



# Tusculum University Annual Security Report

And Annual Fire Safety Report

2023 Reporting Year  
Including 2022 Statistical Information

## Campus Safety & Crime Prevention Information

If this is your first interaction with our historic institution, please allow us to welcome you to Tusculum University. Founded in 1794, Tusculum University is the oldest University in Tennessee, the twenty-eighth oldest University in the nation, and the oldest coeducational institution affiliated with the Presbyterian Church (USA). The residential campus is located on 140 acres in Greeneville, Tennessee, at the base of the Smoky Mountains. Tusculum University enrolls approximately 1,000 residential students, of which 700 live on campus, and 1,000 Adult and Online Students. Additionally, approximately 400 staff and faculty are employed by Tusculum University.

Safety is a concern throughout our society today and this publication is designed to keep the entire TU Pioneer community — students, faculty, staff and guests - informed of efforts to support the continuity of a safe and enjoyable environment. As members of the TU family, you will also learn how your active participation is essential in attaining these goals.

The University provides for the safety and welfare of the community through proactive programming and cooperation with community law enforcement. Additionally, our residential campus is supported by the University's Campus Safety Department. This program is designed to maintain and enhance the University environment through service and education. Campus Safety enhances the environment through the deterrence of negative external influences, educational efforts to support community safety initiatives, and assists in maintaining accountability for the University's standards of behavior.

Programs provided by Campus Safety on the Greeneville campus include a campus-wide escort service and crime awareness and prevention programs addressing topics such as personal safety, self-defense, personal property security, sexual assault prevention and awareness training, fire safety training, and alcohol and drug risk awareness.

TU measures success in living our values by the achievements of our students, the personal growth of our employees, and tangible improvement in the quality of life in the communities where we have a presence, thus exemplifying the Civic Arts. In pursuit of this objective, Campus Safety Officers employ a community engagement model to promote communication among members of the community and our Officers to help ensure that the campus is a safe and inviting place to live, study, and work.

This report is designed to provide information ranging from how to take advantage of Campus Safety services from general crime prevention and support to reporting a violation or crime impacting the TU community. The information herein complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (or Clery Act). This report also supports compliance with the "Campus Sex Crimes Prevention Act," the Tennessee University and University Campus Sex Crimes Prevention Act (Tennessee Code Annotated 40-39-9102), the Family Education Rights and Privacy Act, the Wetterling Act, Tennessee Bureau of Investigation reporting guidelines, and other important annual disclosures.

Additional copies of this report are available by request at the Campus Safety Office in Niswonger Commons—Room 222. Written requests can be made to the following address: Tusculum University, Campus Safety Office, P.O. Box 5094, Greeneville, TN 37743.

Please feel free to contact Campus Safety Office in Niswonger Commons, or the administrative office at one of our Adult and Online (AOS) sites if you have any further questions about campus safety or we can otherwise be of assistance.

Sincerely,



Shane Matthews  
Chief of Campus Safety

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### **Tusculum University Statement of Non-Discrimination**

Tusculum University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. Tusculum University will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, hearing status, color, sex, pregnancy, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age (over 40), marital status, gender, veteran or military status

(including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, physical appearance, or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies

### **Alcohol and Drugs Policy**

#### **University Policy on the Use of Alcohol and Other Drugs by Students and Employees**

Tusculum University prohibits the possession, sale, service, use or consumption of alcoholic beverages upon land or in buildings owned by the University, except as authorized by TU's President. TU complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. For the complete TU Drug and Alcohol Prevention policy,

please see the complete Drug and Alcohol Prevention Program (DAAPP) located in Student Affairs at Niswonger Commons Building.

The university prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in any TU owned

building, any campus area, in residential housing, in any vehicles on TU property or any vehicle owned by TU, or at any university affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations. For TU employees, compliance with this policy is a term and condition of employment. For TU students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational recognition.

The university recognizes that chemical dependence and chemical abuse are concerns that can impact both academic and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, TU personnel may refer students to the Campus Counselor or to agencies outside of TU for evaluation

and/or treatment for alcohol or other drug-related problems. As part of the Employee Assistance Program (EAP), employees may receive assessment and treatment for alcohol or drug dependency, however it is the responsibility of an employee to seek assistance from an EAP before alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment through an EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

For additional information concerning the TU Employee Substance Abuse Policy, please review the policy on the Human Resources web site located at <https://www3.tusculum.edu/hr/>.

### Campus Safety Personnel

Tusculum University Campus Safety operations are managed by the Chief of Campus Safety. Tusculum University provides additional full-time and part-time officers to operate the Campus Safety Office twenty-four (24) hours per day, seven (7) days a week. Officers receive initial and periodic training in areas designated by the Chief of Campus Safety and state law. At the publication

of this report, Campus Safety employs one full-time Chief, one Sergeant, and six officers. Officers are certified security officers through the State of Tennessee and receive a diversified training from understanding the charge, the limits and inclusions of their authority under local, state and federal law and its relation to Tusculum University policies

### Campus Safety Authority & Law Enforcement

Tusculum University Campus Safety Officers do not have authority beyond that of a state certified security officer, under applicable Tennessee laws, to arrest any person. These personnel have the authority to require identification, determine whether individuals have lawful

business at Tusculum University, and represent the University in having local law enforcement effect an arrest as appropriate while using only the amount of force which is objectively reasonable and consistent with the accomplishment of their duties to protect themselves

and/or third persons. Tusculum University Campus Safety Officers also have the authority to issue parking citations, which are billed to students, faculty, and staff through vendor software and then to their student or employee account (if delinquent).

The Department of Campus Safety has a close working relationship with the Tusculum City Police Department, the Greene County Sheriff's Department, the Greeneville Police Department, and works with the Greene County Emergency Management Coordinator, and the First Tennessee Homeland

Security Council, as well as other area safety departments to support campus and community safety efforts.

Major offenses such as murder, aggravated assault, robbery, other Class A Misdemeanor crimes, and auto theft are reported to the local police who have jurisdiction on campus. All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Safety and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

### Reporting of Criminal Offenses or Emergencies

To report a crime at the residential campus, contact Campus Safety at 423/636-7318, x5318 or dial 9-911 for emergency services. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the residence halls should be reported to the Department of Campus Safety. Campus Safety is responsible for the coordination of campus safety and security efforts. The Campus Safety Office is located at the main entrance of Niswonger Commons

SEP

Rm 222. The Department of Campus Safety is open 24 hours per day, 365 days per year and utilizes Campus Safety Officers to patrol the residential campus by vehicle and on foot throughout the day and night. Key personnel to whom crimes may be reported include:

- Chief of Campus Safety, Campus Safety—Niswonger 222, x5318
- Dean of Students, Student Affairs-Niswonger 223, x5315

### Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the University Behavior Education Process or the criminal justice system, you may still want to consider making a confidential report. If the crime is related to a violation of Title IX, the chief is required to report this information to the institutions Title IX Coordinator, however in most cases, confidentiality and desire of the victim to

remain confidential is still an option. With your permission, the Chief of Campus Safety (423/636-7318 or x531) or a designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the



University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert

the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

### Confidentiality of Pastors & Counselors

Campus "Pastoral Counselors" and "Professional Counselors," when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, University Pastors

and Counselors inform their clients of the procedures to report crimes on a voluntary basis, should they feel it is in the best interest of the client, so that the information can be included in the annual crime statistics.

### Reporting of Incidents and Criminal Reporting to Law Enforcement

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Department of Campus Safety in a timely manner; however, community members are encouraged to contact law enforcement if they are a victim and feel it is appropriate. Campus Safety will help initiate this contact upon receiving such a request. In situations where the University and its community as a whole may be deemed to be a victim, the Chief of Campus Safety or her/his designee may choose to report the criminal behavior itself while retaining the right to internally address the behavior of members of its community, as well. Monthly state and annual federal crime reporting is maintained through the Campus Safety Department. To make a report the Tusculum University Campus

Safety Office can be contacted at 423/636-7318 (x5318).

In response to a call, Campus Safety will take the required action, dispatching an officer or asking the victim to report to the Campus Safety Office to file an incident report. Campus Safety incident reports involving students are forwarded to the Student Affairs Office for review and potential action. Campus Safety incident reports involving non-students are forwarded to the respective office which is best situated to resolve the matter. Campus Safety investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the office best situated to resolve the matter. In order to file a report you may contact any of the following areas:

|                           |   |
|---------------------------|---|
| Chief of Campus Safety    | 423/636-7318 (x5070), Niswonger Commons |
| Office of Student Affairs | 423/636-7315 (x5315), Niswonger Commons |

In circumstances indicating sexual assault, harassment, domestic violence, dating violence, and stalking, staff on the scene, including Campus Safety, will offer the victim a wide variety of services. This publication contains information about on-campus and off campus resources. That information is made available to provide Tusculum University community members with specific information about the resources that are available in the event

that they become the victim of a crime. The information about “resources” is not provided to infer that those resources are crime “reporting entities” for the University. For example, a crime that was reported only to a community rape crisis center would not be included in the TU crime statistics. Crimes should be reported to Campus Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

### Campus Facilities Access

During business hours, the University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all University facilities is by access card or key, if issued, or by admittance via the Department of Campus Safety. In the case of periods of extended closing, the University will admit only those with prior written approval. During such time, residence halls are secured 24 hours a day. Some facilities may have individual hours, which are posted and may vary at different times of the year. Emergencies may necessitate changes or alterations to any posted schedules.

All persons on University property or at its events, including faculty, staff, guests and invitees, are subject to all rules and

regulations of the University, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on campus agree by such operation to be subject to the University’s rules, regulations, policies and procedures on traffic and parking.

All persons on campus shall provide adequate identification upon request by Campus Safety. Employees and students of the University who refuse to provide such identification may be subject to disciplinary action and possible removal from campus until proper identification can be made, and other persons who refuse to provide such identification shall be requested to leave the campus. If they refuse to leave, they may be subject to lawful removal and prosecution for criminal trespass.

### Campus Residential Facilities

Tusculum University offers on-campus housing facilities that include traditional halls, suite style housing, apartments, and program houses for undergraduate students. Co-ed and single sex halls are

included in the housing selection. Students returning to Tusculum participate in the annual Housing Lottery to select their housing for the upcoming year. New students are placed in

housing based on their deposit date with Tusculum University. Access to residential facilities is secured 24 hours a day, and access keycard is required. All guests to residence halls must be accompanied by his/her host who resides in the hall. Student rooms are equipped

with a key lock to every door and locking windows. Tusculum University employs approximately 32 para-professional Resident Assistants (R.A.s) and two full-time live-in professionals in the residence halls.

### Campus Facilities Security

Campus safety and security is the responsibility of the entire campus community. Campus Safety serves as the central point of contact as well as the alarm and monitoring station for the residential campus with all electronic security systems (fire, burglary, robbery and other alarms – monitored at that office. Fire and burglar alarms are also monitored by a central monitoring company off-site). However, all members of the community are expected to report any suspicious behavior or observed damage to security hardware, non-operational lights or other potential facility maintenance security problems. Other facility safety measures include:

- The Student Handbook is updated annually and addresses security and safety issues, visitation hours, restroom security, keys, emergency fire evacuation procedures, severe weather, and medical situations.
- Keys are the property of the University and may not be duplicated. Each student is responsible for carrying his or her room key at all times. A student should immediately report a missing key, whether it be lost, stolen or misplaced, to Campus Safety or Student Affairs. There is a penalty for propping open any door on campus without approval.
- Non-community members visiting the residence halls (please see COVID-19

section for additional information on guests) are to be informed of the exact location of visitor restrooms. Failure to comply with the expectation for use of the proper facilities will result in eviction of the guest from the premises and disciplinary action against the resident host.

- The Dean of Students, the Director of Facilities and Maintenance, the Chief of Campus Safety, and the Student Government Association conduct a survey of grounds and outdoor lighting each Spring semester. Areas that are identified or perceived as possibly problematic have security surveys conducted by this group.
- Campus Safety personnel perform monthly fire extinguisher inspections in all buildings to ensure that this equipment is maintained, tested, and serviced. This unit also conducts routine fire prevention inspections and initiates corrective action for fire hazards.
- Para-professional and live-in professional hall staffs check residence halls for outages of lighting or other areas which need immediate attention.
- Para-professional and live-in professional hall staffs have been trained in crime and fire prevention and make rounds throughout each day and night to assist Campus Safety in spotting potential issues and ensure a rapid response.



## Safety Education

Tusculum University is committed to providing a reasonably safe and secure campus environment in conjunction with individuals exercising reasonable personal safety and security practices. Educational programs and procedures are utilized at Tusculum University to support individuals in this effort. These programs encourage students and employees to be responsible for their own security and the security of others.

In 2020, the Campus Safety conducted over 20 training sessions in personal safety and multi hazard response, alcohol and sexual violence awareness, alcohol risk and mitigation, active shooter response, narcotics, and response to sexual violence. Members of Campus Safety will present programs on safety awareness, crime prevention, active shooter, fire safety, and general security when requested by student, staff or faculty groups. Other topics for presentations include harassment, violent

behavior, suspicious mail or packages, bomb threats, evacuations plans, and fire safety. To request a presentation please call (423) 636-7318.

The Tusculum University Title IX Coordinator offers training each year in sexual violence prevention, sexual assault prevention and awareness, and sexual harassment. All new students are required to attend the Title IX orientation workshop, which focuses on sexual assault, relationship violence, stalking and how all Tusculum University students can take part in making the campus community safer. Equal Opportunity and Title IX training are required of all Tusculum University employees.

Alcohol and Other Drug Abuse Prevention programs are also conducted periodically as part of Tusculum University's ongoing commitment to provide an alcohol and drug free environment.

## Campus Safety Escort Service

The Campus Safety escort service is provided by the University Campus Safety Office as a personal safety and security service for Tusculum University students and employees. Escorts are conducted by TU Campus Safety officers

on duty. This service is available 24 hours a day, 7 days a week by calling (423) 636-7318 and serves TU facilities and locations in the immediate vicinity of TU's responsibilities.

## Criminal and Other Behavioral Activity Off-Campus

When a Tusculum University student is involved in an off-campus offense, Campus Safety Officers may assist with the investigation in cooperation with law enforcement to limit the disruption to the community. Tusculum University retains

disciplinary jurisdiction for student (individual) and corporate (group or organization) conduct on University premises (whether owned, leased, or managed), and student organization off-campus housing should it develop, as

well as at University events. Behaviors occurring off-campus may also be addressed if they present a risk to the health or safety of students or others, or otherwise adversely affect the educational mission of the institution whether during periods of academic coursework or not (any exceptions to the Code must be approved by the Dean of Students and explicitly communicated by the faculty or staff in charge). Although the University is not responsible or liable

for student non-University activities, it does reserve the right to take action in response to non-University events or behavior that would violate University expectations and policies and call into question a student's suitability as a member of the University community. Tusculum University operates no facilities off-campus for student organization.

### Campus Emergency Notifications System (Pioneer Alert)

#### FOR TIMELY WARNING AND IMMEDIATE NOTIFICATIONS

Tusculum University uses Pioneer Alert and its email exchange service to alert community members to emergencies that occur on its campus' and the immediately surrounding areas. Timely Warnings are usually issued for Clery Act reportable UCR/NIBRS crimes occurring in the Tusculum University geographic area, but may be issued for other crime classifications deemed appropriate and meeting the following criteria:

- Reported by the public, campus security authorities or law enforcement agencies to the Tusculum University Campus Safety Office,
- Are considered by the Chief of Campus Safety (or designee) to represent a confirmed serious or continuing threat to students, employees and/or property, and
- Information released will not compromise law enforcement efforts.

Reports are considered on a case-by-case basis, and, depending on the facts of each case and information reported, a timely warning may be issued.

Timely Warnings issued under this procedure will be handled using Pioneer Alert via email message. If deemed appropriate by the Chief of Campus Safety (or designee), Timely Warnings may also be issued via Pioneer Alert to include text, social media, and/or voice messaging.

As available pertinent information permits, the timely warning may identify date and time of the incident plus location, nature of crime and suspect descriptions. Information promoting safety that may aid individuals to protect themselves will be included in the warning. If not all pertinent information is available at the warning time, additional warnings may be issued as information becomes available.

Timely Warnings issued under the Clery Act do not require maintaining confidential reporting of crimes. Although personally identifiable information is generally precluded from disclosure under the Family Educational Rights and Privacy Act (FERPA), this information may be released in an emergency

situation. The names of all victims will be held confidential.

Upon expiration of the notification of a Timely Warning, or when deemed by the university that the notification may be discontinued, a campus wide follow-up notification may be sent through the Pioneer Alert via email.

Immediate Notifications are issued for a confirmed emergency or dangerous situation posing an immediate threat to health or safety of someone on campus or significantly disrupting programs and activities.

An emergency or dangerous situation may be reported by a variety of means to Campus Safety by calling (423) 636-7318, with the initial report established as the "incident," and triggering response operations of the University Campus Safety Office to include TU I-CIRT when appropriate.

Confirmation of a significant emergency or dangerous situation must be made by either the Chief, University Campus Safety Office

Upon confirmation of an emergency or dangerous situation requiring an Immediate Notification, the Chief of Campus Safety (or designee), will, without delay, and taking into account the safety of the campus, determine the content of the notification and initiate the notification system, unless issuing a 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 or dangerous situation.

Approval of the message must be authorized by the TU president, or a member of the president's cabinet, Chief of Campus Safety, designated representative of these officials, or as authorized in the TU Emergency Operations Plan.

An Immediate Notification will only be transmitted through Pioneer Alert using email, text, social media, and/or voice messaging. All segments of the campus will be notified when there is at least the potential that a very large segment of the campus will be affected by a situation or when a situation threatens operation of the campus as a whole. Immediate Notification also may be sent to only a segment of campus, or by some of the Pioneer Alert system community, if in the professional judgment of responsible authorities these actions will provide for safety and security of the campus, while meeting objectives of notification requirements. Isolated situations and/or time of day for notifications are examples of using only a segment of campus and/or some of the Pioneer Alert System in these situations.

If an event occurring on the TU campus may impact the community surrounding the campus TU officials will work with local law enforcement and media to notify the larger community when deemed appropriate.

As part of the Pioneer Alert process, assessment of the situation and changes in notifications plus follow-up information also may create need for additional activation of part or all of Pioneer Alert, to all or some segments of campus. TU also may utilize other means of disseminating information on the emergency or dangerous situation to include TU's Web page and Social Media.



Once an emergency or dangerous situation has been cleared, an Immediate Notification to all segments of the campus involved in the notification will be sent by the TU Campus Safety Office via Pioneer Alert as appropriate.

#### **PIONEER ALERT PARTICIPATION**

TU Policy mandates that all TU employees (including all student employees, both undergraduate and graduate) must participate in the emergency notification system. All students are highly encouraged to participate in the emergency notification

system and are signed up to do so during registration or no later than the first day of participation on campus.

Students, including student employees, and Employees who need to update their emergency contact information can do so using the Regroup web site. Once logged in to Regroup, open the Personal Information section, then the Phone Numbers section. You can update and save changes to your personal contact number(s). At least one phone number must be populated. All numbers populated in any of those three fields may be called in the Pioneer Alert process.

### **Emergency Response**

The TU community is encouraged to notify the TU Campus Safety Office at (423/636-7318) (or government emergency response by dialing 9-1-1) of any situation or incident on campus that may involve a significant emergency or dangerous situation that poses an immediate or ongoing threat to the health and safety of university members. The University Campus Safety Office is charged with responding to reported incidents to determine whether the incident, in fact, presents a threat to the community and requesting other resources necessary to investigate, mitigate or document the situation. TU works in close collaboration with agencies and departments both on and off campus to gather and assess information related

to events that may pose an immediate threat or hazard to the University.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, TU will immediately notify the campus community to communicate vital information as quickly and efficiently as possible in order to provide the greatest safety for our students, faculty, staff, and visitors.

In all cases, University emergency responses shall place primary emphasis on the protection of human life, and all reasonable efforts shall be made to protect and preserve University property.

#### **EMERGENCY EVACUATION PROCEDURES**

It is recommended that all employees and students review and become familiar with the emergency evacuation procedures annually, or whenever there are plan or

facility design/occupancy use changes. It is recommended that departments pre-determine designated assembly points, direct occupants to those locations and

prevent re-entry to the facility (prevention of re-entry to anyone except emergency personnel ensures the protection of life and property – university and personal property). Evacuation plans in residence halls are tested each semester in the form of a fire drill. All Group A Assembly buildings, as identified by the International Fire Code, on the TU campus also test their evacuations plans in the form of a fire drill annually. The University conducts or participates in an emergency response exercise each year, such as a tabletop exercise or a live test, and tests the emergency notifications systems on campus. Tests of the systems may be announced or unannounced and are designed to assess and evaluate the emergency plans and capabilities of the university. Information about the emergency response and evacuation procedures are publicized yearly via an email message to the campus in conjunction with at least one test per calendar year.

### **EVACUATION PROTOCOL**

- Building evacuations will occur when an alarm sounds continuously and/or upon notification by emergency personnel or by Tusculum University Campus Safety.
- If necessary or if directed to do so by a designated emergency official, activate the building alarm. Call 911 and TU Campus Safety at (423) 636-7318.
- Do not use elevators during an emergency evacuation. Emergency response personnel may use an elevator for evacuation after review of the circumstances.
- Everyone must exit the building quickly and proceed in an orderly manner to the designated emergency assembly point *as predetermined by*

*each department*. Be alert and pay attention to what is happening around you. If the first designated area of evacuation is inaccessible, proceed to a designated secondary location *as predetermined by each department*.

- Check doors for heat before opening. Do not open door if it is hot.
- Choose an assembly location comprised of an open space, with easy access from your building and/or capable of holding all your department's occupants safely.
- Emergency assembly points should be at least 50 feet from the building.
- Avoid assembly locations where emergency personnel will respond, such as roadways, parking lots, near fire hydrants or obstructing fire department connections.
- Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel or TU Campus Safety. Do not leave the area.
- Do not re-enter an evacuated building until instructed to do so by an official or Campus Safety.
- Assist individuals with disabilities:
  - Be aware of persons in the building who may need assistance. Be prepared to render assistance if necessary or as the situation warrants. If unable to directly assist a person with disabilities, ask the individual to wait at the nearest exit for assistance from official emergency personnel.
  - Individuals with disabilities are responsible for knowing how they want to be helped during an evacuation. They are asked to convey this information to their instructors within the first week of each semester or to their work

supervisors within the first week of employment.

- Guests of the university and campus visitors should also inform

## **SHELTER-IN-PLACE PROCEDURES**

During certain emergency situations and some weather emergencies, you may be advised to “shelter-in-place” rather than evacuate or leave the building. If there is an emergency that is a risk to the public, your local officials will notify you by radio, TV or telephone. Shelter-in-place is likely to be used in circumstances in which there is not enough time for evacuation to occur, or evacuation creates an increased safety risk. Examples may include a hazardous material release or a public health issue. The safest action in these situations is to shelter-in-place while listening for further instructions.

The following are guidelines to be followed:

- Listen to the local radio, television stations or Pioneer Alert for detailed information and instructions. Follow the instructions carefully. Stay away from the area to minimize risk of injury or contamination.
- Stay inside the building.
- Do not go outside to investigate.
- Close and lock all exterior doors and windows. Close vents, fireplace dampers, and as many interior doors as possible.
- Turn off air conditioners and ventilation systems to 100 percent

the university employee/student with whom they are dealing of their need for evacuation assistance.

recirculation so that no outside air is drawn into the building. If this is not possible, ventilation systems should be turned off (including heating and air conditioning).

- Seal the room by covering each window, door and vent using plastic sheeting and duct tape. • Use material to fill cracks and holes in the room, such as those around pipes.
- Gather essential disaster supplies, such as nonperishable bottled water, battery powered radios, first aid supplies, flashlights, batteries, duct tape, plastic sheeting and plastic garbage bags.
- If in a vehicle:
  - Close all windows and shut all manual vents.
  - Turn off ventilation system.
  - Tune in the radio for emergency information.

There may be times when there has been no notice but you still need to take action. Take immediate action if you:

- Hear a strange sound like an explosion.
- See a vapor cloud.
- Smell a strange odor.
- Feel nauseous or have burning eyes.

## **FIRE SAFETY**

Preparing for emergencies well in advance is one of the most effective ways to deal with potential disasters. In the

case of a fire, knowing the steps to take can minimize problems.



#### STEPS TO FOLLOW IF YOU SEE A FIRE:

- Activate the nearest fire alarm.
- Alert the fire department by calling 911 from a safe phone. Give
- your name, address, location and the extent of the fire.
- Calmly alert people in the building and evacuate the building
- by following exit signs. Do not use elevators. Non-ambulatory
- individuals needing assistance with evacuation should wait for
- professional assistance at designated areas in the building (see
- Evacuation Protocol section).
- Remain outside the building at a safe distance.
- Meet police or fire personnel upon arrival to direct them to the fire.
- Remain at the designated assembly point until someone takes roll
- call and further instructions are provided by emergency personnel
- or University Police. Do not leave the area.

#### STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:

- Remain calm.
- Before opening the door, feel it with the back of your hand. If it is hot:
  - Do not open the door.
  - Open the windows. If possible, lower the top half of the
  - window to let out heat and smoke and raise the lower half to let fresh air in.

- Seal cracks around the door with towels, linens or clothes.
- Soak these items in water if possible.
- To attract attention, hang objects out of the window and shout for help.
- Keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your nose and mouth. Keep your head six to eight inches off the floor.
- If the door is not hot, brace yourself against the door and open it slowly. If hot air or fire rushes in, close the door and follow the steps above.
- If you can leave, close all doors behind you and proceed to the nearest safe exit. Leave the building and stand clear of the fire. Help direct police and fire personnel when they arrive.

TU offers fire extinguisher training to any group that requests it, and fire extinguisher training is provided to Resident Assistants annually. Other fire safety training can be provided upon request to the Chief of Campus Safety by calling 423-636-7318.

### Missing Student Notification

If a member of the TU community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify Campus

Safety at (423) 636-7318. Campus Safety will initiate an investigation and generate a missing persons report. A missing student is defined as a person currently

enrolled at TU, whose whereabouts have been unaccounted for Campus Safety for more than 24 hours. When a student becomes the subject of a missing persons report, TU will initiate the Missing Persons Notification in accordance with the student's emergency contact information. Contact will be made no more than 24 hours after the student is determined by Campus Safety or appropriate law enforcement agency to be missing.

Students residing in TU owned and operated facilities must designate an individual to be contacted in the event the

student is determined by TU Campus Safety or appropriate law enforcement agency to be missing. Students may register this confidential contact information with the Department of Residence Life. In the event a student is eligible to, but has not previously identified a missing person's contact, TU will notify the individual identified in the student's emergency contact. If the student is under the age of 18, and is not an emancipated adult, TU is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student.

### Weapons on Campus

Provided in Tennessee Code Annotated 39-17-1309, any unauthorized or illegal possession, including constructive possession of, use of, or wearing of firearms or dangerous weapons of any kind shall not be permitted on the Tusculum University campus. State law prescribes a maximum penalty of six (6) years imprisonment and a fine not to exceed three thousand dollars (\$3,000) for carrying weapons on school property. This policy includes the unauthorized storage, use or possession (or constructive possession) on any campus property (including items in vehicles) of weapons (as defined by local, state and federal law).

This policy also includes any object or substance designed to inflict a wound or cause injury, explosives, projectiles, flammable materials (including solvents), biohazardous, volatile, or poisonous materials of any kind, or other items which may be hazardous to the health or safety of others. Items prohibited under this section include, but are not limited to,

handheld guns (which includes pistols, stun, paint, pellet, dart, cap, BB, starter or water or toy guns which may be perceived to be actual weapons), long arms (such as rifles, shotguns, air rifles), bows, arrows, axes, knives or blades of any type, numchucks, throwing stars, sling shots, firecrackers and fireworks.

Additionally, items that may not be generally considered weapons, but which are wielded in a manner such that harm or the threat of harm is indicated, will be considered as a weapon under this policy (e.g. waving a baseball bat or knitting needle at another in a threatening manner).

Campus Safety Officers are authorized to carry firearms, and other less lethal defense weapons in accordance with and, pursuant to Tennessee Code Annotated 62-35-125, as long as they comply with the institutional policy for their use and the officer is certified trained by the state.

## Criminal History Investigation

All University employees are designated security-sensitive positions and require applicants for employment to comply with criminal history investigation requirements. Any person who discloses a criminal conviction history on an application for employment or has been found to have a criminal conviction history via the background check, will be subject to an eligibility for employment review by the Vice-President Chief Human Resources Officer and the Chief of Campus Safety who will make recommendations to the President of Tusculum University for final determination as to eligibility. Should such conviction be deemed to pose a threat to the campus community in any way, the employee may be subject to being ineligible for hire. These standards also apply to felony convictions after achievement of employee status but may also include Domestic Violence or

offenses which would make it impossible for the employee to fulfill their role in the position they have, such as driving.

Any student who discloses a criminal conviction history on an application for admission will be subject to an eligibility for admission review by the Admission & Standards Committee, the Dean of Students and the Chief of Campus Safety will make recommendations to the Vice President for Enrollment Management to submit to the committee for final determination as to eligibility. Should such conviction be deemed to pose a threat to the campus community in any way, the student may be subject to being ineligible for admission or having his/her privileges limited at the discretion of the University. These standards also apply to felony convictions after achievement of student status.

## Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as Amended by the Violence Against Women's Reauthorization Act of 2013

Tusculum University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Tusculum University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic

violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Tusculum University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Tusculum University's policy governing sexual misconduct and Title IX, visit: <https://site.tusculum.edu/wp->



content/uploads/2021/04/T..culum-  
University-Title-IX-Policy-and-  
Procedures.pdf

Victims of sexual misconduct or people who wish to report sexual misconduct may contact Mikaela Cooney or Jonathon Gresham, Title IX Co-Coordinators, at

(423) 636-7318 or  
jgresham@tusculum.edu or  
mcooney@tusculum.edu. Or by sending  
regular mail to PO Box 5096 Greeneville,  
TN 37743. For a list of all confidential  
resources, please refer to the Confidential  
Reporting section on page 18 of the Title  
IX Policy.

## EDUCATION AND PREVENTION PROGRAMS

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and ongoing awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a) Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b) Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c) Defines what behavior and actions constitute consent to sexual activity in the State of Tennessee and the definition of consent found in TU's

Equal Opportunity, Harassment, and Non-Discrimination Policy.

- d) Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e) Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f) Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign consisting of presentations and distribution of

educational materials to new students. TU also offers online VAWA training for

all new employees, and online and in person Equal Opportunity/Title IX training.

## **PROCEDURES FOR REPORTING**

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Greeneville Community East Hospital or Johnson City Medical Center where they offer physical evidence recovery collection and have sexual assault nurse examiners. In Tennessee, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if

victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease/infection. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing processes/investigators or police. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying the local police if they so desire.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you are encouraged to report the incident promptly. Victims of sexual misconduct or people who wish to report sexual misconduct may contact Mikaela Cooney, Title IX Coordinator, [mcooney@tusculum.edu](mailto:mcooney@tusculum.edu). Please note this individuals cannot guarantee confidentiality. For a list of confidential resources, please refer to the Confidential Reporting section on page 4. Victims are also encouraged to report the matter to Police. The University will provide access

to resources, on campus, off campus, or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or

obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Police or other law enforcement to preserve evidence in the event that the victim changes his/her mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, beginning on page 17 are the procedures that the University or Law Enforcement will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report.

## **ASSISTANCE FOR VICTIMS: RIGHTS AND OPTIONS**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, dating violence, domestic violence, and stalking and will provide each victim with a written explanation of their rights and options.

Tusculum University complies with Tennessee law in recognizing valid protection orders issued not only by the state of Tennessee, but those of any other state in the United States, the District of Columbia, Puerto Rico, the US Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. This also includes an Indian tribe or band that has jurisdiction to issue protection orders. Any person who obtains a protection order from any of these entities should provide a copy to Tusculum University Campus Safety, the Title IX Coordinator, and meet with the

TU Campus Safety to develop a Safety Action Plan, which is a plan for the university and the victim to reduce risk of harm while on campus or coming and going from campus.

The University cannot apply for a legal restraining order for a victim. The Tusculum Police Department or Greene County Sheriff's Department can assist victims of abuse file the necessary paperwork with the Greene County Courts to obtain an Order of Protection.

However, you may choose to get an attorney or seek an order by yourself. This is always your right. If you choose to seek the order yourself, you will need to visit the Greene County Court Clerk's Office. They are located 101 S. Main St. #302, Greeneville, TN 37743, and their phone number is (423) 798-1760.



The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. Upon the victim's request and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim with their health, physical safety, work and academic status, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a reporting person may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to campus safety or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student park in a different location, assisting the student with a safety escort, etc.

## **HOW TO BE AN ACTIVE BYSTANDER**

Bystanders play a critical role in preventing violence, including sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence. We may not

Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the reported behavior or delivering resources or support services to the reporting party (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in section 4002(a)(20) of the Violence Against Women Act of 1994 (42 USC 1395 (a) (20)) .) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the campus safety office Daily Crime Log, Timely Warnings, or online. Victims may request that directory information on file be removed from public sources by request to the Registrar's Office located at Virginia Hall.

always know what to do even if we want to help. These are sometimes called barriers. We all have barriers that can make it harder to step in and help. Barriers could include being shy, being unsure of the situation, not liking conflict, fear that people will judge you or not feeling confident intervening. When we encounter barriers to intervention it is important to remember we also have options that can help us get around those

barriers. Some options include directly addressing the situation or delegating to someone you trust to address concerning behaviors. Below is a list of some ways to be an active bystander.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay. Remember, you may know the person who is doing the concerning behavior, the person who is the target of the behavior, or both.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for

support in health, counseling, or with legal assistance.

- If you see someone who looks uncomfortable, like they may be in trouble, or is too drunk to consent, talk to them. Ask if they are okay. If you can help them find their friends or call someone to help them.
- If you are unsure of the situation or don't feel comfortable intervening yourself, delegate to someone you trust to help out.
- Create a distraction to diffuse the situation. A distraction could include changing the subject, asking for directions, pretending you know the target, or whatever distraction feels most comfortable and natural.
- Trust your instincts if you see concerning behavior.
- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

## UNIVERSITY PROCEDURES BY INCIDENT

| Sexual Assault   | Stalking   | Dating Violence   | Domestic Violence   |
|--|--|---|---|
| <p>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</p> <p>2. Institution will assess immediate safety needs of complainant</p> <p>3. Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department</p> <p>4. Institution will provide written information to complainant on how to preserve evidence</p> <p>5. Institution will provide complainant with referrals to on campus mental health providers</p> <p>6. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" order between both parties</p> <p>7. Institution will provide a "No Trespass" order to accused party if deemed appropriate</p> <p>8. Institution will provide instructions on how to apply for a Protective Order</p> <p>9. Institution will provide access to the TU Title IX Policy and Procedures</p> <p>10. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p> | <p>1. Institution will assess immediate safety and well-being needs of complainant</p> <p>2. Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department</p> <p>3. Institution will provide written instructions on how to apply for a Protective Order</p> <p>4. Institution will provide written information to complainant on how to preserve evidence</p> <p>5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" order between both parties</p> <p>6. Institution will provide a "No Trespass" order to accused party if deemed appropriate</p> <p>9. Institution will provide access to the TU Equal Opportunity, Harassment, and Non-Discrimination Policy</p> <p>8. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>9. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p> | <p>1. Institution will assess immediate safety and well-being need of complainant</p> <p>2. Institution will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for local police department</p> <p>3. Institution will provide written instructions on how to apply for a Protective Order</p> <p>4. Institution will provide written information to complainant on how to preserve evidence</p> <p>5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" order between both parties</p> <p>6. Institution will provide a "No Trespass" order to accused party if deemed appropriate</p> <p>9. Institution will provide access to the TU Equal Opportunity, Harassment, and Non-Discrimination Policy</p> <p>8. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>9. 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Institution will provide access to the TU Equal Opportunity, Harassment, and Non-Discrimination Policy</p> <p>8. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>9. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p> |
| <b>EVIDENCE STANDARD</b>   |  |   |   |
| Sexual assault cases are referred to the Title IX Coordinator. Adjudication processes use the Clear and Convincing standard or proof.  | Stalking cases are referred to the Title IX Coordinator Adjudication processes use the Clear and Convincing standard or proof.   | Dating Violence cases are referred to the Title IX Coordinator. Adjudication processes use the Clear and Convincing standard or proof.  | Domestic Violence cases are referred to the Title IX Coordinator Adjudication processes use the Clear and Convincing standard or proof.   |



## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **If you see something suspicious, contact law enforcement immediately** (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

- **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

| ON CAMPUS  |   |  |
|--|---|--|
| Campus Counselor   | Garland Library 2 <sup>nd</sup> Floor                     | (423) 636-7300 x5402                           |
| Campus Safety  | Niswonger Commons Main Entrance                           | (423) 636-7318                                 |
| Title IX Coordinator   | Niswonger Commons   | (423) 787-8318                                 |
| Student Affairs  | Niswonger Commons Main Ent on left                        | (423) 636-5315                                 |
| OFF CAMPUS   |   |  |
| Tusculum Police Department                                       | 271 Harlan St.  | (423) 588-5546                                 |
| Greene County Sheriff's Department                               | 116 E. Depot St.  | (423) 798-1800                                 |
| Greeneville Community Hospital East (Laughlin)                   | 1420 Tusculum Blvd.                                       | (423) 787-5000                                 |
| Johnson City Medical Center                                      | 400 N. State of Franklin, Johnson City, TN                | (423) 431-6111                                 |
| Tennessee Coalition to End Domestic Violence and Sexual Violence | 2 International Plaza Dr., Suite 425, Nashville, TN 37217 | (615) 386-9406 or<br>Toll Free: (800) 286-9018 |

### Adjudication of Violations

Whether or not criminal charges are filed, the university or a person may file a complaint under the TU Equal Opportunity, Harassment, and Non-Discrimination Policy, Sexual Misconduct, alleging that a student or employee violated the University's policy on discrimination, harassment, retaliation or sexual misconduct. Reports of guests,

vendors, or contractor violating these policies should, also, be reported to the Title IX Coordinator. Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator regardless of if the complainant chooses to pursue criminal charges.

## **FORMAL REPORTING OPTIONS**

All Tusculum University employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal University action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the University’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence (PPTWV), the University will likely be unable to honor a request for

confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by Tusculum University when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Investigators who are assigned to conduct the investigation and Deputy title IX coordinator. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply and may cause disciplinary action up to and including termination of employment.

## **FEDERAL TIMELY WARNING OBLIGATIONS**

Parties reporting sexual misconduct should be aware that under the Clery Act, University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the

campus community. The University will ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.



## **FALSE ALLEGATIONS**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous,

are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

## **AMNESTY FOR REPORTING PARTY AND WITNESSES**

The University community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, Tusculum University pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

**Students:** Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to

Campus Safety). The University pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be completely overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.

**Employees:** Sometimes, employees are also hesitant report harassment or discrimination they have experienced for fear that they may get themselves in trouble. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to University/College officials. The institution may, at its discretion, offer employee reporting parties amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

## **PARENTAL NOTIFICATIONS (ALLEGATIONS INVOLVING STUDENTS)**

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under age

21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which university officials have a

need to know about incidents that fall within this policy, pursuant to the Family

Educational Rights and Privacy Act.

## **FEDERAL STATISTICAL REPORTING OBLIGATIONS**

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to [campus law enforcement] regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student affairs/student conduct, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Tusculum University will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and

Nondiscrimination, that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty and staff handbooks.

## **OVERVIEW**

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the University will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determines whether the nondiscrimination policy has been violated. If so, the University will promptly implement effective remedies designed to end the discrimination, prevent its recurrence and address its effects.

## **TITLE IX RESOLUTION PROCESS (TIXRP)**

Allegations under the policy on nondiscrimination are resolved using the

TIXRP. Members of the TIXRP pool are trained in all aspects of the resolution

process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to allegations
- To serve in a mediation or restorative justice role in conflict resolution
- To investigate allegations
- To act as process advisors to those involved in the Equity Resolution Process
- To serve on hearing panels for allegations
- To serve on appeal panels for allegations

TIXRP pool members also recommend proactive policies, and serve in an educative role for the community. The President of Tusculum University, in consultation with the Title IX Coordinator, appoints the TIXRP pool, which reports to the Title IX Coordinator. TIXRP pool members receive annual training organized by the Title IX Coordinator, including a review of University policies and procedures as well as applicable federal and state laws and regulations so that

they are able to appropriately address allegations, provide accurate information to members of the community, protect safety and promote accountability. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations; the University's Discrimination and Harassment Policies and Procedures (including Sexual Misconduct); confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All TIXRP pool members are required to attend this annual training to be eligible to serve.

The TIXRP pool includes faculty and staff members of the University that have been trained as civil rights investigators.

Appointments to the pool should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving in the pool are encouraged to contact the Title IX Coordinator.

## **REPORTING TITLE IX MISCONDUCT**

Any member of the community, guest or visitor who believes that the policy on Title IX has been violated should contact the Title IX Coordinator.

It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may contact Campus Safety to make a report. These individuals will in turn notify the Title IX Coordinator.

All employees receiving reports of a potential violation of University Title IX Policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Co-Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, Tusculum University will give



consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to

investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

### **PRELIMINARY INQUIRY**

Following receipt of formal report of misconduct and request that the university investigate the alleged misconduct, the Title IX Coordinator engage in a preliminary inquiry to determine if there is reasonable cause to believe the Title IX Sex and Gender Discrimination policy has been violated. The preliminary inquiry is typically one to three (1-3) days in duration. This inquiry may also serve to help the Title IX Coordinator determine if the allegations evidence violence, threat, pattern, predation and/or weapon (TPPVW), in the event that the complainant has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a complainant's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary to protect the safety of our community, the University reserves the right to initiate resolution proceedings without a formal report or participation by the complainant. In cases where the complainant wishes to proceed or the University determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of three processes discussed briefly here and in greater detail below: •Conflict Resolution – typically used for less serious offenses

and only when both parties agree to conflict resolution •Informal Resolution – a resolution without a hearing panel, or •Formal Resolution – a resolution of contested allegations with a hearing panel. The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. Conflict Resolution may only occur if selected by all parties. The parties can elect for Informal Resolution, but Informal Resolution may also apply if the respondent accepts responsibility for all alleged violations of policy. If either party or both parties select Formal Resolution, or the Title IX Coordinator determines that Formal Resolution is appropriate, the allegation will be addressed using the Formal Resolution option. If conflict resolution is desired by the complainant, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. This notification shall include: notice of the university's grievance process, including any informal resolution process; notice of the

allegations of sexual harassment potentially constituting sexual harassment as defined in section 3.b. above, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined above, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review all evidence collected and available. The written notice must inform the parties of any provision in the university's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. The University aims to complete all investigations promptly, which can be extended as necessary for appropriate cause by the Title IX Coordinator with written notice to the parties as appropriate.

### **INTERIM REMEDIES/ACTIONS**

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations. These remedies may include, but are not limited to:

- Referral to counseling and health services

The university must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in Section 3.d. of the TU Title IX Policy even if proved, did not occur in Tusculum University's education program or activity, or did not occur against a person in the United States, then the university must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX; such a dismissal does not preclude action under another provision of the university's code of conduct. The university may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the university; or specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. (ii) Upon a dismissal required or permitted pursuant to the above, the university must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

- Referral to the Employee Assistance Program
- Education to the community
- Altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))
- Altering work arrangements for employees
- Providing campus escorts

- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The University may interim suspend a student, employee or organization pending the completion of ERP investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to

implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

## INVESTIGATION

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints TIXRP pool members to conduct the investigation (typically using a team of two TIXRP investigators), usually within two (2) days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within thirty (30) days, though some investigations take months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc. The University may undertake a short delay in its

investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The University will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. University action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable,



impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary. The investigators will typically take the following steps, if not already completed (not necessarily in order):

The investigators will typically take the following steps, if not already completed (not necessarily in order):

- In coordination with campus partners (e.g.: the Title IX Coordinator), initiate or assist with any necessary remedial actions;
- Determine the identity and contact information of the complainant;
- Identify all policies allegedly violated;
- Meet with the complainant to finalize their statement;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent, who may be given notice prior to or at the time of the interview;
- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the university and not on the parties provided that the university cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written consent to do so for a grievance process under this

section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the university must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the university may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained

from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the investigators or Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigators must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

- Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

## **WITNESSES**

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the University's investigation and the TIXRP. Any witness who declines to participate in or

cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing (if a hearing is held). Failure of a witness to cooperate with and/or participate in the investigation or TIXRP constitutes a violation of policy and may be subject to discipline. At the discretion of the Title IX Coordinator, witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation will not have the opportunity to offer evidence during the hearing and/or appeal stages of the process if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

## **ADVISORS**

Each party is allowed to have an advisor of their choice present with them for all TIXRP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually not otherwise involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible.



Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community. The parties may choose their advisor from the TIXRP pool, choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one. Additionally, responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the complainant or the respondent during any meeting or proceeding (except as designated in the cross-examination section below) and may not speak on behalf of the advisee to

the investigators or hearing panelists (except as designated in the cross-examination section below). The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take. Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or may be replaced by a different advisor.

The University expects that the parties will wish to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. Advisors are expected to maintain the



privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations. The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make

reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. A party may elect to change advisors during the process and is not locked into using the same advisor throughout. The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

## **CONFLICT RESOLUTION AND INFORMAL RESOLUTION**

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with University policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their advisors.

**Conflict Resolution:** Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX

Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict Resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual violence. It is not necessary to pursue conflict resolution first in order to pursue Informal or Formal Resolution, and either party participating in Conflict Resolution can stop that process at any time and request a shift to either Informal or Formal Resolution.

**Informal Resolution** Informal Resolution (or Resolution Without a Hearing Panel) can be pursued for any behavior that falls within the policy on Title IX Sex and Gender Discrimination, at any time during the process. This option may be used

when:

- A respondent admits responsibility for all or part of the alleged policy violations at any point in the process;
- When the investigation reaches a finding that the parties accept;
- When both parties elect to resolve the allegation using the Informal Resolution process and the Title IX Coordinator assents;
- When the Title IX Coordinator implements the results of an investigation for an at-will employee.

Informal resolution. The university may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the university may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the university –(i)Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be

maintained or could be shared; (ii)Obtains the parties' voluntary, written consent to the informal resolution process; and (iii)Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

In Informal Resolution, the investigator has the authority to address all misconduct related to Title IX, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may refer any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Title IX.

Any evidence that the investigator believes is relevant and credible may be considered, including history and pattern evidence. The investigatory exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the investigator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the complainant (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the complainant.

The investigator(s) will not meet with character witnesses, but investigators will accept up to two (2) letters supporting the character of each of the parties.



The investigator(s) will base the determination(s) on the clear and convincing standard of evidence, meaning the evidence is highly and substantially more probable to be true rather than untrue that the respondent violated policy as alleged.

Typically, within ten (10) days of the close of an investigation which has determined that a respondent is in violation of policy, the Title IX Coordinator will meet with the respondent and complainant to explain the finding(s) of the investigation. Once informed, the respondent may choose to admit responsibility for all or part of the alleged policy violations. If the respondent admits responsibility, in whole or in part, the Title IX Coordinator will render a determination that the individual is in violation of University policy for the admitted conduct, and will normally proceed to convene a formal hearing on any remaining disputed violations. Conversely, within ten (10) days of the close of an investigation which has determined that a respondent is NOT in violation of policy, the Title IX Coordinator(s) will meet with the respondent and complainant to explain the finding(s) and inform them of further actions/supporting measures, if any.

If the respondent admits to the violation(s), the Title IX Coordinator, in consultation as appropriate, will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the complainant and respondent, the Title IX Coordinator will implement the finding and sanction, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct. No appeal is permitted.

If either party rejects the sanction/responsive action, a formal hearing will be held on the sanction/responsive action only, according to the Formal Resolution procedures below. Keep in mind that this may cause a delay in the total process as the university must shift gears in order to follow the TIXRP.

If alleged misconduct is resolved at this stage, the Title IX Coordinator will inform the parties of the final determination within three (3) days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the University is permitted to share the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law. The notice will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and any appeals options that are available.

At any point during the Informal Resolution process, up to the point where the parties have agreed to a resolution, either party may request that the matter be referred to the Formal Resolution Process for presentation before a hearing



panel, except in cases where the respondent is an at-will employee.

In cases involving at-will employees, all findings and responsive actions will be

determined by the Chief Human Resources Officer in collaboration with the Title IX Coordinator, based on the results of the investigation.

### **FORMAL RESOLUTION (RESOLUTION WITH A HEARING PANEL)**

For all contested allegations that are not resolved through either Conflict Resolution or Informal Resolution, the Title IX Coordinator will initiate a

formal hearing panel within ten (10) days of the conclusion of the investigation, barring unusual circumstances.

#### **Formal Hearing Panel Procedures:**

For all contested allegations that are not resolved through either Conflict Resolution or Informal Resolution, the Title IX Coordinator will initiate a formal hearing panel within ten (10) days of the conclusion of the investigation, barring unusual circumstances.

**Hearing Panels:** The Title IX Coordinator will refer the investigative report to one of the non-voting panel Chairs in the TIXRP Pool depending on whether the respondent is an employee or a student. The Chair will empanel three members from the available pool to the hearing panel, none of whom have been previously involved with the allegation. An alternate will sit in throughout the process if needed or at the discretion of the Chair. Those who served as investigators will be witnesses in the hearing of the allegation and therefore may not serve as hearing panel members. Those who are serving the parties as advisors, if any, are not eligible to serve as panelists. The panel will meet at a time determined by the Chair.

**Notice of Hearing:** At least five (5) days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the

consent of the parties, the Chair or Title IX Coordinator will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain: •A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result. •The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Co-chair may reschedule the hearing. •Notification that the parties may have the assistance of a TIXRP Pool member or other advisor of their choosing at the hearing (See Section 8: "Advisors" above). Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the sixty (60) day goal for resolution.

**Hearing Procedures** Hearing panels will usually be convened within ten (10) days of the completion of the investigation, and will be conducted in private. The panel has the authority to hear only instances of alleged sexual harassment or sexual misconduct, meaning that it hears only the allegations of discrimination, harassment and retaliation, and will only consider any alleged conduct that has been specifically charged and evidence collected for the hearing purposes. Accordingly, investigations should be conducted with as narrow a scope as necessary. However, any alleged misconduct that has not been charged and investigated, or misconduct not covered under the Title IX Policy shall be referred to the proper office for follow up.

Participants will include the non-voting Chair, the three (3) members of the panel, the investigator(s) who conducted the investigation, the complainant, respondent (or three (3) organizational representatives where an organization is charged), advisors to the parties and any called witnesses.

The Chair will exchange the names of witnesses who will be participating in the hearing, two days (2 days) prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members at least two (2) days in advance of the hearing. All objections to any panelist must be raised in writing to the Chair as soon as possible. Hearing panel members will only be unseated if the Chair concludes that their bias precludes

an impartial hearing of the allegation. The panelists will be given a list of the names of each parties and witnesses at least two (2) days in advance of the hearing. Any panelist or Chair who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties except as described below in section 8.c.iv. If alternative attendance or questioning mechanisms are desired, such as the complainant not wanting to be in the same room as the respondent for the hearing (e.g., Zoom or Skype) the parties should request them from the Chair at least two (2) days prior to the hearing. In the case of documented disabilities for which accommodations in the process are necessary, Tusculum University will make reasonable accommodations for the parties when requested in advance.

**Investigator Presents the Report:** Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first and be subject to questioning by the parties and the panel. The investigator(s) will be present during the entire hearing process but will only be present during deliberations at the request of the Chair. The findings of the



investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator(s) present their report and are questioned, the panel will permit the parties to provide relevant information in turn and permit questioning of and by the parties. The panel will then permit all present witnesses to provide relevant information and the panel and the parties will each be allowed to ask questions of the witnesses.

**Evidence Presented at the Hearing:** Formal rules of evidence do not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the complainant (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the complainant.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion

of the hearing in order to respond to specific questions from the panel or the parties involved, and then be excused. The panel does not hear from character witnesses but will accept up to two (2) letters supporting the character of each of the parties.

In hearings involving more than one respondent or in which two (2) or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with University policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their advisors.

Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Panel members, the parties, and appropriate administrative officers of the University will be allowed to listen to the recording in a location determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

**Questions and Cross-examination During a Live Hearing:** At the live hearing, the



decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including that challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

At the request of either party, the university must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the live hearing, the university must provide without fee or charge to that party, an advisor of the university's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and

evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Live hearings pursuant to this section may be conducted with all parties physically present in the same geographic location or, at the university's discretion, 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.

The university must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

**Deliberation and Decisions:** The three (3) members of the hearing panel and the non-voting Chair will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. The panel will base its determination(s) on a clear and convincing standard of the evidence (i.e., the evidence is highly and substantially more probable to be true rather than untrue that the respondent violated policy as alleged).

If a respondent or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions.

The Chair will prepare a written determination regarding responsibility report and deliver it to the Title IX Coordinator. The written determination report must include: (A) Identification of the allegations potentially constituting sexual harassment as defined in section 3.b. above; (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (C) Findings of fact supporting the determination; (D) Conclusions regarding the application of the university's code of conduct to the facts; (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant; and (F) The university's procedures and permissible bases for the complainant and respondent to appeal.

The university must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not

filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator will finalize the recommendations and will inform the parties of the final determination – both the finding(s) and applicable sanction(s) within three (3) days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**Sanctions:** The hearing panel assigned to the resolution will recommend sanctions or responsive actions to the Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

Student Sanctions: The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- Warning: A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
- Suspension: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at University. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- Expulsion: Permanent termination of student status, revocation of rights to be on campus for any reason or attend University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a

student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.

- Revocation of Degree: The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Employee Sanctions: Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.



Withdrawal or Resignation While Charges Pending:

Students: The University does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to University unless all sanctions have been

satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any University responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

### Sex Offender Registration

The Adam Walsh Child Protection and Safety Act of 2006 (AWCPSA) is a federal law that provides for the tracking of convicted sex offenders. The Sex Offender Registration and Notification Act which is Title I of the AWCPSA requires that registered sex offenders register and keep their registration current in each jurisdiction in which they reside, work, or go to school.

The federal Campus Sex Crimes Prevention Act, enacted Oct. 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It requires sex offenders already registered in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries a vocation, volunteers services or is a student.

Offenders must register in Tennessee if they have pled guilty to or been convicted of certain criminal offenses. A person must also register if that person has pled

guilty or "nolo contendere" to, or been found guilty of, an offense in another court in the United States, a tribal court or court of another country, which is equivalent to those offenses. When required to register, the offender receives registration forms and instructions from the "originating agency." The originating agency is the agency that informs the offender of the need to register as a "sex offender" or "offender against children."

The registration forms contain instructions directing the offender to register in person with the law enforcement agency in the city or county where the offender will reside. The offender signs the acknowledgment portion of the registration form. The originating agency then sends copies of the registration form the offender has signed to the Tennessee Bureau of Investigation (TBI). TBI enters the information into the registration database and forwards copies of the signed acknowledgement to the law enforcement agency at which the individual is expected to register.

TBI maintains a master database of all persons registered in the state and

monitors that database for any violations of the registration statutes by offenders. This list can be accessed at the following

web site: <https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>.

### Daily Crime Log

University Campus Safety must create, maintain and make available a daily crime log. Log entries must include all crimes reported to the Campus Safety, not just Clery crimes. The crime log for the most recent 60-day period is open to public inspection, upon request, during normal business hours at the TU Campus Safety Office. Any portion of the log that is older than 60 days must be made available within two business days of request for public inspection.

### Clery Crime Definitions

There are numerous terms used by Tusculum University in our policy and procedures.

**CONSENT:** Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

**FORCE:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

\*note: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-

consensual sexual activity is not by definition forced.

**INCAPACITATION:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In the State of Tennessee, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act.

**NON-CONSENSUAL SEXUAL CONTACT:** Any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force Sexual touching includes: Intentional contact with

the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other bodily contact in a sexual manner.

**NON-CONSENSUAL SEXUAL PENETRATION:** any sexual intercourse, however slight, with any object by a person upon another person, that is without consent and/or by force<sup>3</sup> Sexual intercourse includes: vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

**STALKING:** Stalking 1: A course of conduct Directed at a specific person On the basis of actual or perceived membership in a protected class that is unwelcome, AND would cause a reasonable person to feel fear

Stalking 2: Repetitive and Menacing Pursuit, following, harassing and/or interfering with the peace and/or safety of another

**THREATS/DISCRIMINATION/INTIMIDATION/HAZING/BULLYING:** Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person; Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities; Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another; Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the



admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy); Bullying, defined as repeated and/or severe, aggressive behavior, likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, that is not speech or conduct otherwise protected by the 1st Amendment.

**FONDLING** is defined as the touching of the private 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.

**INCEST** is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**STATUTORY RAPE** is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

The state of Tennessee has numerous sex offenses defined in Tennessee Code Annotated. They are as follows:

**TCA 39-13-505 SEXUAL BATTERY.** (a) Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

- (1) Force or coercion is used to accomplish the act;
- (2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;

(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The sexual contact is accomplished by fraud.

(b) As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

(c) Sexual battery is a Class E felony.

**TCA 39-13-504 AGGRAVATED SEXUAL BATTERY:**

(a) Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

(1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;

(2) The defendant causes bodily injury to the victim;

(3) The defendant is aided or abetted by one (1) or more other persons; and

(A) Force or coercion is used to accomplish the act; or

(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The victim is less than thirteen (13) years of age.

(b) Aggravated sexual battery is a Class B felony.

**TCA 39-13-503 RAPE:** (a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

(1) Force or coercion is used to accomplish the act;

(2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;

(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or

(4) The sexual penetration is accomplished by fraud.

(b) Rape is a Class B felony.

**39-13-502 AGGRAVATED RAPE:** (a) Aggravated rape is unlawful sexual penetration of 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 and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;

(2) The defendant causes bodily injury to the victim;

(3) The defendant is aided or abetted by one (1) or more other persons; and

(A) Force or coercion is used to accomplish the act; or

(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.

(b) Aggravated rape is a Class A felony.

**39-13-506 STATUTORY RAPE:** (a) Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.

(b) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

(1) The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or

(2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.

(c) Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.

(d)

(1) Mitigated statutory rape is a Class E felony.

(2)

(A) Statutory rape is a Class E felony.

(B) In addition to the punishment provided for a person who commits statutory rape for the first time, the trial judge may order, after taking into account the facts and circumstances surrounding the offense, including the offense for which the person was originally charged and whether the conviction was the result of a plea bargain agreement, that the person be required to register as a sexual offender pursuant to title 40, chapter 39, part 2.

(3) Aggravated statutory rape is a Class D felony.

**TCA 39-13-518 CONTINUOUS SEXUAL ABUSE OF A CHILD:** (a) As used in this section:

(1) "Multiple acts of sexual abuse of a child" means:

(A)

(i) Engaging in three (3) or more incidents of sexual abuse of a child involving the same minor child on separate occasions; provided, that at least one (1) such incident occurred within the county in which the charge is filed and that one (1) such incident occurred on or after July 1, 2014;

(ii) Engaging in at least one (1) incident of sexual abuse of a child upon three (3) or more different minor children on separate occasions; provided, that at least one (1) such incident occurred within the county in which the charge is filed and that one (1) such incident occurred on or after July 1, 2014; or

(iii) Engaging in five (5) or more incidents of sexual abuse of a child involving two (2) or more different minor children on separate occasions; provided, that at least one (1) such incident occurred within the county in which the charge is filed and that one (1) such incident occurred on or after July 1, 2014; and

(B) The victims of the incidents of sexual abuse of a child share distinctive, common characteristics, qualities or circumstances with respect to each other or to the person committing the offenses, or there are common methods or characteristics in the commission of the offense, allowing otherwise individual offenses to merge into a single continuing offense involving a pattern of criminal activity against similar victims. Common characteristics, qualities or circumstances for purposes of this subdivision (a)(1)(B) include, but are not limited to:

(i) The victims are related to the defendant by blood or marriage;

(ii) The victims reside with the defendant; or

(iii) The defendant was an authority figure, as defined in § 39-13-527(a)(3), to the victims and the victims knew each other; and

(2) "Sexual abuse of a child" means to commit an act upon a minor child that is a violation of:

(A) § 39-13-502, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(B) § 39-13-503, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(C) § 39-13-504;

(D) § 39-13-522;

(E) § 39-13-527;

(F) § 39-13-529(a);

(G) § 39-13-531; or

(H) § 39-13-532.

(b) A person commits continuous sexual abuse of a child who:

(1) Over a period of ninety (90) days or more, engages in multiple acts of sexual abuse of a child as defined in subdivision (a)(1)(A)(i) or (a)(1)(A)(ii); or

(2) Over a period of less than ninety (90) days, engages in multiple acts of sexual abuse of a child as defined in subdivision (a)(1)(A)(iii).

(c) (1) A violation of subsection (b) is a Class A felony if at least three (3) of the acts of sexual abuse of a child constitute violations of any of the following:

(A) § 39-13-502, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(B) § 39-13-503, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(C) § 39-13-504;

(D) § 39-13-522;

(E) § 39-13-529(a); or

(F) § 39-13-531.

(2) If one (1) of the three (3) or more violations under subdivision (c)(1) would be punished as a Class B felony if it were a single conviction, then the punishment for a violation of subsection (b) shall be a Class B felony.



(3) A violation of subsection (b) is a Class B felony if there are less than three (3) acts of sexual abuse of a child under the following subdivisions (c)(3)(A) -- (F) but there are at least three (3) acts under any combination of subdivision (c)(1) and this subdivision (c)(3):

(A) § 39-13-502, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(B) § 39-13-503, if the child is more than thirteen (13) but less than eighteen (18) years of age;

(C) § 39-13-504;

(D) § 39-13-522;

(E) § 39-13-529(a); or

(F) § 39-13-531.

(4) A violation of subsection (b) is a Class C felony if at least three (3) of the acts of sexual abuse of a child constitute violations of the following:

(A) § 39-13-527; or

(B) § 39-13-532.

(d) At least thirty (30) days prior to trial, the state shall file with the court a written notice identifying the multiple acts of sexual abuse of a child upon which the violation of this section is based. The notice shall include the identity of the victim and the statutory offense violated. Upon good cause, and where the defendant was unaware of the predicate offenses listed in the notice, the trial court may grant a continuance to facilitate proper notification of the incidents of sexual abuse of a child and for preparation by the defense of such incidents specified in the statement.

(e) The jury must agree unanimously that the defendant:

(1)

(A) During a period of ninety (90) or more days in duration, committed three (3) or more acts of sexual abuse of a child; or

(B) During a period of less than ninety (90) days in duration, committed five (5)

or more acts of sexual abuse of a child against at least two (2) different children; and

(2) Committed at least three (3) of the same specific acts of sexual abuse within the specified time period if prosecution is under subdivision (e)(1)(A) and at least five (5) of the same specific acts of sexual abuse within the specified time period if prosecution is under subdivision (e)(1)(B).

(f) The state may charge alternative violations of this section and of the separate offenses committed within the same time period. The separate incidents shall be alleged in separate counts and joined in the same action. A person may be convicted either of one (1) criminal violation of this section, or for one (1) or more of the separate incidents of sexual abuse of a child committed within the county in which the charges were filed, but not both. The state shall not be required to elect submission to the jury of the several counts. The jury shall be instructed to return a verdict on all counts in the indictment. In the event that a verdict of guilty is returned on a separate count that was included in the notice of separate incidents of sexual abuse of a child and the jury returns a verdict of guilty for a violation of this section, at the sentencing hearing the trial judge shall merge the separate count into the conviction under this section and only impose a sentence under this section. A conviction for a violation of this section bars the prosecution of the individual incidents of sexual abuse of a child as separate offenses described in the pretrial notice filed by the state and presented to the jury. A prosecution for a violation of this section does not bar a prosecution in the same action for individual incidents of sexual abuse not identified in the state's pretrial notice. The state shall be required to elect as to those

individual incidents of sexual abuse not contained in the pretrial notice prior to submission to the jury. A conviction for such elected offenses shall not be subject to merger at sentencing.

(g) Notwithstanding any other law to the contrary, a person convicted of a violation of this section shall be punished by imprisonment and shall be sentenced from within the full range of punishment for the offense of which the defendant was convicted, regardless of the range for which the defendant would otherwise qualify.

**DOMESTIC VIOLENCE:** The term “domestic violence” means 1) Felony or misdemeanor crimes of violence committed— (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) 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 (v) 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. 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**DATING VIOLENCE:** The term “dating violence” means violence committed by a person 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and 2) The existence of such a relationship shall be

based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

As the State of North Dakota includes persons who are in a dating relationship under the state’s domestic violence laws, any violence committed by dating parties would fall under domestic violence, not dating violence.

**STALKING:** The term “stalking” means 1) engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (i) fear for the person’s safety or the safety of others; or (ii) Suffer substantial emotional distress. 2) For the purposes of this definition— (i) 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. (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (iii) Reasonable persons means a reasonable person under similar circumstances and with

similar identities to the victim. 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**ARSON:** To unlawfully and intentionally damage or attempt to damage any real or personal property by fire or incendiary device.

**AGGRAVATED ASSAULT:** An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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.

**BURGLARY:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

**MURDER AND NON-NEGLIGENT MANSLAUGHTER:** The willful (non-negligent) killing of one human being by another.

**MANSLAUGHTER BY NEGLIGENCE:** The killing of another person through negligence.

**MOTOR VEHICLE THEFT:** The theft of a motor vehicle.

**ROBBERY:** The taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

**HATE CRIMES:** A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude, actual or perceived, toward a group of persons based on their real or perceived race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or nation of origin.

For Clery purposes, hate crimes include any offense in the following categories that is motivated by bias:

- Murder and non-negligent manslaughter
- All sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

**WEAPONS LAW VIOLATIONS:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons, or other weapons used in a deadly manner.

**DRUG ABUSE VIOLATIONS:** 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.

**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.

### Reporting Annual Crime Statistics

This report is created in part to comply with the Clery Act. The Offices of Campus Safety work with the local law enforcement agencies to gather campus crime, arrest, and referral statistics, including those reported to Campus Safety personnel, designated campus officials (including but not limited to Student Affairs staff, directors, deans, department heads, human resources staff, and athletic coaches). Campus Ministers and Counselors retained by the University inform their clients of the procedures to report crime to Campus Safety on a voluntary basis.

The Annual Pioneer Fire, Safety, and Disclosure Report is prepared annually by the Chief of Campus Safety based on

statistics received from the Campus Safety Department, local law enforcement, and the Office of Student Affairs. The latter of these offices collects and maintains data from campus security authorities. This report is to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Each year e-mail notification providing website access to this report is made to all enrolled students, current faculty and staff. Copies of the report may also be obtained through the Campus Safety Office located off the main lobby in Niswonger Commons or by calling 423/636-7318 or x5318. All prospective students and employees are provided information on how to access this report.

### Crime Prevention and Safety Tips

#### **ON CAMPUS**

- Lock your doors whenever you leave your room for any length of time or when you are sleeping. Always lock all car doors.
- Never prop open any door.
- Protect all valuables in your room and your vehicle. Do not leave valuables like wallets, jewelry, credit cards, cash and computers in plain view.
- Do not loan your keys to anyone.
- Never hide your keys outside of your apartment or room. Do not put your name or address on your keys.
- Take all portable valuables home with you during vacations.
- In public places keep your valuables out of sight or in a safe place. If you leave an area for any length of time, take personal items with you.
- Itemize your possessions and record the description and serial number. Keep purchase receipts and brochures on equipment purchased.
- Park and lock all bicycles in bicycle racks. Use a high-quality lock, "U" bolt locks are the best for bicycles. If

possible, place the chain, cable, or lock through both wheels, the frame and around the bicycle rack. Keep a record of your bike's serial number.

- Stay sober. Many crimes against persons occur when one or both parties are under the influence of alcohol and/or other drugs.
- Never let unauthorized persons enter your room, residence hall, or apartment security doors. Report any suspicious activity to Campus Safety (423-636-7318) immediately.

### **WHEN WALKING OR JOGGING**

- Avoid walking or jogging alone, especially after dark. If you must travel alone at night, use the TU Campus Safety Escort Service (423-636-7318) to escort you to your on-campus destination or to locations near campus.
- Avoid dark or vacant campus areas. Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys or ID card read when returning to your residence hall or apartment and keep your personal or valuable items concealed and close to your body.

If you see any suspicious activity or people on or near the university campus, it is your responsibility to immediately call University Campus Safety at 423-636-7318 and report what you have seen. Do not assume that the person is a visitor or

- Never dress in front of a window. Draw blinds or curtains after dark.
- If you are awakened by an intruder inside your room, do not attempt to apprehend the intruder (you may want to pretend you are sleeping until the intruder leaves). Try to get an accurate description of the intruder and call Campus Safety immediately.
- Avoid working or studying alone in a campus building.
- Be careful what personal information you share on the Internet.

university staff member you have not seen before. Do not assume that what you see is an innocent activity or that another individual has already called the police. Do not worry about being embarrassed; think about what could happen if you do not act. Examples of suspicious activity includes:

- Someone loitering about unusual hours and locations.
- Someone running, especially if something of value is being carried.
- Someone exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs, or otherwise needing medical or psychiatric assistance.
- Someone going from room to room or car to car trying doors.
- Open or broken doors or windows.
- Unusual noises-anything suggestive of foul play, danger or illegal activity.
- People sitting in parked vehicles for extended periods of time.
- Vehicles driving slowly in a parking lot at night

### **WHEN DRIVING**

- When approaching your vehicle carry your keys so you can enter quickly.
- Lock your doors and keep windows rolled up whenever possible. Always check the rear seat for intruders before entering your vehicle.
- Drive on well-traveled and well-lit streets.
- Never hitchhike and never pick up hitchhikers.
- If someone tries to enter your stopped vehicle, sound the horn and drive away.
- If your vehicle breaks down, raise the hood and wait in your locked car for help.
- Be aware that an accident may be staged to provide the other driver with an opportunity to commit a criminal act.
- Leave enough room between your car and the one ahead so you can drive around it if necessary.

### **ALCOHOL POISONING/OVERDOSE**

Alcohol poisoning and/or alcohol overdose are serious conditions and can result in death unless paramedics respond in time and can get appropriate treatment for the individual. The dangers of Acute Alcohol Intoxication, more commonly known as Alcohol Poisoning or Alcohol Overdose, are real and can happen anywhere. Your awareness and knowledge about the signs and symptoms could mean life or death to a person you care about.

- Try to wake them up. Call their name, shake them, and pinch them. If they do not respond get help.
- Check the person's skin. If his/her skin is pale or is cold or clammy get help.

- Listen to their breathing. If it is irregular, or too slow/shallow (less than eight breaths per minute or more than 10 seconds between breaths) get help.

If you discover any of the above symptoms call 911 or Campus Safety at 423-636-7318. Stay with the person while waiting for help to arrive. Turn the person on his/her side to prevent choking. If their breathing stops perform CPR.

Do not hesitate to seek assistance for yourself or others for fear of criminal charges.

### **ARMED INTRUDER AND VIOLENT BEHAVIOR**

The following are recommended guidelines to follow if it is possible to do so safely. Exit the building immediately when you become aware of an incident, moving away from the immediate path of danger, and follow these recommended steps:

- Notify anyone you may encounter to exit the building immediately, but do not sound the fire alarm. This may place everyone in potential harm as they try to exit the building.
- Notify Campus Safety at 423-636-7318 or call 911 immediately and be prepared to provide the dispatcher with the following information:
  - Your name
  - Location of the incident
  - Number of shooters
  - Identification or description of the shooter(s)
  - Number of persons who may be involved



- Your exact location and injuries to anyone if known
- Individuals not immediately impacted by the situation are to take protective cover, staying away from windows and doors until notified otherwise.
- If it is unsafe to enter a campus building, seek shelter in the safest place available.
- Obey all commands from the police for safety reasons and wait for further instructions.

If you are directly involved in an incident and exiting the building is not possible, the following shelter-in-place actions are recommended:

- Go to the nearest room or office (do not stay in an open hallway).
- Close and lock the door.
- Turn off the lights and the audio equipment.

- Barricade yourself in the room with furniture or anything you can push against the door and seek protective cover.
- Keep quiet and act as if no one is in the room.
- Do not answer the door.
- Notify 911 if it is safe to do so and be prepared to provide the dispatcher with the essential information.
- If you think you can safely make it out of the building then do so.
- Wait for the police or emergency personnel to assist you out of the building. Obey all commands from the police for safety reasons and wait for further instructions.

Please watch the video located at <https://web.tusculum.edu/safety/active-shooter-emergency/> for further information about how to survive an active shooter event.

### Alcohol and Drug Use on Campus and in the Workplace

Tusculum University recognizes its responsibility as an educational and public service institution to promote a healthy and productive work environment. This responsibility demands implementation of programs and services that facilitate that effort. The University is committed to a program to prevent the abuse of alcohol and the illegal use of drugs and alcohol by its students and employees. The University program includes a policy that prohibits the possession or consumption of drugs or alcohol in the workplace, on University property, or as part of any University-sponsored activities. It is the University's policy that:

- All students and employees shall

abide by the terms of this policy as a condition of initial and continued enrollment/employment.

- The illegal use of drugs and alcohol is in direct violation of local, state, and federal laws as well as University policies governing faculty, staff, and student conduct.
- Pursuant to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, the University's policy statement on a drug-free campus prohibits the unlawful manufacturing, distribution, dispensation, possession, use illicit drugs on the Tusculum University campus in the workplace (on or off campus), on property owned or

controlled by the University, or as part of any activity sponsored in whole or part by the University is strictly prohibited.

- This policy strictly prohibits the illegal use, possession, manufacture, dispensing, or distribution of alcohol, drugs, or controlled substances in the workplace, on University premises, or as a part of any University-sponsored activities.
- Violating this policy shall be considered a serious offense that can result in a requirement for satisfactory participation in a drug or alcohol rehabilitation program, referral for criminal prosecution, and/or immediate disciplinary action up to and including termination from employment and suspension or expulsion from the University. A criminal conviction is not required for sanctions to be imposed upon an employee or student for violations of this policy.
- The University shall establish and maintain employee outreach services and student counseling services for counseling and training programs to inform students and employees about the dangers of drug and alcohol abuse. Voluntary participation in or referral to these services is strictly confidential.
- Violating applicable local, state, and federal laws may subject a student or employee to a variety of legal sanctions including, but not limited to, fines, incarceration, imprisonment, and/or community service requirements. Convictions become a part of an individual's criminal record

and may prohibit certain career and professional opportunities. A current listing of applicable local, state, and federal sanctions can be obtained through the offices of Student Affairs and Human Resources.

- An employee shall notify his or her supervisor in writing of a criminal conviction for drug- or alcohol-related offenses occurring in the workplace no later than five calendar days following the conviction.
- An employee shall not perform safety sensitive functions while a prohibited drug is in his or her system.
- The University may require drug testing of safety sensitive employees (as defined by federal law) prior to employment, when there is reasonable cause, after an accident, on a random basis, and before allowing an employee or student to return to duty after refusing to take a drug test or after not passing a drug test.

The University shall annually distribute this policy to all staff, faculty, and students. Health risks generally associated with alcohol and drug abuse can result in but are not limited to a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes, and thought disorders.

## Alcohol and Substance Abuse Information

### Prevention Programs

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and University disciplinary actions.

The University's Health & Wellness and Counseling Services Offices provide an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other

areas of the institution. These include:

- **Alcohol and Drug Education:** University Health Services, Employee Assistance Program, University Physical Education Class.
- **Counseling and Referral Services:** University Counselor, University Health Educator, and Employee Assistance Program.
- **University Behavioral Education Program:** Student Affairs Office, Community Standards Board, and Peer Judicial Board.

### Potential Legal Sanctions

**Legal Sanctions – Governing Laws**  
The State of Tennessee sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances

regarding violations of alcohol laws, including driving while intoxicated, are available from the Campus Safety Office.

### Alcohol and Drug Policy Enforcement


It is the responsibility of each member of the Tusculum University community to uphold the standards and regulations of the University. Each individual is responsible for creating and keeping an academic and social environment which provides a comfortable atmosphere and which encourages good will and trust among all members of the campus

community. To prevent the abuse of the standing alcohol and drug policies, violations may result in the following sanctions: fines, alcohol education counseling/class, substance abuse assessment and treatment plan, community service, reflection paper, parental contact (for students), probation, suspension, expulsion, or termination.


## Alcohol and Drug Risks

Despite the fact that it is illegal for most University students to purchase alcoholic beverages, experience with and consumption of alcohol is widespread among this audience. According to the 2009 Monitoring the Future Study, in their lifetime, 83% of University students have tried alcohol at least once and 69% report

they have been drunk. More important, perhaps, is the occurrence of binge drinking – 36% of University students report having consumed five or more drinks in a row at least once in the two-weeks prior to completing the survey.

 Trends in alcohol consumption



among University students continue to slowly decline across all prevalence rates measured – from 1991 to 2009 annual consumption declined 10%, monthly alcohol consumption has declined 12% and binge drinking among University students has declined even more over this same period of time – down 14% from 43% to 37% in 2009. (View [University Students Binge Drinking](#) chart.) (Source: University of Michigan, Monitoring the Future, 2010)  By comparison, 44% of University students reported in the 2009 National Survey on Drug Use and Health that they had engaged in binge drinking, and 16% reported episodes of heavy drinking, that is, binge drinking on five or more occasions in the past month. The Monitoring the Future Study (2005-2009) revealed 14% of University students reported they have consumed 10 or more drinks in a row at least once in the past two weeks and 5% reported consuming 15 or more drinks in a row. (Source: NIDA, Monitoring the Future, 1975-2009: Volume II, University Students and Adults Ages 19-50, 2010)

The safety risks due to the abuse of alcohol and other drugs are significant, especially for University age students. The leading cause of death for University age students is alcohol-related car crashes. The number one reason for hospital admissions for University-age students is alcohol-related injury and overdose. In addition, the general statistics relating to adult drowning, death by fire, and violent crime including sexual violence, are strongly related to the abuse of alcohol and other drugs.

Some of the physical effects of

alcohol/other drug abuse can include: damage to the liver, heart and pancreas; digestive irritations; malnutrition; sexual problems; high blood pressure; brain damage and mental impairments (including negative effects on perception, information processing, learning, judgment, reaction time, sound processing and peripheral vision); increased risk of cancer, heart attack and stroke; and infections in general. Pregnant women who drink may produce a fetus with fetal alcohol syndrome who is small, mentally retarded or has defects of the heart or other organs.

A major consequence of alcohol or other drug abuse may cause the development of an addiction. While almost anyone may develop an addiction, some students are more vulnerable than others due to inherited biological factors. In particular, students whose parents or grandparents had an alcohol or other drug problem, may develop an addiction more quickly and easily than other students.

Alcohol or drug addicted students suffer from arrested development with the onset being at the age they began using. Alcohol or drug addicted students may cease growing intellectually and emotionally and may never learn to cope with problems constructively, but attempt instead to avoid and compound problems by getting “high”. Combinations of various drugs cause side effects that can be fatal.

Tusculum University is committed to increasing awareness about alcohol/drug issues, to prevention strategies that discourage irresponsible and illegal use, and to providing ongoing support for those individuals who have decided not to use alcohol and illegal drugs.

### **Campus Lost and Found**

Tusculum University's Campus Safety Office serves as the central repository for items lost/found on the residential campus. Each year many unclaimed items are donated to community charities. Items lost in campus buildings may be kept by staff there for several days. For items that have been lost several days and not located by staff in the building,

check with the Campus Lost and Found at (423) 636-7318. Check with staff in the building, AND with Campus Safety, immediately, if the lost item is of high value or involves the loss/finding of University keys. For property you have found on campus, contact (423) 636-7318 or x5318 to determine where to turn in the found property.

### **Harassing and Obscene Phone Calls**

Anyone can be the victim of harassing, annoying, obscene or threatening telephone calls. Although such calls do not usually constitute a threat to personal safety, on-campus residents should

contact Campus Safety and off-campus residents should contact the Police Department on receipt of a telephone call of questionable intent or origin. They can usually help you stop the calls.

### **Carbon Monoxide Poisoning**

Though you cannot see or smell carbon monoxide (CO), at high levels it can kill a person in mere minutes. This deadly gas is produced when fuel such as gas, oil, kerosene, wood or charcoal is burned. If in the process of burning these fuels, the appliances are well maintained and the amount burned is low, the amount of CO created is not usually hazardous. However, if appliances are not well maintained or, used incorrectly and the amount of fuel used is great, higher levels of CO can be produced.

Symptoms of CO poisoning at moderate levels can be severe headaches, dizziness, feeling confused, nauseous or faint. Even moderate levels over a short period can be deadly. Lower levels are also dangerous, with symptoms consisting of shortness of breath, mild nausea and headaches. Any level of exposure over a longer duration can have long-term health consequences. Many of these symptoms are also similar to the

flu or food poisoning, and as such, people do not think CO poisoning as a likely cause.

If you experience any of these symptoms or think you may have CO poisoning:

- Get outside into fresh air immediately—open all windows and doors, turn off combustion appliances, and leave the house.
- Go to the emergency room - tell the doctor that you suspect you may have CO poisoning. Doctors can check for CO poisoning with a blood test if you go to the hospital soon after being exposed.
- Be prepared to answer questions such as: did the symptoms occur only in one place (i.e. house, work, etc.), did they disappear/reappear when leaving or returning? Is anyone else from this location feeling similar? Are you using any fuel-burning appliances in the location? Have you had your appliances inspected lately? Have any

been malfunctioning?

### Disabilities & Reasonable Accommodations

**Purpose:** To set forth provisions for the University's compliance with the Americans with Disabilities Act (ADA) (42 U.S.C. S12,101 et seq.) and Section 504 of the Rehabilitation Act (29 U.S.C. S791, et seq.) which prohibits discrimination against a person with a disability in the offer or conditions of employment, and in the participation of or furnishing of services. Tusculum University is obliged to provide reasonable accommodations to enable qualified individuals with documented disabilities to perform a job, have equal opportunities, participate in a class, or participate in other University functions. This document is not intended to be a substitute for the ADA, the Rehabilitation Act, subsequent amendments or regulations.

**Applies to:** All employees who have documented disabilities and request reasonable accommodations.

**Policy:** The University prohibits discrimination based on a documented disability or perceived disability in the employment relationship, including job application procedures, hiring, advancement, discharge, compensation, job training, or other terms and conditions of employment. The University will not allow discrimination based on a documented disability in the provision of services to employees, students or other individuals. Tusculum will provide reasonable accommodation to qualified individuals with documented disabilities to ensure equal access and equal opportunities with regard to the programs and services offered by Tusculum University. The University will not allow discrimination against individuals who are

associated with persons with disabilities. It is a violation of this policy to retaliate or harass an individual who files charges or participates in proceedings under this policy.

**Definitions:** For the purpose of this policy, "disability" refers to a documented physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment, or being regarded as having such an impairment. "Major life activity" is a key function of life, such as seeing, hearing, walking, caring for oneself, working, learning and etc. as defined by the ADA. An "individual with a disability" is one who, with or without reasonable accommodation, can perform the essential functions of a particular job or meet specific academic/program requirements for participation in a University sponsored program, service or activity. "Essential function" is the task/responsibility that is not marginal to the purpose of the job.

"Reasonable accommodations" is an action that may be taken by the University to accommodate an individual with a documented disability, without imposing an undue hardship on the University. An accommodation imposes an undue hardship on the University if it constitutes an undue financial or administrative burden on the University, or it requires a fundamental alteration in the nature of the job or program. In the following procedure and designated forms, "diagnosing professional" will refer to a physician, psychiatrist, chiropractor or etc.

**Procedures:**



**Applicant:** If an applicant is in need of accommodation to complete the application and hiring process, the applicant should report the need for accommodation and describe the specific accommodation that is being requested. This request may be verbal or may be in writing to the Human Resources Department. The Director of Personnel Services will review the request and determine the accommodation or denial of the accommodation at which time the applicant will be notified.

**Employee:** If a faculty/staff employee believes that an accommodation is necessary to perform their job or requests an accommodation for a disability, the staff employee must fill out Form 6.00 Employee Request for Accommodation and return it to the Director of Personnel Services. Without any assurance, granting of or discussion of the accommodation, the staff employee will be required to have the disability and the limitations of performing the job documented by their diagnosing professional and returned to the Director of Personnel Services.

These forms must be completed before the review and evaluation of the "request" may take place. The Director of Personnel Services utilizing the completed Form 8.00 Diagnosing Professional's Documentation of Disability will determine if the employee has a qualifying disability.

The Director of Personnel Services, the employee requesting the accommodation and the employee's supervisor will discuss and identify barriers to performing the essential job functions, possible and reasonable accommodations and

determine if and when the accommodations may be effective or possible alternatives and document the issues on Form 7.00 Accommodation Evaluation Form.

The Director of Personnel Services will report any faculty member's accommodation to the Faculty Affairs Committee and Provost. The Director of Personnel Services will follow-up and evaluate the effectiveness of the accommodation between 2 weeks and a month from starting the initial accommodation (see Form 7.00 Accommodation Evaluation Form).

Violations of this policy will be considered misconduct on the part of the faculty/staff member and will be subject to disciplinary actions up to and including termination of employment or termination of the faculty member's appointment.

**Determination:** Final determination or the inability for accommodations rests with the University. There will be no retaliation against any employee who files for an accommodation under the Americans with Disabilities Act (42 U.S.C. S12, 101 et seq.) or Section 504 of the Rehabilitation Act (29 U.S.C. S791, et seq.).

**Confidentiality:** Information about an employee's documented disability or the accommodation must be kept in a file separate from the personnel file in the Human Resources Department and this file must be kept confidential to the extent allowed by law.

**Responsibilities:** An employee is responsible for informing his supervisor and the Human Resources Department or Faculty Affairs Committee of their need

for accommodations. The employee is also responsible for providing appropriate documentation for the claimed disability, and for cooperating with the University in attempting to reach an agreement on a reasonable accommodation.

Any responsible University representative or anyone who receives a request for an accommodation should contact the Human Resources Department immediately.

## TU Annual Crime Statistics 2022

| Clery Act Crime Statistics   |           |                 |   |            |       | *Residence Hall numbers are also included in the On-Campus category   |                 |                 |            |       |           |                 |                 |            |       |
|--|-----------|-----------------|---|------------|-------|---|-----------------|-----------------|------------|-------|-----------|-----------------|-----------------|------------|-------|
| Criminal Offenses<br>Tusculum University   | 2020      |                 |   |            |       | 2021  |                 |                 |            |       | 2022      |                 |                 |            |       |
|  | On-Campus |                 | Public Property   | Non-Campus | Total | On-Campus   |                 | Public Property | Non-Campus | Total | On-Campus |                 | Public Property | Non-Campus | Total |
|  | On-Campus | Residence Halls |   |            |       | On-Campus   | Residence Halls |                 |            |       | On-Campus | Residence Halls |                 |            |       |
| Murder/Non-Negligent   |           |                 |   |            |       |   |                 |                 |            |       |           |                 |                 |            |       |
| Manslaughter   | 0         | 0               | 0   | 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               | 0               | 0          | 0     |
| Rape   | 0         | 0               | 0   | 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               | 0               | 0          | 0     |
| Incest   | 0         | 0               | 0   | 0          | 0     | 0   | 0               | 0               | 0          | 0     | 0         | 0               | 0               | 0          | 0     |
| Satutory Rape  | 0         | 0               | 0   | 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               | 0               | 0          | 0     |
| Aggravated Assault   | 0         | 0               | 0   | 0          | 0     | 0   | 0               | 0               | 0          | 0     | 0         | 0               | 0               | 0          | 0     |
| Burglary   | 1         | 1               | 0   | 0          | 1     | 1   | 1               | 0               | 0          | 1     | 6         | 6               | 0               | 0          | 6     |
| Motor Vehicle Theft  | 0         | 0               | 0   | 0          | 0     | 0   | 0               | 0               | 0          | 0     | 0         | 0               | 0               | 0          | 0     |
| Arson  | 0         | 0               | 0   | 0          | 0     | 0   | 0               | 0               | 0          | 0     | 1         | 1               | 0               | 0          | 1     |
| VAWA OFFENSES  |           |                 |   |            |       |   |                 |                 |            |       |           |                 |                 |            |       |
| Domestic Violence  | 0         | 0               | 0   | 0          | 0     | 0   | 0               | 0               | 0          | 0     | 0         | 0               | 0               | 0          | 0     |
| Dating Violence  | 0         | 0               | 0   | 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               | 0               | 0          | 0     |
| ARRESTS  |           |                 |   |            |       |   |                 |                 |            |       |           |                 |                 |            |       |
| Weapons  | 1         | 0               | 1   | 0          | 1     | 0   | 0               | 0               | 0          | 0     | 0         | 0               | 0               | 0          | 0     |
| Drugs  | 2         | 2               | 0   | 0          | 2     | 2   | 1               | 1               | 0          | 2     | 0         | 0               | 0               | 0          | 0     |
| Alcohol  | 1         | 1               | 0   | 0          | 1     | 0   | 0               | 0               | 0          | 0     | 0         | 0               | 0               | 0          | 0     |
| DISCIPLINARY REFERRALS   |           |                 |   |            |       |   |                 |                 |            |       |           |                 |                 |            |       |
| Weapons  | 0         | 0               | 0   | 0          | 0     | 2   | 2               | 0               | 0          | 2     | 1         | 1               | 0               | 0          | 1     |
| Drugs  | 2         | 2               | 0   | 0          | 2     | 15  | 15              | 0               | 0          | 15    | 7         | 7               | 0               | 0          | 7     |
| Alcohol  | 18        | 18              | 0   | 0          | 18    | 24  | 24              | 0               | 0          | 24    | 5         | 5               | 0               | 0          | 5     |
| On campus-any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution on, or of a manner related to the institution's education purposes, including residence halls; and any building or property that is within or reasonably contiguous to said property 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 retail vendor). "Dormitories or other residential facilities for students on campus" is a subset of the on-campus category. |           |                 | A non-campus building or property is any building or property owned or controlled by a student organization that is officially recognized by the institution; or by any 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 within the same reasonably contiguous geographic area of the institution. |            |       | On public property-all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to any campus property.   |                 |                 |            |       |           |                 |                 |            |       |
|  |           |                 |   |            |       | A non-campus building or property is any building or property owned or controlled by a student organization that is officially recognized by the institution; or by any 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 within the same reasonably contiguous geographic area of the institution. |                 |                 |            |       |           |                 |                 |            |       |
| Hate crime information is provided in the context of the data above noted by: Race = RA, Gender = G, Religion = RE, Sexual Orientation = SO, Ethnicity/Nat'l Origin = EN, Disability = D, Gender identity = GI   |           |                 |   |            |       |   |                 |                 |            |       |           |                 |                 |            |       |



## Tusculum University Annual Housing Fire Safety Report

Tusculum University maintains a log recording all fires in on-campus student housing facilities, including the nature, date, time, value of items damaged, number of tests per year, and general location of each fire through the Student Affairs Office. Annually, this information is disseminated to the community through a report providing the foregoing

information and other pertinent policy information related to fire safety on University property. In addition to fire safety orientation conducted for each student residential facility at the beginning of the academic year, there are regular mandatory supervised fire drills conducted between the fourth and sixth week of each semester.

### FIRE SAFETY

Preparing for emergencies well in advance is one of the most effective ways to deal with potential disasters. In the case of a fire, knowing the steps to take can minimize problems.

#### STEPS TO FOLLOW IF YOU SEE A FIRE:

- Activate the nearest fire alarm.
- Alert the fire department by calling 911 from a safe phone. Give your name, address, location and the extent of the fire.
- Calmly alert people in the building and evacuate the building by following exit signs. Do not use elevators. Non-ambulatory individuals needing assistance with evacuation should wait for professional assistance at designated areas in the building.
- Remain outside the building at a safe distance.
- Meet police or fire personnel upon arrival to direct them to the fire.
- Remain at the designated assembly point until someone takes roll call and further instructions are provided by emergency personnel or University Police. Do not leave the area.

#### STEPS TO FOLLOW IF YOU ARE CAUGHT IN A FIRE:

- Remain calm.

- Before opening the door, feel it with the back of your hand. If it is hot:
  - Do not open the door.
  - Open the windows. If possible, lower the top half of the window to let out heat and smoke and raise the lower half to let fresh air in.
  - Seal cracks around the door with towels, linens or clothes. Soak these items in water if possible.
  - To attract attention, hang objects out of the window and shout for help.
  - Keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your nose and mouth. Keep your head six to eight inches off the floor.
- If the door is not hot, brace yourself against the door and open it slowly. If hot air or fire rushes in, close the door and follow the steps above.
- If you can leave, close all doors behind you and proceed to the nearest safe exit. Leave the building and stand clear of the fire. Help direct police and fire personnel when they arrive.

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student

housing are held at the beginning of each semester. These programs are designed to familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and to

educate regarding the University's fire safety policies.

Students, faculty, and staff should report any fire for the purposes of being included in the fire report to any of the following individuals/offices:

|  |   |
|--|---|
| Chief of Campus Safety                     | 423/636-7318 (x5318), Niswonger Commons |
| Office of Student Affairs/Dean of Students | 423/636-7315 (x5315)                    |

### TU FIRE SAFETY RULES

- Non-institutional lofts & bunk beds and other structures are not permitted in residence hall rooms. Due to restrictions established by the Fire Marshall, bunk beds or high lofts are not permitted in Haynes or Welty-Craig Halls.
- Possession of any open heating element or open flames or ignition points (e.g. heaters, burners, hot plates, sandwich presses, Foreman grills (except where explicitly permitted), toaster ovens, halogen lamps, candles, incense, potpourri pots, etc.) or any unapproved appliances (no non-University air conditioners, televisions or reception systems requiring wiring outside the room, etc. are permitted. However, residents can use the following small food appliances: small coffee pot with automatic shutoff, popcorn air popper, and under-counter refrigerator;
- Cooking outside of a designated area, including exceeding the provisions that students may only cook popcorn (not requiring oil or flat plate poppers), hot beverages, or re-heating already prepared food in a small microwave unit;
- Possession of extension cords or multi outlet adapters is prohibited (surge protector strip plugs are permitted to help protect equipment and reduce malfunctions);
- Smoking is prohibited in all areas, spaces, and campus property; and
- Use of cigars, incense, flavored or scented cigarettes, candles, smudge sticks of other substances which cause a scent perceivable as marijuana or masking the use of same are prohibited and will provide sufficient indicia to justify a search of any items on University property and can result in the student being found responsible for a violation of the Controlled Substances Policy as olfactory evidence is sufficient evidence to support a finding of responsibility;
- Obstruction or disruption which reasonably or unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus is strictly prohibited;
- Failure to comply with the directions of University officials acting in their official capacity, including administrators, staff, faculty, and para-

professional staff (including, but not limited to, refusing to furnish identification or failing to stop engaging in behavior when requested to do so or restricting access to any person, item, or venue to Student Affairs or Campus Safety personnel). Verbal and/or physical abuse directed toward any University official will not be tolerated and will constitute a serious violation;

- Unauthorized entry to or upon, or use of University property, equipment or resources, including but not limited to the telephone system, mail system, computer system, vehicle keys, buildings and furnishings, ledges, roofs or fire escapes of University-owned or operated buildings and service tunnels, or the duplication or use of keys (\$250 minimum fine); and
- Unauthorized storage, use or possession (or constructive possession) on any campus property (including items in vehicles) of weapons (as defined by local, state and federal law, and including- any object or substance designed to inflict a wound or cause injury); explosives; projectiles; flammable materials (including solvents); biohazardous, volatile, or poisonous materials of any kind; or other items which may be hazardous to the health or safety of others. Items prohibited under this section include, but are not limited to, handheld guns (which includes pistols, stun, paint, pellet, dart, cap, BB, starter or water or toy guns which may be perceived to be actual weapons), long arms (such as rifles, shotguns, air rifles), bows, arrows, axes, knives or blades of any type, numchucks, throwing stars, sling shots, firecrackers and fireworks. Additionally, items which may not

generally considered to be weapons, but which are wielded in a manner such that harm or the threat of harm is indicated, will be considered as a weapon under this policy (e.g. waving a baseball bat or knitting needle at another in a threatening manner). In addition to other sanctions, an automatic minimum fine of \$500 will be assessed under this policy, and suspension or expulsion from the University will be examined;

- Setting or causing to be set, any unauthorized fire in or on University premises (including grills or barbeques on a campus facility balcony or porch or under the eaves or overhangs) or storage of combustible engines or flammable materials in the aforementioned areas or inside a residential area. Ground fires in any form are not permitted on campus without permission obtained through the Student Affairs Office on the residential campus or through the appropriate AOS student service staff;
- Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, crime, or other emergency on University premises or at University sponsored events or tampering with fire alarms (e.g. battery removal, wire disconnection or shielded air passageways, etc.), extinguishers, or other fire equipment (in addition to other sanctions, an automatic minimum fine of \$250 will be assessed);
- Failure to comply with the directions of emergency (e.g. Fire or Police Department) personnel or University officials acting in their official capacity, including administrators, staff, faculty, and para-professional staff; or failure to comply with mechanical or



electronic evacuation alarms or systems (in addition to other sanctions, an automatic minimum fine of \$250 will be assessed);

- Tampering with fire or safety signage (include exit floor plans or doorway signage) or breaching University security (e.g. propping open residence hall doors or loaning security keys) (in addition to other sanctions, an automatic minimum fine of \$250 and related replacement/repair/cleaning costs will be assessed); and

- Failure to observe fire regulations requiring that halls, stairways, entrances, porches, evacuation routes, and balconies be kept clear of obstacles at all times.
- Any questions about policy, procedure, and fire safety history on Tusculum University properties should be directed to the Chief of Campus Safety, Dean of Students, or the Director of Facilities Management.

### Periodic Fire Drill Procedures

In order to facilitate a proper evacuation of buildings during a fire alarm, Campus Safety Officers will conduct periodic fire drills. The minimum frequency of such drills will be once per semester for all buildings on campus. During building orientation at the beginning of each semester, residents will go through a walk-through of fire drill procedures. This walk-through is mandatory and will be conducted by a Campus Safety representative, in conjunction with Student Affairs in the case of residential Fire Drill Procedures:

- 1) Ensure that at least two professional staff members and two paraprofessional staff members are present in order to assist with drill supervision before the start of the drill.
- 2) Ensure that all designated evacuation routes are properly displayed and illuminated (at least one on each floor) prior to initiation of each drill.
- 3) Ensure that one paraprofessional or professional staff member is positioned in a location to direct community members to the proper location to evacuate to (adequate safe distance/double the height of building

buildings and Human Resources in the case of classroom or office buildings. A Fire Drill Evaluation Check List shall be completed for each building being tested. This form shall be turned into the Chief of Campus Safety and be placed in the daily Fire Log book which is immediately available for public inspection for the previous 60 days and will be provided for public inspection upon request within 2 days for dates prior to the previous 60 days.

- and specific location according to preplanned designated place)
- 4) Campus Safety representative will activate building alarm.
- 5) All staff members will provide instructions to community members during the drill.
- 6) At least two staff members working in pairs will conduct a building search to ensure that all community members are evacuated. If any community member fails to evacuate immediately, their name(s) will be taken and provided to Student Affairs for disciplinary action. It is the duty of all staff members to collect these names and provide a complete list along with

the Fire Drill Evaluation Check List to the Director of Campus Safety no later than the next work day. The Director of Campus Safety will provide the Associate Dean of Students the list of student names who did not evacuate upon the notification of a fire alarm. The Associate Dean of Students will initiate disciplinary action against such students according to Tusculum University student disciplinary process. In the case of non-student employees, the Director of Campus Safety will provide the Vice President/CFO with names of employees who fail to evacuate upon notification of a fire alarm. The VP/CFO will initiate disciplinary action against such employee(s) in accordance with the Tusculum University Human Resource Policy Manual.

- 7) Any accommodations required under the American's with Disabilities Act (ADA) or other accommodations identified shall be documented during each drill along with the plan of action for each specific community member as required. This list of accommodations shall be noted on the Fire Drill Evaluations Check List and a comprehensive explanation of the accommodation and plan of action shall be documented and attached to the Fire Drill Evaluations Check List. The Director of Campus Safety shall provide this list and specific plan of

action to the Dean of Students. The Dean of Students shall provide the Director of Campus Safety a list of any known community members who have accommodation requirements and their campus residence location no later than the end of the first week of classes in each semester.

- 8) If there is any fire notification equipment malfunction, Campus Safety will immediately notify Facilities Management in order to repair the malfunction as soon as possible. If the malfunction cannot be repaired immediately, a Fire Watch will be placed on any **occupied** building until repair is made and the fire notification system is successfully tested. Fire Watch is defined as a professional or paraprofessional staff member who watches and checks the building on an active basis in a position of advantage and/or roving patrol in order to sense a possible fire and facilitate notification to the habitants for evacuation, '911' for fire response, and Campus Safety for assistance. A copy of the work order submitted to Facilities Management and a Campus Safety Incident Report detailing the use of a Fire Watch shall be attached to the Fire Drill Evaluation Check List and turned in no later than the next work day to the Director of Campus Safety.

## **FIRE DRILLS CONDUCTED**

There were two fire drills for each residential building conducted during the 2023 reporting year. Results of each drill are available in the campus safety office located in Niswonger Commons Rm 222 during business hours.

Periodic Emergency Procedures/Critical Incident Response Procedures Exercise

In order to facilitate emergency response preparedness, Tusculum University will conduct periodic exercises throughout the year. At a minimum, one exercise will be conducted during a calendar year that tests the University's preparedness and response systems. Emergency response drills shall be conducted in a variety of ways which are in line with the Federal Emergency Management Agency (FEMA) and National Response Framework (NRF) using the National Incident Management System (NIMS). The results of each exercise shall be maintained by the Director of Campus Safety with a

copy of the final report being provided to the President of Tusculum University, Vice-president/CFO, and Dean of Students. Additionally, Tusculum University shall include what type of exercise was conducted during the year in the Annual Security Report (ASR).

Exercises shall be on a scheduled rotation which consists of, at a minimum, one Functional Exercise every three years and a Full Scale Exercise every four years. Some examples of the types of exercises Tusculum University may incorporate are:

| <b>Types of Exercises<br/>Type of Exercise</b> | <b>Utility/Purpose</b>   | <b>Type of Player Action</b>                                       | <b>Duration</b>                                    | <b>Real-Time Play?</b>                                     | <b>Scope</b>                      |
|--|--|--|--|--|-----------------------------------|
| Discussion-Based                               | To familiarize players with current plans, policies, agreements, and procedures; develop new plans, policies, agreements, and procedures | Notional; player actions are imaginary or hypothetical             | Rarely exceeds 8 hours                             | No   | Varies                            |
| Seminar  | Provide an overview of new or current plans, resources, strategies, concepts, or ideas   | N/A  | 2-5 hours  | No   | Multi- or single agency           |
| Workshop                                       | Achieve a specific goal or build a product (e.g., exercise objectives, SOPs, policies, or plans)   | N/A  | 3-8 hours  | No   | Multiagency or multiple functions |
| Tabletop Exercise                              | Assist senior officials in the ability to understand and assess plans, policies, procedures, and concepts                                | Notional   | 4-8 hours  | No   | Multiagency or multiple functions |
| Game   | Explore decision making processes and examine the consequences of those decisions  | Notional   | 2-5 hours  | No (some simulations provide real- or near-real-time play) | Multiagency or multiple functions |
| Operations-Based                               | Test and validate plans, policies, agreements, and procedures; clarify roles and responsibilities; identify resource gaps                | Actual; player action mimics reaction, response, mobilization, and | May be hours, days, or weeks depending on purpose, | Yes  | Varies                            |



|                     |   | commitment of personnel and resources   | type, and scope                    |     |  |
|---------------------|---|---|------------------------------------|-----|--|
| Drill               | Test a single operation or function   | Actual  | 2-4 hours                          | Yes | Single agency or function                    |
| Functional Exercise | Test and evaluate capabilities, functions, plans, and staffs of Incident Command, Unified Command, Intel centers, or other command/operations centers | Command staff actions are actual; movement of other personnel, equipment, or adversaries is simulated | 4-8 hours or several days or weeks | Yes | Multiple functional areas/Multiple functions |
| Full-Scale Exercise | Implement and analyze plans, policies, procedures, and cooperative agreements developed in previous exercises   | Actual  | 1 full day or longer               | Yes | Multiple agencies or multiple functions      |

Tusculum University will conduct types of exercises which simulate potential threats to life and/or property. The scope of exercises will be in line with best practices of similar institutions or will be based from recommendations of FEMA/Homeland Security, U.S. Department of Education, Center for Disease Control/Health Department, and other agencies as required.

Tusculum University conducted one full emergency exercise during the 2016, 2017, and 2019 reporting year. Additionally, TU conducted 3 operations-based exercises and 1 functional exercise in 2018 and two others in 2020. Results of these tests are available upon request from the Chief of Campus Safety located in Niswonger Commons, Rm. 222.

### Tusculum University Annual Fire Safety Statistics 2020

| Facility                        | FIRE SYSTEMS                                  |                  | FIRE RELATED INCIDENTS IN RESIDENTIAL FACILITIES |            |   |        |                     |                                       |
|---------------------------------|---|------------------|--|------------|---|--------|---------------------|---------------------------------------|
|                                 | Alarm Systems                                 | Sprinkler System | Number   | Fire Cause | Injuries Requiring Medical Facility Treatment | Deaths | Property Loss Value | Evacuation Drills conducted each year |
| Apartment A - Mastrapasqua Hall | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES              | 0  | 0          | 0   | 0      | 0                   | 2                                     |
| Apartment B                     | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES              | 0  | 0          | 0   | 0      | 0                   | 2                                     |
| Apartment C                     | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES              | 0  | 0          | 0   | 0      | 0                   | 2                                     |

|                                |   |     |   |   |   |   |   |   |
|--------------------------------|---|-----|---|---|---|---|---|---|
| Apartment D                    | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Apartment E                    | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Apartment F                    | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Charles Oliver Gray East       | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Charles Oliver Gray South      | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Charles Oliver Gray West       | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Haynes Hall                    | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Barkley House (35 West St)     | BATTERY OPERATED STAND ALONE SYSTEMS          | NO  | 0 | 0 | 0 | 0 | 0 | 2 |
| Katherine Hall                 | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |
| Dean House (1132 Erwin Hwy.)   | BATTERY OPERATED STAND ALONE SYSTEMS          | NO  | 0 | 0 | 0 | 0 | 0 | 2 |
| Patton House (1184 Erwin Hwy.) | BATTERY OPERATED STAND ALONE SYSTEMS          | NO  | 0 | 0 | 0 | 0 | 0 | 2 |
| Dobson House (1075 Erwin Hwy.) | BATTERY OPERATED STAND ALONE SYSTEMS          | NO  | 0 | 0 | 0 | 0 | 0 | 2 |
| Welty-Craig Hall               | HARD-WIRED & TIED TO CENTRAL REPORTING SYSTEM | YES | 0 | 0 | 0 | 0 | 0 | 2 |

Tusculum University  
60 Shiloh Road  
Greeneville, TN 37743  
Phone: 423-636-7315

Tusculum University, in its continuing effort to maintain a safe academic and work environment for students, staff, faculty, and guests, presents this Annual Pioneer Safety and Disclosures Report with the understanding that an informed community is best able to support the achievement and maintenance of a secure environment.

**Anyone witnessing a violation of campus policy or a crime is encouraged to report the incident immediately to Campus Safety at (423) 636-7318 or call 9-911 for**

external authorities.

Community members' can call x5318 on-campus for assistance including vehicle issues, campus directions, or other matters.

We're on the Web @ <https://web.tusculum.edu/safety/>

## Important Resource Contact Information

### RESIDENTIAL CAMPUS

Toll Free—800/729-0256

### Important Resource Contact Information

#### RESIDENTIAL CAMPUS Toll Free—800/729-0256

|                                   |              |
|-----------------------------------|--------------|
| Admissions & Financial Aid        | 423/636-7631 |
| Athletic Trainer (Cell)           | 423/552-6473 |
| Campus Safety                     | 423/636-7318 |
| —Campus Safety (Cell)             | 423/470-2710 |
| Counseling Services (Cell)        | 423/620-8347 |
| Health & Wellness                 | 423/636-7499 |
| Human Resources                   | 423/636-7345 |
| Maintenance/Facilities Management | 423/636-7319 |
| Public Relations                  | 423/636-7304 |
| Student Affairs                   | 423/636-7315 |

#### EMERGENCY—9-911

#### OTHER RESOURCES

|                                     |              |
|-------------------------------------|--------------|
| Alcoholics Anonymous                | 423/638-5578 |
| Ask-A-Nurse                         | 800/888-5551 |
| Baptist Hospital for Women          | 865/218-6011 |
| Frontier Health/Nolichucky          | 423/639-1104 |
| Gray Fire Department                | 423/477-3851 |
| Greene County Sheriff's Office      | 423/798-1800 |
| Greeneville Fire Department         | 423/638-4243 |
| Greeneville Police Department       | 423/638-4243 |
| Hamblen County Sherriff's Dept.     | 423/586-3781 |
| Industriacare                       | 423/636-9828 |
| Johnson City Fire Department        | 423/975-2840 |
| Johnson City Medical Center         | 423/431-6111 |
| Knoxville Fire Department           | 865/595-4480 |
| Knoxville Police Department         | 865-215-7000 |
| Laughlin Memorial Hospital          | 423/787-5000 |
| Parkwest Medical Center             | 865/373-1000 |
| Takoma Adventist Hospital           | 423/636-2360 |
| Tusculum Volunteer Fire Dept.       | 423/638-8068 |
| Washington County Sherriff's Office | 423/461-1414 |



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- i TIBRS 35 d- administrative offices responsible for security
  - ii Clery 6- Policies defining law enforcement authority of campus security personnel.
  - iii TIBRS 35 f & g Enforcement authority of security personnel, including their working relationship with state and local LEA; Policy on reporting criminal incidents to state and local LEA
  - iv Clery 7- Working relationship of Campus Safety w/ state & local LEAs, including any MOU.
  - v Clery 9- Description of any procedures institution has that encourage pastoral and professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily & confidentially for inclusion in the ASR. Includes verbal and written encouragement. If no policy, state so.
  - vi Clery 8- Policies encouraging accurate and prompt reporting of all crimes to the campus police **and** appropriate LEA. TIBRS 35 I Procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports
  - vii Clery 5.- Policies concerning security of and access to campus facilities (including campus residences) and security considerations used in the maintenance of campus facilities. TIBRS 35 h - Policy regarding access to institution facilities and programs by students, employees, guests and other individuals
  - viii TIBRS h & i - Policy and any special security procedures for housing students during low occupancy periods such as holidays and vacation periods. Policy on housing of guests and others not assigned to the student housing or not regularly associated with the institution of higher education
  - ix TIBRS 36 a-g -  
Types of student housing available (on/off campus, single/dbl; single sex, coed, undergrad, grad, married, etc.);  
Policies on housing assignments and requests by students for assignment changes;  
Policies concerning the identification and admission of visitors in student housing facilities;  
Measures to secure entrances to student housing facilities;  
Standard security features used to secure doors and windows in the students' rooms;  
Description of type and number of employees, including security personnel, assigned to the student housing facilities which shall include a description of their security training;  
Type and frequency of programs designed to inform student housing residents about housing security and enforcement procedures
  - x Clery 17- Policy regarding institutions emergency response and evacuation procedure.
  - xi TIBRS 35 n - Security considerations used in the maintenance of campus facilities, including landscaping, groundskeeping and outdoor lighting
  - xii Clery 12- Policy concerning the monitoring & recording, through LEA of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution.
  - xiii TIBRS 35 l - Policy regarding possession and use of weapons by security personal and any other person
  - xiv TIBRS 35 m - Policy regarding students or employees with criminal records
  - xv Clery 3.- Policies for preparing annual disclosure of crime statistics. TIBRS 35 o - A description of the communication mediums used to inform the campus community about security matters as well as the frequency with which the information is usually provided
  - xvi Clery 13- Policy regarding possession, use, and sale of alcohol beverages and enforcement of state underage drinking laws. TIBRS 35 j & k - Policy regarding possession, use, and sale of alcoholic beverages. Policy regarding the possession, use, and sale of illegal drugs
  - xvii Clery 14- Policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.
  - xviii Clery 15- Description of any drug or alcohol abuse education prgs as required under Section 120 (a) through (d) of HEA. (See Appendix A)
  - xix HEA Fire 32- Title must be clearly delineated from that of any other reports if producing combined report
  - xx HEA Fire 34 e - Policies regarding fire safety education and training programs (must describe procedures students/employees should follow in case of fire)