of conduct toward the victim or the victim's property, and the person knowingly violates the injunction, order or court-imposed prohibition.

**Especially aggravated stalking.** A person commits especially aggravated stalking who:
1. Commits the offense of stalking or aggravated stalking, and has previously been convicted of stalking or aggravated stalking involving the same victim of the instant offense;
2. Commits the offense of aggravated stalking, and intentionally or recklessly causes serious bodily injury to the victim of the offense or to the victim's child, sibling, spouse, parent or dependent; or
3. Commits the offense of stalking or aggravated stalking, the person is eighteen (18) years of age or older, and the victim of the offense was less than twelve (12) years of age at any time during the person's course of conduct.