THE UNIVERSITY OF TENNESSEE BOARD OF TRUSTEES

AUDIT AND COMPLIANCE COMMITTEE	
June 24, 2021	Refectory, Mooney Building, UTHSC
10:15 a.m. (CDT)	Memphis, TN

Public Session Agenda

I. Call to Order and Roll Call

II. Opening Remarks of the Committee Chair

III. Requests to Address the Board (if appropriate for this Committee)

IV. Approval of Minutes from Last Meeting - Action ..... Tab 1

V. Consent Agenda - Information ..... Tab 2

A. 2021 Audit Plan Update ..... Tab 2.1
B. Outstanding Audit Issues ..... Tab 2.2
C. Travel Exception Report ..... Tab 2.3
D. Institutional Compliance Program Update ..... Tab 2.4
E. University Code of Conduct Update ..... Tab 2.5

VI. UT System-wide Title IX Update - Information ..... Tab 3

VII. Athletics Compliance Update - Information ..... Tab 4

VIII. Other Business

[Note: Under the Bylaws of the Board, items not appearing on the agenda may be considered only upon an affirmative vote representing a majority of the total voting membership of the Committee. Other business necessary to come before the Committee at this meeting should be brought to the attention of the Committee Chair or Board Secretary before the meeting.]

IX. Closing Remarks

X. Adjournment

THE UNIVERSITY OF TENNESSEE
BOARD OF TRUSTEES

Nonpublic, Executive Session

Following the public session, the committee will convene in a nonpublic, executive session pursuant to Tennessee Code Annotated § 4-35-108 to review:

- Audits
- Investigations
- Litigation

THE UNIVERSITY OF TENNESSEE
BOARD OF TRUSTEES

MINUTES OF THE AUDIT AND COMPLIANCE COMMITTEE

February 25, 2021
Knoxville, Tennessee

The Audit and Compliance Committee of The University of Tennessee Board of Trustees met at 8:30 a.m. (EST) on Thursday, February 25, 2021. Following continuing guidance from the U.S. Centers for Disease Control and Prevention (CDC) regarding COVID-19 and in compliance with the Tennessee Pledge and other state and local guidelines, the meeting was held virtually with Committee members participating electronically or by telephone. The meeting was hosted from the University of Tennessee, Knoxville campus.

I. Call to Order and Roll Call

Ms. Amy Miles, Committee Chair, called the meeting to order. Board Secretary, Cynthia C. Moore, called the roll, and the following members of the Committee were present: Amy E. Miles, Committee Chair; Bradford D. Box; John C. Compton, Board Chair; and Decosta E. Jenkins. In addition, the following trustees were in attendance: Leighton Chappell (Student Trustee); William (Bill) C. Rhodes III; Donald J. Smith; Alan D. Wilson; and Jamie R. Woodson.

Others present included: President Randy Boyd; Brian Daniels, Chief Audit and Compliance Officer; David Miller, Senior Vice President and Chief Financial Officer; Ryan Stinnett, General Counsel; Mark Paganelli, Treasurer; Chancellor Donde Plowman; Ramon Padilla, Jr., UT System Chief Information Officer; Judy Burns, Enterprise Risk Officer; staff members from the Office of Audit and Compliance ("OAC"); and other members of the UT administrative staff. The meeting was webcast for the convenience of the University community, the general public, and the media.

Ms. Moore addressed the Open Meetings Act requirements for meetings conducted with members participating electronically and announced the presence of a quorum.

II. Opening Remarks of the Committee Chair

Committee Chair Miles dispensed with opening remarks and moved directly into the meeting agenda.

III. Approval of the Minutes

Committee Chair Miles noted that the minutes of the October 22, 2020 meeting were included in the meeting materials (Tab 1). She asked for any corrections to the minutes. Hearing none, upon motion duly made and seconded, a roll call vote was taken, and the minutes were approved.

IV. Consent Agenda

Committee Chair Miles called the Committee's attention to the Consent Agenda. She noted that the items presented are informational in nature and would not be discussed, unless there was a request to remove an item from the Consent Agenda. Committee Chair Miles highlighted the Annual Safety Report, included under Tab 2.4 of the meeting materials. She explained that, given the significance of the report, it was placed on the agenda for the full Board of Trustees meeting later in the day. There were no requests to remove any of the information items from the Consent Agenda for discussion. (A complete list of the Consent Agenda items appears at the end of these minutes.)

V. Internal Audit Charter

Brian Daniels, Chief Audit and Compliance Officer, presented the proposed revisions to the Internal Audit Charter (Charter) for the Office of Audit and Compliance (OAC). He informed the members of the Committee that the Charter was last revised in 2016. Since then, revised guidance has been issued by the Institute of Internal Auditors (IIA). Certain revisions are recommended to bring the Charter into alignment with the IIA standards, including updated terminology. Additionally, other revisions are proposed to reflect the full scope of the activities of the OAC, incorporating both Institutional Compliance and Title IX coordination.

Committee Chair Miles reminded the Committee members that the periodic review of the Charter is one of the items identified on the work plan for the Committee. Mr. Daniels stated that the Committee's charter will be reviewed and discussed at the upcoming June Committee meeting. Trustee Decosta Jenkins expressed his support for the updated Charter. He recommended that the team review the document to ensure that certain terms (i.e., University, UT System, UT System Administration, system-wide) are being used appropriately and consistently throughout the Charter.

Upon motion duly made and seconded, a roll call vote was taken, and the Committee approved the revised Internal Audit Charter (as set forth in Tab 3 of the meeting materials). A copy of the approved Internal Audit Charter is attached to these minutes.

VI. 2021 Internal Audit Plan

Mr. Daniels provided an overview of the proposed 2021 Internal Audit Plan, as required by the Committee's charter. He explained that the internal audit plan encompasses the following five categories: Risk-Based and Compliance; Annual; Special Projects; Prior Year; and Advisory Service.

Mr. Daniels discussed each of the areas in detail, noting that risk-based efforts (current and prior year) account for approximately 60% of the total effort. The presentation also addressed anticipated effort by University entity (system, campus, and institute). In addition, Mr. Daniels highlighted certain audits and projects contemplated for the year.

In response to questions from the members of the Committee, Mr. Daniels advised that there is an internal audit presence on each campus and that these individuals are members of the OAC. Mr. Padilla, UT System Chief Information Officer, confirmed that institutions of higher education (primarily smaller and private institutions) have been the victims of ransomware attacks. Mr. Ryan Stinnett, General Counsel, noted that cyber insurance is available through the State of Tennessee for attacks, but that the coverage is limited. Mr. Daniels advised that proactive prevention and other mitigation efforts are important for reducing the University's risk exposure. Mr. Daniels also confirmed that the state auditors serve in a capacity that is similar to the role of "external auditors" with respect to corporate entities. The Division of State Audit's report, for the period ended June 30, 2020, was recently completed and will be presented to the Committee at the upcoming June meeting.

Upon motion duly made and seconded, a roll call vote was taken, and the Committee approved the 2021 Internal Audit Plan (as set forth in Tab 4 of the meeting materials). A copy of the approved 2021 Internal Audit Plan is attached to these minutes.

VII. 2021 Institutional Compliance Workplan

William A. Moles II, Director of Institutional Compliance, reviewed the proposed 2021 Institutional Compliance Workplan. The areas of focus contained within the workplan include:

- Compliance Risk Assessments and Risk Mitigation Plans;
- Streamline Reporting to the Audit & Compliance Committee;
- Promote an Ethical Culture;
- Data Analytics Support;
- Privacy Oversight;
- UT Southern Integration into UT Institutional Compliance Program (subject to Board approval); and
- Collaboration

In response to questions from the Committee members, Mr. Moles addressed efforts to standardize compliance efforts across the UT System, especially in the areas of policies, procedures, and training. He also confirmed that the University has made progress against the recommendations set forth in the 2019 Baker Tilly report on Compliance, but stated that more work remains to be done in the area of mandating certain training requirements.

Upon motion duly made and seconded, a roll call vote was taken, and the Committee approved the 2021 Institutional Compliance Workplan (as set forth in Tab 5 of the meeting materials). A copy of the approved 2021 Institutional Compliance Workplan is attached to these minutes.

VIII. UT System Information Security Update

Mr. Padilla, who began his role with the University in November 2020, began his remarks by sharing his general philosophy regarding enterprise information technology (IT) security, which is based on the operating environment and risk landscape. He stressed that IT security does not exist in a vacuum and that, to be effective, it must function in a continuous loop.

Mr. Padilla reviewed the primary goals (confidentiality, integrity, and availability), along with the guiding principles for the security strategy (risk-based, industry standards, and technology-based protections). He highlighted the University's enterprise security framework, which will encompass the following areas: (i) IT Risk Management; (ii) Information and System Inventory and Classification; (iii) Vulnerability Management; (iv) Controlled Use of Access Privileges; (v) Application Security; (vi) Secure Network Engineering; (vii) Detection and Incident Response; and (viii) PCI Compliance (collectively, the "Incredible Eight"). He concluded his remarks by noting that his office will be focusing most of its efforts on the Incredible Eight, utilizing a risk-based approach.

Committee Chair Miles thanked Mr. Padilla for the presentation and indicated that he would be invited back to provide periodic updates in this important area.

IX. Tennessee Financial Integrity Act Report

Judy Burns, Enterprise Risk Officer, provided an overview of the requirements of the Tennessee Financial Integrity Act. For calendar year 2020, the annual report regarding the University's risk management and internal control activities was focused on the University's efforts in managing the risks associated with the COVID-19 pandemic in connection with the planned return to in-person instruction for Fall 2020. Ms. Burns discussed the overall framework established, the assessment tool, the gap analysis performed, and the findings.

Ms. Burns presentation also highlighted the University's efforts with respect to fraud risk management and the 2021 Enterprise Risk Management Plan, which plan will have a UT

System focus (UT System Strategic Plan, Acquisition Strategy, and Enterprise Resource Planning).

Trustee Jenkins raised two questions with respect to the form of the attestation. He noted that the letter signed by President Boyd does not specifically reference the date of the last report/audit. Further, with respect to the last sentence set forth in the attestation, he inquired whether the reference to "lack of compliance" should be qualified as to materiality. Committee Chair Miles thanked Trustee Jenkins for his questions regarding the form of the letter and requested that Mr. Daniels follow-up on both of these items.

X. Other Business

None.

XI. Adjournment

Committee Chair Miles thanked the members of the Committee and the staff for their participation in the meeting. There being no further business to come before the Committee, the Committee Chair adjourned the meeting.

Respectfully Submitted,

Cynthia C. Moore

Cynthia C. Moore
Secretary and Special Counsel

List of Information Items Presented to the Committee

- 2020 Audit Plan Update
- Outstanding Audit Issues
- Travel Exception Report
- Annual Safety Report Update
- NCAA Agreed Upon Procedures Report
- Compliance Program Update

Attachments. Copies of the following documents are filed with the official minutes of this meeting.

- Internal Audit Charter
- 2021 Internal Audit Plan
- 2021 Institutional Compliance Workplan
- Presentations:
  - UT Information Security Update
  - Tennessee Financial Integrity Act and Enterprise Risk Management Report

THE UNIVERSITY OF TENNESSEE BOARD OF TRUSTEES

AGENDA ITEM SUMMARY

Meeting Date: June 24, 2021

Committee: Audit and Compliance

Item: **Consent Agenda**

Type: Information

Presenter: Amy Miles, Committee Chair

There are no action items on the Committee Consent Agenda for approval; however, certain information items have been placed on the Committee Consent Agenda. These items will not be presented or discussed in the Committee unless a Committee member requests removal of an item from the Consent Agenda. The Bylaws provide that an item will not be removed from the Consent Agenda solely for the purpose of asking questions for clarification. Those questions should be presented to the Chief Audit and Compliance Officer before the meeting. Unless there is a request to remove an information item for review or discussion, the information items will be deemed to be accepted.

The University of Tennessee
May Audit Plan Status
For the Year Ending December 31, 2021

Audits		Status
Prior Year	System Quality Assurance Self-Assessment	In Progress
Prior Year	UTK Admin Division Policy Compliance	In Progress
Prior Year	UTK Programs for Minors	In Progress
Prior Year	HSC HIPAA Security Rule UTHSC	In Progress
Prior Year	UTC Admin Division Policy Compliance	In Progress
Prior Year	UTC Athletics NCAA Compliance Eligibility	In Progress
Prior Year	UTIA Extension Regional and County Offices	In Progress
2021	System Access Life Cycle	Scheduled
2021	System Background Checks	Scheduled
2021	System Complete College Tennessee Act	Scheduled
2021	System Department Managed Systems	In Progress
2021	System I-9 Compliance	Scheduled
2021	System IT Security-Payroll Department	On Hold
2021	System IT Security-Remote Access Solutions	In Progress
2021	System IT Security-Web Applications	Scheduled
2021	System President`s Office	Scheduled
2021	System Ransomware Prevention and Response	In Progress
2021	System Remote Work Personnel Management	In Progress
2021	UTK Academic Policy Compliance Review	In Progress
2021	UTK Athletics	Scheduled
2021	UTK Chancellor	Scheduled
2021	UTK COVID-19 Impact on Operations	Scheduled
2021	UTK Lab Safety	Scheduled
2021	UTK Student Fees	Scheduled
2021	HSC Academic Policy Compliance Review	In Progress
2021	HSC Cash Controls	Scheduled
2021	HSC Chancellor	Scheduled
2021	HSC College of Dentistry	In Progress
2021	HSC COVID-19 Lab Quality Control	In Progress
2021	HSC Export Controls	Scheduled
2021	HSC Intellectual Property	Scheduled
2021	HSC Office of Sponsored Programs	Scheduled
2021	HSC Vendor Management Program	Scheduled
2021	UTC Academic Policy Compliance Review	In Progress
2021	UTC Athletics	Scheduled
2021	UTC Cash Controls	Scheduled
2021	UTC Vendor Insurance	Scheduled
2021	UTM Academic Policy Compliance Review	In Progress
2021	UTM Athletics	Scheduled
2021	UTM Cash Controls	Scheduled
2021	UTM Office of Research and Sponsored Programs	In Progress
2021	UTM OVC Special Assistance Funds	Scheduled
2021	UTIA Export Controls	Scheduled
2021	UTIA Research and Education Centers Compliance Review	Scheduled
2021	IPS Policy Compliance Review	Scheduled

1

The University of Tennessee
May Audit Plan Status
For the Year Ending December 31, 2021

Advisory		Status
Prior Year	System IT Security Infrastructure Assessment	In Progress
2021	System Business Manager`s Guide Refresh	In Progress
2021	System Self-Assessment of Controls	In Progress
2021	System UT Southern Consulting	Scheduled
2021	HSC The Hub-Business Process Review	In Progress
2021	UTC Emergency Management Accreditation	Scheduled
2021	UTC WUTC Radio Station	Scheduled

Investigations		Status
Prior Year	UTK Department of EECS SkyBonus Account	In Progress
Prior Year	UTK COE CURENT Circuit Boards	In Progress
Prior Year	UTC Vivature Contract	In Progress
Prior Year	UTIA Plant Sciences Gift Funds	In Progress
2021	System Miscellaneous Fraud Allegations	Scheduled
2021	UTK Center for Transportation Research	Scheduled
2021	HSC Conflict of Interest	In Progress
2021	HSC College of Pharmacy	Scheduled
2021	UTC Volleyball	Scheduled

Completed Projects		Status
Prior Year	System IT Security Controller Office Security Plan	Complete
Prior Year	System Windows Server Security	Complete
Prior Year	UTK IT Security College of Arts and Sciences	Complete
Prior Year	HSC Admin Division Policy Compliance	Complete
Prior Year	HSC College of Medicine Cash Management Review	Complete
Prior Year	UTC WUTC Radio Station	Complete
Prior Year	UTC SimCenter	Complete
Prior Year	UTM Athletics NCAA Compliance Eligibility	Complete
Prior Year	UTM Athletics Medical Claims Billing	Complete
Prior Year	UTM Admin Division Policy Compliance	Complete
2021	System UT Vehicle Misuse	Complete
2021	UTC Police Accreditation	Complete
2021	UTM Leave Reporting	Complete

THE UNIVERSITY OF TENNESSEE
OUTSTANDING AUDIT ISSUES
As of May 31, 2021

Audit	Issue*	Report Date	Estimated Implement. Date	Revised Implement. Date	Status **
System Phishing Security Controls	Workstation Administrative Access	11/30/2017	7/2/2018	12/31/2021	1
System General & Application Controls (K@TE)	System Administrator Authentication	11/18/2019	6/1/2020	7/31/2021	1
UTM Camp Administration Processes	Cash Receipts for Unidentified Campers	11/21/2019	8/31/2020	8/31/2021	1
UTK Division of Student Life IT Security	Division IT Security Program Plan	3/24/2020	6/30/2020	6/30/2021	1
UTK Division of Student Life IT Security	Privileged Accounts	3/24/2020	6/30/2020	6/30/2021	1
UTK Export Controls	Training Program Completion and Tracking	9/16/2020	12/15/2020	6/30/2021	1
UTK Export Controls	UT Statement of Commitment Notice	9/16/2020	1/15/2021	6/30/2021	1
UTK Export Controls	UTK Export Control Policies	9/16/2020	1/15/2021	6/30/2021	1
UTK Export Controls	Research Website Resources	9/16/2020	12/15/2020	6/30/2021	1
System Effort Reporting	Charging Effort to Non-sponsored Projects	11/18/2020	4/30/2021	7/1/2021	1
System Controller Office IT Security	Access Control	1/27/2021	7/31/2021	N/A	2
UTK IT Security College of Arts and Sciences	Vulnerability Management	2/10/2021	12/31/2021	N/A	2
UTK IT Security College of Arts and Sciences	System Security Plan	2/10/2021	12/31/2021	N/A	2
UTK IT Security College of Arts and Sciences	Security Training	2/10/2021	12/31/2021	N/A	2
System Windows Server Security	Logging and Alerting	3/15/2021	8/31/2021	N/A	2
System Windows Server Security	Server and Software Configuration	3/15/2021	6/30/2021	N/A	2

*This report contains issues auditors considered high risk.

** Status:

1 For projects with estimated implementation dates on or before May 31, 2021, auditors have discussed with management all actions taken thus far, determined that satisfactory progress toward implementing agreed-upon action plans has been made, and identified a revised implementation date and/or a time for auditors to follow up for verification that the issue has been satisfactorily addressed.

2 Auditors will follow up with management soon after the estimated implementation date to confirm status.

Summary of Outstanding Audit Issues

The table below shows high-risk audit issue activity from January 31, 2021 (as reported in the February 25th Audit and Compliance Committee meeting) through May 31, 2021:

Time Period	Number of Issues
Outstanding Audit Issues as of January 31, 2021	**13**
Issues Added as of May 31, 2021	**5**
Issues Implemented from February 1 through May 31	**2**
Remaining Outstanding Audit Issues as of May 31, 2021	**16**

THE UNIVERSITY OF TENNESSEE SYSTEM

FINANCE AND ADMINSTRATION

DAVID L. MILLER

Senior Vice President and Chief Financial Officer

M E M O R A N D U M

TO: Audit and Compliance Committee
Mr. John Compton, Chair of the Board of Trustees
Ms. Amy Miles, Chair, Audit and Compliance Committee
Mr. Bill Rhodes, Chair, Finance and Administration Committee

FROM: Mr. David Miller *DLM*

DATE: May 26, 2021

SUBJECT: Travel Exception Report

The Board of Trustee's policy on travel requires the university to report to the Audit and Compliance Committee any travel exceptions approved on behalf of the President, employees in the President's Office, senior-level administrators, or the Sr. Vice President and Chief Financial Officer. For the quarter, ended March 31, 2021 there were no exceptions requested or approved in accordance with the Board's policy.

If you have any questions, please let me know.

c: Mr. Randy Boyd
Mr. Brian Daniels
Ms. Cindy Moore
Mr. Mark Paganelli

709 Andy Holt Tower • 1331 Circle Park Drive • Knoxville, TN 37996-0174 • (865) 974-1763 • (865) 974-9080
finance.tennessee.edu

Institutional Compliance Key Developments June 2021

UTK- The new consolidated compliance training program at UTK (which consolidates all annual training into one request) significantly increased participation. Participation for some training courses increased from approximately 30% to over 90%. In addition, a new risk assessment is currently being performed for 2021.

UT System- A new Code of Conduct "Test Out" option has been developed for use at campuses for employees that have already taken the basic training. A new risk assessment is planned for this fall.

UTM- A new risk mitigation plan was added to investigate the creation of a Biological Safety Officer position and an Institutional Biological Safety Committee to improve biological safety in research.

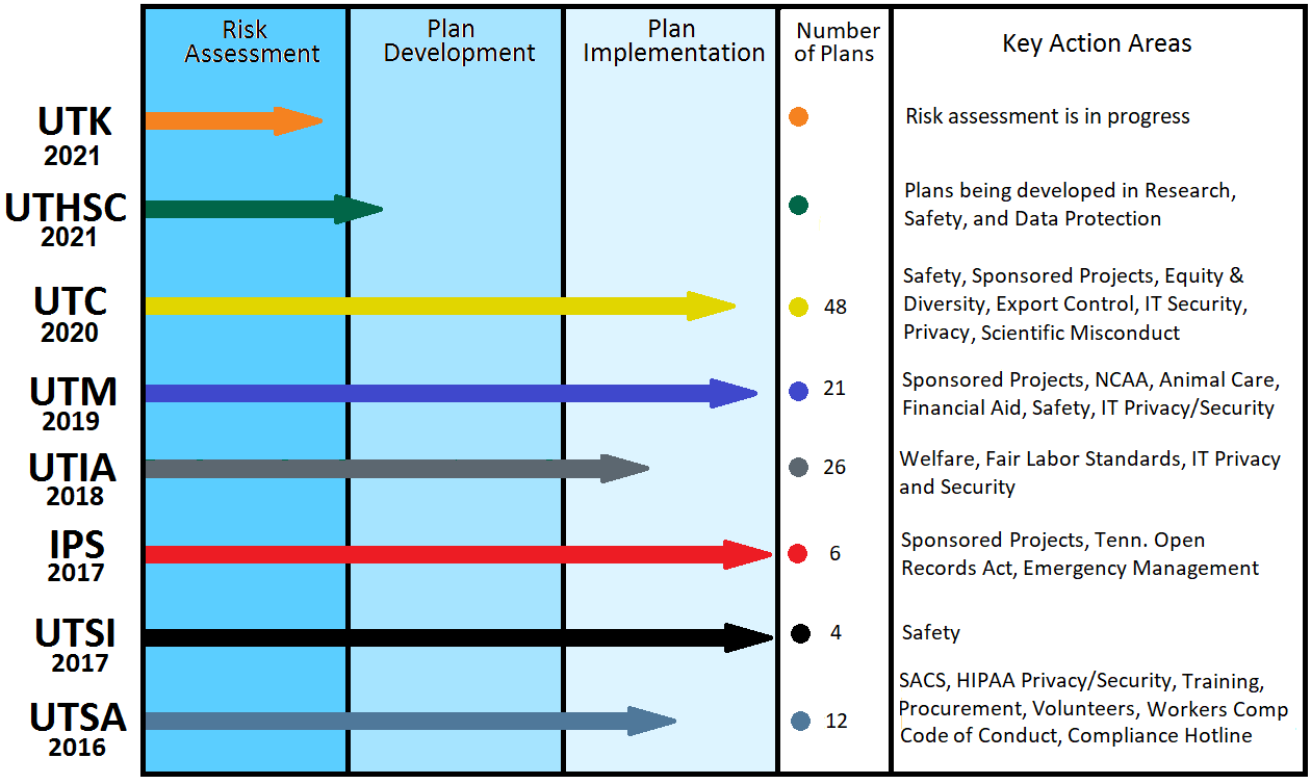
UT Southern- A working plan for incorporating UT Southern into the UT institutional compliance program has been developed.

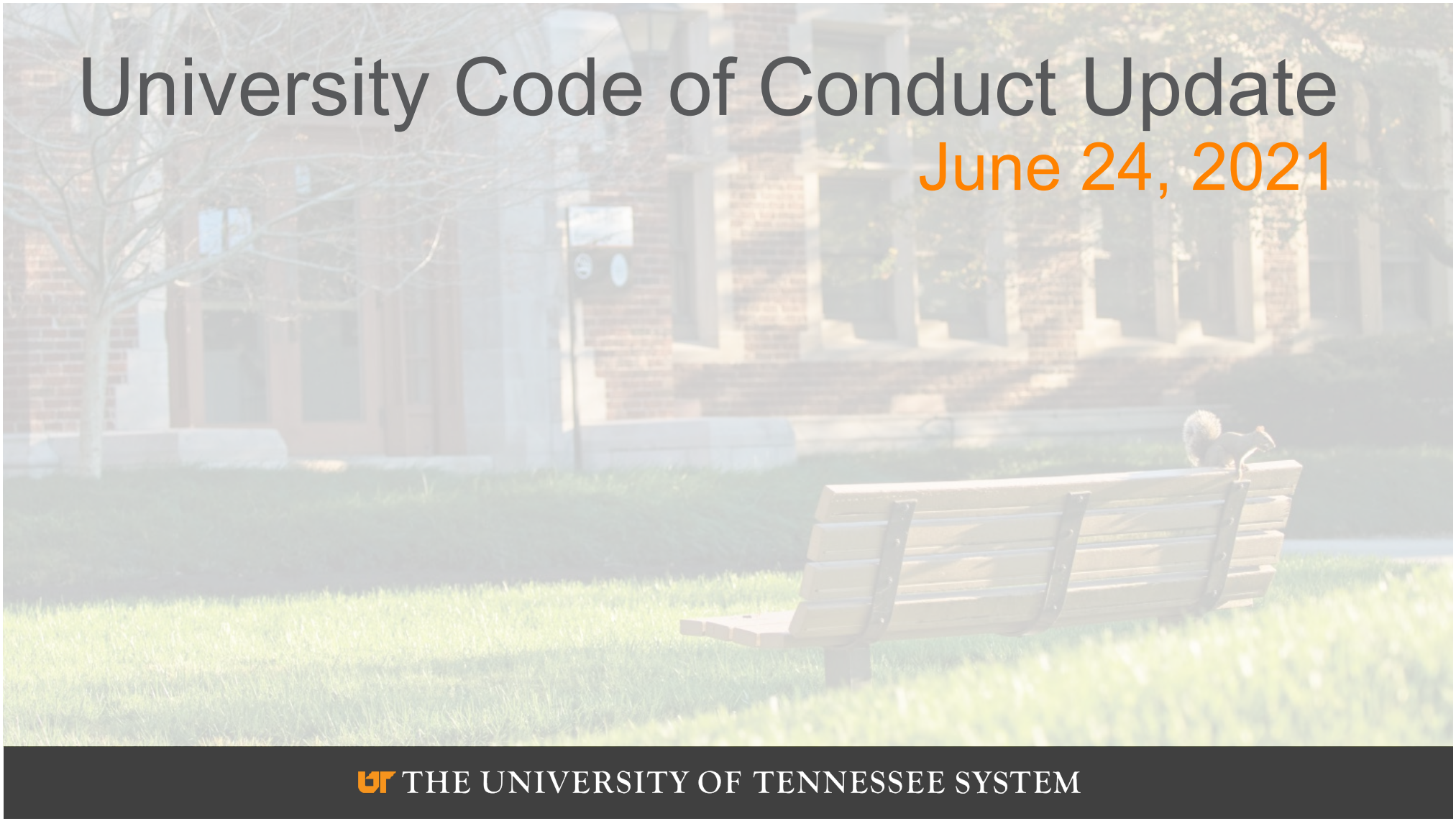
UTHSC- The UT System risk assessment program was used for the first time in administering the 2021 risk assessment. Risk mitigation plans are being developed in research, safety, and data protection.

UTIA- Risk mitigation plans developed from the 2018 risk assessment are being reviewed in light of the reunification with UTK. This has slowed the process of implementation for some plans.

UTC- 38 risk mitigation plans have already been implemented from the 2020 risk assessment. Key areas include safety, civil rights, research, human subjects, animal welfare, student clinic

Compliance Risk Management Progress




University Code of Conduct Update
June 24, 2021
THE UNIVERSITY OF TENNESSEE SYSTEM

UT CODE OF CONDUCT
CHECK THE CODE

The employee Code of Conduct is a primary resource for communicating the University's expectations for employee behavior.

Institutional Compliance promotes the employee Code of Conduct and the UT Compliance Hotline.

"To help ensure that we are serving Tennesseans and beyond through the discovery, communication and application of knowledge, our university must be devoted to advocating responsible and ethical behavior in all that we do."

UT President Randy Boyd

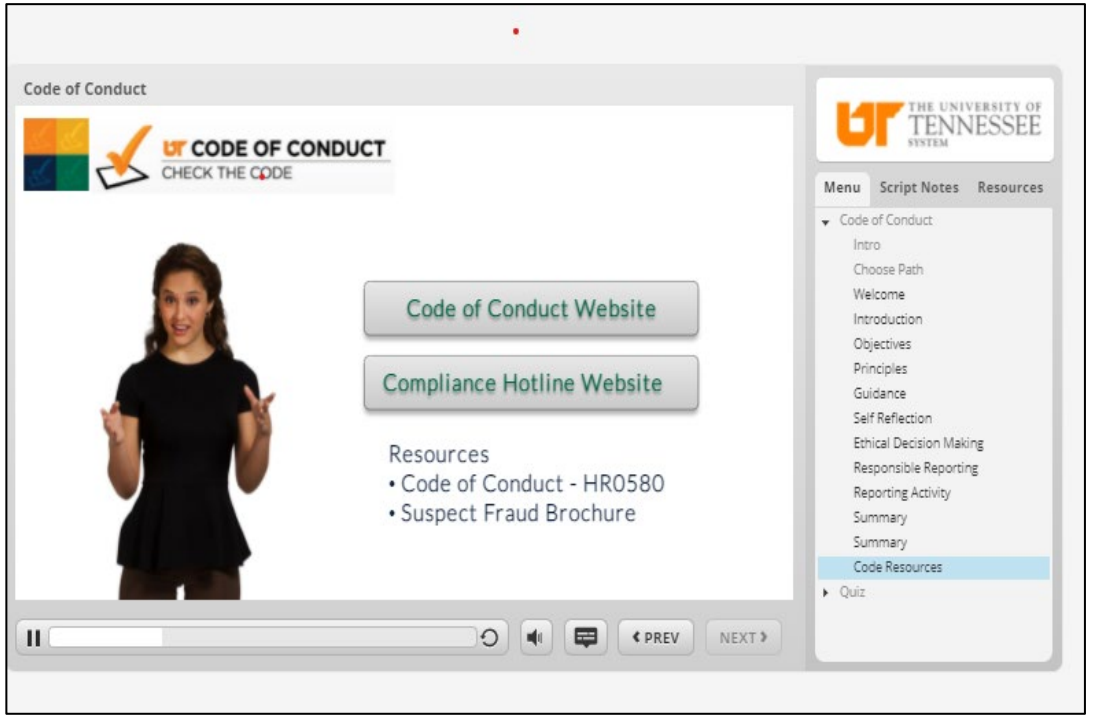
Employee Code of Conduct (HR0580) – 8 General Principles

1. Ethical and Responsible Conduct – Behave with highest ethical and professional standards
2. Responsible Reporting of Suspected Violations – Duty to report violations internally
3. Respect for Others – Promote a respectful environment
4. Avoiding Conflicts of Interest – Ensure objectivity
5. Responsible Use of University Resources – Responsible stewards of university resources
6. Responsible Conduct in Research – Integrity in research
7. Commitment to Environmental Health and Safety – For employees, students, and public
8. Responsible Use and Protection of Confidential Information - Ensure allowable need/use

THE UNIVERSITY OF TENNESSEE SYSTEM

Code of Conduct training

- Is mandatory for System, UTK, UTM, UTSI, and IPS employees as well as new hires.
- UTK requires annual training.
- UTC, UTIA, and UTHSC are looking at making training mandatory.
- The training modules are available to everyone on K@TE and Canvas.
- Institutional Compliance collaborated with Employee and Organizational Development to create training.

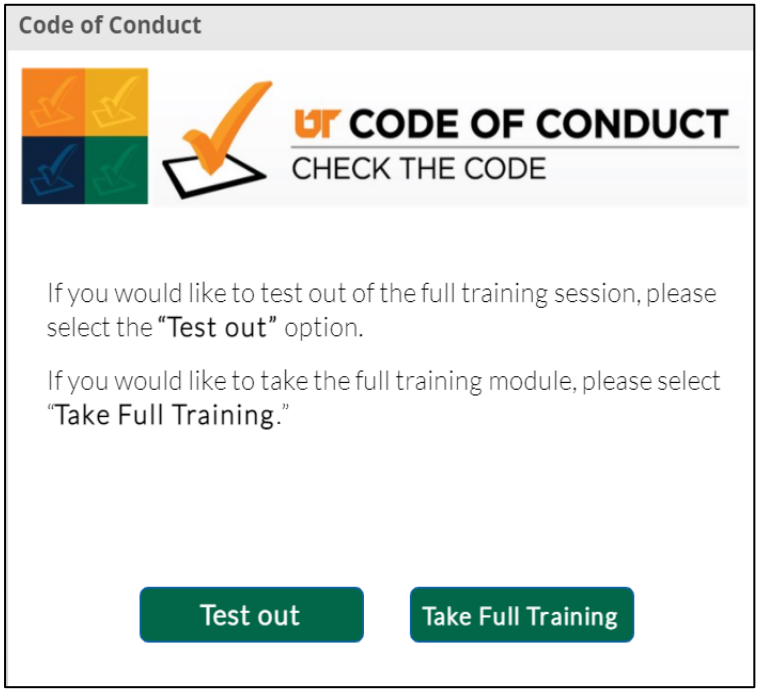


THE UNIVERSITY OF TENNESSEE SYSTEM

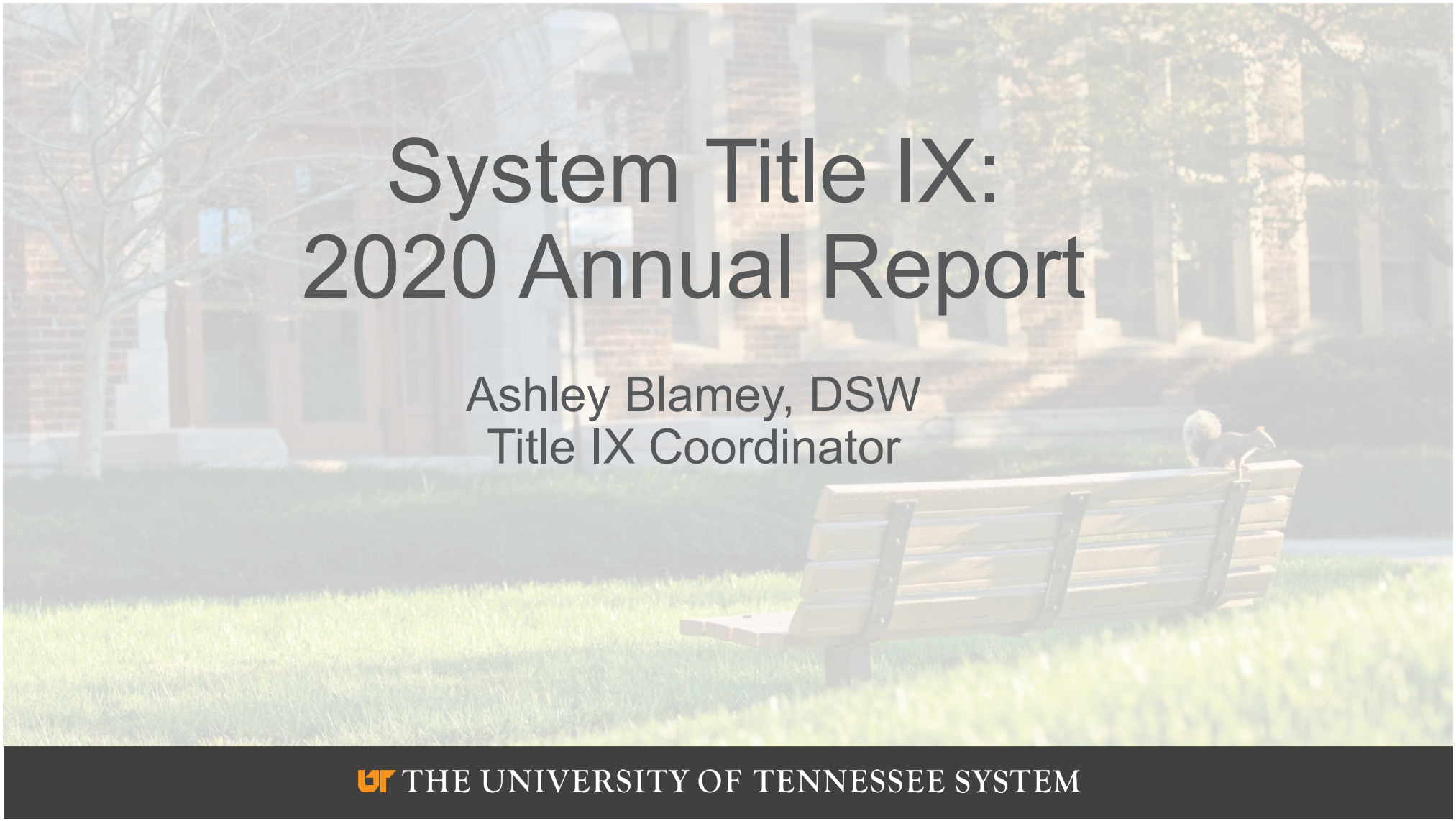
Employee Code of Conduct training update

After an employee has taken the full training, a new test out option has been developed that focuses on:

- Encouraging employees to seek advice on concerns and how to do so
- Explains every employee's duty to report internally any compliance issues
- The available reporting avenues, including anonymously
- Protection from retaliation for reporting
- Referral to the full Code of Conduct policy with specific examples of prohibited behavior



3


System Title IX:
2020 Annual Report
Ashley Blamey, DSW
Title IX Coordinator
THE UNIVERSITY OF TENNESSEE SYSTEM

Model

Grounded in the **Social Ecological Model**, the University's Title IX commitment emphasizes five key areas:

Policy: Our foundation is in the policy and procedures we follow.
Prevention and Education: Our goal is to prevent sexual harassment, sexual assault, dating/domestic violence, stalking and retaliation before they happen.
Support Measures: Our promise is to provide appropriate supportive measures to individuals involved in the Title IX process.
Investigation and Resolution: Our commitments to due process, campus safety and encouraging reporting guide how we investigate and resolve reports.
Patterns and Trends: Our responsibility is to use the best available research, evidence-based practice and our own campus and institute trends in our prevention and response efforts.

Policy

- Developed a template policy on sexual harassment, sexual assault, dating and domestic violence and stalking with shared definitions and a common framework that allows for customization for each campus and institute related to its own resources and jurisdiction.
- Supported campus implementation of new Title IX policies via weekly meetings, ongoing legal updates, and guidance documents.
- Hosted two-day system wide Title IX training that addressed the required elements of the 2020 Title IX regulations.
- Created Title IX compliance documents, templates and resources for system-wide use.
- Identified and trained a diverse pool of hearing officers from across the UT System to oversee Title IX hearings.
- Facilitated campus compliance with Title IX notification requirements for websites, handbooks, and catalogs for students and employees.

Prevention & Education

EDUCATION, TRAINING, AND COMMUNICATION

Education

24 campus-wide events/851 participants

Spring 2020
(10 events, 476 participants)

Valentine's Day—Better Together Silent Disco
47 PARTICIPANTS

Safe Spring Break
256 PARTICIPANTS

Stalking: It's Not a Compliment
31 PARTICIPANTS

Sexual Assault Awareness Month
121 PARTICIPANTS

- Date Dive with Title IX
- Hike the Hill in Heels
- VOLS A.C.T. (faculty and staff)
- VOLS A.C.T. (graduate student)
- Vols Help Vols: Responding to Trauma

Tabling and Outreach
21 PARTICIPANTS

- Healthy Relationships Outreach
- Consent Trivia

Fall 2020
(14 events, 375 participants)

VOLS A.C.T. Training for Resident Assistants
76 PARTICIPANTS

Healthy Masculinity and Campus Sexual Harassment
27 PARTICIPANTS

Tarana Burke Meet and Greet with Q&A
115 PARTICIPANTS

Vols A.C.T. Bystander

Wear Purple Day: On October 22nd, OED and the UTHSC campus community participated in National Wear Purple Day. Participants were invited to wear purple and take a photo for a chance to win a Starbucks gift card.

UT System OED Officers brought awareness to Domestic Violence using custom UTHSC DVAM Zoom backgrounds.

MANDATORY REPORTER TRAINING

2,245 UTHSC faculty and staff completed the 2020 Mandatory Reporter/Responsible Employee Training. This online training was available from April 15 – May 31, 2020.

Bystander intervention training was offered to students, faculty and staff for HR128 credit.

MANDATORY REPORTER TRAINING: SPRING 2020

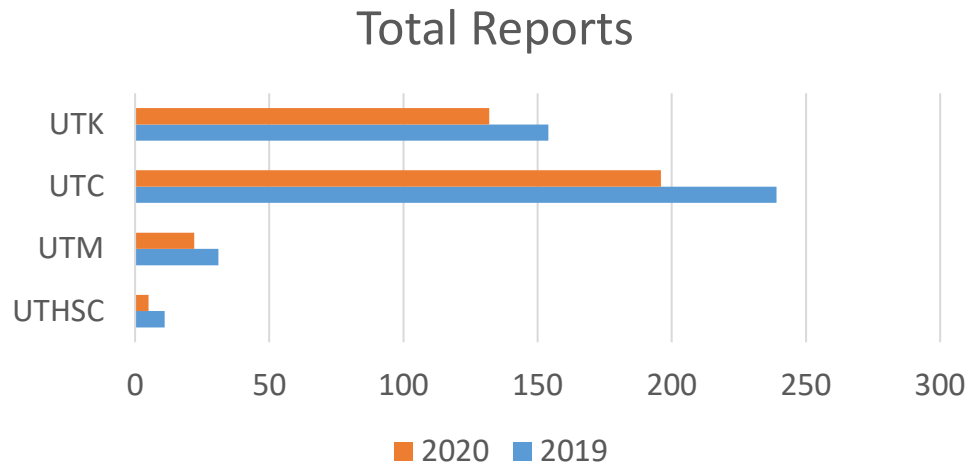
Supportive Measures, Investigations, and Resolutions

Supportive Measures

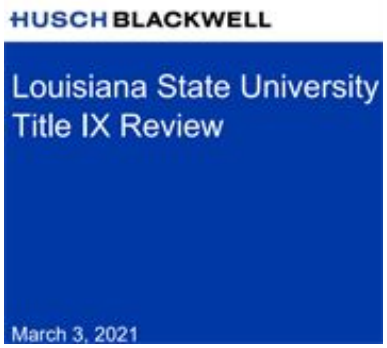
- All campuses offer supportive measures to complainants and respondents.
- Supportive measures include support in accessing medical care, counseling, academic resources, No Contact Directives, reports to law enforcement, referrals to local support resources, and other individualized services.

Annual Data of Reports, Locations, and Status

- All campuses provide campus specific data on reports of prohibited conduct.
- All campuses provide location of the reported event.
- All campuses provide the respondent status.



Patterns & Trends



- Each campus monitors their individual patterns and trends
- System Title IX monitors state and national patterns and trends
- Annual Mandatory Training of Title IX Personnel
- Athletics
  - UTC 100%
  - UTK 100%
  - UTM 100%
- Mandatory Reporter Training
  - UTSA 99%
  - UTC 88%
  - UTHSC 76%
  - UTK 99%
  - UTM 99%
  - UTS 97%

7

Questions

THE UNIVERSITY OF TENNESSEE
BOARD OF TRUSTEES

AGENDA ITEM SUMMARY

Meeting Date: June 24, 2021

Committee: Audit and Compliance

Item: **Annual Reports on Intercollegiate Athletics Compliance Programs**

Type: Information

Presenter: Ryan Stinnett, General Counsel

Board of Trustees Policy BT0033 (Policy on Oversight of Intercollegiate Athletics) requires the Chancellor of each campus with an intercollegiate athletics program to provide a written annual report to the Audit and Compliance Committee, through the General Counsel, to ensure that the Board receives information sufficient to understand and monitor the institution's compliance with the rules and regulations of the National Collegiate Athletic Association (NCAA) and determine the adequacy of the institution's athletics compliance function. This Board Policy was adopted in November 2019, based upon a recommendation from the Board's Special Committee on University of Tennessee Athletics Programs, which concluded its work in June 2020.

The written annual report from each campus must contain the following information, in addition to any other information provided at the discretion of the Chancellor:

1. An explanation of the institution's reporting structure for the intercollegiate athletics compliance office and whether and to whom the intercollegiate athletics compliance office reports outside of the athletics department;

2. Description of the process for reporting and investigating alleged violations of NCAA rules;

3. The number of full-time employees in the athletics compliance office and comparison of that number with the institution's athletics peers; and

4. A description of all NCAA rules infractions since the last annual report.

In compliance with this requirement of BT0033, the written annual reports on athletics compliance from UT Chattanooga, UT Knoxville, and UT Martin are attached. General

Counsel Ryan Stinnett will present the Committee with an oral summary of the reports for each campus and highlight the most critical information the Committee needs to know to ensure the Board carries out its oversight role of ensuring that the institutions are controlling their intercollegiate athletics programs in compliance with NCAA rules and regulations and adequately staffing their athletics compliance functions.

ATTACHMENT A

Annual Report from UT Chattanooga

ATTACHMENT B

Annual Report from UT Knoxville

ATTACHMENT C

Annual Report from UT Martin

THE UNIVERSITY OF TENNESSEE CHATTANOOGA

Office of the Chancellor
Dept 5605
615 McCallie Avenue
Chattanooga, TN 37403
Phone: (423) 425-4141
E-mail: chancellor@utc.edu

4

DATE: June 11, 2021

TO: Ryan Stinnett, General Counsel
FROM: Steven Angle, Chancellor
RE: Annual Report to the UT Audit and Compliance Committee

The University of Tennessee at Chattanooga is committed to integrity, transparency and maintains the high ethical standards. We are also committed to the principle of institutional control and maintaining all aspects of our intercollegiate athletics program in full accordance with all NCAA, Southern Conference and University rules and regulations.

UTC's Athletics Compliance Office is comprised of two full-time professionals and a compliance intern dedicated to the day-to-day compliance process that assists the University in complying with all University, Conference, and NCAA rules and regulations governing the intercollegiate athletics operations as outlined in the slides provided. The Compliance Office is supervised by the Executive Associate Athletic Director/Senior Woman Administrator (a former Compliance Director) and the Vice Chancellor & Director of Athletics. The Chancellor is immediately notified and involved with any major Compliance improprieties. Additionally, the Chancellor meets annually with members from the Compliance Staff to discuss the University Compliance process that is outlined in the PowerPoint slides accompanying this report.

In 2020-21, UTC discovered and reported five minor (secondary or level III) violations to the NCAA. These violations were isolated and inadvertent in nature and did not result in any reprimands or fines from the NCAA. A brief summary of the violations are:

1. A UTC Volleyball coaching staff member distributed a camp brochure prior to the Compliance Office approving it. The brochure failed to state that the camp was open to any and all entrants, *limited only by number, age, grade level and gender as required by Bylaw 13.12.1.1.*
2. On a women's basketball road trip, the radio broadcaster purchased ice cream for members of the Women's Basketball team and posted it on social media. This was discovered by the Compliance Office while monitoring social media and turned into the NCAA as an extra benefit violation.
3. The UTC's Men's Golf Head Coach replied to a text from a young man before realizing that he was a sophomore in high school and ineligible to receive texts. The Coach immediately reported the violation to the Compliance Office.
4. Former Compliance Assistant Dave Anthony permitted the Men's Golf team to compete in a fall 2020 tournament prior to obtaining the Head Coach's signature on the official squad list. This administrative oversight was discovered by the Associate Athletic Director for Compliance.

5. Former Compliance Assistant Dave Anthony permitted the Women's Golf team to compete in a fall 2020 tournament prior to obtaining the Head Coach's signature on the official squad list. This administrative oversight was discovered by the Associate Athletic Director for Compliance.

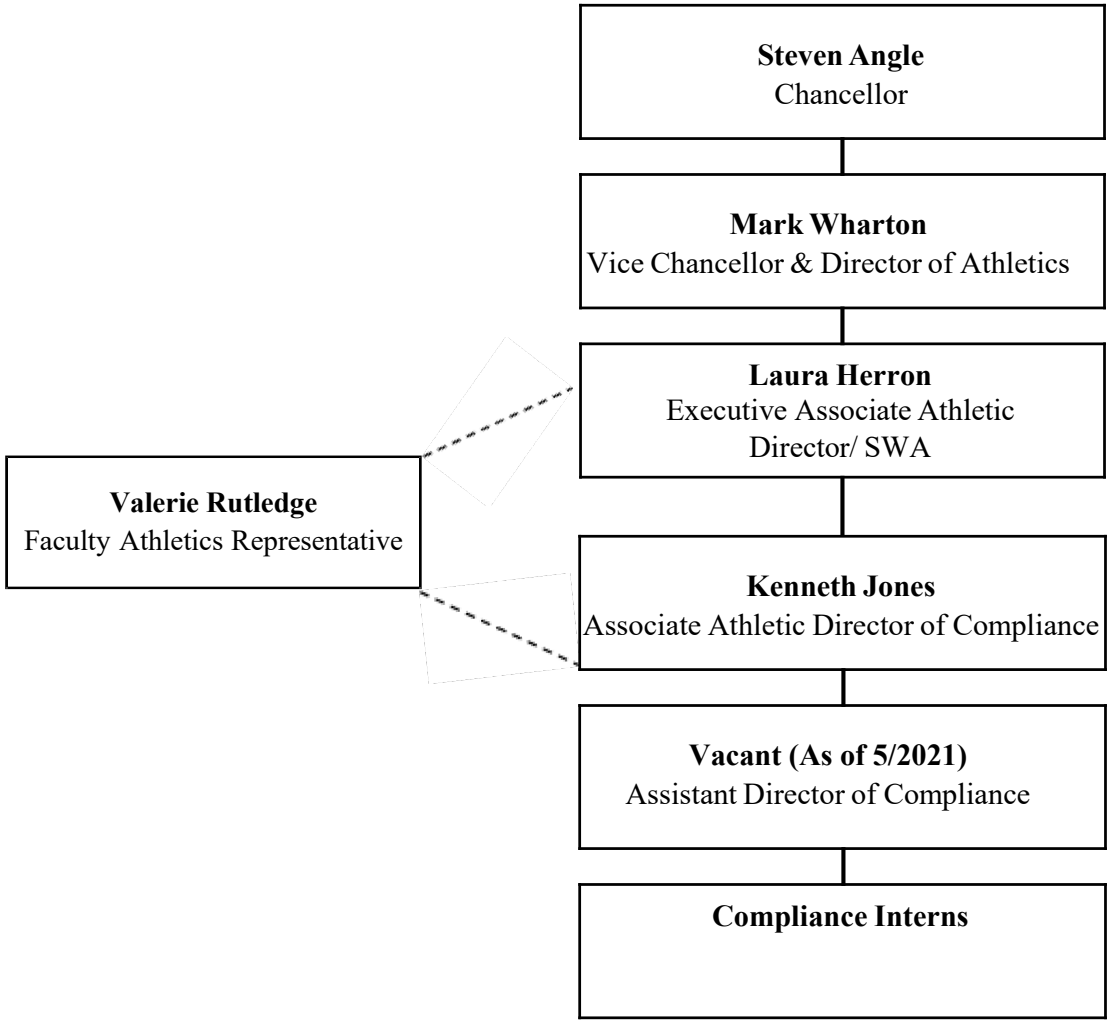
The Athletics Department and University have developed and adopted processes and procedures that provide guidance to our staff, students and supporters about how to work within the rules and to discover, report and, where possible, correct any violations of the rules that might occur. The commitment to the principle of institutional control is both organizational and individual. In response to my review of the Annual Compliance Report and consultations with staff members, I hereby confirm all information provided is sufficient and consistent with the University's commitment to maintaining control of its athletics programs.

cc: Mark Wharton, Vice Chancellor and Director of Athletics
Yousef Hamadeh, Assistant General Counsel
David Steele, Chief of Staff

DEPARTMENT OF COMPLIANCE

JUNE 10, 2021

COMPLIANCE ORGANIZATIONAL CHART



Compliance Responsibilities

Kenneth Jones – Associate AD of Compliance

- Day-to-Day Operations
- Continuing Eligibility
- Roster Maintenance
- Interpretations/Education Columns
- Investigations
- Compliance Manual
- Complimentary Admissions Issues
- Head Coach Control
- Booster Education
- Liaison to Financial Office
- Liaison to Auxiliary Services
- Agents
- Coaches Meetings
- NCAA Reports
- Scholarships
- Awards
- SA Handbook
- Certification of Scheduling
- Declaration of Playing Season
- New Coaches Orientation
- Student-Athlete Meetings

Compliance Responsibilities

Vacant as of 5/2021 – Assistant Director of Compliance

- Initial Eligibility
- Compliance & Social Media Outreach
- Playing & Practice Activities
- Process National Letter of Intents
- Coordinate Squad Lists
- Update Compliance Assistant
- Manage ARMS Software
- Telephone & Recruiting Logs
- Outside Competition
- Liaison to Student Housing
- Complimentary Admissions
- Official Visits
- Unofficial Visits
- Student Assistance Fund
- Supervise Interns
- Student-Athlete Employment
- Oversee Transfer Portal
- Recruiting Test
- Local Sports Clubs

***Position will be filled on July 6, 2021.**

Compliance Responsibilities

Vacant as of 08/2020– Compliance Intern

- Manage Complimentary Admissions in ARMS
- Initial Eligibility Evaluations
- Activate Prospects to IRL
- Assist With Managing IRL/Eligibility Center
- Compliance Social Media Outreach
- Assist With Educational Efforts
- Football Game Responsibilities (pass list, monitoring, etc.)
- Other Duties as Assigned

Position remained vacant during the 2020-21 academic year due to COVID-19; Position is expected to be filled in September of 2021.

Compliance Responsibilities

Natalie Soucy – Graphic Designer

- Create NCAA Educational Material for Student-Athletes
- Create NCAA Educational Material for Coaches
- Create NCAA Educational Material for Boosters
- Create NCAA Educational Material for Sponsors
- Create NCAA Educational Material Social Media Education
- Assist With Other Educational Efforts
- Other Duties as Assigned

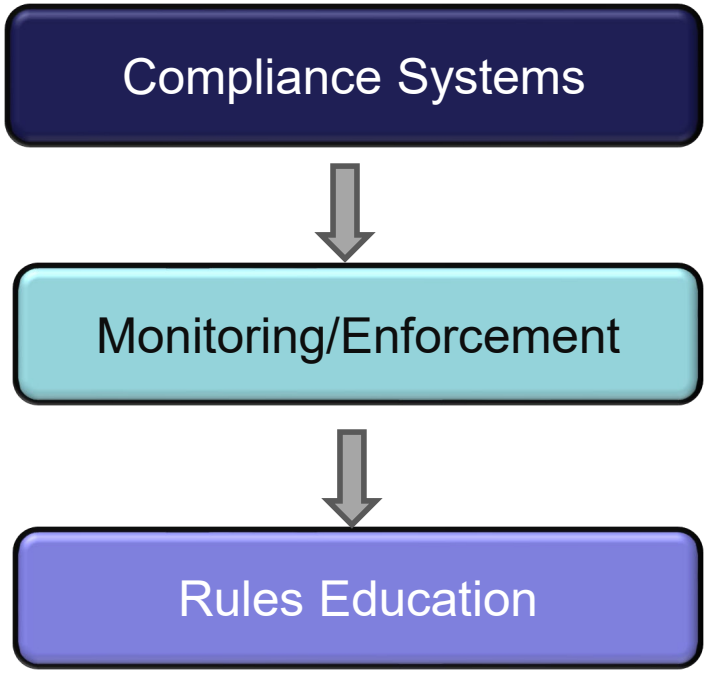
Full Time Staff Comparison

Institution	Full Time Staff
Mercer	3
Western Carolina	1
Wofford	1
North Carolina at Greensboro	1
Furman	2
Virginia Military Institute	2
Citadel	1
Samford	1
East Tennessee	2
Belmont	2
North Georgia	1

Full Time Staff Comparison - Cont.

Institution	Full Time Staff
Alabama at Birmingham	2
Georgia Southern	3
Campbell	2
Appalachian State	2
Gardner Webb	1
Bellarmine	2
Presbyterian	1
Coastal Carolina	2
Delaware State	4
Tennessee Chattanooga	2

Pillars of Institutional Control



Compliance Systems

Implemented systems in areas of fundamental NCAA legislation

- Financial aid
- Eligibility certification
- Admissions
- Recruiting
- Amateurism
- Sports wagering
- Camps and clinics
- Student-athlete employment
- Extra benefits
- Playing and practice season
- Booster activities
- Investigations and self-reporting of violations

Example of Compliance Systems

Conducting Investigation

Conducting Investigation

Develop Case Strategy

- Identify potential NCAA violations
- Identify prospective interviewees
- Establish order in which individuals will be interviewed
- Identify documents to be collected
- Create a timeline for completing investigation

Conducting Investigation

Document Collection Examples

- Computer Records
- Bank Statements
- Telephone Records
- Text Messages
- Expenses Receipts
- Social Media Posts
- Vehicle Registrations

Conducting Investigation

Document Collection Consideration

- Whether signed agreements are necessary to gain access to the information (and how to procure necessary consents).
- Whether to submit the request for documents in writing.
- Which individuals have information that may identify relevant documents.
- Who will request the documents and the timing of the request(s), including follow-up or supplemental requests.

Conducting Investigation

Document Collection Consideration

- A timeline for production of the requested documents.
- What format the requested documents should be produced (native format, Word, .pdf, Excel, photocopies, etc.) and what information may be embedded in electronic materials.
- Consequences for failure or refusal to produce requested documents.
- How a request for documents from a third party might compromise the investigation.

Conducting Investigation

Who Should be interviewed

- Institution should interview any individual with potential knowledge of and/or involvement in potential NCAA violations (e.g., Staff members, student-athletes, former student-athletes).

Conducting Investigation

Interview Logistics

- Identify who is responsible for conducting interview.
- Who may be present during interview.
- Where the interview will be conducted.
- Who may know about the interview.
- How the interview will be performed (e.g., in person, videoconference).

Conducting Investigation

Analysis of Information

- Review and analyze all information collected to determine whether additional interviews or documents are necessary.
- Review entire file and determine whether the factual information and relevant bylaws indicate that violations likely occurred.
- Identify the institutional staff responsible for analyzing the information and arriving at its findings.

Conducting Investigation

Reporting Institutional Findings to NCAA

- Report using NCAA guidelines through Request/Self-Reports Online.

Reporting a Violation

If an alleged or rumored violation is communicated to any athletic department staff member, or individual other than an athletic department staff member, the individual has an obligation to report the alleged violation to any or all of the following persons in a timely manner:

- Any Compliance Staff Member
- The Director of Athletics
- The Faculty Athletics Representative
- Senior Women Administrator
- Online at gomocs.com/Compliance Violation Reporting

Violations Reported

Date	Case Type	Sub Case Type	Reponsible Party	Sport	Bylaw
2020	Secondary/Level III Violations	Recruiting, Sports Camps and Clinics	Coach	Women's Volleyball	13
2020	Secondary/Level III Violations	Awards and Benefits	Student-Athlete	Women's Basketball	16
2020	Secondary/Level III Violations	Recruiting, Telephone Calls	Coach	Men's Golf	13
2021	Secondary/Level III Violations	Eligibility, Institutional Responsibility	Administration	Men's Golf	12, 13, 14
2021	Secondary/Level III Violations	Eligibility, Institutional Responsibility	Administration	Women's Golf	12, 13, 14

Monitoring/Enforcement

Regularly Check and Document Operation of Compliance Systems

Examples Include:

- ✓ Established policies and procedures for review of documentation generated by the systems on a yearly basis;
  - Policies and Procedures set the foundation for enforcement;
- ✓ Ensure compliance forms are being used and used properly.
- ✓ Test the accuracy of the information supplied by personnel using the systems.
- ✓ Make clear expectations of NCAA rules through:
  - Policies and Procedures
  - Job Descriptions
  - Mission Statements
- ✓ Conduct independent, external audits of compliance systems
  - Three audits conducted during the 2019-20 academic year.

Monitoring/Enforcement

Compliance Personnel is Visible and Proactive

Examples Include:

- Established regular communication with administrators, coaches and student-athletes.

- Established regular communication with personnel outside of athletics charged with compliance responsibilities (e.g., financial aid, registrar, academic services).

- Established formal procedures for reporting and investigating violations.

  - Reporting of violations helps with enforcement

Monitoring/Enforcement

Provide sufficient resources and tools to fulfill compliance responsibilities

Examples Include:

- Compliance Software (e.g., ARMS, TEAMWORSK).
- Resources to create educational items.
- Funding for professional development of compliance staff
- Adequate number of compliance staff members

Principles of Rules Education

Rules Education Efforts are Comprehensive and On-going

- Goal is to educate all individuals and organizations promoting the institution's athletics interests;
  - Institutional administrators with compliance responsibilities.
  - Coaches.
  - Student-athletes.
  - Academic advisors.
  - Tutors.
  - Season-Ticket Holders.
  - Booster organizations.
  - Registrar.
  - Financial aid office.
  - Sponsors.

Principles of Rules Education

Conduct Education using different Components and at Varying Intervals

- Tailor educational materials to audience.
- Incorporate educational outlets
  - Social Media
  - Posters
  - Teamworks
  - ARMS
  - Direct Dialogue
- New personnel should be trained shortly after beginning employment.
  - ➢ New employee orientation includes polices and procedures review and ARMS training.
- Refresher of educational rules should be conducted on a regular basis.
  - ➢ Compliance takes a marketing approach to education (NCAA rules must constantly be in the face of coaches, non-coaching staff members, and student-athletes).

Interpretation Process

All Interpretation Questions are Submitted to Compliance

1.Submission process is user friendly and may be submitted by;

- Text message
- Verbal conversation
- Email
- Teamworks
- ARMS

2. Responses to interpretative questions should be made verbally and by email;

- If compliance is unsure of the answer, the interpretative question is submitted to the conference office

- If the conference is unsure of the answer, the conference office submits the interpretative question to the NCAA

3. All interpretative questions are documented and saved for future references.

THE UNIVERSITY OF TENNESSEE KNOXVILLE

June 17, 2021

University of Tennessee Board of Trustees
Audit and Compliance Committee
c/o C. Ryan Stinnett, General Counsel
719 Andy Holt Tower
Knoxville, TN 37996-0170

Re: Annual Report to the Audit and Compliance Committee (BT0033 – Policy on Oversight of Intercollegiate Athletics)

Dear Members of the Audit and Compliance Committee:

I am pleased to submit this annual written report to the Audit and Compliance Committee to ensure that the Board of Trustees has information sufficient to understand and monitor the university's compliance with the rules and regulations of the National Collegiate Athletic Association (NCAA) and determine the adequacy of the university's athletics compliance function.

This report includes:

1. An overview of the compliance reporting structure (Attachment 1);
2. A description of the process for reporting and investigating alleged violations of NCAA rules (Attachment 2);
3. The number of full-time employees in the athletics compliance office and a comparison of that number with Southeastern Conference peers (Attachment 3); and
4. A description of all NCAA rules infractions since the last annual report (not including pending investigations) (Attachment 4).

Commitment to compliance has been a part of the mission of Tennessee Athletics, and during this period of unprecedented change within intercollegiate athletics the compliance office will be assuming additional responsibilities, further increasing the importance of their role. For example, the athletics compliance office has been actively engaged in the planning for the new landscape of name, image, likeness. We will continue to make changes to our program that further our goal of becoming a national model for compliance. And we believe that the ongoing efforts by our administrators, coaches, and our compliance staff to adhere to NCAA requirements, identify opportunities to improve our compliance program, and not shy way from problems put us on track to be an example for other institutions.

Sincerely,

Donde Plowman

Donde Plowman
Chancellor

Office of the Chancellor
527 Andy Holt Tower, Knoxville, TN 37996-0184
865-974-3265 865-974-4811 fax chancellor.utk.edu

BIG ORANGE. BIG IDEAS.
Flagship Campus of the University of Tennessee System UT

THE UNIVERSITY OF TENNESSEE KNOXVILLE

Attachment 1

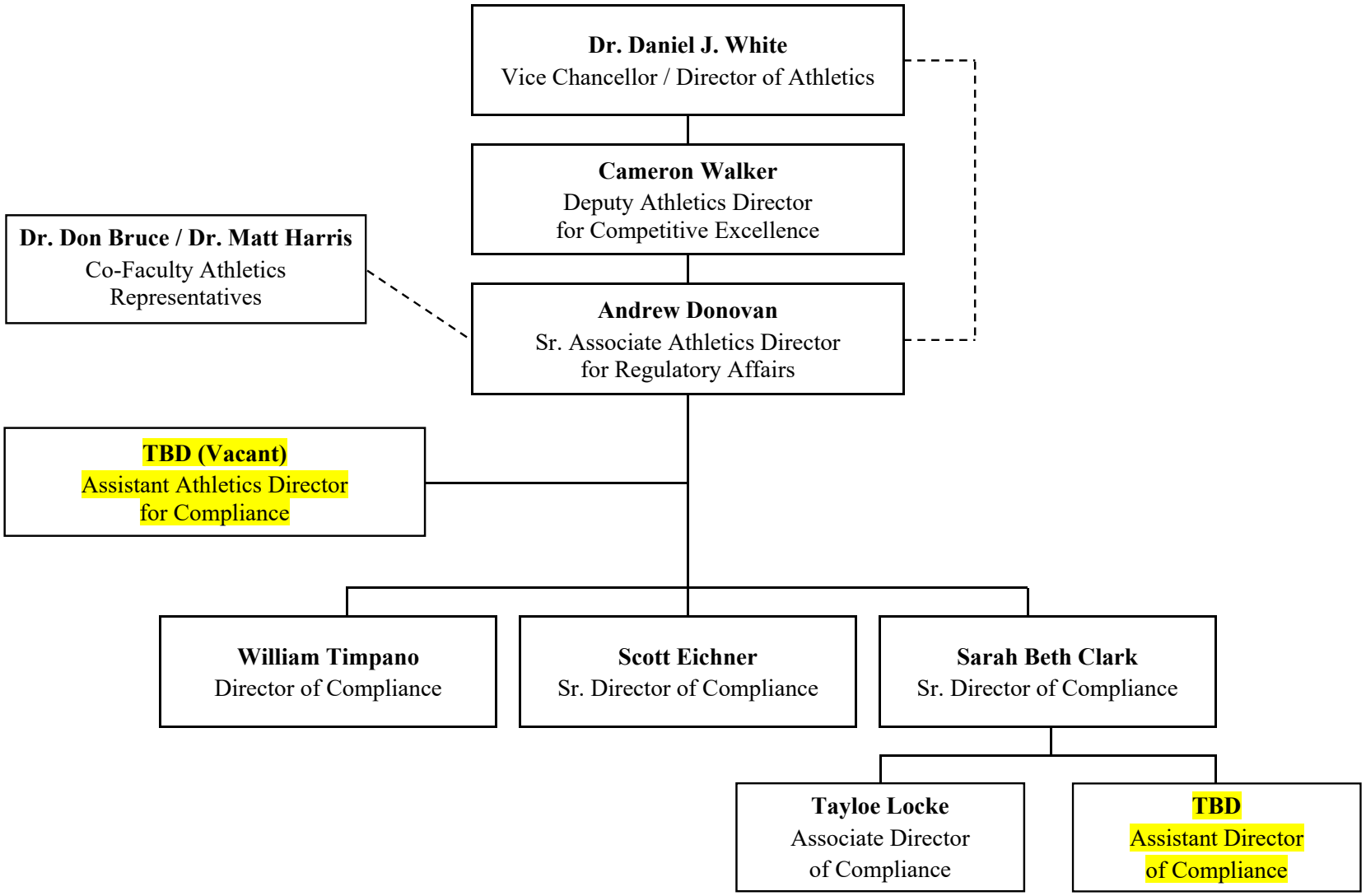
Overview of Compliance Reporting Structure

Annual Report to the Audit and Compliance Committee
University of Tennessee, Knoxville
June 17, 2021

TENNESSEE ATHLETICS

COMPLIANCE STAFF ORGANIZATIONAL CHART

(AS OF 06.01.21)



THE UNIVERSITY OF TENNESSEE KNOXVILLE

Attachment 2

Description of the Process for Reporting and Investigating Alleged Violations of NCAA Rules

Annual Report to the Audit and Compliance Committee
University of Tennessee, Knoxville
June 17, 2021

COMPLIANCE OFFICE STAFF GUIDELINES

(AS OF 08.20.20)

The UT Compliance Office operates on a combined bylaw-based and sport-specific responsibility approach. This organizational structure is designed to provide department-wide consistency in procedural matters, a streamlined method of communication for coaches, support staff and administrators, and the opportunity for each Compliance Office staff member to work within all areas of NCAA legislation and with all UT sports.

Ultimately, UT coaches, support staff and administrative staff members are afforded direct and efficient lines of communication buoyed by legislative and procedural expertise, and Compliance Office staff members are positioned to grow in a diverse and meaningful manner.

BYLAW PRACTITIONER

Bylaw Practitioner responsibilities pertain to front-end procedural matters for all sports. For example, the Compliance Office staff member who is the Bylaw Practitioner for Playing and Practice Seasons is charged with monitoring and documenting legislative requirements within NCAA Bylaw 17 for all sports, including:

1) Countable athletically related activities (CARA) logs;
2) Playing and practice season declarations;
3) Student-athlete outside competition documentation; and
4) Time Management Plans (TMPs).

SPORT/ADMINISTRATIVE FACILITATOR

Sport/Administrative Facilitator responsibilities apply to as-needed requests, inquiries and issues related to the Compliance Office staff member's assigned sports and administrative units. For example, the Compliance Office staff member who is the Sport Facilitator for Softball is charged with completing the following tasks for Softball, regardless of his/her Bylaw Practitioner duties:

1) Responding to directly-received interpretive inquiries;
2) Preparing and submitting waiver requests (except academic eligibility waivers); and
3) Investigating and filing Level III violations.

The Sport/Administrative Facilitator is also responsible for conducting and documenting rules education meetings with his/her sports and administrative units. Rules education topics are coordinated by the Bylaw Practitioner for Rules Education Initiatives.

INTERNAL PROCESSES AND PROCEDURES

In order to optimize the benefits of this organizational structure, open and frequent communication among Compliance Office staff members is imperative, and staff members must adhere to internal processes and procedures as it relates to the specific duties charged to the Bylaw Practitioner and Sport/Administrative Facilitator roles.

Bylaw Practitioner duties – front-end procedural documentation and monitoring within a specific legislative area for all teams – shall only extend to the Sport/Administrative Facilitator if the Bylaw Practitioner requests the assistance of the Sport/Administrative Facilitator in soliciting completion

of an unfulfilled/delinquent task. In such a case, the Bylaw Practitioner shall exhaust all reasonable avenues for completion of the task prior to requesting the Sport/Administrative Facilitator's involvement.

The Bylaw Practitioner is responsible for all necessary procedural and documentation requirements within his/her legislative area(s) including, but not limited to:

Conduct and Employment of Athletics Personnel (Bylaw 11)

- Coaches Certification Tests
- Coaching/non-coaching staff declarations and limitations
- New Coaches/Staff Orientation
- Outside athletically related income and benefits
- Personnel approvals (student managers, coaching and non-coaching sport-specific staff members, including volunteer assistant coaches)
- Potential hire record of rules compliance reviews

Amateurism and Athletics Eligibility (Bylaw 12)

- Amateurism certification
- Assignment and verification of Beginning of the Year (BOY) student-athlete paperwork
- Student-athlete employment/fee-for-lesson documentation
- Participation reports
- Promotional activities

Recruiting (Bylaw 13)

- Camps and clinics
- Local sports clubs
- Notification of valid National Letter of Intent (NLI), SEC Financial Aid Agreement (SECFAA) and/or Institutional Financial Aid Agreement (IFAA)
- Prospective student-athlete complimentary admissions
- Recruiting calendars
- Recruiting contacts and evaluations
- Recruiting materials
- Recruiting staff travel requisitions
- Recruiting telephone logs
- Recruiting visits (official and unofficial)
- Recruiting visit requisitions
- Recruiting/scouting services

Eligibility: Academic and General Requirements (Bylaw 14)

- Initial, continuing and transfer student-athlete eligibility certification
- Prospective student-athlete transcript evaluations and status reports
- Roster management
- Squad lists
- Permission to contact and transfer release requests
- Walk-on/tryout certification

Financial Aid (Bylaw 15)

- Athletically related financial aid
- Outside grant/scholarship certification
- Preparation and validation of NLI, SECFAA and/or IFAA
- Scholarship check disbursement
- Scholarship renewals/non-renewals/reductions
- Student Assistance Fund (SAF)

Awards, Benefits and Expenses for Enrolled Student-Athletes (Bylaw 16)

- Student-athlete complimentary admissions
- Student-athlete awards
- Student-athlete meals and per diem
- Team travel requisitions
- Vacation period expenses

Playing and Practice Seasons (Bylaw 17)

- Countable athletically related activities (CARA) logs
- Playing and practice season declarations
- Student-athlete outside competition documentation
- Time Management Plans (TMPs)

The purpose of the Sport/Administrative Facilitator is to provide coaches and administrative staff members a consistent and dependable entry point into the varying areas of expertise within the Compliance Office, and to allow Compliance Office staff members the opportunity to gain meaningful experience in all areas of legislation. Accordingly, Sport/Administrative Facilitator responsibilities – as-needed requests, inquiries and issues related to assigned sports and administrative units – shall operate under the following principles:

Interpretations

1) The Compliance Office staff member who receives the inquiry is responsible for responding to the inquiry.
2) If the Sport/Administrative Facilitator receives an interpretive request from his/her sport or administrative unit, he/she shall not provide an interpretation without first discussing the issue with the applicable Bylaw Practitioner (and other staff, as needed) unless the Sport/Administrative Facilitator is certain of the accurate interpretation.
3) If the Bylaw Practitioner receives an interpretive request from a sport or administrative unit outside of his/her Sport/Administrative Facilitator assignment(s), he/she shall not provide an interpretative without first discussing the issue with the applicable Sport/Administrative Facilitator (and other staff, as needed) unless the Bylaw Practitioner is certain of the accurate interpretation.
4) If a Compliance Office staff member receives an interpretive request outside of his/her Bylaw Practitioner and Sport/Administrative Facilitator assignment(s), he/she shall forward the request to the applicable Sport/Administrative Facilitator who shall then follow the procedure outlined in Step 2 above. The staff member who received the interpretive request shall notify the inquiring party that his/her request will be processed by the Sport/Administrative Facilitator.

5) Interpretive inquiries shall not be sent to the SEC without prior discussion with/approval from the Senior Associate Athletics Director for Regulatory Affairs or Assistant Athletics Director for Compliance.
6) All interpretations shall be issued in writing with all Compliance Office staff members Cc'd or Bcc'd.

Waiver Requests

1) The Sport/Administrative Facilitator is responsible for submitting all waiver requests related to his/her sports and administrative units with the exception of academic eligibility waivers, which are the responsibility of the Bylaw Practitioner for Amateurism and Athletics Eligibility (Bylaw 12) and Eligibility: Academic and General Requirements (Bylaw 14).
2) The Sport/Administrative Facilitator is encouraged to seek input/guidance – as needed – from the Bylaw Practitioner in the applicable legislative area (or any other Compliance Office staff member) in preparing the waiver request.

Level III Violations

1) The Sport/Administrative Facilitator is responsible for filing all Level III violations related to his/her sports and administrative units.
2) The Sport/Administrative Facilitator is encouraged to seek input/guidance – as needed – from the Bylaw Practitioner in the applicable legislative area (or any other Compliance Office staff member) in investigating and filing the violation.

RULES EDUCATION & MONITORING

- In-person
- E-mails / Text Messages
- "Vendor" Letters
- Athletics Publications
- Twitter @Vol_Compliance
- Policies and Procedures
- **Software** (Front Rush and Teamworks)
- Required Documentation
- Audits / Self-Assessment

TENNESSEE ATHLETICS

4

INVESTIGATIVE AND VIOLATION SELF-REPORTING POLICY AND PROCEDURES

(Effective 08.2019)

The University of Tennessee (UT) is committed to the principle of institutional control and responsibility which obligates it to be in compliance with the rules and regulations of the National Collegiate Athletic Association (NCAA), the Southeastern Conference (SEC) and the institution. The Chancellor has overall responsibility for this control and the administration of all aspects of the intercollegiate athletics program. UT will monitor the intercollegiate athletics program to assure compliance and to identify and report to the NCAA Enforcement Staff instances in which compliance has not been achieved (NCAA Bylaws 2.1.1 and 2.8.1). UT will conduct all investigations of NCAA legislation under the guidelines of this policy and NCAA and SEC legislation. The Sr. Associate Athletics Director for Regulatory Affairs (SAADRA) is principally responsible for monitoring athletics compliance. This position reports to the Vice Chancellor / Director of Athletics (AD), but also has direct access to the Faculty Athletics Representative (FAR), Chancellor and the Office of the General Counsel (OGC).

I. Reporting of Suspected or Known Violations:

Any coach, employee, student-athlete, or other individual associated with the UT athletics department or an employee of UT who has NCAA compliance responsibilities (including UT employees who work outside of the athletics department) must notify appropriate institutional officials immediately of any suspected or known violation(s) of NCAA legislation or UT or SEC policies or procedures. Notification must take place by contacting (in-person or by telephone or e-mail) an Athletics Compliance Office staff member, the AD or FAR. Reporting this information to the head coach of the involved sport does not meet this requirement.

If an individual self-reports a violation, he or she may be asked to provide certain information in writing, including:

- Date of violation;
- Individuals involved in the violation;
- Description of the violation;
- Means by which he or she learned of the information;
- Reason(s) the violation occurred; and
- Statement of actions that have been or will be taken in order to prevent a similar violation from recurring.

II. Assessing Initial Information:

Upon being informed of a possible violation, the SAADRA (or designee) will conduct a preliminary investigation to ascertain the general facts surrounding the incident. The parties involved in the incident may be contacted directly and asked about the matter. The SAADRA (or designee) will communicate the preliminary findings to the AD and FAR. The SAADRA, AD and FAR jointly shall have initial responsibility for determining whether the information indicates a possible violation (see definitions in NCAA Bylaw 19.1).

III. Investigation of Level III Violations:

The following procedures shall be followed in investigating information that indicates possible Level III violations:

1. The SAADRA (or designee), in conjunction with the FAR, shall have the responsibility for investigating the facts, applying the facts to the governing rules, and/or obtaining a rules interpretation from the SEC or NCAA.
2. It is the responsibility of the SAADRA (or designee) and FAR to determine whether the available information supports that a Level III violation of NCAA legislation occurred.
3. Once it has been determined that a Level III violation has occurred, the SAADRA (or designee) will prepare a written report. The report will include not only the facts concerning the violation but also the penalty imposed by the institution. Prior to submission, the FAR will review the report. Copies and/or summaries

of the self-report will be provided to the SEC, AD, athletic administrator that supervises the sport, and the head coach.

4. If the SAADRA (or designee) and FAR determine that the observation, allegation or report of non-compliance clearly lacks merit, the investigation will be terminated and, if appropriate, the SAADRA (or designee) will prepare a brief written summary that provides an overview of the: (i) information received; (ii) institution's inquiry; and (iii) reasons that the institution concluded no violations occurred. The investigative file will be retained for at least five (5) years.

IV. Investigation of Possible Level I or II Violations:

The following procedures shall be followed in investigating information that indicates possible Level I or II violations:

1. The SAADRA (or designee), in conjunction with the FAR, shall forward the information to the OGC and that office shall be responsible for directing the investigation.
2. The OGC, in conjunction with the SAADRA (or designee) and FAR, shall determine the appropriate action in conducting the investigation. The OGC shall conduct the investigation or utilize outside experts if the OGC deems such to be necessary. If the OGC determines that the appropriate course of action is to employ an outside entity to conduct the investigation, that entity shall report to the OGC.
3. It is the responsibility of the OGC to notify the Chancellor that an investigation is underway. The notification to the Chancellor may include a brief description of the possible Level I or II violation(s) and the OGC's recommendation regarding whether the investigation will be conducted internally or through the use of an outside entity. Regardless of who conducts the investigation, the OGC, SAADRA (or designee) and FAR should, during the course of the investigation, regularly report to, and consult with, the Chancellor regarding the progress of the investigation.
4. The OGC also shall be responsible for preparation of the written report of the investigation and finding(s). The actual report preparation may be delegated to the SAADRA (or designee) or an outside entity at the discretion of the OGC, but the OGC must review and approve the written report before it is finalized.
5. The SAADRA (or designee) will notify the SEC of the inquiry.
6. During an investigation, release of information to the media should be closely reviewed due to NCAA legislation relating to release of certain investigative information and Buckley legislation. The Chancellor (or his or her designee) will decide how information is disseminated. The institution should emphasize in the information provided to the media that the prescribed procedures to investigate any rules allegation are being utilized. Further, the institution should understand that dissemination of information could compromise the investigation. At the end of the investigation, a written report should be submitted to the NCAA by the SAADRA (or designee) and, if appropriate, may include a press briefing.
7. Communication with the applicable head coach will be handled by the AD (or designee) in consultation with the SAADRA and/or FAR, taking into account student-athlete welfare issues and the integrity of the investigation.
8. All decisions regarding sharing of information with athletics department staff will be made by the OGC. During the course of an investigation, the individual or entity conducting the investigation retains the discretion to withhold information from an interviewee or coaching staff member, including but not limited to data and telephone records, until after interviews of any or all involved parties have been conducted, and a written report is finalized.

V. Retaliatory Actions and Inquiries:

The institution will not permit retaliatory actions against athletics staff or student-athletes who submit or are involved in a complaint or allegation concerning NCAA rules violations. Additionally, the institution will act in accordance with institutional procedures for alleged misconduct by an employee and applicable provisions of state legislation. All questions pertaining to the application of the aforementioned procedures shall be referred to the OGC and the Chancellor.

TENNESSEE ATHLETICS

STAFF MEMBER CERTIFICATION OF COMPLIANCE FORM

The University of Tennessee (UT) is committed to the principle of institutional control and responsibility which obligates it to be in compliance with the rules and regulations of the National Collegiate Athletic Association (NCAA), the Southeastern Conference (SEC) and the institution.

Any coach, employee, student-athlete, or other individual associated with the UT athletics department or an employee of UT who has NCAA compliance responsibilities (including UT employees who work outside of the athletics department) must notify appropriate institutional officials immediately of any suspected or known violation(s) of NCAA legislation or UT or SEC policies or procedures. Notification must take place by contacting (in-person or by telephone or e-mail) an Athletics Compliance Office staff member, the Director of Athletics or the Faculty Athletics Representative.

NCAA Bylaw 10.1 outlines various actions of unethical conduct that may jeopardize a staff member's employment status. Any individual who performs work for the institution or the athletics department, even if he or she does not receive compensation for such work, is subject to Bylaw 10.1, which includes, but is not limited to, the following:

- Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;
- Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;
- Receipt of benefits by an institutional staff member for facilitating or arranging a meeting between a student-athlete and an agent, financial advisor or a representative of an agent or advisor (e.g., "runner"); and
- Knowing involvement in providing a banned substance or impermissible supplement to student-athletes, or knowingly providing medications to student-athletes contrary to medical licensure, commonly accepted standards of care in sports medicine practice, or state and federal law.

By signing below, I confirm that I have reviewed and understand the information contained in this Certification of Compliance Form. I acknowledge that I have a responsibility to immediately report any suspected or known violation(s) of NCAA legislation or UT or SEC policies or procedures to an Athletics Compliance Office staff member, the Director of Athletics or the Faculty Athletics Representative. I further acknowledge the requirement to engage in ethical conduct. I understand that failure to abide by any of those requirements may subject me to institutional disciplinary action, up to and including termination of employment.

Name (PRINT)	Signature	Date

(Revised 08.2019)

COMPLIANCE IS A CULTURE, NOT AN OFFICE

- Build relationships through presence and communication
- Act as an advocate, not an adversary
- Prioritize based on risk assessment
- Anticipate and adapt
- Customer service / Follow-up

THE UNIVERSITY OF TENNESSEE KNOXVILLE

Attachment 3

Athletics Compliance Office Staffing

Annual Report to the Audit and Compliance Committee
University of Tennessee, Knoxville
June 17, 2021

SEC Peer Comparison of Compliance Staffing

AS OF FEBRUARY 2021		
Rank	**School**	**Full-Time Staff**
1	Ole Miss	10
2	Georgia	9
T-3	South Carolina	8
T-3	Texas A&M	8
T-5	Arkansas	7
T-5	Auburn	7
T-7	Alabama	6
T-7	Florida	6
T-7	Kentucky	6
T-7	**Tennessee**	**6**
T-11	LSU	5
T-11	Mississippi State	5
T-11	Missouri	5
T-11	Vanderbilt	5

THE UNIVERSITY OF TENNESSEE KNOXVILLE

Attachment 4

NCAA Rules Infractions

Annual Report to the Audit and Compliance Committee
University of Tennessee, Knoxville
June 17, 2021

LEVEL III VIOLATIONS

PER MONTH			
	2018	2019	2020
January	0	2	1
February	1	1	0
March	2	3	0
April	0	0	0
May	2	1	0
June	0	2	0
July	3	1	0
August	2	0	0
September	0	3	0
October	1	0	2
November	2	0	1
December	1	1	3
	14	**14**	***7***

PER SPORT			
	2018	2019	2020
Baseball	0	0	0
Men's Basketball	2	0	1
Women's Basketball	5	0	2
Football	4	7	3
Men's Golf	0	0	0
Women's Golf	1	0	0
Rowing	0	1	0
Soccer	0	1	0
Softball	1	1	0
Swimming & Diving	0	2	0
Men's Tennis	0	1	0
Women's Tennis	1	0	0
Track & Field	0	1	1
Volleyball	0	0	0
	14	**14**	***7***

PER BYLAW			
	2018	2019	2020
Bylaw 5	0	0	0
Bylaw 10	0	0	0
Bylaw 11	2	3	0
Bylaw 12	0	2	1
Bylaw 13	9	6	4
Bylaw 14	0	1	0
Bylaw 15	0	1	0
Bylaw 16	1	1	3
Bylaw 17	2	0	0
Bylaw 18	0	0	0
Bylaw 20	0	0	0
Bylaw 31	0	0	0
	14	**14**	**8**

** One violation involved two bylaws*

THE UNIVERSITY OF TENNESSEE
MARTIN

Office of the Chancellor
325 Administration Building
554 University Street
Martin, Tennessee 38238
Office: (731) 881-7500
Fax: (731) 881-7019
www.utm.edu

MEMORANDUM

TO: President Randy Boyd
Ryan Stinnett, General Counsel

FROM: Keith S. Carver, Jr., Chancellor

RE: Attestation of Commitment to Athletics Compliance

DATE: June 9, 2021

May this letter serve as my request for the Office of General Counsel to submit this annual report to the Audit and Compliance Committee of the Board of the Trustees. Athletics compliance is considered of utmost importance at The University of Tennessee at Martin. The Office of Intercollegiate Athletics devotes a significant amount of time to ensuring that all employees and constituents are educated on NCAA, OVC, and institutional regulations that could impact the institution, and specifically our compliance within athletics. While the institution employs a single, full-time employee in the office of compliance, the Athletics academic staff and other members of Athletics Administration are responsible for compliance duties to help facilitate monitoring of activities on campus and the actions of campus members that could impact compliance. Cross training is both intentional and vital to maintaining compliance on campus due to the limited full-time staff members devoted solely to compliance. However, the reporting of violations is handled by the compliance officer to ensure that the party most well-versed in legislation is responsible for reporting off-campus. These reports are also provided to the Director of Athletics, the Faculty Athletics Representative, and the Chancellor in the event that the finding is serious enough to warrant such reporting.

The Chancellor's oversight and support of the compliance office's efforts help stress the importance to the rest of the campus. This statement and my corroborating actions shall serve as my attestation of commitment to Athletics compliance on UT Martin's campus, and I will continue to act in a way that will further campus compliance.

js

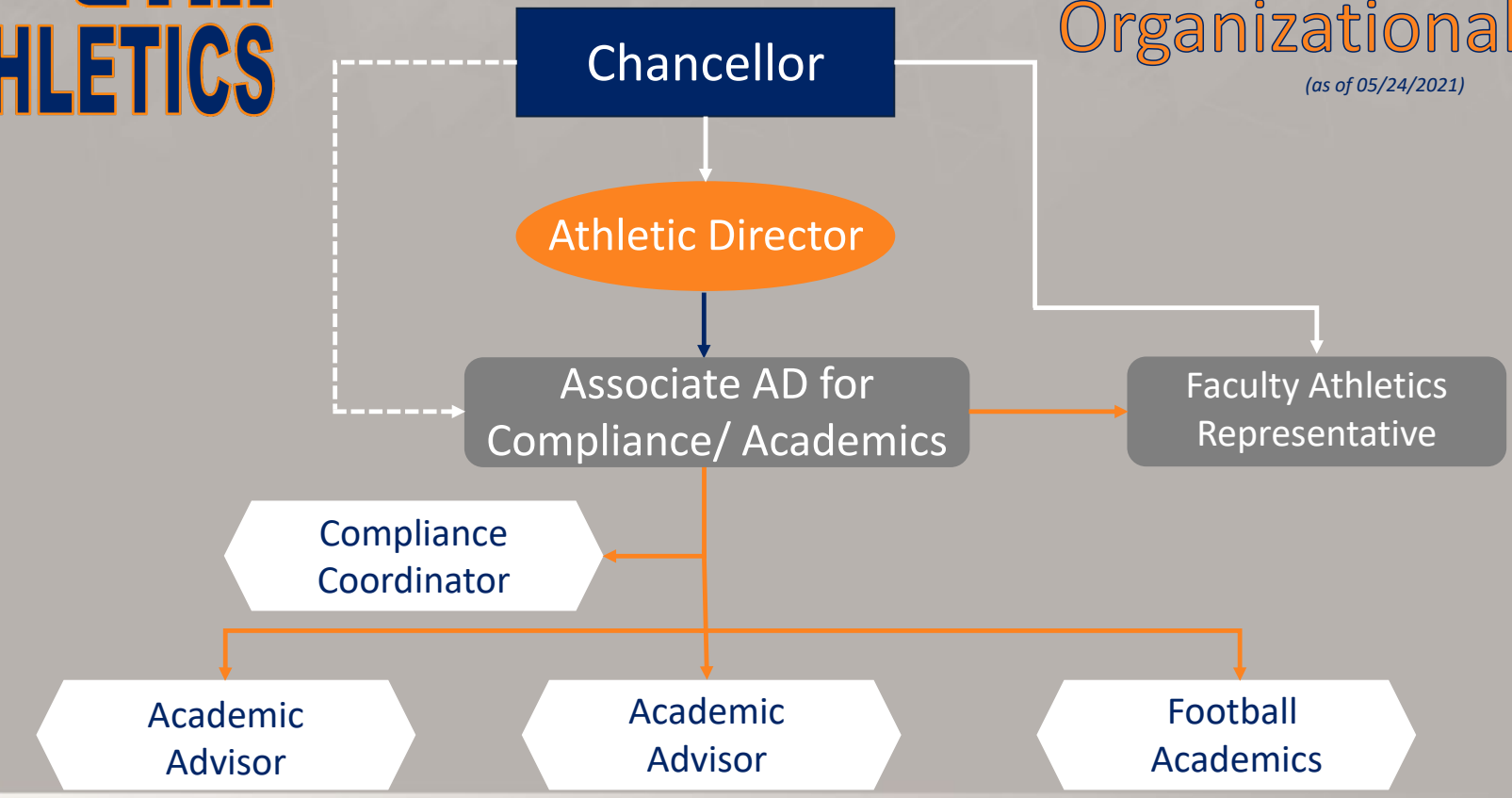
c: Kurt McGuffin
Ashley Bynum
Edie Gibson

4

UTM ATHLETICS

Compliance Staff Organizational Chart

(as of 05/24/2021)



MARTIN

VIOLATIONS

BYLAW	SPORT	MONTH
BYLAW 11 BYLAW 13	ADMINISTRATIVE	OCTOBER 2020
BYLAW 13 BYLAW 17	FOOTBALL	NOVEMBER 2020
BYLAW 15	FOOTBALL	MARCH 2021
BYLAW 13	SOCCER	FEBRUARY 2021

MARTIN

OVC Peer Comparison for Compliance

Rank	School	FT Positions
	Austin Peay State University	1
	Belmont University	2
	Eastern Illinois University	1
	Eastern Kentucky University	3
	Jacksonville State University	2
	Morehead State University	2
	Murray State University	1
	Southeast Missouri State University	1
	Southern Illinois University- Edwardsville	3
	Tennessee State University	3
	Tennessee Tech University	1
	University of Tennessee at Martin	1

UT MARTIN

Process of Violation Investigations

- The process of taking reports of violations and investigating potential NCAA violations starts with a report to the Associate AD for Compliance/Academics. All staff members within the athletics department knows that if there is a report made to them, that the information should be relayed to the compliance office.
- Rules education is a key tool in this process, as keeping staff informed on the regulations is necessary in order for them to identify a possible violation.
- Once the information in initially obtained, the compliance office will write up a report and begin an investigation.
- Depending on the level of the violation, the compliance office will notify the Athletics Director, the Faculty Athletics Representative, and possibly the Chancellor. The majority of violations are Level III violations that are reported to the Athletics Director and the Faculty Athletics Representative upon intake of the report. Level II violations require notification to the Athletics Director, the Faculty Athletics Representative, and the Chancellor. Level I violations will be reported to all three parties upon initial intake of the report as well. The last party that could possibly be notified would be the Title IX Coordinator if the possible violation is in any way associated with gender inequity or assault that requires reporting to the abovementioned party.

UT MARTIN

Process of Violation Investigations cont.

- Once the initial report is taken and the proper parties are notified, the compliance office will begin interviewing any parties that were possibly involved in the violation. Upon completion of the interview process, the compliance office will confer with the Athletics Director on the plan of action for the particular situation.
- This can range from a determination that no violation occurred to the requirement that the report be forwarded to the conference office and/or the NCAA.
- Regardless of the actions taken after the initial investigation, additional rules education will be provided to the staff members in question. Even if there is no violation, the education provides a preventative measure that allows for the parties in question to avoid any future reports of possible violation in the same realm.
- Once a decision is handed down from the NCAA, if reported, the compliance office will ensure that the staff complies with any punishment that is assessed.

UT MARTIN