



UNIVERSITY OF MEMPHIS

**ANNUAL CAMPUS  
SECURITY AND  
FIRE SAFETY  
REPORT  
2022**



## PURPOSE OF CLERY ANNUAL SECURITY AND FIRE SAFETY REPORT

In 1990 the Crime Awareness and Campus Security Act was created to honor the memory of Jeanne Clery who lost her life due to the crime of another student. In 1998 the law was later renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), also referred to as the Clery Act, to honor Jeanne's memory.

As such, the Clery Act is a consumer protection law geared toward providing transparency about campus crime statistics and campus safety policies. Among other things, the Clery Act requires all colleges and universities that participate in federal student aid programs to disclose information each year to the United States Department of Education related to the occurrence of crime on campus. To accomplish this goal, specific campus policies, as well as criminal and fire incident statistics are published in the form of this Annual Security and Fire Safety Report (ASFSR) for those situations that occur on or within specific University of Memphis campus geography.

The Office of Business Continuity & Risk Management in cooperation with Police Services, the Office of Institutional Equity (OIE) and Student Accountability collects and compiles statistics of Reported Crimes from Campus Security Authorities (CSAs) and local law enforcement for the University's Annual Security & Fire Safety Report.

Police Services ensures that the Annual Security Report(s) are linked to University of Memphis websites to provide access and information to current and prospective students and employees as well as the general public. Hard copies of the ASFSR are retained in Police Services Dispatch and Administration, as well as the Offices of Business Continuity & Risk Management and are available upon request.

Additionally, the Crime log and Fire Incident log are maintained at Police Services Dispatch and can be viewed during normal business hours (Monday through Friday from 8:00 a.m. to 4:30 p.m.).

## 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).

NOTE: A list of reportable Clery Crimes can be found in Appendix C of this Report.

The University's ASFSR 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).

**Non-Campus 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 ASFSR 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 the University Police Services website at [memphis.edu/police/pdf/annualsecurityfire.pdf](http://memphis.edu/police/pdf/annualsecurityfire.pdf). 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 from 8:00 a.m. to 4:30 p.m., Monday through Friday in the Police Services Dispatch office in the Zach Curlin Garage, located at 505 Zach Curlin. An online log of crimes is also available at [memphis.edu/police/incidents/](http://memphis.edu/police/incidents/)

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 at [memphis.edu/police/incidents/confidential.php](http://memphis.edu/police/incidents/confidential.php)

## LAW ENFORCEMENT AND JURISDICTION

### Who are we? – University Police

Beginning in 1990, 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 41 commissioned officers who meet the same employment and training requirements as all other police officers and deputy sheriffs in Tennessee under the following provisions of Tennessee Code Annotated: TCA 38-3-103 – Duty to Arrest, TCA 38-8-106 – Qualifications of Police Officers, TCA 40-7-101 – Arrest Authority (Persons by Whom Arrest Made), TCA 40-7-106 – Notice of Authority and Grounds for Arrest and TCA 49-7-118 – Police and Other Law Enforcement Officers

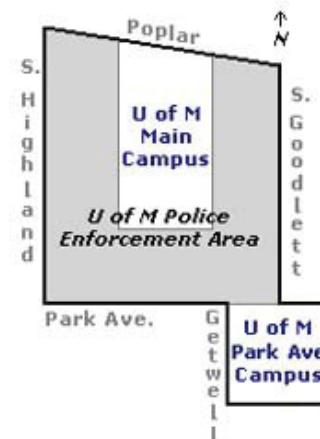
In addition to police, the University uses contract and in house security on its main campus, Park Avenue campus, Millington Center, Collierville Center, the Cecil C. Humphreys School of Law and at Lambuth in Jackson, Tenn. The security officers report to, and maintain communications with, Police Services and perform under provisions of TCA 49-7-118.

### What do we do? – Services & Partnerships

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 eight years, the University continuously has one of the lowest incident rates among the ten largest universities in the state. In 2021 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 concentrated "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, Tenn., also have Enforcement powers in the areas around campus based on a written mutual assistance agreement with the Jackson Police Department.



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 (Greeks, student religious organizations, et al.) for inclusion in the applicable crime report.

In two specific situations, Police Services is required by state law to investigate with the MPD or JPD.

1. 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).
2. 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:

Emergency: 901.678.4357 Email:

## 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 not to or is physically 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, seven 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 email at [memphis.edu/police/index.php#contact](http://memphis.edu/police/index.php#contact) or through the LiveSafe smartphone app or anonymously using the Silent Witness program at the following website: [memphis.edu/police/incidents/confidential.php](http://memphis.edu/police/incidents/confidential.php). If victims do not report to Police Services, they are encouraged to contact their local law enforcement agency. A list of all Shelby County law enforcement agencies is provided on the Police Services website at [memphis.edu/police/safety/links.php](http://memphis.edu/police/safety/links.php).

At the Lambuth campus in Jackson, Tenn., 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 email at: [lambuthpolice@memphis.edu](mailto:lambuthpolice@memphis.edu).

Links to the Jackson Police and Madison County Sheriff are also found on our website at [memphis.edu/police/safety/links.php](http://memphis.edu/police/safety/links.php).

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.

Additionally, Police Services does have an Office of Victim Services in Clement Hall rooms 122 and 124, phone 901.678.4471 or email: [victimservices@memphis.edu](mailto:victimservices@memphis.edu) which is 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).

## TIMELY WARNINGS

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

## 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 unnecessary delays. Employees with authority to send emergency notifications, however, can amend the content of the message if they 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:

- LiveSafe smartphone app which delivers SMS messages, push notifications and emails to mobile phones
- Mass email to the University email 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 & 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 available at [memphis.edu/crisis/pdf/crisis\\_mgmt\\_plan.pdf](http://memphis.edu/crisis/pdf/crisis_mgmt_plan.pdf). The University also publishes guides which provide summaries of emergency response and evacuation procedures, available at: [memphis.edu/crisis/emergency\\_info.php](http://memphis.edu/crisis/emergency_info.php).

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.

Environmental Health & Safety conducts yearly drills to train personnel and evaluate the adequacy of the University's plan. The University may also conduct 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 Chief Financial Officer for submission to the President's Council. The University's emergency operation plan is also reviewed and updated, if necessary, after any 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.
- Personnel 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.
- Personnel 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. 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 Access and Use of Campus Property and Facilities Policy-BF4022 can be found at [memphis.policytech.com/dotNet/documents/?docid=455&public=true](http://memphis.policytech.com/dotNet/documents/?docid=455&public=true).

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 at [memphis.edu/reslife/](http://memphis.edu/reslife/).

Some buildings and residence halls require a valid card swipe or key fob for entry according to Policy GE2009 -Building Access/Key Control, which can be viewed at [memphis.policytech.com/dotNet/documents/?docid=470&public=true](http://memphis.policytech.com/dotNet/documents/?docid=470&public=true).

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 for authorized faculty, staff or admit persons approved by a department head or instructor by submitting a Classroom Access Form at: [memphis.edu/police/pdf/bldgaccess.pdf](http://memphis.edu/police/pdf/bldgaccess.pdf). 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 by phone at 901.678.2699 or through online work order at [umwa.memphis.edu/forms/index.php/worq](http://umwa.memphis.edu/forms/index.php/worq).

## Security Cameras

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 due to a natural or man-made disaster event. Police Services, in conjunction with the Dean of Students, Chief Health & Safety Officer, is responsible for implementation of this procedure. Police Services has the authority to select, coordinate, operate, manage and monitor all campus video surveillance equipment pursuant to this procedure. All residence halls have camera coverage. Camera coverage in other buildings, garages or areas is based upon continual security assessments.

## **Blue Light Phones**

The UofM's campus features 30+ "safety phones" at terminals marked with blue lights. These phones dial directly to Police Services. The University's official Campus Map noting Blue Light phone location is available at [map.memphis.edu](http://map.memphis.edu).

## **Panic Alarms**

Panic Alarms are located at a variety of university facilities. These alarms are provided to locations at which monetary transactions are conducted, have a high potential for disturbances or threatening activity or large numbers of students and/or employees are present. These alarms are transmitted directly to Police Services and officers respond appropriately.

## **CPTED Security Assessment**

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.

## **Residence Halls**

Housing and Residence Life provides oversight for eight different communities, including Graduate and Student Family Housing for the University of Memphis main campus and for residential living at the Lambuth campus in Jackson, Tenn.

Staffing for each residence hall consists of one full-time, live-in hall director; at least one live-in assistant hall director; and one resident assistant per floor. The university currently employs seven Professional Staff member that provide oversight for each residential facility in addition to 50 Resident Advisors. Each residence hall lobby desk is staffed 24 hours a day by University Housing personnel whenever the residence hall is open, including during university breaks.

## **Visitation and Guests**

Residents and their guests are required to conform to the visitation hours and procedures established on the floor, hall or area in which they live or are visiting. During times when guests are permitted, a desk sign-in and sign-out procedure is required in all halls except for Carpenter Complex and Park Ave. Apartments/GSFH. Residents will use their hall or area lobby desks as check-in points for themselves and their guests. Visitation hours for guests to the residence hall start at Noon and end at Midnight during the week (Sunday through Thursday) and 2:00 a.m. on Fridays and Saturdays. A maximum of two guests per resident in traditional halls and five total guests per apartment/townhouse are permitted at any one time unless an exception is approved by the Department of Housing and Residence Life. Cohabitation is prohibited; only the resident(s) assigned to a room may live there. Residents may have overnight guests of the same sex for a maximum of three nights per semester. A request must be submitted five (5) days in advance to the Residence Life Coordinator of the building. Unauthorized guests may result in a charge of rent assessed to the resident's account equal to the stay of the guest. Residents must escort their guest(s) at all times, including in public unsecured areas of the residence halls. Residents of a room may be held responsible for the behavior that takes place inside the room or in the common areas of the residence or residence hall, whether or not the residents are present.

## **Safety**

The University is committed to providing a safe and secure environment for all of its residents. However, this requires a collaborative effort between the University and each resident. Each resident has a responsibility to adhere to principles of personal and community safety standards to ensure the well-being of all.

## **Ingress and Egress**

Residence hall room doors have either deadbolt locks or are card access. If a key is lost or misplaced, the room's lock is recoded, and new keys are issued. Residents are urged to keep their doors locked at all times. During periodic inspections, residence hall staff remind students to lock their doors. All windows are equipped with locking devices, or in the newer residence halls are non-operable. Door viewers have been installed in all student room doors. At the beginning of each semester, floor meetings are held to discuss safety and security issues. Educational programs are presented periodically in the halls to increase residents' awareness of safety and the steps they may take to improve their personal safety. Such program topics include self-defense, operation ID and sexual assault. Select campus residences remain open over university breaks. The halls that remain open may vary from year to year. All other halls are closed. Staff members conduct regular tours and inspections of these halls.

Propping or altering a door to prevent the door from latching is prohibited. Using or tampering with any door equipped with an alarm or the use of any emergency exit at any time other than an emergency is not permitted. Students are required to maintain possession of their keys and may not give them to any other person. Lost keys must be reported immediately, and appropriate charges will be assessed. Bicycles may be stored in racks outside of the buildings. They may not be stored or chained in stairwells, access ways or public areas. They may not be attached to any area other than designated bicycle racks. Bicycles may be stored in resident rooms as long as they are not impeding the flow of foot traffic in the room. For more information on University Housing, visit [memphis.edu/reslife/pdf/housingpolicies2021.pdf](http://memphis.edu/reslife/pdf/housingpolicies2021.pdf).

## **Fire Safety (see Emergency Response and Evacuation Procedures section – policies)**

Immediate evacuation when an alarm sounds, and/or emergency flashing lights have been activated and/or when instructed to do so by appropriate hall staff is mandatory. Re-entry into a building before receiving confirmation from appropriate hall staff or other emergency personnel is prohibited. Re-entry is prohibited while the alarm is sounding. For safety reasons, using an elevator to evacuate a building is also prohibited. Using or tampering with any door equipped with an alarm or the use of any emergency exit at any time other than an emergency is not permitted. Tampering with any safety device is not permitted. Safety devices include, but are not limited to locks, fire alarms, smoke detectors and fire extinguishers. Fire extinguishers must not be removed from their hangers except for use in the case of fire. Heat-producing cooking appliances without an automatic shut-off feature are prohibited in University housing.

Cooking must be done in designated areas of the halls. Residents may not leave cooking unattended and must maintain control over cooking at all times. Residents must clean up area following use. Smoking of any kind is prohibited in University housing. This includes the use of e-cigarettes and vaping devices. Possessing or using any device which produces an open flame or noxious odor is prohibited. These include, but are not limited to, candles, incense or potpourri. Outdoor grills are not permitted in, on or around the property with the exception of designated areas at the Park Ave. Campus. Residents are prohibited from installing air conditioners or ceiling fans in their rooms. Residents are prohibited from plugging AC units into any other outlet not designed specifically for the unit. Open coil space heaters are also prohibited.

## **Alcoholic Beverages and Containers (see Alcohol and Illegal Drugs section - policies)**

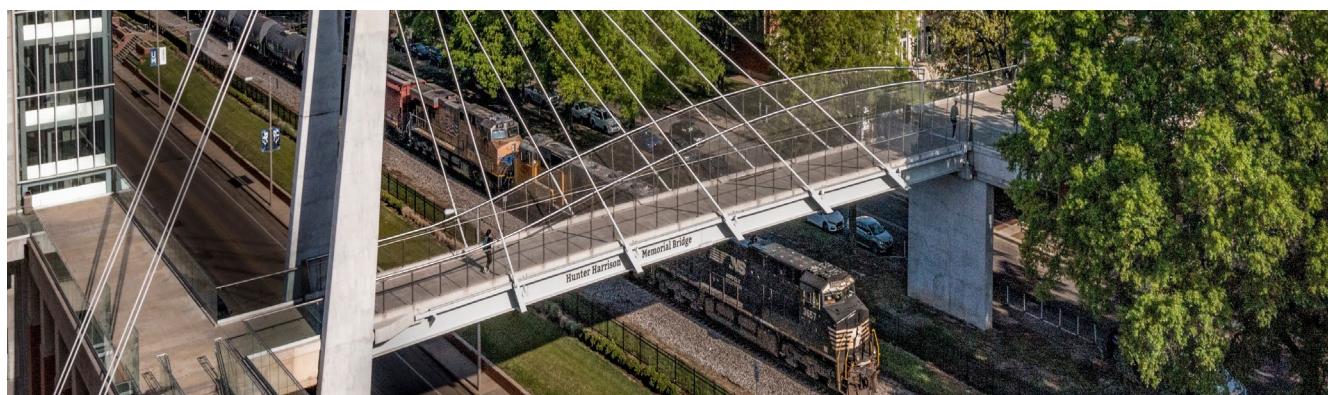
The use and/or possession of alcoholic beverages or the presence of alcoholic containers is prohibited in University housing.

## **Drugs and Other Controlled Substances (see Alcohol and Illegal Drugs section – policies)**

The unlawful possession, use or sale of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic, hallucinogenic drug or marijuana) is prohibited. This offense includes the violation of any local ordinance, state or federal law concerning drugs or controlled substances in University housing.

## **Sorority and Fraternity Housing**

The University sorority and fraternity student organization community is composed of 24 national fraternal organizations. These 24 University sorority and fraternity organizations are housed off campus. Housing for each chapter varies and offers both single and double rooms, with varying bathroom and shower facilities. Fraternity and Sorority Affairs, operating under the Office of Student Leadership & Involvement coordinates the activities of the house corporations that supervise housing in sorority and fraternity houses. All housing assignments are at the discretion of the individual chapters. Residents must be members of the chapter and enrolled in the University. All areas except individuals' rooms and chapter rooms are considered public areas. Each chapter maintains its own security polices for all non-public areas. Each fraternity or sorority has a Housing Corporation that oversees housing agreements. The Housing Corporation of each fraternity or sorority and is ultimately responsible for the security of the house. The exterior doors of the houses are secured with a lock device. Monthly inspections and tests of the emergency lights, exit signs and fire extinguishers are conducted by EHS at the sororities in Carpenter Complex. Sorority fire drills are conducted once a quarter in the Carpenter Complex.



## **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 workstations and departments.

The University provides safety awareness brochures via the Police Services website 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 also encouraged to read and understand the Code of Student Rights and Responsibilities, which includes additional security awareness information. Safety Brochures and Code of Student Rights and Responsibilities can be found at [memphis.edu/police/safety/brochures.php](http://memphis.edu/police/safety/brochures.php).

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.

## Security Considerations Used in the Maintenance of Campus Facilities

The University of Memphis Physical Plant maintains campus facilities, grounds and landscaping in a manner to promote safety. Lighting surveys are conducted in conjunction with the University Neighborhood Development Corporation and the University of Memphis Design Collaborative. Periodically, a lighting survey is performed by a group of campus representatives in conjunction with UMPD. The University also works cooperatively with the Tennessee Higher Education Commission to conduct Crime Prevention Through Environmental Design (CPTED) analysis for campus safety, security and access control. Based on results of past surveys, significant improvements in outdoor lighting and placement of emergency blue-light telephones have enhanced safety and security. Members of the University community are encouraged to report any deficiency in lighting (e.g., dim, obstructed or non-operational lighting) or other potentially unsafe physical conditions to Facilities Services at 901.678.4357 or using the LiveSafe app. Reporting is available 24/7/365.

Police Services and contracted Security personnel also perform patrols or security services for non-residential university facilities. Other than the Cecil C. Humphreys School of Law located in downtown Memphis, most buildings do not have officers exclusively assigned to them. Facilities are typically open to students, faculty and during normal business hours.

## 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.

### 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 determine 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.



## ALCOHOL AND ILLEGAL DRUGS

### Overview

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 at:

[memphis.edu/osa/pdfs/dfsc-act-annual-notification.pdf](http://memphis.edu/osa/pdfs/dfsc-act-annual-notification.pdf)

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 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:

[memphis.edu/osa/pdfs/dfsc-act-annual-notification.pdf](http://memphis.edu/osa/pdfs/dfsc-act-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 at [memphis.edu/osa/pdfs/dfsc-act-annual-notification.pdf](http://memphis.edu/osa/pdfs/dfsc-act-annual-notification.pdf) (included in this report as Appendix E).

## **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 allegations of sexual harassment and sexual/gender-based misconduct occurring on or after August 14, 2020.

The University's Interim Sexual Harassment & Sexual/Gender-Based Misconduct Policy 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 investigates 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 violence, 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 accountability.



## 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 explanation 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](mailto:oie@memphis.edu)

- University Police Services

Main Campus: 100 Zach Curlin Parking Garage

901.678.HELP (emergency) | 901.678.3848 (non-emergency) | [police@memphis.edu](mailto:police@memphis.edu)

Lambuth Campus: 731.425.1942 (emergency | [lambuthpolice@memphis.edu](mailto:lambuthpolice@memphis.edu)

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

- Office of Legal Counsel 201

Administration Building

901.678.2155 | [legal@memphis.edu](mailto: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 (911). 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 is 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**

**[shelbycountytn.gov/737/Crime-Victims-Rape-Crisis-Center](http://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 their 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 County**

**1750 Madison Avenue Suite 600**

**Memphis, TN 38104**

**901.222.4400**

**24-HOUR CRISIS LINE 901.800.6064**

**[familysafetycenter.org/](http://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.

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 services, 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 a number of resources that are available to victims of sexual offenses:

### **University Resources**

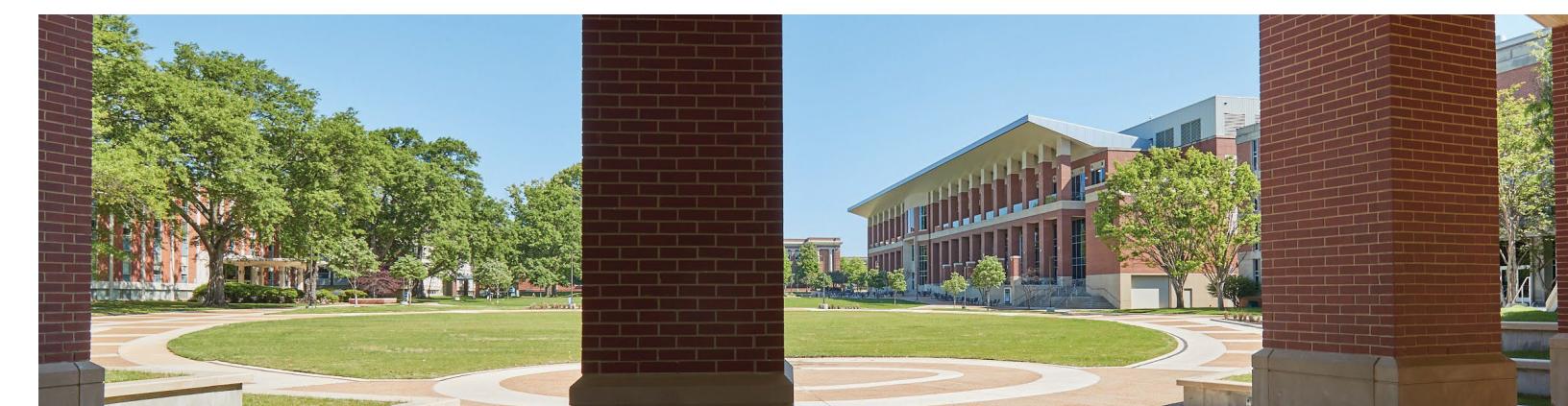
- Office of the Dean of Students • 901.678.2187  
University of Memphis Counseling Center • 901.678.2068  
Office of Student Accountability, Outreach & Support • 901.678.2298  
University of Memphis Police Services • 901.678.4357  
Office of Victim Services • 901.678.4471  
Student Health Center • 901.678.2287  
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 • 800.289.9018 (24-Hour State-Wide Hotline)  
Memphis Crisis Center • 901.274.7477

### **Other Helpful Resources**

[memphis.edu/oie/resources/1819-oie-479\\_2018\\_sexual\\_misconduct\\_resource\\_sheet.pdf](http://memphis.edu/oie/resources/1819-oie-479_2018_sexual_misconduct_resource_sheet.pdf)



## 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 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.

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 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 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 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 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
- 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 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.

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
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 1,200 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 10 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 is not
- 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, seven 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 at: [tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html](http://tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html)

## 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 Marshall'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, from 8:00 a.m. to 4:30 p.m.).

## FIRE SAFETY EQUIPMENT

Centennial Place, Rawls Hall, Smith Hall, South Hall and the Living Learning Center (LLC) 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 & 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 simulation.

University Housing	Fire Drills 2021
Centennial Place	2
Rawls	2
Smith	2
LLC	2
South	1
Carpenter Complex	24
Carney Johnston (Lambuth)	2

## 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 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. If it is not hot, open cautiously, bracing yourself against it to 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 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.

## FIRE ALARM EVACUATION PROCEDURE (cont.)

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.

See Policy HR5066 on Limited Tobacco Use – Campus at [memphis.policytech.com/dotNet/documents/?docid=560&public=true](http://memphis.policytech.com/dotNet/documents/?docid=560&public=true).

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 evaluate 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.

## APPENDIX A

Total Crimes Reported For:	The University of Memphis Campus						Non-Campus Building or Property			Public Property		
	2019		2020		2021		2019	2020	2021	2019	2020	2021
	Res.	Total	Res.	Total	Res.	Total						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	2	0	0	2	2	0	0	0	0	0	0
Fondling	2	6	0	0	3	5	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	2	0	0	0	0	0	1	1	1
Aggravated Assault	5	5	0	4	7	8	0	0	0	1	0	0
Burglary	12	14	8	14	8	9	0	0	3	0	0	0
Motor Vehicle Theft	0	8	0	5	0	9	0	0	0	1	1	1
Arson	1	1	0	0	0	0	0	0	0	0	0	0
Domestic Violence	9	13	10	14	9	15	0	0	1	1	0	1
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	1	6	0	1	2	4	0	0	0	0	0	0
Liquor Law Arrests	0	1	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Referral	14	14	59	59	32	32	1	0	1	0	0	0
Drug Law Arrests	7	9	4	6	3	7	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Referral	67	69	34	37	16	17	0	0	0	0	0	0
Illegal Weapons Possession Arrests	1	3	1	1	1	6	0	0	0	1	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Referral	1	1	0	0	3	7	0	0	0	0	0	0

Res. = Residence Halls

Total includes Res Halls

Total Crimes Reported For:	Collierville Center			Public Property		
	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Referral	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Referral	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Referral	0	0	0	0	0	0

Total Crimes Reported For:	Millington Center			Public Property		
	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Referral	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Referral	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Referral	0	0	0	0	0	0

Total Crimes Reported For:	School of Law - 1 North Front Street			Public Property		
	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	1
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Referral	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Referral	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Referral	0	0	0	0	0	0

Total Crimes Reported For:	The University of Memphis Lambuth Campus				Non-Campus Building or Property			Public Property				
	2019		2020		2021		2019	2020	2021	2019	2020	2021
	Res.	Total	Res.	Total	Res.	Total						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	1	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	2	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Referral	2	2	2	2	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Referral	0	0	0	0	3	3	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Referral	0	0	0	0	0	0	0	0	0	0	0	0

Res. = Residence Halls

Total includes Res

Halls

Bias/Hate Crimes Reported For:	The University of Memphis Campus				Non-Campus Building or Property			Public Property				
	2019		2020		2021		2019	2020	2021	2019	2020	2021
	Res.	Total	Res.	Total	Res.	Total						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0

Res. = Residence Halls

Total includes Res

Bias/Hate Crimes Reported For:	Collierville Center			Public Property		
	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0

Bias/Hate Crimes Reported For:	Millington Center			Public Property		
	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0

Bias/Hate Crimes Reported For:	School of Law - 1 North Front Street			Public Property		
	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0

Bias/Hate Crimes Reported For:	The University of Memphis Lambuth Campus						Non-Campus Building or Property			Public Property		
	2019		2020		2021		2019	2020	2021	2019	2020	2021
	Res.	Total	Res.	Total	Res.	Total	Res.	Total	Res.	Res.	Total	Res.
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0

Res. = Residence Halls

Total includes Res  
Halls

	Total Fires in the Housing Facility			Cause of Fire			Number of Injuries that Required Treatment at a Medical Facility			Number of Deaths Related to a Fire			Value of Property Damage Caused by Fire		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021	2018	2019	2020
Centennial Place	1	0	0	Unintentional-Smoking materials	N/A	N/A	0	0	0	0	0	0	\$500,000	\$-	\$-
Mynders	0	0	0	N/A	N/A	N/A	0	0	0	0	0	0	\$-	\$-	\$-
Rawls	0	0	0	N/A	N/A	Unintentional Cooking	0	0	0	0	0	0	\$-	\$-	\$0
Smith	0	0	0	N/A	N/A	N/A	0	0	0	0	0	0	\$-	\$-	\$-
LLC	1	1	0	Intentional-Paper Burned	N/A	N/A	0	0	0	0	0	0	\$-	\$-	\$-
South	0	0	0	N/A	N/A	N/A	0	0	0	0	0	0	\$-	\$-	\$-
Carpenter Complex	0	0	0	N/A	N/A	Unintentional-Cooking	0	0	0	0	0	0	\$-	\$-	\$400
Student Family Housing	0	0	0	N/A	N/A	N/A	0	0	0	0	0	0	\$-	\$-	\$-
Carney Johnston (Lambuth)	0	0	1	N/A	Unintentional Mechanical	N/A	0	0	0	0	0	0	\$-	\$1,000	\$-

## APPENDIX B

**The University of Memphis POLICIES**  
**GE2039 - Interim Sexual Harassment & Sexual/Gender-Based Misconduct**  
**Policy Issued: 08/14/2020**  
**Responsible Official: Chief Compliance Officer**  
**Responsible Office: Office for Institutional Equity**

## 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 cohabitating 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
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 Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail or by submission to the official University complaint reporting system.

### **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.

### **Incapacitation:**

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
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

***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  
[shelbycountytn.gov/737/Crime-Victims-Rape-Crisis-Center](http://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:

### Title IX Coordinator

Office of Institutional Equity  
156 Administration Building  
901.678.2713  
[memphis.edu/oie/](http://memphis.edu/oie/)

### University Police Services

Main Campus: 100 Zach Curlin Parking Garage  
901.678.HELP (emergency);  
Police@memphis.edu  
Lambuth Campus: 731.425.1942 (emergency)  
Lambuthpolice@memphis.edu

### Electronic Complaint form

[memphis.edu/oie/complaint.php](http://memphis.edu/oie/complaint.php)  
Email Written Complaints  
oie@memphis.edu

### Office of Legal Counsel

201 Administration Building  
901.678.2155  
legal@memphis.edu

### Office of Student Accountability

901.678.2298  
[memphis.edu/osa](http://memphis.edu/osa)

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 retake 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.

The following resources 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 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 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 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 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 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 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 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.

**The University of Memphis POLICIES**  
**GE2031 - Sexual Misconduct and Domestic Violence Policy Issued:**  
September 23, 2015  
**Responsible Official: President**  
**Responsible Office: Office for Institutional Equity**

The above referenced policy has been eliminated for duplication.  
Policy language has been incorporated into GE2039

Policy was originally published in Appendix C in 2021 Cleary Report.





## APPENDIX C

## 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 the 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 D**

## 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 : 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 13 but less than 15 years of age and the defendant is at least four years but less than 10 years older than the victim; or
2. The victim is at least 15 but less than 18 years of age and the defendant is more than five but less than 10 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 (18) 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.



## APPENDIX E

## **ANNUAL NOTIFICATION OF ALCOHOL AND OTHER DRUGS STANDARDS, SANCTIONS, HEALTH INFORMATION, PROGRAMS AND SERVICES**

The *Drug Free Schools and Communities Act of 1989* requires the dissemination of the below notification about the unlawful possession, use, and distribution of illicit drugs and alcohol to all students, staff and faculty on an annual basis.

As an academic community, the University is committed to providing an environment in which learning and scholarship can flourish. The possession and/or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the University environment, as well as the individual potential of our students and employees. This notification provides information about:

- Standards of conduct for faculty, staff and students related to alcohol and drugs.
- Disciplinary sanctions for violations of the alcohol and drug standards of conduct.
- Possible legal sanctions and penalties related to alcohol and other drugs.
- Statements of the health risks associated with alcohol and drug use.
- Resources and services available to students, faculty and staff.

## **UNIVERSITY POLICIES – ALCOHOL AND OTHER 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.

### **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 institution 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.

As members of the University community, students are also subject to city ordinances and to state and federal law. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the University imposes disciplinary sanctions.

For more information regarding the standards of conduct for students with respect to the use of alcohol and other drugs please review the Code of Student Rights & Responsibilities, as well as the University's Drug-Free Campus and Alcohol Abuse Prevention policy, HR5060.

### **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.

For more information please review the University's Drug-Free Campus and Alcohol Abuse Prevention policy, HR5060.

### **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 information in this document is provided for informational purposes only and is not intended to describe fully all of the pertinent laws regarding drug or alcohol offenses.

## STATE LAW SANCTIONS

### Gradations of Criminal Offenses

Like all jurisdictions (federal and state), Tennessee distinguishes among offenses based on their seriousness. These offenses range from minor misdemeanors to capital crimes. The table below shows the gradations of criminal offenses under Tennessee law. See T.C.A. § 40-35-111, "Authorized terms of imprisonment and fines for felonies and misdemeanors."

Level of Offense	Punishment(s)
Capital Crime	Death; life imprisonment
Class A felony	Not less than fifteen (15) nor more than sixty (60) years in prison. In addition, the jury may assess a fine not to exceed fifty thousand dollars (\$50,000), unless otherwise provided by statute
Class B felony	Not less than eight (8) nor more than thirty (30) years in prison. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000), unless otherwise provided by statute
Class C felony	Not less than three (3) years nor more than fifteen (15) years in prison. In addition, the jury may assess a fine not to exceed ten thousand dollars (\$10,000), unless otherwise provided by statute
Class D felony	Not less than two (2) years nor more than twelve (12) years in prison. In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute
Class E felony	Not less than one (1) year nor more than six (6) years in prison. In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute
Class A misdemeanor	Not greater than eleven (11) months and twenty-nine (29) days in jail or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute
Class B misdemeanor	Not greater than six (6) months in jail or a fine not to exceed five hundred dollars (\$500), or both, unless otherwise provided by statute
Class C misdemeanor	Not greater than thirty (30) days in jail or a fine not to exceed fifty dollars (\$50.00), or both, unless otherwise provided by statute

### Tennessee Sanctions Under 21 Alcohol Offenses (cont.)

OFFENSE	PENALTY
Tenn. Code Ann. § 1-3-113 Unlawful for person under 21 to purchase, possess, transport or consume alcoholic beverages unrelated to employment.	Violation of T.C.A. § 1-3-113 is a Class A misdemeanor per Tenn. Code Ann. §§ 39-11-111 & 39-11-114. A violation of T.C.A. § 1-3-113 would also require the denial of driving privileges per T.C.A. § 55-10-701.
Tenn. Code Ann. § 37-1-156 Contributing to the delinquency of a minor	Class A misdemeanor.
Tenn. Code Ann. § 39-15-404 Relates to the furnishing of alcohol to a minor by an adult.	Class A misdemeanor and the offender shall be sentenced to 100 hours of community service work. The court, in its discretion, may send an order to the Dept. of Safety denying the offender's driving privileges. If the offender does not have driving privileges, then the court may impose 200 hours of community service.
Tenn. Code. Ann § 55-10-415 Underage Driving While Impaired	>18 years and <21 years old: Class A misdemeanor that is punishable by suspension of driving privileges for 1 year, a fine of \$250, and public service work in discretion of court. <18: Same as above, but delinquent act, not misdemeanor. Note that no jail time is applicable in conflict with general penalty relating to delinquent children, see T.C.A. § 37-1-131.
Tenn. Code Ann. § 57-3-412 (a)(3)(A) Prohibits the possession, consumption, or transporting of alcoholic beverages unrelated to employment by anyone under 21.	Class A misdemeanor. Regardless of disposition, the record can be expunged 6 months after the date of the violation and such offense cannot be used against them in any criminal proceeding. Under section (a)(5)(C), an order denying the offender of driving privileges is required, and the court and Department of Safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-3-412 (a)(4) Prohibits the purchase of alcohol for or at the request of anyone that is under 21.	Class A misdemeanor. 1st offense also includes a fine of not less than \$25 nor more than \$500, and 2nd and subsequent offenses also include minimum \$50 fine with max of \$1,000. In addition to the fines stated above, all offenders are subject to all penalties imposed by T.C.A. 39-15-404. (See above, 100 hours community service work, potential loss of license).
Tenn. Code Ann. § 57-3-412 (a)(5)(A) Prohibits the purchase or attempted purchase of alcoholic beverages by anyone under 21.	Class A misdemeanor. "In addition to any criminal penalty imposed by T.C.A. § 57-3-412 in general," an order denying the offender of driving privileges is required, and the court and Department of Safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-3-412 (c) Penalty for someone under 21 using a fake id.	Class A misdemeanor. (1) Less than 18: fine of \$50 and not less than 20 hours community service. (2) >18 <21: Fine of not less than \$50 but no more than \$200 OR by imprisonment in jail for a minimum of 5 days and a max of 30 days. In addition to above, an order denying the offender of driving privileges is required, and the court and Department of Safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.

## Tennessee Sanctions Under 21 Alcohol Offenses (cont.)

OFFENSE	PENALTY
Tenn. Code Ann. § 57-4-203 (b)(2) (A) Prohibits the purchase, attempted purchase, or possession of alcohol by a person under 21 in a public place. (B) Exhibiting a fake I.D. saying you are 21.	Exact same penalty as stated in T.C.A. § 57-3-412 (c).
Tenn. Code Ann. § 57-5-301(d)(1)(A)&(B)(i)-(ii) Unlawful for a minor to purchase or attempt to purchase any "such beverage." (presumed beer).	Such Statutes under Title 57, Part 5 appear to relate particularly to beer. An order denying the offender of driving privileges is required, and the court and Department of Safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code. Ann. § 57-5-301(d)(2) Prohibits purchasing beer for someone under 21.	Class A misdemeanor that shall also be punished pursuant to T.C.A. § 39-15-404.
Tenn. Code. Ann. § 57-5-301(d)(3) Making a fake ID to show you are 21 or presenting such.	Statute provides exact same punishment as in T.C.A. § 57-3-412(c).
Tenn. Code Ann. § 57-5-301(e) unlawful for someone under 21 to have beer in their possession.	Class A misdemeanor. Regardless of disposition, the record may be expunged 6 months after the date of the violation and such offense cannot be used against them in any criminal proceeding.

### 2nd Time DUI Offender

- 45 days to 11 months, 29 days in jail
- \$600 - \$3,500 mandatory fine
- License revocation for 2 years/Restricted License available after first year.
- Subject to vehicle seizure/forfeiture
- Drug and Alcohol Treatment may be required
- Judge can order you to install an Ignition Interlock Device at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Pay restitution to any person suffering personal injury or loss

### 3rd Time DUI Offender

- 120 days to 11 months, 29 days in jail
- \$1,100 - \$10,000 mandatory fine
- License revocation for 6-10 years/No restricted license available
- Subject to vehicle seizure/forfeiture
- Drug and Alcohol Treatment may be required
- Judge can order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Pay restitution to any person suffering personal injury or loss

### 4th and Subsequent DUI Offender

- Class E Felony
- 1 Year (365) days of jail time with a minimum of 150 consecutive days served
- \$3,000 - \$15,000 mandatory fine
- License revocation for 8 years/No restricted license available
- Subject to vehicle seizure/forfeiture
- Drug and Alcohol Treatment may be required
- Judge can order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense

## Tennessee Sanctions – Driving Under the Influence (T.C.A. 55-10-401, et seq.)

### 1st Time DUI Offender - .08 (BAC)

- 48 hours to 11 months, 29 days in jail
- .20 BAC or greater minimum jail time 7 consecutive days
- License revocation for 1 year
- \$350 - \$1,500 mandatory fine.
- Judge can order you to install an Ignition Interlock Device at your expense. Minimum first year costs could exceed \$1,000.00
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Drug and Alcohol Treatment may be required
- Pay restitution to any person suffering personal injury or loss

### Implied Consent - Refusal to Submit to Blood Alcohol (BAC) [T.C.A. § 55-10-407]

- Revocation of Driver's License for 1 year - 1st offense
- Revocation of Driver's License for 2 years - 2nd offense
- Revocation of Driver's License for 2 years if crash resulted in bodily injury
- Revocation of Driver's License for 5 years if crash resulted in a death

### Vehicular Assault (T.C.A. § 39-13-106) - Serious injury to another person by a DUI driver

- Class D Felony
- License revocation from 1 - 5 years according to number of prior offenses
- Jail time 2 - 12 years according to range [T.C.A. § 40-35-112]
- Plus fines and court costs.
- No restricted driver license is available

#### **Child Endangerment - DUI with passenger under 18 years old**

- Class D felony if child suffers serious injury [T.C.A. § 55-10-403] [T.C.A. § 40-35-112]
- 2-12 years jail time
- Class B Felony if child death involved
- 8-30 years jail time
- License revocation

**Note:** Sentence length depends on a number of factors, including the person's criminal history

#### **Vehicular Homicide**

- Class B Felony [T.C.A. § 39-13-213] [T.C.A. § 40-35-112]
- Fatal crash caused by DUI with .08 BAC or more
- License revocation for 3-10 years
- No restricted driver license is available

#### **Aggravated Vehicular Homicide**

- Class A Felony [T.C.A. § 39-13-218] [T.C.A. § 40-35-112]
- Vehicular homicide as defined above plus:
- Two or more prior (a) DUI convictions, (b) vehicular assault convictions or, (c) any combination.
- One prior Vehicular Homicide
- A BAC of .20 or greater at the time of the vehicular homicide has (1) one prior DUI or Vehicular Assault offense

#### **Fees to reinstate a driver license after alcohol-related offenses**

Implied Consent Refusal to Submit to Blood Alcohol T.C.A. § 55-10-406

- \$100 reinstatement fee
- \$50 fee if filing of financial responsibility (SR-22) is required
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee
- Court may impose public service work

#### **Drug Free Youth Act Offenses (Ages 13 – 17)**

(T.C.A. § 55-10-701) & Underage Possession of Alcohol (Age 18 -21) (T.C.A. § 57-5-301)

- \$20 reinstatement fee
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

#### **All other DUI Type Offenses**

- \$100 reinstatement fee
- \$3 certification fee if violation occurred in Tennessee
- \$50 fee if filing of financial responsibility (SR-22) is required
- \$75 fee for failure to surrender driver license may be required
- Required to apply for valid license & pay appropriate driver license fee

#### **Penalties for drug and alcohol-related offenses committed by minors**

- Drug Free Youth Act Offenses (Ages 13 – 17) T.C.A. § 55-10-701
- License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
  - License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
  - Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted
  - Underage Possession of Alcohol (Age 18 -21) T.C.A. § 57-5-301
  - License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
  - License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
  - Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted

#### **Driving While Impaired (Age 16 – 20)**

T.C.A § 55-10-415

- License revocation for 1 year/No provision for restricted license
- \$250 fine
- Court may impose public service work



## Tennessee Statutory Sanctions for Illegal Drugs Manufacture or Delivery

It is a crime in Tennessee for a person to knowingly manufacture a controlled substance; deliver a controlled substance; sell a controlled substance; or possess a controlled substance with intent to manufacture, deliver or sell such controlled substance. T.C.A. § 39-17-417. Controlled substances are classified according to their potential for abuse, utility in medical treatment, and potential for dependency. The Tennessee Drug Control Act of 1989, T.C.A. § 39-17-401 et seq., establishes the following schedule of controlled substances:

Schedule I	High potential for abuse; no accepted medical use in treatment or lacks accepted safety for use in treatment under medical supervision.	This includes certain opiates (e.g., heroin); hallucinogens (e.g., LSD) depressants (e.g., methaqualone) and stimulants (e.g., MDMA). See T.C.A. § 39-17-406.
Schedule II	High potential for abuse; has currently accepted medical use in treatment, or currently accepted medical use with severe restrictions; abuse of the substance may lead to severe psychic or physical dependence	Examples: cocaine, morphine, amphetamines, amobarbital. See T.C.A. § 39-17-408.
Schedule III	Potential for abuse less than the substances listed in Schedules I and II; has currently accepted medical use in treatment; and may lead to moderate or low physical dependence or high psychological dependence.	Example: Anabolic steroids. See T.C.A. § 39-17-410.
Schedule IV	Low potential for abuse relative to substances in Schedule III; has currently accepted medical use in treatment; and may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.	Examples: Phenobarbital and Fenfluramine. See T.C.A. § 39-17-412.
Schedule V	Low potential for abuse relative to the controlled substances listed in Schedule IV; has currently accepted medical use in treatment in the United States; and has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.	Example: A medicine containing not more than two hundred (200) milligrams of codeine per one hundred (100) grams. See T.C.A. § 39-17-414.
Schedule VI	Substances the commissioner of mental health and substance abuse has decided should not be included in Schedules I through V.	Examples: Marijuana; hashish; synthetic equivalents. See T.C.A. § 39-17-415.
Schedule VII	Butyl nitrite and any isomer thereof. See T.C.A. § 39-17-416.	

The following table sets forth the basic levels of offenses involving manufacture, sale, distribution or possession with intent distribute a controlled substance. However, one must understand that the law provides additional penalties for violations involving large amounts of numerous substances, including heroin, cocaine, LSD, morphine, peyote, barbiturates and amphetamines.

Level of Controlled Substance	Level of Offense
Schedule I	Class B felony, potential fine of no more than \$100,000.
Cocaine or methamphetamine (.5 grams or more)	Class B felony, potential fine of no more than \$100,000.
Schedule II, including cocaine (less than .5 grams).	Class C felony, potential fine of no more than \$100,000.
Schedule III	Class D felony, potential fine of no more than \$50,000.
Schedule IV	Class D felony, potential fine of no more than \$50,000.
Schedule V	Class E felony, potential fine of no more than \$5,000.
Schedule VI	Depends on amount. See T.C.A. §39-17-417.
Schedule VII	Class E Felony, potential fine of no more than \$1,000.

## FEDERAL LAWS SANCTIONS

The possession, use or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

### Federal Drug Trafficking Penalties (21 USC 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

OFFENSE	PENALTY
Tenn. Code Ann. § 1-3-113 Unlawful for person under 21 to purchase, possess, transport or consume alcoholic beverages unrelated to employment.	Violation of T.C.A. § 1-3-113 is a Class A misdemeanor per Tenn. Code Ann. §§ 39-11-111 & 39-11-114. A violation of T.C.A. § 1-3-113 would also require the denial of driving privileges per T.C.A. § 55-10-701.
Tenn. Code Ann. § 37-1-156 Contributing to the delinquency of a minor	Class A misdemeanor.
Tenn. Code Ann. § 39-15-404 Relates to the furnishing of alcohol to a minor by an adult.	Class A misdemeanor and the offender shall be sentenced to 100 hours of community service work. The court, in its discretion, may send an order to the Dept. of Safety denying the offender's driving privileges. If the offender does not have driving privileges then the court may impose 200 hours of community service.
Tenn. Code. Ann § 55-10-415 Underage Driving While Impaired	>18 years and <21 years old: Class A misdemeanor that is punishable by suspension of driving privileges for 1 year, a fine of \$250, and public service work in discretion of court. <18: Same as above, but delinquent act, not misdemeanor. Note that no jail time is applicable in conflict with general penalty relating to delinquent children, see T.C.A. § 37-1-131.
Tenn. Code Ann. § 57-3-412 (a)(3)(A) Prohibits the possession, consumption, or transporting of alcoholic beverages unrelated to employment by anyone under 21.	Class A misdemeanor. Regardless of disposition, the record can be expunged 6 months after the date of the violation and such offense cannot be used against them in any criminal proceeding. Under section (a)(5)(C), an order denying the offender of driving privileges is required, and the court and Department of Safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-3-412 (a)(4) Prohibits the purchase of alcohol for or at the request of anyone that is under 21.	Class A misdemeanor. 1st offense also includes a fine of not less than \$25 nor more than \$500, and 2nd and subsequent offenses also include minimum \$50 fine with max of \$1,000. In addition to the fines stated above, all offenders are subject to all penalties imposed by T.C.A. 39-15-404. (See above, 100 hours community service work, potential loss of license).
Tenn. Code Ann. § 57-3-412 (a)(5)(A) Prohibits the purchase or attempted purchase of alcoholic beverages by anyone under 21.	Class A misdemeanor. "In addition to any criminal penalty imposed by T.C.A. § 57-3-412 in general," an order denying the offender of driving privileges is required, and the court and Department of Safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-3-412 (c) Penalty for someone under 21 using a fake id.	Class A misdemeanor. (1) Less than 18: fine of \$50 and not less than 20 hours community service. (2) >18 <21: Fine of not less than \$50 but no more than \$200 OR by imprisonment in jail for a minimum of 5 days and a max of 30 days. In addition to above, an order denying the offender of driving privileges is required, and the court and Department of Safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.

FEDERAL TRAFFICKING PENALTIES FOR SCHEDULES I, II, III, IV, AND V (EXCEPT MARIJUANA)			
Substance/Quantity	Penalty	Substance/Quantity	Penalty
Cocaine 500-4999 grams mixture		Cocaine 5 kilograms or more mixture	
Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
Fentanyl 40-399 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Fentanyl 400 grams or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
LSD 1-9 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	LSD 10 grams or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Methamphetamine 5- 49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20

Substance/Quantity	Penalty
Any Amount of Other Schedule I & II Substances	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p>
Any Drug Product Containing Gamma Hydroxybutyric Acid	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount of Other Schedule III Drugs	<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more</p>
Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any Amount of All Schedule V Drugs	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual,</p>

FEDERAL TRAFFICKING PENALTIES FOR MARIJUANA, HASHISH AND HASHISH OIL, SCHEDULE I SUBSTANCES	
Substance/Quantity	Penalty
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
Hashish More than 10 kilograms	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p>
Hashish 10 kilograms or less	<p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
Hashish Oil 1 kilogram or less	

#### Federal Drug Possession Penalties (21 USC 844)

Persons convicted on federal charges for illegal possession of a controlled substance face penalties for a first conviction of up to 1 year in prison and a mandatory fine of no less than \$1,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a mandatory fine of no less than \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a mandatory fine of no less than \$5,000.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

#### Forfeiture of Personal Property and Real Estate (21 USC 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

#### Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense.

Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Health Risks Associated with Alcohol and Other Drugs			
Substance	Nicknames/ Slang Terms	Short Term Effects	Long Term Effects
Alcohol		slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts	toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Amphetamines	uppers, speed, meth, crack, crystal, ice, pep pills	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety
Barbiturates and Tranquilizers	barbs, bluebirds, blues, yellow jackets, reddevils, roofies, rohypnol ruffies, tranqs, mickey, flying v's	slurred speech, muscle relaxation, dizziness, decreased motor control	severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence
Cocaine	coke, cracks, snow, powder, blow, rock	loss of appetite, increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation anxiety, paranoia, increased hostility. Increased rate of breathing, muscle spasms convulsions, dilated pupils, disturbed sleep	depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage
GammaHydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, Georgia homeboy, grievous bodily harm	euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence
Heroin	H, junk, smack, horse, skag	euphoria, flushing of the skin, dry mouth, "heavy" arms and legs, slowed breathing, muscular weakness	constipation, loss of appetite, collapsed veins, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence
Ketamine	K, super K, special K	dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence
LSD	acid, stamps, dots, blotter, A-bombs	dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss, kidney failure, cardiovascular problems, convulsions, death, physical dependence, psychological dependence

Health Risks Associated with Alcohol and Other Drugs			
Substance	Nicknames/ Slang Terms	Short Term Effects	Long Term Effects
Marijuana/Cannabis	pot, grass, dope, weed, joint, bud, reefer, doobie, roach	sensory distortion, poor coordination of movement, slowed reaction time, panic, anxiety	bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some
Mescaline	peyote cactus	nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature	lasting physical and mental trauma, intensified existing psychosis, psychological dependence
Morphine/Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs	constipation, loss of appetite, collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence
PCP	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence
Psilocybin	mushrooms, magic mushrooms, shrooms, caps, psilocybin & psilocyn	nausea, distorted perceptions, nervousness, paranoia	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis
Steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization in women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence

## ON-CAMPUS PROGRAMS AND RESOURCES AVAILABLE TO STUDENTS, FACULTY, AND STAFF

### Counseling and Treatment

Short-term alcohol and other drug counseling is available on campus to students through the University of Memphis Counseling Center (901.678.2068). Students may be referred through the Counseling Center to other treatment programs for more intensive treatment.

Through the University of Memphis Human Resources Department, the Employee Assistance Program (Here4TN) offers employees additional education and counseling, as well as appropriate referrals. Employees may call 1.855.Here4TN or visit the website at [Here4TN.com](http://Here4TN.com), 24/7 to get answers and support.

Within Memphis, TN, the following substance abuse counseling agencies exist: Serenity Recovery Center (901.521.1131), Synergy Treatment Center (901.332.2227), The Oaks at La Paloma (901.505.6518), Drug and Alcohol Rehab Memphis (901.614.8899), Cocaine Alcohol Awareness Program (901.401.6728), Mental Health Resources Substance Abuse Treatment (901.682.1434), Alcohol & Drug Treatment Center Memphis (901.609.6858), Memphis Recovery Centers, Inc. (901.272.7751). These agencies provide a variety of services which may include: intake/evaluation, social setting detoxification, intensive residential program, chemical dependency programs, adolescent and adult outpatient services, DUI evaluations and remedial education. Interested individuals are encouraged to contact each agency for additional information regarding specific services and costs.

### Prevention and Education

Through the University Student Health Center (901.678.2287) and the University Counseling Center (901.678.2068), and other departments and offices, a variety of alcohol and drug prevention programs are provided, including Alcohol Awareness Day, an Adderall Awareness Program, as well as pamphlets and information about drugs and alcohol being included in outreach programs and presentations to student groups throughout the year. Individual, group and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse are offered to the University of Memphis community. The University is also a member of the Coalition for Healthy and Safe Campus-Communities (CHASCo), which is a Tennessee organization that proactively addresses issues of alcohol, other drugs, and violence in order to promote healthy and safe campus environments. In addition, a campus-community alcohol and other drug coalition meets monthly to discuss current substance abuse related issues and trends.

**On-Campus Resource/Information**  
**University of Memphis**

Counseling Center	901.678.2068 memphis.edu/counseling
Health Education/Promotion Center	901.678.2287 memphis.edu/health
Student Health Services	901.678.2287 memphis.edu/health
Office of Student Conduct	901.678.2298 memphis.edu/studentconduct
Campus Police Department	901.678.4357 memphis.edu/police
Vice-President for Student Affairs	901.678.2114 memphis.edu/studentaffairs
Human Resources Employee Assistance Program	855.437.3486 here4TN.com

**Off-Campus Resource/Information**

Memphis Police Department Emergency Non-Emergency	memphispolice.org 9-1-1 901.545.2677
Shelby County Sheriff's Office Emergency Non-Emergency	shelby-sheriff.org 9-1-1 901.222.5500
Shelby County District Attorney's Office	scdag.com 901.222.130
American Addiction Centers	americanaddictioncenters.org 888.300.3332
Crestwyn Behavioral Health	crestwynbh.com 901.248.1500
Delta Hospital Behavioral Health	deltamedcenter.com 866.512.7167
Foundations Treatment (Oaks at La Paloma)	foundationsrecoverynetwork.com/outpatient-treatment/foundations-memphis 866.945.4850
Lakeside Behavioral Health	lakesidebhs.com 866.512.7167
Memphis Mental Health Institute	memphishealthcenter.org 866.512.7167
Parkwood Behavioral Health	parkwoodbhs.com 866.512.7167
St. Francis Behavioral Health	saintfrancishosp.com/our-services/behavioral-health 901.765.1000
Serenity Recovery Center	serenityrecovery.org 901.521.1131





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