



As a part of the settlement of the UTK Title IX lawsuit, the legally binding agreement calls for the University to amend its Proposed Code of Conduct. The paragraph below is taken verbatim from the settlement agreement:

UTK will initiate a change to its student conduct rules to provide that current students will not be appointed to serve on student disciplinary hearing boards in cases involving allegations of sexual misconduct unless both the respondent and the complainant consent to having students appointed to serve on the board hearing their case. Plaintiffs recognize that UTK is required to promulgate certain proposed policy changes, including this change, in accordance with the rulemaking provisions of the Uniform Administrative Procedures Act (UAPA), the last step of which involves review by the Tennessee General Assembly's Joint Government Operations Committee. Provided that UTK initiates the rule change, non-implementation of the rule change will not be deemed a breach of this Agreement.

Given this requirement, it is recommended that the following paragraph be inserted into the Proposed Code of Conduct as an addition to Section VIII, Student Conduct Board and Appeals:

Section 8.1.3

With regard to alleged violations of the Standard of Conduct, Section 4.7, Sexual Misconduct, Relationship Violence, and/or Stalking, current students will not be appointed to serve on the Student Conduct Board or any Appellate Board in cases involving allegations of sexual misconduct unless both the respondent and the complainant consent to having students appointed to serve on the board hearing their case.

Given this potential change, a re-numbering of current Sections 8.1.3, 8.1.4, and 8.1.5 will need to occur.