

Southern Adventist University's Annual Security and Fire Safety Report

2021

Table of Contents

Introduction.....	4
Timely Warning Notice.....	5
Reporting Criminal Actions or Emergencies	7
Security and Access	8
Policies Concerning Campus Security and Local Law Enforcement.....	8
Security Awareness Programs	8
Crime Prevention Programs.....	9
Monitoring and Recording of Student Organizations on Non-Campus Locations	9
Substance Abuse Policy	10
Disclosure Procedures for a Student Disciplinary Proceeding.....	18
Emergency Response and Evacuation Procedures	18
Missing Student Notification Policy and Procedures	22
Registered Sex Offenders.....	23
Local Law Enforcement Agencies	24
Sexual Misconduct Policy	25
Section 1: Introduction	25
Section 2: Definitions	27
Section 3: Reporting Sexual Harassment and Preservation of Evidence.....	31
Section 4: Initial Response to Reported Sexual Harassment.....	33
Section 5: Formal Complaint	34
Section 6: Grievance Process:.....	35
Section 7: Appeals.....	39
Section 8: Informal Resolution Process	40
Section 9: Emergency Removal and Administrative Leave.	41
Section 10: Recordkeeping	41
Section 11:.....	41
Section 12: Applicable State Laws	42
Crime Statistics Definitions	45
Location Definitions	45
Crime Definitions.....	45
Crime Statistics 2018-2020.....	47
2021 Fire Safety Report.....	50
Introduction.....	51
Building Inspections, Fire Safety Systems, and Fire Drills.....	52

Fire Safety Education and Training	53
Fire Policies	54
Procedures to Follow in the Event of a Fire & Student Housing Evacuations	55
Fire Statistics and Daily Fire Log	55
Fire Statistics 2018, 2019, and 2020	56
Student Housing Facility Fire Safety Systems	59

Introduction

Your safety is our concern. It also must be your concern. As a university, we work very hard to prevent crime, fire, accidents, and illness, but nothing we do is as important as what you do and, in some cases, don't do.

Campus Safety has primary responsibility for life safety, including crime prevention, fire prevention, emergency planning, and security on campus. Other areas, such as Student Development, University Health Center, Residence Halls, Counseling Services, and many others also contribute to making this a safer place to study, work, and live.

This publication contains valuable information about how you can help us keep you safe, on and off campus. Please pay special attention to the safety tips. Following them will reduce the chance that you'll be the victim of crime, become injured, or lose valuables.

This report is intended to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act and the Violence against Women Act. While we have sought to make this report a valuable resource of safety information, we invite you to contact any of the departments or programs listed in this report for more information about our policies or resources.

Let's work together to have a safe year.

Timely Warning Notice

In the event that a situation arises on campus, that, in the judgment of the Director of Campus Safety or his/her designee, constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued by Marketing and University Relations. The warning will be issued through the university e-mail system to the university assigned email of students and employees. Southern Adventist University’s policy represents a good faith effort to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act and the Violence against Women Act. This policy has a strong commitment to transparency while protecting those who live, learn, and work on our campus. Marketing and University Relations will notify the campus community (students and employees) of certain crimes and it will happen in a timely manner to help prevent similar crimes. Because the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves, a warning will be issued as soon as the pertinent information is available. Upon first issuance of the timely warning, not all of the facts surrounding a criminal incident or incidents may be included; however, additional information may continue to be provided as it becomes available.

Crimes- A timely warning will be issued for any Clery Act crime that:

- Occurs in the Clery defined geography, and
- Is reported to Campus Safety, and
- Is considered by the institution to represent a serious or continuing threat to students and employees

Timely Warning Notices are typically issued for the following Uniformed Crime Reporting Program (UCR)/ National Incident Based Reporting Systems (NIBRS) crime classifications: major incidents of arson, aggravated assault, and murder/non-negligent manslaughter, robbery, and sex offenses including rape, fondling, incest, and statutory rape. Reporting of incidents is considered on a case-by-case basis, depending on the facts of the case and the information known by Campus Safety. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Southern community members and a Timely Warning Notice would not be distributed. In the event that a delayed report of a Clery reportable crime is received, the incident would be assessed for a timely warning. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by Campus Safety. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernable pattern of crime. The Director of Campus Safety or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of Timely Warning Notice is warranted. Timely Warning Notices may also be posted for other crime classifications and locations, as deemed necessary. Timely warnings are not limited to violent crimes or crimes against persons, therefore timely warnings may be issued for threats to persons or to property or crimes that pose a serious or continuing threat to the campus community.

Exemptions- Crimes reported to an individual employed in the role of a counselor or pastoral professional will be exempted from this timely warning policy only when they are acting or being paid within the licensure. (Example of exempt pastor would be the university chaplain, example of those not exempt are religion professor)

Factors- Issuing a timely warning will be decided on a case-by-case basis in light of all the facts surrounding a crime and includes factors such as:

- The possible risk of compromising victim(s)
- The nature of the crime
- The type of crime reported will always be considered before issuing a timely warning.
- The continuing danger to the campus community

After a Clery crime is reported, the Director of Campus Safety or his/her designee will determine if others in the campus community are at risk of becoming victims of a similar crime. Factors to be taken into consideration include the suspect’s status and apparent pattern of criminal activity. The possible risk of compromising law enforcement efforts. Before issuing a timely warning, law enforcement efforts will be taken into consideration. This implies that a warning will not compromise law enforcement efforts by disclosing sensitive information or clues to an investigation.

Content- Because the intent of the warning is to enable members of the campus community to protect themselves, a timely warning will include information that will promote safety and aid in the prevention of similar crimes. Information about the

crime that triggered the warning will be included such as the type of crime, date and time of offense(s), location(s) or occurrence, when appropriate description(s) of suspect(s), and sex of victim(s)(this includes delayed reports).

Issuance- A timely warning will be issued in a manner that gets the word out quickly community-wide and is most reasonably likely to reach the entire campus community. This is achieved by sending mass email notifications to students and employees of the campus community. Timely warnings will never be issued in a manner that requires the campus community to make requests for them. Timely Warning Notices are typically written in conjunction by Campus Safety and Marketing and University Relations. Marketing and University Relations usually distributes the Timely Warning Notices to the Southern Community.

FERPA- the Clery Act does not require confidential reporting of crimes. Although personally identifiable information will generally be precluded from disclosure, such information may be released in an emergency situation and at the order of the Director of Campus Safety or his/her designee. FERPA does not preclude an institution's compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if Campus Safety utilizes information from its records to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA. Timely Warning Notices will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Reporting Criminal Actions or Emergencies

Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with designated Campus Security Authorities, Residence Halls, Student Development, and local law enforcement agencies surrounding our main campus. Each entity provides updated information on their educational efforts and programs to comply with the Act. Campus crime, arrest, and referral statistics include those reported to Campus Safety, designated Campus Security Authorities, and local law enforcement agencies. Counseling Services may inform their clients of the procedures to report crime to Campus Safety on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session. No formal police report is required for a crime to be included in the statistics. Every effort is taken to ensure that all persons required to report do so and that statistics are as accurate and complete as possible. Information included in the annual report is reviewed for accuracy, completeness, and readability. Each year, an email notification that provides the website to access this report is sent to all students, faculty, and staff. Copies of the report may also be obtained at the Southern Adventist University Campus Safety located at 5061 Colcord Drive or by calling 423.236.2100. All prospective employees and students may obtain a copy of this report from Campus Safety by emailing campussafety@southern.edu, calling 423.236.2100, or by clicking the Annual Security and Fire Safety Report link on the employment and prospective student webpages.

Southern does not have any procedures that encourage pastoral counselors and professional counselors, when appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary confidential basis for inclusion in the annual disclosure of crime statistics.

For questions, concerns, or to report Clery Act crimes for the purpose of making timely warning reports and the annual statistical disclosures, please contact Campus Safety by calling 423.236.2100 or visiting the office at 5061 Colcord Drive Collegedale, TN 37315.

Campus Safety	423.236.2100	Council for Alcohol and Drug Abuse Services	423.756.7644
Title IX Office	423.236.2813	Lighthouse Counseling and Life Skills Center	423.499.9335
Collegedale Police Department	Emergency 911	Erlanger Health System	423.778.7000
	Non-Emergency 423.396.3133	Partnership for Families, Children and Adults	423.755.2700
Tri-Community Fire Department	Emergency 911	Fortwood Center, Inc.	423.266.6751
	Non-Emergency 423.622.7777	Harbor Safe House	423.476.3886
Housing Services	423.236.2903	Counseling Testing (Southern)	423.236.2782
Health Center	423.236.2713	Student Development (Southern)	423.236.2782
Volunteer Behavioral Health 24-hours Crisis Line			800.704.2651

Security and Access

During regular building business hours, university properties are open to students, parents, employees, contractors, guests, and invitees. Access to buildings after business hours, during extended closures, lockdown, or access to residence halls and apartments, is by authorized permissions using electronic locks. Regular building business hours may be changed or altered depending on the needs of the university.

Security Considerations in Maintaining Campus Facilities

Campus Safety officers conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances. Campus Safety officers regularly check to make sure sidewalks and parking lots are lit, egress lighting is working in hallways and stairwells, all exterior doors are checked to make sure they lock, and fire systems are tested annually. A review of facilities for security issues such as, but not limited to, locks, alarms, lighting, and landscaping are conducted by Campus Safety, Plant Service, and Risk Management. Additionally, during the academic year, the Directors of Facilities Management, Housing, Residence Life, and Maintenance meet once weekly to discuss issues of pressing concern.

Policies Concerning Campus Security and Local Law Enforcement

Campus Safety Department

Campus Safety patrol officers are licensed through the state of Tennessee as unarmed guards. Campus Safety is not recognized by the state of Tennessee as a law enforcement agency. The officers of Campus Safety have no arrest authority beyond that of an ordinary citizen. These safety officers may make an arrest in the event a felony is committed in his or her presence. However, as a matter of course, serious crimes are the responsibility of the Collegedale Police Department.

The Southern Adventist University Campus Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Southern Adventist University. They also have authority to conduct university investigations. Campus Safety officers have the authority to issue parking citations, which are billed to the financial accounts of students and employees. Campus Safety maintains open communication with the Collegedale Police Department. All crime victims and witnesses are encouraged to immediately report crime to Campus Safety and the local police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Collegedale Police Department

Southern Adventist University does not have an MOU with Collegedale PD regarding the investigation of alleged criminal incidents. As noted, the Collegedale Police Department is notified of all serious crime on campus, unless victims decline police involvement.

Security Awareness Programs

During new student orientation (students) at the start of each semester and new employee orientations (faculty and staff), individuals are informed of services offered by Campus Safety, including ways to maintain personal safety. Some services include: safety escorts, what to do in a fire or inclement weather, and how to respond if there is an active shooter. A common theme of all awareness and crime prevention training is to encourage students and employees to be aware of their surroundings and their responsibility for their own security. The Campus Safety Department and Student Development Department are responsible for the primary education throughout the year. These trainings are held at select worship services and convocations and address topics such as personal safety, alcohol and drug abuse awareness, and sexual assault prevention.

Crime Prevention Programs

Self-defense classes for students and employees are offered throughout the year. These are comprehensive courses that begin with awareness, prevention, risk reduction, and avoidance, while progressing on to the basics of hands-on defense training.

The following are suggestions that will help to reduce the opportunity and make you less vulnerable.

- *Tip: To enhance personal safety, especially after an evening class, walk with friends or someone from class that you know well, or call Campus Safety for an escort.*
- *Tip: Know the environment, emergency numbers, what areas are lighted, know where you can go for help if you need it.*
- *Tip: Always lock doors to your room, apartment, windows, and car.*
- *Tip: Plan what you will do if confronted by a potential threat, will you scream, run, fight. Only you can make the decision should you find yourself in a situation.*
- *Tip: Do not answer the door for anyone you do not know. Never prop open any doors.*
- *Tip: Be suspicious of surveys or wrong number calls, do not divulge your personal information, and hang up immediately on obscene phone callers.*
- *Tip: Keep logins and passwords confidential, avoid giving personal information out over the internet.*
- *Tip: Know who to contact if something happens, Campus Safety 423.236.2100 / Collegedale Police Department 911*
- *Tip: Protect yourself from identity theft by destroying private records and statements, securing your email, safeguarding your social security number, and safeguarding your computer.*

Monitoring and Recording of Student Organizations on Non-Campus Locations

Southern Adventist University does not have any officially recognized student organizations with non-campus locations.

Substance Abuse Policy

Our Goal: Your Well-Being

Southern Adventist University is invested in maximizing our students' health and success during their enrollment as a student on our campus. This emphasis is consistent with the Seventh-day Adventist Church's embrace of health principles and temperance practices, which place a high value on the well-being of all persons. For this reason, we promote and work to maintain a drug-free campus via educational prevention programming, therapeutic screening and intervention for students experiencing substance-use issues, and disciplinary intervention in cases of drug-free policy violations

In keeping with our drug-free campus policy, Southern specifically prohibits the on-and-off-campus use, possession, purchase, sale, manufacture or distribution of

- Alcoholic beverages
- Illegal drugs or drug-related paraphernalia
- Prescription drugs, when the use of these drugs fits the description of illegal use
- Tobacco, tobacco products, e-cigarettes, or vaping devices or liquids (including non-nicotine vaping juices)

All enrolled students must also comply with all local, state, and federal laws pertaining to alcohol and other drugs. These include, but are not limited to, minors in possession of alcohol; underage drivers transporting alcohol; students operating a vehicle under the influence, possessing open containers of alcohol in a public space, having false or altered ID's, selling or providing alcohol to minors; and possessing, manufacturing, or distributing illicit drugs. Legal sanctions under local, state and federal laws for the unlawful possession, use, or distribution of illegal drugs and alcohol encompass a wide range of penalties in the form of fines, loss of driving privileges, and prison terms.

It is expected, then, that all students will embrace the health principles that are the foundation of this policy and avoid the illicit substances that are outlined here.

Educational Prevention Programming

In compliance with the Drug-Free Schools and Campuses Regulations established by the U.S. Department of Education, Southern provides prevention programming and educational materials on the health and safety risks associated with the use of alcohol, tobacco, and other drugs. In addition, Southern provides special prevention programming on these topics during scheduled emphasis weeks.

The Benefits of Seeking Help Voluntarily

Students who are experiencing substance-use issues are encouraged to seek help by contacting the Student Success Center at 423-236-2782, or visiting the office, which is located on the third floor of Lynn Wood Hall. Students who voluntarily seek help for their substance use will not be sanctioned. They will receive respectful, confidential screening and intervention from trained, licensed clinical mental health counselors. Our counseling center uses the BASICS (Brief Alcohol Screening and Intervention of College Students) approach, a SAMHSA- (Substance Abuse and Mental Health Services Administration) approved preventive intervention program designed for college students. Students whose use demonstrates a need for higher levels of care will be referred to area substance use treatment facilities.

Drug-Free Campus Sanction Policy

If a student is found to be in possession of alcohol, illegal drugs, non-prescribed or abused prescription drugs, drug paraphernalia, or tobacco/nicotine products, Southern will confiscate the items, investigate the circumstances surrounding their presence on campus, and institute both appropriate therapeutic interventions and disciplinary sanctions. All confiscated items will be given to the appropriate authority or destroyed. Local law enforcement agencies will be called if any laws have been broken.

Southern reserves the right to investigate students when a reasonable suspicion exists of the use or possession of any of the above noted substances. An investigation may include a search of one's property, alcohol and drug screenings (urine, hair, or both), and/or breathalyzer tests. If a search is part of an investigation, it may include the examination of any briefcases, backpacks, book bags, handbags, and any university or privately owned on-campus vehicles. Students' residence hall rooms may

also be included in the search. If a search is to be made, it must be authorized by the vice president for Student Development or a residence hall dean.

When reasonable suspicion exists or when a search uncovers the presence of drugs, alcohol, tobacco/nicotine, or related items in or on the property of a student, the student will be required to submit to chemical screening (urine, hair or both), and/or breathalyzer tests. Any Southern student who is found to have these items on campus property may be asked to withdraw from Southern for at least a semester before re-admittance will be considered. Students who violate this policy, refuse to be tested, or provide false information can expect to be sanctioned up to and including dismissal. In addition, all violators of the policy are subject to applicable federal, state, and local laws.

The entire process of investigation into such policy violations is treated with the highest confidentiality. Only those entities of the campus community that are in a need-to-know capacity will be informed of the student's violation of this policy. As such, the Schools of Nursing, Social Work, Religion, and Education and Psychology have handbook regulations that prohibit the admittance or matriculation of students who have violated this policy in their programs. Therefore, those schools will be informed of their students' violations of this policy.

Disciplinary and Intervention Protocol

If a student is suspected of having violated Southern's Drug-Free Campus Policy, the following protocol is implemented:

Step 1—Assessment

- If it is thought that a student has consumed alcoholic beverages, an initial assessment for alcohol will be performed by a trained residence hall dean or personnel.
- If it is thought that a student is using illicit drugs, tobacco/nicotine products, or abusing prescription drugs, a qualified professional and/or qualified assessment facility will be called to administer a chemical screening or screenings.
- These chemical screenings are performed whether the violation is for alcohol, tobacco, illicit drugs, or prescription drugs. Southern determines the types of screenings and the number of screenings that will be administered in a situation.
- If the professional administers a urine-sample screening and thereafter believes that the sample is adulterated—e.g., the sample is diluted, its temperature is below what a recent sample should be, or the sample suggests use outside of the time window that a urine sample can reveal—the professional may administer a hair-sample screening.
- A student's choice not to have this screening administered or to be absent during the administration will be considered a positive assessment.

Note: The student will pay for the qualified professional's visit and the screening if the sample comes back positive.

Step 2—Evidence

The Dean of Students will present the student with the evidence derived from the above discovery processes.

Evidence or suspicions that students are distributing drugs may result in dismissal.

All students who have violated this policy will be asked to sign a release of information form so that the vice president for Student Development can coordinate services and verify completion of programming with the student's treatment provider and/or counselor.

Step 3—Imposition of Sanctions

A student who has violated the Drug-Free Campus Policy while enrolled at Southern will be suspended for a minimum period of 3 consecutive days.

POLICY VIOLATION	TYPICAL SANCTION: FIRST OFFENSE	TYPICAL SANCTION: SUBSEQUENT OFFENSES
Use of Tobacco products	Education Program Assessment/Community Service/Notification of Parents if under 21/ Notification of Schools of Education & Psychology/Religion if student is member of one of these areas	Short- to Long-term Suspension
Possession/Drinking of Alcohol	Suspension/Alcohol Education Program/ Assessment/Community Service/Notification of Parents if under 21/ Notification of Schools of Education & Psychology/Religion if student is member of one of these areas	Long-term suspension lasting a minimum of the current semester in which offense occurred and as long as an academic year
Supplying Alcohol to a Minor	Long-term suspension lasting a minimum of the current semester in which offense occurred and as long as an academic year	Dismissal
Possession/Use of Marijuana	Suspension/Drug Education Program/ Assessment/Community Service/Notification of Parents if under 21/Notification of Schools of Nursing/Education/Religion if student is member of one of these areas	Long-term suspension lasting a minimum of the current semester in which offense occurred and as long as an academic year or Dismissal
Possession of more than 1 ounce of Marijuana	Long-term Suspension or Dismissal	Dismissal
Possession of an illicit substance identified as a hard drug (meth, cocaine, heroin, etc.)	Suspension/Drug Education Program/ Assessment/Community Service/Notification of Parents if under 21/Notification of Schools of Nursing/Education/Religion if student is member of one of these areas	Long-term suspension lasting a minimum of the current semester in which offense occurred and as long as an academic year or Dismissal
Supplying or distributing Marijuana or an illicit substance on campus or in the community	Dismissal	N/A

Step 4—Intervention and/or Treatment

The student will be required to follow the recommendations provided by the assessing facility as follows:

If the student is deemed fit to resume classes, he or she will be required to participate in the BASICS program, as well as any other interventions recommended by the Counseling Center staff. In addition, the student may be required to attend off-

campus programs such as an Intensive Outpatient Program (IOP) or support groups (such as Alcoholics Anonymous, Narcotics Anonymous, or Celebrate Recovery).

If the student is assessed to have a chemical dependency, he or she will be required to enroll in either outpatient or inpatient treatment, as recommended by the assessing facility, as a condition of further enrollment. The student must present satisfactory evidence of compliance with the specified program. If the student does not comply with a recommended treatment, he or she may be subject to further sanctions.

Students who are assessed to have a chemical dependency that requires an IOP or inpatient program that makes successful matriculation virtually impossible may be required to withdraw from Southern for the remainder of the semester during which the violation occurred. The purpose of the withdrawal is to make successfully completing the appropriate level of care a greater possibility. The individual must present satisfactory evidence of compliance with the specified educational program before re-admission to Southern is considered.

Step 5: Reinstatement and Follow-up

Students who are compliant with these requirements will be reinstated and required to sign a letter of commitment to abstinence from alcohol, drugs, and tobacco/nicotine during the remainder of the student's time at Southern.

The following is a sample of such a commitment, though it may be individualized for a student's specific situation:

Alcohol and Drug Use Readmission Commitment

I, _____, agree to accept the following conditions for continuing as a student at Southern Adventist University:

- 1.) I will abstain from any use of alcohol, illicit drugs, and tobacco/nicotine. I understand that any failure to do so will require my immediate withdrawal.
- 2.) I will complete the intervention program as scheduled by Southern.
- 3.) I agree to submit to any screening process Southern requires and pay for the expenses of such screening.

Signed,

Reinstated students will be subject to the following requirements:

- **Accountability:** Students will be monitored for compliance with, and completion of, their required on-campus intervention, off-campus treatment, and/or support group attendance, as noted above. The student's behavior will also be monitored for further use of alcohol, tobacco/nicotine, and other prohibited drugs. Students who use substances banned by this policy after being reinstated may be subject to long-term suspension or dismissal from the university.
- **Citizenship Probation:** Reinstated students will be placed on citizenship probation for a minimum of six weeks at the time of readmission. Further explication surrounding the specifics of this sanction may be found in the Student Handbook and Planner.
- **Periodic Screening:** Students must be willing to submit to periodic chemical screening (urine, hair, or both) as a condition of their reinstatement and continued attendance at Southern. Any expense for such screening will be paid by the student.
- **Community Service Hours:** In some cases, students may also be required to participate in community service.

Noncompliance with an individualized follow-up intervention plan may result in the student's jeopardizing his or her stay at Southern in the semester during which the plan is to be completed, and a hold may be placed on his or her registration for subsequent semesters.

Random, Reasonable Suspicion, and Periodic Chemical Screening

In its efforts to promote a drug-free campus, Southern's Student Development office uses the services of Physician Services Drug and Alcohol Testing, Inc., located in Cleveland, TN. Physician Services uses only professionally-trained technicians to administer urine- and hair-sample chemical screenings.

Southern administers three types of chemical screenings:

- **Random:** Randomly-selected students are administered a chemical screening on a monthly basis. Students who test negatively will not be subject to a subsequent random screening in the same academic year; however, if their names are randomly selected in a subsequent year, they may be tested again. Students who test positively will enter the protocol described above.
- **Reasonable Suspicion:** All students involved in an episode in which law enforcement, Southern residence-hall personnel, or Campus Safety suspect the use or presence of substances that are banned by this policy will be administered a chemical screening.
- **Periodic:** Students who have been administered a chemical screening whose results reveal a positive test will agree to monthly testing as part of their Alcohol and Drug Use Readmission Commitment, as noted above. A subsequent positive test may lead to long term suspension.

Amnesty Policy

The health and safety of every student at Southern Adventist University is of utmost importance. Southern recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) may be hesitant to report excessive intoxication or endangerment due to the fear of being sanctioned for their own conduct, or the conduct of their peers.

Southern strongly encourages students to contact campus officials, medical emergency personnel, or local law enforcement if they believe a person may be in need of assistance for alcohol or other substance intoxication. An impaired student or a bystander reporting in good faith will not be subject to campus sanctions for violations of Southern's Drug-Free Campus Policy occurring at or near the time of the incident. This amnesty policy applies to emergencies both on and off campus.

A student who receives medical assistance for alcohol or drug use under this amnesty policy will be referred by the vice president for Student Development, or his/her representative, to a mandatory intervention and prevention program. Additionally, a student who calls for medical assistance for another student may be required to participate in Southern's intervention.

Students lose this amnesty if, subsequent to seeking help for their illicit substance use, are found to be using the illicit substance. This violation, whether on or off-campus, will result in mandatory entry into Southern's discipline and intervention program.

Repeated use of this amnesty policy is cause for a higher level of concern for the well-being of the student; such repeated cases will be individually reviewed.

As detailed in Southern's Sexual Misconduct policy, students who become the victims of sexual misconduct while violating this drug-free policy will receive amnesty for this violation. Recognizing that sexual misconduct often occurs when students are drinking alcoholic beverages, Southern encourages the reporting of sexual misconduct by offering amnesty to any student who has been the victim of sexual misconduct or witnessed an assault. For a fuller discussion of amnesty in this situation, please refer to Southern's Sexual Misconduct policy, which may be found on Southern's Student Development website.

Notification of Alcohol and Drug Violations to Parents

In accordance with state law, Southern notifies the parent or legal guardian of any student under the age of 21 who is found to be in violation of federal, state, or local law or university policy related to the use, possession or distribution of drugs and/or alcohol.

Legal Ramifications

Illicit Drugs

Federal, state, and local laws make it illegal to possess, manufacture, distribute, dispense, deliver, sell, or possess with intent to manufacture, distribute, dispense, deliver, or sell controlled substances. The resulting penalty would depend upon many factors including the type and amount of controlled substance involved, number of prior offenses, incidence of death or serious bodily injury resulting from the use of such substance, and the commission of other crimes in connection with activities involving the

controlled substance. Possible maximum penalties for a first-time violation include imprisonment for any period of time (up to life) and a fine up to \$500,000. These penalties are doubled when the offense involves any of the following:

- Distribution or possession at or near a school or college campus
- Distribution to someone under 21 years of age

Furthermore, punishment for repeat offenders may be increased. In addition, a civil penalty of up to \$10,000 may be assessed for simple possession of “personal use amounts” of certain substances under federal law. Under state law, possession or casual exchange is punishable as a Class A misdemeanor. If there is an exchange between a minor and an adult who is at least two years older than the minor and the adult knew that the person was a minor the offense is classified as a felony.

Also, possession of medication prescribed to someone else or giving medication to someone else to whom the medication is not prescribed will fall under the same category as possession of illicit or controlled substances.

Possession of drug paraphernalia is also considered a Class A misdemeanor, in the same category as possession of a controlled substance.

Tennessee distinguishes among offenses based on their seriousness. These offenses range from minor misdemeanors to capital crimes. The following chart shows the gradation of criminal offenses under Tennessee law.

Offense	Punishment
Capital crime	Death; life imprisonment
Class A felony	Not less than 15 nor more than 60 years in prison. In addition, the jury may assess a fine not to exceed \$50,000, unless otherwise provided by statute
Class B felony	Not less than 8 nor more than 30 years in prison. In addition, the jury may assess a fine not to exceed \$25,000, unless otherwise provided by statute
Class C felony	Not less than 3 years nor more than 15 years in prison. In addition, the jury may assess a fine not to exceed \$10,000, unless otherwise provided by statute
Class D felony	Not less than 2 years nor more than 12 years in prison. In addition, the jury may assess a fine not to exceed \$5,000, unless otherwise provided by statute
Class E felony	Not less than 1 year nor more than 6 years in prison. In addition, the jury may assess a fine not to exceed \$3,000, unless otherwise provided by statute
Class A misdemeanor	Not greater than 11 months 29 days in jail or a fine not to exceed \$2,500, or both, unless otherwise provided by statute
Class B misdemeanor	Not greater than 6 months in jail or a fine not to exceed \$500, or both, unless otherwise provided by statute
Class C misdemeanor	Not greater than 30 days in jail or a fine not to exceed \$50, or both, unless otherwise provided by statute

Alcohol

It is unlawful for anyone under the age of 21 to buy, possess, transport (unless required for employment), or consume alcoholic beverages. This Class A misdemeanor is punishable by imprisonment for up to 11 months and 29 days and/or a fine, and loss of driver’s license for one year. It is also against the law to provide alcoholic beverages to any person under the age of 21. In addition, public intoxication is a Class C misdemeanor that can lead to imprisonment for up to 30 days and/or a fine.

In Tennessee, a person may be charged with public intoxication if he or she appears in public under the influence of alcohol or a controlled substance to the degree that the intoxicated person:

- May be endangered
- Presents a danger to other people or property, or
- Unreasonably annoys people in the vicinity

Public intoxication is a misdemeanor crime in Tennessee. (Tenn. Code Ann. § 39-17-10.) The possible penalty for the crime is up to 30 days in jail, a fine of up to \$50, or both. As noted above, in counties where treatment facilities are available, an individual taken into custody for public intoxication with no record of arrest must be offered treatment.

Tennessee Sanctions Under 21 Alcohol Offenses

Offense	Punishment
Tenn. Code Ann. § 1-3-113 Unlawful for person under 21 to purchase, possess, transport or consume alcoholic beverages unrelated to employment.	The class of offense is not specified but is a misdemeanor per 39-11-111. Pursuant to TCA 39-11-114, it is a Class A misdemeanor. Therefore, 11 mos. 29 days and fine of up to \$2500 applies. Statute makes no mention of impact to driving privileges. However for individuals under 18, T.C.A. 55-10-701 would require the denial of driving privileges.
Tenn. Code Ann. § 37-1-156 Contributing to the delinquency of a minor	Class A misdemeanor.
Tenn. Code Ann. 39-15-404 Relates to the furnishing of alcohol to a minor by an adult.	Class A misdemeanor and punishable as such and additionally the offender shall be sentenced to 100 hours of community service work. The court in its discretion may send an order to the Dept. of Safety denying the offender's driving privileges. If the offender does not have driving privileges then the court may impose 200 hours of community service.
Tenn Code. Ann § 55-10-415 Driving while impaired 18 to 21 for driving under the influence of any intoxicant or with a BAC over .02	>18 years and <21 years old: Class A Misdemeanor that is punishable only by suspension of driving privileges for 1 year and by a fine of \$250. Court may impose community service. No provision for restricted license. Not eligible for judicial diversion since no incarceration and thus no probation is permitted, but would be eligible for pre-trial diversion. >16<18: Same as above, but delinquent act not misdemeanor. Note that no jail time is applicable in conflict with general penalty relating to delinquent children, see T.C.A. § 37-1-131.
Tenn. Code Ann. § 57-3-412 (a)(3)(A) Prohibits the possession, consumption, or transporting of alcoholic beverages unrelated to employment by anyone under 21.	Class A misdemeanor. Regardless of disposition, the record can be expunged 6 months after the date of the violation and such offense cannot be used against them in any criminal proceeding. Under section (a)(5)(C), an order denying the offender of driving privileges is required, and the court and dept. of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-3-412 (a)(4) Prohibits the purchase of alcohol for or at the request of anyone that is under 21.	Class A misdemeanor. 1st offense: fine of not less than \$25 nor more than \$500, 2nd and subsequent offenses: minimum \$50 fine with max of \$1,000. In addition to the fines stated above, all offenders are additionally subject to all penalties imposed by T.C.A. 39-15-404. (see above, 100 hours community service work, potential loss of license).
Tenn. Code Ann. § 57-3-412 (a)(5)(A) Prohibits the purchase or attempted purchase of alcoholic beverages by anyone under 21.	Class A misdemeanor. "In addition to any criminal penalty imposed by this section (see above)," an order denying the offender of driving privileges is required, and the court and dept of safety shall follow the same provisions of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-3-412 (c) Penalty for someone under 21 using a fake id.	Class A misdemeanor. (1) Less than 18: fine of \$50 and not less than 20 hours community service. (2) >18<21: Fine of not less than \$50 but no more than \$200 OR by imprisonment in jail for a minimum of 5 days and a max of 30 days. In addition to above, an order denying the offender of driving privileges is required, and the court and dept. of safety shall follow the same provisions of T.C.A. 55-1-701 et seq. that apply to persons 13 to 18.
Tenn. Code Ann. § 57-4-203 (b)(2) (A) Prohibits the purchase, attempted purchase, or possession of alcohol by a person under 21 in a public place. (B) Exhibiting a fake id saying you are 21.	See box immediately above for penalty for this offense.
Tenn. Code Ann. § 57-5-301(d)(1)(A) Unlawful for minor to purchase or attempt to purchase any "such beverage." (presumed beer).	Such Statutes under Title 57, Part 5 appear to relate particularly to beer. Punishment is under 57-5-303, which defines it as a Class C misdemeanor. An order denying the offender of driving privileges is

	required, and the court and dept. of safety shall follow the same provisions. of T.C.A. 55-10-701 et seq. that apply to persons 13 to 18.
Tenn Code. Ann. § 57-5-301(d)(1)(A)(2) Prohibits purchasing beer for someone under 21.	Penalty is the same as Tenn Code. Ann. § 39- 15-404.
Tenn Code. Ann. § 57-5-301(d)(1)(A)(3) Making a fake ID to show you are 21 or presenting such.	Penalty is the same as Tenn Code. Ann. § 57-3- 412(c)

Tobacco and Nicotine

It is unlawful for any person to sell or distribute any tobacco or nicotine product to a person who is under 18 or to purchase a tobacco or nicotine product on behalf of a minor. Supplying tobacco or nicotine to a minor is a civil penalty punishable by a fine.

Financial Aid Ramifications

Students receiving federal Title IV financial aid must certify that they do not engage in unlawfully manufacturing, distributing, possessing, or using controlled substances. If a student is convicted of any of these behaviors, he or she must notify the director of Student Finance within five days of the conviction. A student convicted of violating the regulation may lose his or her federally funded financial aid and will be subject to disciplinary action by Southern.

Access to Treatment Information

Students needing substance abuse intervention and treatment information should contact Southern's University Health Center or Counseling Center. All requests are confidential.

Other agencies that can provide support include:

- Celebrate Recovery (Brainard Rd): 423.488.5018
- Focus HealthCare: 423.308.2560
- Council for Alcohol and Drug Abuse Services, Inc. (CADAS) (423.756.7644)
- Helen Ross McNabb Center: 423.266.6751
- Johnson Mental Health Center: 423.634.8884
- Valley Psychiatric Hospital; 423.499.2300

Policy Review

This policy is subject to an annual review to determine its effectiveness, to implement changes that may be needed, to ensure that sanctions are consistently enforced, and to comply with new state and federal regulations.

Disclosure Procedures for a Student Disciplinary Proceeding

The institution will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Student disciplinary proceeding for any violent crime or non-forcible sex offense must disclose results upon written request to a victim's next of kin in cases where the crime resulted in the victim's death.

The institution is required to provide both the accused and the accuser with simultaneous written notification of any result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking. In these cases, it is not necessary for a victim to make a written request.

Emergency Response and Evacuation Procedures

Upon confirmation of a significant emergency or dangerous situation involving an "immediate threat" to the health and/or safety of students and/or employees occurring on the campus, the institution will immediately notify campus constituents using one or more mass notification systems. Examples of significant emergencies and dangerous situations would include, but not be limited to:

- Outbreaks of infectious diseases or serious illnesses (meningitis, norovirus, west nile, etc.)
- Approaching extreme weather conditions such as tornadoes, flooding, etc.
- Earthquakes
- Gas leaks
- Terrorist incidents
- An armed intruder
- Bomb threats
- Civil unrest or rioting
- Explosions
- Nearby chemical or hazardous waste spills

Southern Adventist University's policy represents a good faith effort to comply with the federal Clery Act and a strong commitment to transparency.

Emergency Response- Southern Adventist University's All-Hazards Response Plan includes information about university operating status parameters, emergency priorities, and performance expectations. In each building, the university has identified predesignated area(s) for best available shelter. These areas are marked on the Emergency Evacuation maps and are available during normal operating hours. Southern Adventist University conducts annual emergency response exercises. These exercises include table top drills, drills, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

When an incident occurs the first responders to the scene are usually Campus Safety, Collegedale Police Department, Tri-Community Fire Department, and Emergency Medical Services. Responding agencies work together to manage the incident. Depending on circumstances, other university personnel and other local or federal agencies could also be involved. General information about the emergency response and evacuation procedures for Southern Adventist University are publicized each year as part of the institution's Clery Act Annual Security and Fire Safety Report.

Southern Adventist University students and employees are requested to notify Campus Safety of any life safety situation. Campus Safety has the responsibility of responding to, and requesting the necessary resources, to investigate, document, and mitigate any situation(s) that may cause an emergency or threat. Federal Law requires that the institution immediately notify the campus community (students and employees) or the surrounding community that may be affected by the emergency or threat.

Notification to the Campus Community about an Immediate Threat- Campus Safety receives information from various systems it monitors as well as from various departments/personnel on-campus and outside local agencies. If Campus Safety confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Southern Adventist University Community, Campus Safety staff will collaborate with the Director of Campus Safety and/or University President to determine the content of the message and will use some or all of the systems

described below to communicate the threat to the Southern Adventist University Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Campus Safety will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: the Director of Campus Safety, Southern Adventist University President, Collegedale Police Department, Tri-Community Volunteer Fire Department, and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Mass Notification Systems- Southern Adventist University has multiple methods of communicating to its campus constituents in the event of an emergency affecting the campus community. More than one communication method may be used to reach campus constituents in the event of an emergency. The mass notification systems are activated by Campus Safety at the order of the Director of Campus Safety or designee and/or University President or designee. Follow up information pertaining to a significant emergency or dangerous situation on campus will be sent using some or all of the systems listed below.

1. Emergency alert text messaging
 - Sign-up at www.southern.edu/notify. Messages relayed are in 144-character texts to cell phones and recorded audio formats to cell phones and/or landline phones. **(must sign-up to receive)**
2. Cisco IP phones with sidecars
 - This system is used to send pre-recorded or live messages to capable Cisco IP network phones or to send pre-recorded text messages. Messages will display on capable Cisco IP network phones and the user will be alerted with a ringtone and text prompt.
3. Hilltop Siren
 - This system receives radio signals from a control panel activated by dispatch using pre-programmed buttons to sound alerts to anyone within hearing range.
4. Patrol officer/runner
 - An individual who relays messages by foot or vehicle in an emergency. This person may use a handheld voice amplification device. (Example: All clear to building occupants after a fire alarm evacuation at the evacuation zones)
5. Two-way radios
 - Two-way radios are carried by select personnel and departments.
6. Email/websites
 - These systems may be used to relay larger blocks of text and/or images and to relay events in more detail than the other mass notification systems may allow. This system will typically be used as a secondary or complimentary means of information.
 - Southern Alert email list – sends an email to all groups at Southern including faculty, staff, undergraduate students, church staff, retirees, and adjuncts.
 - Parent email list – sends an email to all parents who receive parent e-newsletter.
 - Southern Crisis website – provides information to website visitors about ongoing situations.

Confirmation- Confirmation of a significant emergency or dangerous situation is verified by Campus Safety. Campus Safety will coordinate with appropriate responding resources.

Campus Community- Depending on the type of threat, all or only part of the campus community may be alerted. If only part of the campus community is determined to be at risk, only that segment of campus constituents will be notified. Any time only a segment of the campus community is alerted, a continuing assessment of the situation will be performed by the Director of Campus Safety or designee and/or University President or designee to determine if additional segments of the campus community need to be notified of the ongoing emergency. When there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of Southern Adventist University as a whole, the entire campus community will be notified.

Content- Content of the emergency notification will vary depending on the incident occurring and the type of mass notification system activated. Campus Safety, in conjunction with the Director of Campus Safety or designee, will determine how much information is appropriate to disseminate at different points in time. Depending on what segments of the community the notification targets, the content of the message may vary. The content will be specific instructions based on

the emergency. An example, a tornado warning or severe weather warning would instruct individuals to seek shelter inside, and a fire alarm would instruct individuals to evacuate the building.

Initiation- Campus Safety will notify the campus community that there's a significant emergency or dangerous situation using one or more mass notification systems. Campus Safety is often alerted before the rest of the campus community and will activate appropriate notification systems based upon type of threat. Some systems, such as the fire alarms, are automated and will alert those in proximity to the threat immediately. Other systems, such as the e2Campus texting systems, are manual and require approval from the Director of Campus Safety or designee to activate.

Larger Community- the Crisis Communication Team will determine key constituents who should be informed of the facts of the situation and Southern Adventist University's intended response.

Internal and external options for communication may include, but are not limited to: website, email, the emergency alert system (text and voice message notifications), WSMC, phones, listservs, crisis hotline, Southern Accent, campus TV, letters, Southern Factor, portable bulletin boards, flyers, and local media outlets. Updates should occur on a regular basis to all audiences designated for communication. In a large-scale crisis, the university's website (www.southern.edu) should immediately become the central channel for communication, with space dedicated on the front page for the news, updates, and developments, including links to photo galleries, public forums, video footage, etc. This is often the first place that key publics will check.

Based on the level and type of crisis, groups considered for communication in a crisis include:

- Law enforcement, medical, and/or disaster agencies
- Administration, faculty, staff, and Board of Trustees
- Victim and victim's family
- Students
- Parents
- Mass media
- Alumni and donors
- Church constituency
- Community leaders, elected officials, and general public
- Accreditation organizations

Testing- Emergency response and evacuation drills are coordinated by Campus Safety. The emergency response and evacuation procedures are tested annually. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Procedures and locations are posted in buildings. Campus Safety does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. Campus Safety and Residence Hall staff on scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At the university, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the university an opportunity to test the operation of fire alarm system components.

Campus Safety maintains a record of all Clery defined tests completed on campus, including test description, date, time, conditions (including weather and whether the test was announced or unannounced), and results. The tests may or may not be announced.

Southern will publish its emergency response and evacuation procedures in conjunction with at least one test each calendar year. Such publication may include announcements via mass email with a link to the procedures.

Evacuation Procedures

During the Evacuation:

- When an alert is made, everyone must evacuate. Staff members that have been issued emergency equipment should take that equipment with them prior to exiting the area. If staff members are known to be out of the area, their equipment should be gathered up and taken outside during the evacuation.
- On the way out, check on others who might have disabilities or other special needs.
- Help them as much as is reasonable and safe.
- Once outside of the building, all staff should report to the Assembly Area
- Staff assigned to an area entrance should attempt to:
 - Keep people at a safe distance from the area.
 - Keep others from entering the area prior to the all-clear.
 - Monitor the status of the event.

Fire:

- When a building fire alarm sounds, everyone must evacuate the building.
- Close your door as you leave.
- If possible, know at least two escape routes from wherever you are.
- If smoke or flame is detected, and no alarm is sounding, alert others as you exit, remember to activate the fire alarm system if there is one.
- During the evacuation, go to the nearest exit or exit stairwell.
- Do not use the elevator, if there is one.
- If smoke is present, keep low to the floor.
- Once outside, move away from the area.

When Evacuation is Not Possible:

In a fire or fire alarm situation, always check doors to see if they are hot or warm to the touch before you open them. If heat or smoke prevents you from evacuating, return to your room and use towels or other cloth items to seal around the door. Hang a white object in the window and reclose the window (if it opens) as much as possible. Do not reopen your window (if it opens) unless forced to do so by smoke. After you have sealed your door, immediately call 911 or Campus Safety and advise emergency responders of your location and situation. Wait for help to arrive.

Post Incident:

- At the completion of the incident, the Fire Department should release the building to Campus Safety. The facility should be pronounced all clear, or clear with conditions for re-occupancy. Campus Safety will then communicate the all clear or the clear with conditions to the area entrance monitors in person, via communications equipment, or by the use of a runner.
- On the way in, staff members should check on others who might have disabilities or other special needs and assist them as much as is reasonable and safe.

Sheltering In Place

Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, and because sometimes the initial recommendation is to shelter in place followed by relocation, there is no single set of shelter in place procedures. Based on the type of emergency, such as tornado, hostile intruder, or hazardous material release outside, you should consult each relevant section of the Emergency Response Guidebook for guidance.

Emergencies change as they progress. The questions to ask yourself are:

Am I safer inside or outside? Where am I safest inside? Where am I safest outside?

Missing Student Notification Policy and Procedures

The Missing Student Notification Policy and Procedures is to inform Southern Adventist University students, who reside in university housing, of policy governing required notifications within twenty-four (24) hours after the time a student is deemed to be missing. Southern Adventist University's policy represents a good faith effort to comply with the federal Clery Act and a strong commitment to transparency.

This policy addresses any missing student who lives in on-campus housing regardless of age or status, and regardless of whether he or she registered a confidential contact person.

Students will be informed each academic year that each student has the option to confidentially identify a person to be contacted by Southern Adventist University no later than twenty-four (24) hours after the time the student is determined to be missing. The confidential contact may be a person designated by the student in addition to the emergency contact provided upon check-in to on-campus housing. Students who are under age eighteen (18) and are not emancipated will be informed each academic year that the institution is required to notify the custodial parent and their confidential contact person, not later than twenty-four (24) hours after the time the student is determined to be missing.

A student may register one contact strictly for the purpose of missing persons. The contact person can be anyone. Students have this option even if they have already identified an emergency contact person. Students may identify the same individual for both purposes, however, only the missing person contact will be called in the event a student is determined missing. Registering of missing student contact information can be done during the checklist process online during the start of the year. Each student who files a confidential contact is solely responsible for the accuracy of the contact phone number and for update of information should the confidential contact person and/or number change. A student may update information by re-submitting the information online under my access tab. Southern Adventist University will notify the local law enforcement agency within 24-hours of the determination that the student is missing, unless local law enforcement agency was the entity that made the determination that the student is missing.

Procedures

A student is determined to be missing when a report comes to the attention of Southern Adventist University through Campus Safety and Campus Safety determines the report to be credible. Circumstances may include, but are not limited to, establishing that:

- a student is out of contact after reasonable efforts to reach that student by phone calls, emails, and/or in-person attempts to establish contact
- circumstances indicate an act of criminality involved, even lacking twenty-four (24) hours in time
- circumstances indicate that physical safety is in danger, even lacking twenty-four (24) hours in time
- circumstances become known that medicine dependence may threaten life or health, even lacking twenty-four (24) hours in time
- existence of a physical / mental disability indicates that the student's physical safety is in danger, even lacking twenty-four (24) hours in time

Individuals should immediately report missing students to Campus Safety, available 24/7, by phone at (423) 236-2100 or in person at 5061 Colcord Drive, Collegedale, TN 37315. Any missing person report requires that Campus Safety be notified immediately to investigate and make a determination that the student is confirmed to be missing and has not returned to campus. Campus Safety will notify the local law enforcement when any student who lives in on-campus housing has been determined to be missing. During the investigation, the following information should be established and documented in an incident report:

- Name and location / contact information of the person reporting the missing student
- Name / vital information of the student reported to be out of contact
- Nature of the circumstances supporting the determination that the student is out of contact (time/date last seen or in contact with)
- Avenues to establish that the student remains out of contact (failure to respond to phone, email and in-person attempts to contact by a Southern Adventist University official, parental notice or notice from reporting person outside the university,

establishment of lapse of time of class attendance, lapse in affiliation with roommates and friends, or use of Southern Adventist University facilities / services; concern of incident of criminality or safety, etc.)

- Dates and times of notifications made

The Vice President for Student Development or designee and Senior Vice President for Academic Administration or designee will be informed by the Director of Campus Safety or designee after the officer's initial attempt to contact the student does not successfully establish contact or lead to information that results in actual contact being made with the student. In no circumstance should the notification to the on call system after initial report to Campus Safety exceed twenty-four (24) hours in time. During business hours, the Vice President for Student Development or designee and Senior Vice President for Academic Administration or designee may also involve other university faculty, staff, or administrators to assist in establishing contact or avenues to pursue contact. The Vice President for Student Development and Senior Vice President for Academic Administration or designee will be notified by the Director of Campus Safety or designee as the investigation of the incident progresses.

The missing student contact(s) listed with the Residence Halls will be notified within 24 hours that the student is missing. If a student registers multiple contact persons, and the first person contacted confirms that the student is not missing, the institution must contact each additional contact person in turn, unless the student in question is contacted by this institution or contacts the institution.

Southern Adventist University students are advised that their contact(s) information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation. In the case of a student under the age of eighteen (18) and not emancipated, the contact will be with the custodial parent within 24-hours of the determination that a student is missing, in addition to notifying any additional contact person designated by the student. The contact will be initiated by Student Development.

Registered Sex Offenders

The Tennessee Bureau of Investigation is responsible for maintaining this registry. Follow the link to access the Tennessee Sex Offender Registry: <http://sor.tbi.tn.gov/SOMainpg.aspx> Citizens who have information on offenders or inquiries about information contained in the state's Sex Offender Registry can contact the Sex Offender Registry Hotline at 1 (888) 837-4170, Monday through Friday, from 7:00 AM until 8:30 PM CDT and weekends between 7:00 AM and 5:30 PM CDT, excluding holidays, or by email at TBISORMGR@tn.gov. **Unlawful use of the information for purposes of intimidating or harassing another is prohibited.**

Local Law Enforcement Agencies

<p><u>Collegedale Police Department</u> Jack Sapp, Chief of Police 4910 Swinyar Drive Collegedale, Tennessee 37315 Emergency: 911 Dispatch: 423.396.3133 City Hall: 423.396.3135 www.collegedaletn.gov</p>	<p><u>Chattanooga Police Department</u> David Roddy, Chief of Police 3410 Amnicola Hwy Chattanooga, Tennessee 37406 Emergency: 911 Dispatch: 423.698.2525 General Information: 423.643.5000 www.chattanooga.gov/police-department</p>
<p><u>Hamilton County Sheriff's Department</u> Jim Hammond, Sheriff 600 Market Street Chattanooga, Tennessee 37402 Emergency: 911 Dispatch: 423.622.0022 General Information: 423.209.7000 www.hcsheiff.gov</p>	<p><u>Tennessee Highway Patrol – District 2 Headquarters</u> Timothy Spicer, Captain 4120 Cummings Highway Chattanooga, Tennessee 37419 Emergency: 911 Dispatch: 800.305.6890 Headquarters: 423.634.6890 https://www.tn.gov/safety/tennessee-highway-patrol.html</p>

Sexual Misconduct Policy

Title IX Sexual Harassment and Non-Discrimination Policy

Section 1: Introduction

1.1 Policy Statement: Southern Adventist University (Southern) is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by Southern and is grounds for disciplinary action, up to and including, permanent dismissal from Southern and/or termination of employment.

1.2 Purpose: Southern takes all reported sexual misconduct and harassment seriously. Southern will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported University Sexual Harassment, Sexual Harassment, and Sexual Exploitation that does not meet the definitions and jurisdiction of this policy will be referred for review under the Student Code of Conduct or the Employee Code of Conduct in compliance with VAWA and Clery Act

(<https://www.southern.edu/media/docs/yearly/handbook.pdf>, <https://www.southern.edu/administration/hr/docs/Handbook21-22.pdf>)

1.3 Applicability: This Policy applies to students and employees as follows:

a. To Students: Where the Respondent is a student at Southern at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Southern's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Southern's Education Program or Activity, on campus, off campus, as a participant in clinicals, internships, externships, Uquest mission trips, long-term mission trips, and Adventist Colleges Abroad.

To Employees: Where the Respondent is an employee at Southern at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Southern's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Southern's Education Program or Activity, on campus, off campus, as a participant in clinical instruction, internship instruction, externship instruction, Uquest mission trips and long-term mission trips

1.4 Title IX Coordinator and Key Title IX Officials: The Title IX Coordinator is the Southern administrator who oversees Southern's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain Southern's policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities. Any member of the Southern community may contact the Title IX Coordinator with questions. Title IX Coordinator and Deputy Title IX Coordinator contact information is as follows:

Title IX Coordinator

Dennis Negrón
Vice President for Student Development
Office of Student Development
Ulmer Student Center, Rm. 4135
Telephone: 423.236.2813
negron@southern.edu

Deputy Coordinator for Student-Related Cases
 Lunelle Bertresse
 Associate Professor of Social Work
 School of Social Work
 Daniells Hall 113
 Telephone: 423.236.2634
lunelleb@southern.edu

Deputy Coordinator for Student-Related Cases
 Renita Moore
 First-Year Experience Coordinator
 Student Success Center
 Lynn Wood Hall #3034A
 Southern Adventist University
 Telephone: 423.236.2575
renitak@southern.edu

Deputy Coordinator for Employee-Related Cases
 Brenda Flores-Lopez
 Associate Vice President for Human Resources
 Human Resource office
 Wright Hall, Suite 2066
 Telephone: 423.236.2277
bfloreslopez@southern.edu

Deputy Coordinator for Employee-Related and Student-Related Cases
 Andrew Myaing
 Director of Risk Management
 Risk Management office
 Wright Hall, Suite 2065
 Telephone: 423.236.2266
amyaing@southern.edu

In addition to the Title IX Coordinator, Southern appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6 and 8 of this policy.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on Southern's website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

1.5 Notification: Southern will use University electronic mail (email) for purposes of communication and notification under this Policy.

1.6 Free Speech: Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.

1.7 Dissemination of Policy: This Policy will be made available to all Southern administrators, faculty, staff, and students online at https://www.southern.edu/administration/student-development/title_ix/index.html and in Southern student catalog(s) and any employee handbook of operating procedures.

1.8 **Effective Date:** The effective date of this Policy is August 14, 2020.

1.9 **Retaliation and False Statements Prohibited:** Neither Southern nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

a. Alleged violations of Retaliation will be referred to the Dean of Students for student matters or the Office of Human Resources for employee matters.

b. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.

c. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

1.10 **Amnesty:** Reporting Sexual Harassment is encouraged at Southern. Thus, it is imperative that Complainants and witnesses share information without fear of potential consequences for certain policy violations including, but not limited to, underage consumption of alcohol or the use of illicit drugs. Southern offers parties and witnesses amnesty from such minor violations but may include educational opportunities for individuals in lieu of a finding of responsibility or punitive sanctions.

1.11 **Other University Policies:** This Policy takes precedence over other University policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.

1.12 See Employee Handbook policies 2020 “Harassment of Employees and Students,” 2025 “Fraternization,” and 030 “Sexual Misconduct” at the following link: <https://www.southern.edu/administration/hr/docs/HandbookrevisedFeb20.pdf>

1.13 See Student Handbook policy “Sexual Integrity” at the following link: https://www.southern.edu/administration/student-development/title_ix/index.html

1.14 Alleged violations of the student or employee Code of Conduct that arise from the same events as alleged sexual misconduct under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Policy

2.1.1 **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the perpetrator of the sexual harassment conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity^[1]; or
- (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.

* Resolved under Code of Conduct when outside the jurisdiction (education, program or activity) of Title IX.

2.1.2 **Sexual Assault [2]** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.

2.1.3 **Rape [3]** means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.

2.1.4 **Fondling**[4] means the touching of the private body parts of another person for the purpose 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.

2.1.5 **Incest** [5] means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (see Tennessee Code § 39-15-302).

2.1.6 **Statutory Rape** [6] means sexual intercourse with a person who is under the statutory age of Consent.

2.1.7 **Dating Violence** [7] means violence committed by a person—

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

2.1.8 **Domestic Violence** [8] includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse or intimate partner of the victim
- a person with whom the victim shares a child in common
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of Tennessee , or
- 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 Tennessee.

2.1.9 **Stalking** [9] means engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to—

- fear for his or her safety or the safety of others; or
- suffer Substantial Emotional Distress.

2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress

2.2.1 **Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity of any kind.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- (1) The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- (2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively Consented; or
- (3) The Respondent knew or a reasonable person should have known that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:
 - Asleep or unconscious
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
 - unable to communicate due to a mental or physical condition.

2.2.2 Course of Conduct means two or more acts, including, but not limited to, acts in which the individual 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.

2.2.3 Incapacitation means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

2.2.4 Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

2.2.5 Sexual Exploitation: Any act whereby one individual violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, Examples may include, but are not limited to:

- Surreptitiously observing, photographing, audiotaping, videotaping, or recording an image of a person who is engaging in Sexual Contact or Sexual Penetration, or a person's breasts, buttocks, groin, or genitals, when the person being observed / photographed / audiotaped / videotaped / recorded is in a place in which the person has a reasonable expectation of privacy;
- Allowing or enabling a person to surreptitiously observe, photograph, audiotape, videotape, or record an image of another person who is engaging in Sexual Contact or Sexual Penetration, or another person's breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy;
- Showing, posting, or sharing video, audio, or an image that depicts a person who is engaging in sexual contact or sexual penetration, or a person's breasts, buttocks, groin, or genitals, when the person being observed/photographed/audiotaped/videotaped/recorded is in a place in which the person has a reasonable expectation of privacy, if all persons who are depicted have not agreed to having the video/audio/image shown, posted, or shared;
- Prostituting another person or engaging in sex trafficking;
- Knowingly exposing another person to a sexually transmitted infection or disease without informing the other person that one has a sexually transmitted infection or disease;
- Forcing a person to participate in Sexual Contact or Sexual Penetration with a person other than oneself;
- Forcing a person to expose the person's breasts, buttocks, groin, or genitals;
- Forcing a person to take an action against that person's will by threatening to show, post, or share video, audio, or an image that depicts the person's nudity or depicts the person engaging in Sexual Contact or Sexual Penetration;
- Forcing a person to take an action of a sexual nature against that person's will by threatening to disclose information that would harm a person's reputation;
- Forcing a person to take an action against that person's will by threatening to disclose information of a sexual or intimate nature that would harm a person's reputation; or
- Causing or requesting an Incapacitated person to expose the person's breasts, buttocks, groin, or genitals or to participate in Sexual Contact or Sexual Penetration with a person other than oneself.

2.2.6 Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

2.2.7 University Sexual Harassment: Unwelcome verbal or physical behavior which is directed at an individual based on sex, when these behaviors are sufficiently severe or pervasive to have the effect of unreasonably interfering with an individual's education experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment. Examples of conduct that can constitute sexual harassment if based on an individual's sex include, but are limited to:

- Unwelcome jokes or comments (e.g., sexist jokes);

- Disparaging remarks about sex, gender identity, or gender expression (e.g., negative or offensive remarks or jokes about an individual's self-presentation);
- Displaying negative or offensive posters or pictures about sex;
- Electronic communications, such as e-mail, text messaging, and Internet use, that violates this policy.

2.3 Other Defined Terms

2.3.1 Business Day means any weekday not designated by SOUTHERN as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

2.3.2 Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.

2.3.3 Confidential Employee means an individual who will not report any information about an incident to the Title IX Coordinator without the Complainant's permission.

2.3.4 Disciplinary Sanctions are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.

2.3.5 Education Program or Activity includes locations, events, or circumstances over which Southern exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on Southern property, during any Southern activity, or in any building owned or controlled by a student organization that is officially recognized by Southern.

2.3.6 Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Southern investigate the allegation of Sexual Harassment.

2.3.7 Official with Authority means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Title IX Coordinator. Officials with Authority include: The Title IX Coordinator and Deputy Title IX Coordinators.

2.3.8 Remedies are designed to restore or preserve equal access to Southern's Education Program or Activity. Remedies may include, but are not limited to, the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

2.3.9 Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.

2.3.10 Responsible Employee means any individual who is employed by Southern and not deemed to be a Confidential Employee. Responsible Employees are expected by Southern to report Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of a Sexual Harassment.

2.3.11 Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

2.3.12 Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Such measures are designed to restore or preserve equal access to Southern's Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Southern's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Section 3: Reporting Sexual Harassment and Preservation of Evidence

3.1 Reporting to Southern

3.1.1 Reporting to Title IX Coordinator: Reports of Sexual Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, online form, mail. Reports may be made to the Title IX Coordinator in person at the Title IX Office in the Student Development suite during normal business hours. After Title IX Sexual Harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.

3.1.2 Reporting to Officials with Authority: The following positions are Officials with Authority (Southern's Title IX Coordinator and Title IX Deputy Coordinators). If Officials with Authority are notified of Sexual Harassment, they will promptly report such Sexual Harassment to the Title IX Coordinator.

3.1.3 Reporting to Confidential Employees: The Vice-President for Spiritual Life/Chaplain, Associate Chaplain, Assistant Chaplain, Student Missions Coordinator, Uquest Missions Coordinator, ERC Coordinator, mental health counselors, and University Health Center personnel are Confidential Employees. Reports made to Confidential Employees are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to Southern. Professors in the School of Religion, though holding ministerial credentials, have been hired primarily for instruction; therefore, reports made to any of them are not considered confidential reports.

3.1.5 Anonymous Reporting: Anonymous reports may be made by telephone, in writing or electronically (by clicking on the following link: https://www.southern.edu/administration/student-development/title_ix/campusresources.html) with the Title IX Coordinator. A decision to remain anonymous, however, may greatly limit Southern's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

3.2 Reporting to Law Enforcement: Reports may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from Southern investigations. The Collegedale Police Department contact information is as follows:

Collegedale Police Department

4910 Swinyar Drive

Collegedale, TN 37363

Telephone: 423.468.1866

Telephone: 423.396.3135

<http://www.collegedaletn.gov/index.aspx?nid=181>

3.3 Reporting to Outside Agencies: Students and employees may report to external agencies:

- **Students**

Office for Civil Rights

U.S. Department of Education

61 Forsyth St. SW, Suite 19T40

Atlanta, GA 30303

Telephone: 404.974.9450

Fax: 404.974.9459

- **Employees**

U.S. Equal Employment Opportunity Commission
220 Athens Way
Suite 350
Nashville, TN 37228-9940
Phone: 1-800-669-4000
Fax: 615-736-2107

- **Outside Agency Confidential Support and Resources:**

Tennessee Department of Health
Chattanooga – Hamilton County Health Department
921 E. 3rd Street
Chattanooga, Tennessee 37403
Telephone: 423.209.8000
<http://health.hamiltontn.org/>

Partnership for Families, Children, and Adults

1800 McCallie Avenue
Chattanooga TN 37404
Telephone: 423.755.2700
<https://www.partnershipfca.com/www>

Erlanger Health System

975 East 3rd Street
Chattanooga, TN 37403
Telephone: 423.778.7000
<https://www.erlanger.org/>

Erlanger East Hospital

1751 Gunbarrel Road
Chattanooga TN 37421
423.680.8000
<https://www.erlanger.org/erlanger-east-hospital/about-east>

Parkridge Medical Center

2333 McCallie Avenue
Chattanooga, TN 37404
Telephone: 423.698.6061
<https://parkridgehealth.com/locations/parkridge-medical-center/>

RAINN (Rape, Abuse and Incest National Network):

1-800-656-HOPE (4673)
<https://www.rainn.org/>

This comprehensive national resource includes a telephone and on-line hotline, and may be particularly helpful for male survivors of sexual assault.

Tennessee Statewide Crisis Line

Telephone: 855-CRISIS-1 or (855-274-7471)
<https://www.tn.gov/behavioral-health/need-help/crisis-services/mental-health-crisis-services/tn-statewide-crisis-phone-line.html>
For mental health emergencies. A free service, statewide crisis line, available 24/7/365 call system to help anyone experiencing a mental health crisis.

Volunteer Behavioral Health Care System

413 Spring Street

Chattanooga, TN 37405

Telephone: 800.911-0911

Telephone: 800.704.2651, 24-Hour Crisis Line

<https://www.vbhcs.org/>

3.4 Time Limits on Reporting. There are no time limits on reporting Sexual Harassment to the Title IX Coordinator or Southern. If the Respondent is no longer subject to Southern's Education Program or Activity or significant time has passed, Southern will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

3.5 Southern's Federal Reporting Obligations:

Certain Southern employees, called Campus Security Authorities, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, Southern must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Southern will not disclose a Complainant's name and other identifying information in a timely warning but will provide sufficient information for Southern community members to make informed safety decisions in response to potential danger.

3.6 Preservation of Evidence: Southern recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or Southern. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

Southern encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident;
- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

Section 4: Initial Response to Reported Sexual Harassment

Initial Response to Reported Sexual Harassment: Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

- Provide the Complainant with notice of their rights and options
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

Section 5: Formal Complaint

Formal Complaint: Southern will investigate all allegations of Sexual Harassment in a Formal Complaint.

5.1 Filing a Formal Complaint: A Formal Complaint must:

- (1) Contain an allegation of Sexual Harassment against a Respondent;
- (2) Request that Southern investigate the allegation; and
- (3) Be signed by the Complainant or Title IX Coordinator.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:

- Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was an Southern student or employee;
- Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;
- Whether the alleged Sexual Harassment was committed by multiple perpetrators;
- The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;
- Whether Southern can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

5.2 Dismissal of a Formal Complaint.

5.2.1 Required Dismissal: The Title IX Coordinator will dismiss a Formal Complaint for purposes of Sexual Harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
- (2) The conduct alleged did not occur in Southern's Education Program or Activity (including mission trips); or
- (3) The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of the Southern's policies and procedures. If a Formal Complaint is dismissed under this policy, the matter will be reviewed to determine whether the matter will be pursued under the Southern Student or Employee Code of Conduct or other Southern Policy.

5.2.2 Permissive Dismissal: The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
- (2) The Respondent is no longer enrolled or employed by Southern, or
- (3) Specific circumstances prevent Southern from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

5.2.3 Appeal of Dismissal: Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

5.3 Consolidation of Formal Complaints: The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

Section 6: Grievance Process:

Section 6: Grievance Process: The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

6.1: General Grievance Process Information:

6.1.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Southern, not the parties.

6.1.2 Presumption of Not Responsible: The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

6.1.3 Time Frames for Grievance Process: Southern strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.1.4 Medical Records: Southern will not access, consider, disclose, or otherwise use 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 Southern obtains that party’s voluntary, written permission to do so for the grievance process within the Policy.

6.1.5 Privileged Information: Southern will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

6.1.6 Range of Disciplinary Sanctions and Remedies

Possible remedies may include:

- No-contact order between Respondent and Reporter/Claimant
- Limiting access to certain college facilities or activities
- Limiting access to campus to specific times of day
- Alteration of class or work schedules
- Alteration of on- or off-campus housing arrangements
- Removal from on campus housing
- Changing campus work schedules or job assignments
- Suspension from on campus employment
- Suspension from student organizations
- Rescheduling of exams, papers, or other assignments
- Provisional suspensions or restrictions in extraordinary circumstances
- Authorized incomplete in a class
- Authorized withdrawal from a class
- Withdrawal from study-abroad program
- Alternative course completion options
- Voluntary leave of absence
- Access to counseling services

- Providing an escort to ensure safe movement between classes and activities
- Increased security at specified locations
- Providing academic support services
- Any other reasonable remedy that can be tailored to the involved individuals

A Respondent who has been found responsible of violating this policy may expect a sanction from the following range of disciplinary measures:

- **Written Warning** – the Hearing Panel determines that the misconduct is not substantial enough to warrant separating the Respondent from the campus. It then issues in writing a cease and desist mandate with the warning that subsequent acts of sexual misconduct will likely result in sterner consequences.
- **Probation** – the Hearing Panel determines that the misconduct is not substantial enough to warrant separating the Respondent from the campus but believes the action warrants more than a warning where the Respondent is subject to a period of good behavior.
- **Short-term Suspension** – the Hearing Panel determines that the Respondent must leave campus for a short period (3-5 days). An employee's suspension will be consistent with their rights as defined by the Employee Handbook.
- **Long-term Suspension** – the Hearing Panel determines that the Student Respondent must leave for a complete semester or academic year. In the latter case he or she is dropped as a registered student. A Respondent who has received a sanction of indefinite suspension must submit a request for re-admission to the Vice President for Student Development. An employee's suspension will be consistent with their rights as defined by the Employee Handbook
- **Dismissal/Termination** – the Hearing Panel determines for an immediate separation between the student or employee and Southern's community and the student or employee be banned from Southern's properties. The student is not eligible for re-admission.

All cases in which rape has been determined to have occurred will result in a sanction of dismissal for a student and termination for an employee.

All Respondents who have received a sanction of Long-term Suspension may be asked to participate in a period of mental health counseling (the counselor must be approved by Southern's Counseling Services if not a Southern counselor) as a stipulation of readmittance. Upon the conclusion of the stipulated length of separation from Southern's community, the counselor's assessment will be used to determine re-admission for Long-term Suspended students who chooses to reapply to Southern and long-term suspended employees who reapply to work at Southern.

All sanctions include the stipulation that the Respondent is to have no contact with the Complainant. If the Hearing Panel has not recommended that the Respondent be dismissed, a Respondent's failure to abide by this stipulation may result in his or her dismissal.

Respondents who have received a sanction of Dismissal are also banned from all properties owned by Southern, including but not limited to: Fleming Plaza, the church grounds, all ball fields, the White Oak and Bauxite Mountain Trails, and the Student Park.

6.1.7 Notice of Meetings, Interviews, and Hearings: Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

6.2 Notice of Allegations: Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- (1) Notice of the party's rights and options
- (2) Notice of Southern's grievance process
- (3) Notice of Southern's informal resolution process and options
- (4) Notice of the allegations of Sexual Harassment including:
 - The identities of the parties involved in the incident, if known,
 - The conduct allegedly constituting Sexual Harassment, and
 - The date and location of the incident, if known.
- (5) Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- (6) Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in this Policy.
- (7) Notice of the Southern Code of Conduct provision that prohibits knowingly making false statements or knowingly submitting false information during the

grievance process (See “False Reports” in the Student Handbook
<https://www.southern.edu/media/docs/yearly/handbook.pdf>).

The Notice of Allegations will be updated and written notice provided to the parties if at any time during the investigation, Southern decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

6.3 Investigation of Formal Complaint. Southern will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the advisor’s role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

6.3.1 Opportunity to Provide Information and Present Witnesses: Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory and exculpatory evidence. The witnesses can include both fact witnesses and expert witnesses.

6.3.2 Opportunity to Inspect and Review Evidence: Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which Southern does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) Business Days to review the evidence and submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

6.3.3 Investigative Report: Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

6.3.4 Review of the Investigative Report: At least ten (10) Business Days prior to a hearing, the investigator will provide each party and the party’s advisor (if any) an electronic copy of the investigative report for their review and written response.

6.3.5 Investigation Timeframe: The investigation of a Formal Complaint will be concluded within 90 Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.

6.4 Live Hearing: After the investigation, Southern will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Title IX Coordinator, Southern will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.

6.4.1 Information at the Hearing: The following information/evidence will be available in electronic form at the hearing:
 (1) Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
 (2) The investigation report and any attachments/appendices.

6.4.2 Decision-makers: The decision-makers will be appointed by Southern and will not be the Title IX Coordinator or investigator. The decision-makers will be trained, impartial, and without a conflict of interest. The decision-makers will be a panel of three (3) Southern employees with one panel member serving as a chairperson. In the case of several members of the Hearing Panel pool having conflicts of interest, an external individual designated by Southern will serve as decision maker.

6.4.3 Challenge to a decision maker: Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) Business Days prior to the scheduled hearing.

6.4.4 Advisor's Role at the Hearing: Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, Southern will appoint the party with an advisor without fee or charge.

6.4.5 Recording of the Hearing: Southern will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

6.4.6 Hearing Process Facilitator: Southern may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

6.4.7 Pre-Hearing Matters: In order to streamline the hearing process, the chairperson [10] may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

(1) Pre Hearing Submission of Questions: The chairperson may request the parties to submit questions, in writing prior to the hearing. This submission does not preclude the Advisor from asking additional questions live during the hearing. The chairperson may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

(2) Pre-Hearing Conference: The chairperson may hold a pre-hearing conference. During the pre-hearing conference, parties and their Advisors will be asked to submit, in writing, any questions they wish to ask during the live hearing so that the chairperson can be prepared to respond to relevancy at the hearing. This conference does not preclude the Advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the chairperson may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

6.4.7 Participants in the Hearing. Participants at the hearing include the decision-makers, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, Southern may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator (s) or have provided a written statement or answered questions from the investigator in writing.

6.4.8 Hearing Process and Phases: The live hearing will include the following phases:

(1) Notice of Hearing: After the investigative report has been completed and at least ten (10) Business Days prior to the date set for the hearing, the Deputy Title IX Coordinator assigned to the case will provide the parties and their Advisors a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

(2) Opening Statements: Each party will have the opportunity to present an opening statement to the decision-makers.

(3) Questioning of Hearing Participants (Parties and Witnesses):

i. By the Chairperson: The chairperson will ask initial questions of the participants at the hearing.

ii. By the Advisors: After the chairperson asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:

- A question is asked by an advisor
- Before participant answers the questions, the chairperson determines whether the question is relevant
- If the question is determined relevant by the chairperson, the participant answers the question
- If the question is determined not to be relevant by the chairperson, the decision-maker must explain the decision to exclude a question as not relevant.

iii. Evidence and Questions Excluded:

- Sexual Predisposition or Prior Sexual Behavior of the Complainant: 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.
 - Privileged Information: No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
 - Medical Records: Evidence or 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, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.
 - iv. Party or Witness Does Not Submit to Cross-examination: If a party or witness does not submit to cross-examination by an advisor at the live hearing, the decision-makers will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision-makers, however, will not 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.
- (4) Closing Statements: Each party will have the opportunity to present a closing statement to the decision-makers.

6.4.7 Determination Regarding Responsibility: After the live hearing, the decision-makers will deliberate in private. The chairperson will issue a written determination based on a majority vote of the decision-makers regarding responsibility using the preponderance of the evidence standard. The chairperson will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that Southern 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 written notice will include:

- Identification of the allegations potentially constituting Sexual Harassment;
- 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;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that Southern imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Southern's education program or activity will be provided by Southern to the Complainant[11]; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

Section 7: Appeals

Section 7: Appeals: Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator.

7.1 Bases for Appeal: Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

7.2 **Appeal Procedures:** If an appeal is submitted, Southern will

- (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
- (2) Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.
- (3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
- (4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:
 - Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
 - Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
 - Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;
 - Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
 - Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.
- (5) Provide the written decision simultaneously to both parties.

7.3 Appeal Timeframe: The appellate decision-maker will release the written decision within twenty (20) Business Days of receiving the appeal.

Section 8: Informal Resolution Process

Section 8: Informal Resolution Process. At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by Southern, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

8.1 Informal Resolution Notice: Prior to entering the informal resolution process, Southern will provide the parties a written notice disclosing:

- (1) The allegations;
- (2) The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;
- (3) Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-makers if the formal grievance process resumes.

8.2 Informal Resolution Agreement: Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.

8.3 Informal Resolution Availability: The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.

8.4 Informal Resolution Timeframe: Informal resolutions of a Formal Complaint will be concluded within 45 Business Days of notice to Southern that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will "pause" the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail and the parties continue with the Grievance Process.

8.5 Informal Resolution Documentation. Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the Informal Resolution process will be made and all

statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during Informal Resolution) should the parties resume the grievance process. Failure to comply with an Informal Resolution agreement may result in disciplinary action.

Section 9: Emergency Removal and Administrative Leave.

9.1 Emergency Removal At any time after the Title IX Coordinator is on notice of Sexual Harassment, Southern may remove a Respondent on an emergency basis. Southern will only conduct an emergency removal after:

- (1) Undertaking an individualized safety and risk analysis,
- (2) Determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and
- (3) Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.

9.2 Administrative Leave: Southern may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

Section 10: Recordkeeping

Section 10: Recordkeeping: Southern will maintain all of the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven (7) years in accordance with state and federal records laws and requirements. The documentation of all records are private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws, and included in the employee's official employment record.

Section 11:

Section 11: Additional Conduct Violations Related to This Policy: Alleged violations of the terms in this section will be sent to the Vice President for Student Development/Title IX Coordinator or Dean of Students for student Respondents or to the Associate Vice President for Human Resources for employee Respondents for investigation and adjudication under the Southern Code of Conduct and Employee Handbook.

a. **Retaliation:** Retaliation against any person or another individual for any reason is a violation of this policy. In cases of sexual misconduct, "retaliation" includes intimidation, threats, harassment, and other adverse action threatened or taken against any reporter or Complainant or other person participating in the conduct process. Retaliation should be reported promptly to the Title IX Coordinator. Potential victims of retaliation specifically include individuals who have filed a report of sexual misconduct, been the subject of a report of sexual misconduct, or assisted or participated in any way, as a reporter, Complainant, witness or otherwise, in the investigation or resolution of an alleged violation of this policy. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from assisting or participating in any way in the investigation or resolution of a good faith allegation of an incident of sexual misconduct or other prohibited conduct under this policy. Retaliation may be present even when there is ultimately a finding of "no responsibility" on the underlying sexual-misconduct charges. Retaliation may be committed by the Respondent, a Complainant or a reporter or by any other individual or group. The range of sanctions for retaliation begin at short-term suspension but also include the possibility of dismissal for students and termination for employees.

b. **False Information:** Making a false report of sexual misconduct against oneself or in support of a Complainant's or

Respondent's statements in a case that is being investigated will be treated as a violation of the policy on false information in Southern's Code of Conduct. Moreover, the making of a false report may also violate criminal statutes and civil defamation laws. The range of sanctions for a false report begin at short-term suspension but also include the possibility of dismissal for students and termination for employees.

c. **Interference with Grievance Process:** Any interference with the grievance process, whether by a student or an employee, may result in sanctions against the individual who has interfered with the process should the Title IX Coordinator or the Associate Vice President for Human Resources deem the action as a deliberate attempt to obstruct the investigation from being completed in a timely manner. The range of sanctions for interference with the grievance process begin at short-term suspension but also include the possibility of dismissal for students and termination for employees

d. **No-Contact Directive Violations:** Failure to abide by the dictates of a no-contact directive may result in sanctions against a Complainant, Respondent, or third party in a Title IX case. The range of sanctions for violating a no-contact order begin at a warning but also include the possibility of dismissal for students and termination for employees.

Section 12: Applicable State Laws

12.1 Domestic Assault: TCA § 39-13-111 A person commits domestic assault who commits an assault as defined in TCA § 39-13-101 against a domestic abuse victim.

Domestic abuse victim is defined as:

- (1) Adults or minors who are current or former spouses;
- (2) Adults or minors who live together or who have lived together;
- (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;
- (4) Adults or minors related by blood or adoption;
- (5) Adults or minors who are related or were formerly related by marriage; or
- (6) Adult or minor children of a person in a relationship that is described in subdivisions (a)(1)-(5)

Assault: TCA § 39-13-101(a) A person commits assault who:

- (1) Intentionally, knowingly or recklessly causes bodily injury to another;
- (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or
- (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

12.2 Incest: TCA § 39-15-302 A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:

- (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
- (2) The person's brother or sister of the whole or half-blood or by adoption.

"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required

12.3 Statutory Rape: TCA § 39-13-506

- (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.

12.4 Fondling/Sexual Contact: TCA § 39-13-509

(a) It is an offense for a defendant to engage in unlawful sexual contact with a minor when:

- (1) The minor is at least thirteen (13) but less than eighteen (18) years of age;
- (2) The defendant is at least four (4) years older than the victim; and
- (3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the minor by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual contact; or
- (4) The defendant had, at the time of the offense, parental or custodial authority over the minor and used the authority to accomplish the sexual contact.

(b) As used in this section, "sexual contact" means the defendant intentionally touches or kisses the minor's lips with the defendant's lips if such touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

12.5 Rape: TCA § 39-13-503

(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.

"Coercion" means:

- (A) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person or threatening to physically restrain or confine any person;
- (B) Exposing or threatening to expose any fact or information that, if revealed, would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;
- (C) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person; or
- (D) Providing a controlled substance, as defined in § 39-17-402, or a controlled substance analogue, as defined in § 39-17-454, to a person;

[1] A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the frequency of the offensive conduct, the nature of the unwelcome sexual acts or words, such as whether the harassment was physical, verbal or both; whether the harassment was merely an offensive utterance; and the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim. In evaluating whether conduct is severe, pervasive, and objectively offensive, Southern Adventist University will look at the totality of the circumstances, expectations and relationships.

[2] In Tennessee, sexual assault is known as sexual battery (see Tennessee Code 39-13-505) and is defined as the "unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances."

[3] Rape as defined in the Uniform Crime Reporting Program (UCR) includes: Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

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

Sexual Assault with and Object: —To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in

instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

[4] Fondling is referred to as Forcible Fondling in the UCR.

[5] Incest is a Nonforcible Offense in the UCR (see Tennessee Code § 39-15-302).

[6] Statutory Rape is a Nonforcible Offense in the UCR (see Tennessee Code § 39-13-506).

[7] In the state of Tennessee, dating violence is referred to domestic assault (see Tennessee Code § 39-13-111).

[8] In Tennessee, the phrase domestic assault is used in place of domestic violence (See Tennessee code § 39-13-111)

[9] See Tennessee code § 39-17-315

[10] This role will be facilitated by the external decision-maker if a panel is not utilized.

[11] The Title IX Coordinator is responsible for the implementation of any remedies.

rev 8/14/20

Crime Statistics Definitions

In compliance with the Federal Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act of 1998 (formerly the Crime Awareness and Campus Security Act of 1990), the following pages contain reported crime statistics for the Southern Adventist University campus over the last three calendar years. Campus Safety also maintains a Daily Crime Log. Crime Statistics and the Daily Crime Log are available to the public for viewing during business hours, and on the Campus Safety website, <https://www.southern.edu/administration/campus-safety/clery/dailylog.html>

Location Definitions

On-Campus Property, Not Including Student Housing Facilities: Statistics include all academic and administrative buildings, support buildings, parts of Fleming Plaza, and the Collegedale SDA Church. Also included are the Student Park and the Biology Trail areas.

On-Campus Student Housing Facilities: Statistics include Talge, Thatcher, and Thatcher South residence halls, Southern Village, and both upper and lower Stateside Apartments.

Total On-Campus: Statistics include the combined totals from On-Campus Property and On-Campus Student Housing Facilities.

Non-Campus Property: Statistics consist of off-campus buildings and property owned or controlled by Southern Adventist University. Some of these statistics are provided voluntarily by local law enforcement agencies, such as Collegedale Police Department.

Public Property: Statistics consist of streets, sidewalks, parking facilities, and parks contiguous to and within the campus. This is property not owned or controlled by Southern Adventist University. Most of these statistics are provided voluntarily by local law enforcement, such as Collegedale Police Department.

Crime Definitions

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: The killing of another person through gross negligence.

Sex Offenses, : Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose 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 or physical incapacity.

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

Statutory Rape: is intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

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

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

Domestic violence: Means a felony or misdemeanor crime of violence committed by – a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitation with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.”

Dating Violence: Means “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.”

Stalking: Means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Crime Statistics 2018-2020

These statistics include crimes reported to the Southern Adventist University Campus Safety, Campus Security Authorities, other campus officials with significant responsibility for student and campus activity, including the Vice President for Student Development, the Dean of Student Life, Residence Hall Deans, and the Collegedale Police Department, as required by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act of 1990.

CRIMINAL OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON- NEGLIGENT MANSLAUGHTER	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
NEGLIGENT MANSLAUGHTER	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
RAPE	2018	0	1	0	0
	2019	0	1	0	0
	2020	2	2	1	0
FONDLING	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	1	0	0
INCEST	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
STATUTORY RAPE	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
AGGRAVATED ASSAULT	2018	1	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0
BURGLARY	2018	1	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0
MOTOR VEHICLE THEFT	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ARSON	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

VAWA OFFENSES	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2018	1	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0
DATING VIOLENCE	2018	1	2	0	0
	2019	0	0	0	0
	2020	0	0	0	0
STALKING	2018	4	9	0	0
	2019	5	9	0	0
	2020	1	6	0	0
ARRESTS	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
WEAPONS: CARRYING, POSSESSING, ETC.	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
DRUG ABUSE VIOLATIONS	2018	1	2	0	0
	2019	0	0	0	0
	2020	0	1	0	0
LIQUOR LAW VIOLATIONS	2018	0	0	0	0
	2019	3	5	0	0
	2020	0	0	0	0
DISCIPLINARY REFERRALS	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
WEAPONS: CARRYING, POSSESSING, ETC.	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
DRUG ABUSE VIOLATIONS	2018	0	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2018	0	0	0	0
	2019	0	0	0	0
	2020	3	3	0	0

Hate Crimes

There were no reported hate crimes for the years 2018, 2019, and 2020.

Unfounded Reports

There were no unfounded reports for the years 2018, 2019, and 2020.

2021 Fire Safety Report

Introduction

Southern Adventist University (Southern) fosters a culture of fire prevention and promotes the safety and well-being for our campus community.

Purpose

In compliance with the Higher Education Opportunity Act, this report provides on campus student housing facility fire-related policies and statistics as of 2021. This information provides the required information and the situational awareness to begin to understand and enhance Southern's safety and preparedness. For further information or answers to questions about information in this report, please call 423.236.2100 or visit www.southern.edu/campussafety.

The Mission

Protecting the people and property of Southern Adventist University

The Commitment

To provide emergency management, planning, safety, and security services for a safe and secure environment.

Contact Information

Campus Safety

5061 Colcord Drive
Collegedale, TN 37315
423.236.2100
campussafety@southern.edu

Tri-Community Volunteer Fire Department

9769 Sanborn Drive
Collegedale, TN 37315
423.396.3113
m.mundall@tricomcommunityfire.com (Fire Marshal)

Fire Prevention

Southern encourages safety on campus through Resident Assistant trainings, fire drills, and safety inspections. All members of the campus community can contribute to fire prevention and safety. This report describes activities, policies, and procedures implemented to promote health and welfare, and to mitigate potential fire damage on campus.

Higher Education Opportunity Act Definitions

Code of Federal Regulations, Title 34

Cause of fire —the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature (34 C.F.R. 668.49 (a)).

Fire — any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner (34 C.F.R. 668.49 (a)).

Fire drill —A supervised practice of a mandatory evacuation of a building for a fire (34 C.F.R. 668.49 (a)).

Fire log —(1) An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire. (2) An institution must make an entry or an addition to an entry to the log within two business days, as defined under §668.46(a), of the receipt of the information. (3) An institution must make the fire log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection. (4) An institution must make an annual report to the campus community on the fires recorded in the fire log. (34 C.F.R. 668.49 (d)).

Fire-related death — Any instance in which a person— (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) Dies within one year of injuries sustained as a result of the fire (34 C.F.R. 668.49 (a)).

Fire-related injury—any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals (34 C.F.R. 668.49 (a)).

Fire safety system—any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire (34 C.F.R. 668.49 (a)).

Fire statistics— (1) An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available, concerning— (i) The number of fires and the cause of each fire; (ii) The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center; (iii) The number of deaths related to a fire; and (iv) The value of property damage caused by a fire. (2) An institution is required to submit a copy of the fire statistics in paragraph (c) (1) of this section to the Secretary on an annual basis (34 C.F.R. 668.49 (c)).

Value of property damage—the estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption (34 C.F.R. 668.49 (a)).

Building Inspections, Fire Safety Systems, and Fire Drills

Building Inspections

Southern Adventist University takes an active role in fire prevention. This is accomplished in many ways and requires the collaborative efforts of individuals and departments across the campus community along with partnering agencies such as the Tri-Community Volunteer Fire Department and the Fire Marshal.

Building inspections allow Southern to monitor its buildings for compliance with fire codes adopted by the City of Collegedale, the State of Tennessee, Southern’s policies, and standards promulgated by the National Fire Protection Association (NFPA). During inspections, compliance is promoted by documenting deficiencies, submitting inspection reports, along with developing and enhancing relationships with building occupants and managers.

The building inspection process and building tours with local emergency services personnel help first responders and Southern staff to be familiar with fire safety and life safety equipment locations. This knowledge assists them when responding to incidents on campus. Interoperable radio communications between Campus Safety and Tri-Community Fire Department also assist in that process.

Fire Safety Systems and Fire Drills

Fire safety systems and fire drills work together to promote the safety of our students and employees. Fire safety systems provide smoke/fire detection capabilities, fire suppression, and the opportunity to evacuate a building early in the onset of a potential emergency. Some components of fire safety systems in buildings or residence halls on campus may include:

- Smoke detectors and/or heat detectors in rooms, hallways, stairwells, and mechanical/utility spaces
- Automatic alarms such as tones, voice, and strobes (to alert people to emergencies)
- Suppression systems (fire sprinklers, fire extinguishers, clean agent systems)
- Alarm panels (provide information to responders)
- PA systems (so officials can speak to building occupants)
- Smoke/Fire walls and smoke/fire doors (to control the spread of smoke and fire)
- Smoke/Fire Dampers (to control the air flow into an area)

In accordance with IFC 2012 Fire Code, Southern conducts fire drills “with sufficient frequency to familiarize occupants with drill procedure and to establish conduct of the drill as a matter of routine.” Although unplanned evacuations due to nuisance alarms, actual fires, or malicious causes do facilitate evacuation practice, they do not count as fire drills.

Fire drills educate and empower our students, faculty, and staff with the knowledge required to evacuate in the event of an actual fire. To facilitate this in the residence halls, during drills some commonly used exits may be blocked, to ensure people know another way out of the building. Each year, deans and Resident Assistants (RAs) attend training that includes information about and the practice of their duties and responsibilities during fire alarms and fire drills.

In 2020, Southern conducted (27) Fire drills in on-campus housing.

Fire Safety Education and Training

Campus Safety provides training throughout the semesters for students. Campus Safety conducts new student orientations, residence hall worship, and Southern Connection classes. Campus Safety emphasizes preparedness by assisting students and employees in developing the knowledge and confidence to act safely in the event of a fire or other emergency.

Program topics include:

- Basic Safety Orientation
- Personal Safety
- Fire Safety –
 - prevention and response
 - classroom instruction and hands-on experience
- Smoke Navigation Experience –
 - exiting a building under possible fire/smoke conditions (taught to Residence Assistants)
- Fire Extinguisher Use –
 - Classroom instruction and hands-on experience (taught to Resident Assistants)
- Other topics on request

The combination of fire prevention training programs and fire drills specifically focused on evacuation provide the best opportunity to preserve life and avoid injury in the event of a fire incident on campus. Education and training events are conducted by Campus Safety.

Campus Safety provides “smoke experience” events to resident assistants. During these events, individuals are exposed to simulated fire conditions in a building through the use of theatrical smoke and the activation of building fire alarms. These smoke experiences promote and reinforce the reality that a fire could require more than simply leaving a building. A building with significant smoke may require unusual decisions and actions to exit safely. This training aims to teach that reality, as well as offering interaction with the local fire department.

Southern Adventist University is required by federal law to annually disclose statistical data on all fires that occur in on-campus student housing facilities. To report that a fire has occurred on campus (non-emergency), please contact Campus Safety at 423.236.2100. In the event of an emergency, call 911 or Campus Safety. Please provide as much information as possible about the location, date, time, and cause of the fire.

Future Improvements in Fire Safety

Southern continues to improve fire prevention and safety systems. In striving to protect the people and property of Southern Adventist University, university administration and Campus Safety work together to continuously assess campus needs and available equipment and processes, as well as fund initiatives to ensure an acceptable level of safety.

Future campus fire safety improvements, pending funding, include:

- Installing fire detection and alerting systems in all occupied buildings
- Upgrading existing detection and alerting systems that are outdated

You can positively affect fire prevention efforts at Southern. To provide feedback on current activities, or to suggest new ideas for fire prevention programs, please contact Campus Safety at 423.236.2100 and ask for the Fire and Life Safety Specialist.

Fire Policies

In order to ensure that fire safety issues are adequately addressed and to ensure that fires in on-campus housing are included in the statistics provided by this report, students and employees should report any incidence of fire to Campus Safety at 423.236.2100.

These policies apply in all university buildings, including on-campus student housing facilities.

Smoking

Smoking is prohibited within all university buildings and student housing facilities.

Open Flames

Open flames, candles, candle warmers, or incense are prohibited in all university owned buildings. There are specific academic, maintenance, construction, and specially permitted exceptions.

Cooking Appliances

Microwave ovens are the only cooking appliances allowed in residence hall rooms. No toaster ovens, hot plates, open coil burners etc.... Electric ovens and stoves are provided in specified cooking areas.

Cooking appliances are allowed in apartment kitchens.

Electrical Safety

Make sure:

- Your electric appliances are UL or equivalently rated and do not overload circuits
- Electric cords do **not** extend through doorways, windows, or stairwells, under rugs, or above ceiling tiles
- All lighting is UL or equivalently rated – even Christmas (or festive) lights
- Electrical appliances are plugged directly into a wall outlet or a power strip
 - Power strips must be
 - circuit-breaker protected (have a reset switch)
 - grounded (have three prongs)
 - plugged directly into a wall outlet
- Extension cords are left home – they're not to be used on campus – see Campus Safety for exceptions

Fire Safety Systems

- Don't tamper with fire protection systems (smoke detectors, fire alarms, sprinklers, fire extinguishers...)
- Don't block exits, stairwells, extinguishers, or fire alarm pull stations
- Fire and smoke barrier doors must be closed or able to close automatically at all times
- Make sure stored items are well below the ceiling
 - 18 inches below ceiling in buildings that are sprinklered
 - 24 inches below ceiling in buildings that are not sprinklered

Flammable Liquids

Flammable liquids (e.g. gasoline, propane, camping stove fuel, lamp oil...) are prohibited in all residence buildings on campus. Containers of such items must not be kept in buildings, even if the containers are empty. Call 423.236.2100 for details.

Holiday Decorations

Holiday decorations must not impede fire safety devices such as exit signs, sprinkler systems, smoke alarms, strobe lights, ceiling tiles, stairs, or any other life safety device.

Procedures to Follow in the Event of a Fire & Student Housing Evacuations

If you discover smoke or fire, immediately pull the nearest fire alarm and evacuate the building. Call 911 or Campus Safety (423.236.2100) to report the smoke or fire.

At the sound of a fire alarm, or if you are instructed to evacuate, leave the area immediately and proceed to the nearest exit or exit stairwell and leave the building, do not use elevators. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit or exit stairwell, and call 911 or Campus Safety (423.236.2100).

1. Remain Calm
2. Do NOT use Elevators, use the Stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location IN or near a stairwell, but out of the flow of traffic, and immediately inform 911 or Campus Safety of the individual's location.
4. Proceed to a clear area away from the collapse zone. Collapse Zone – An area away from the building that is 1 ½ times the height of the building.
5. All personnel are instructed to exit the building.
6. Do not re-enter the building until Campus Safety gives the “All Clear”.

If a member of the Southern Adventist University community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Safety has already responded, the community member should immediately notify Campus Safety Dispatch at 423.236.2100 to investigate and document the incident. Residents should become familiar with posted evacuation routes and procedures for their living area. Maps are typically located near elevators, stairwells, and exits, as well as in each resident's room. Any person in a residence hall when a fire alarm “goes off” must exit the building. If an extended evacuation is required, the university will arrange alternate shelter. All students should know and memorize two exits from the building. Understand, an evacuation may require you to exit a different way. If you encounter smoke, try to exit another way. If you are in smoke, get low and move toward an exit. If you are trapped in a building, call 911 or Campus Safety and tell them where you are. They will send help. If you can get to a window, wave or put something outside the window to attract attention. Windows may be an exit option in some buildings. After evacuating, if you know of someone who may still be in the affected building, tell first responders where the person might be, so they can attempt to locate the person. Upon exiting the building, go to your designated assembly area, away from the building and emergency equipment. Stay there until officials give the “all clear” to re-enter the building.

Fire Statistics and Daily Fire Log

Campus Safety maintains a written Fire Log that records required incident information about fires that occur in on-campus student housing facilities. Southern has combined the fire log with the daily crime log. The Fire Log provides the date reported, nature, date, time, and general location of each fire. The University updates the Fire Log within two (2) business days of receiving the information about a fire in an on-campus housing facility. The Fire Log is open to public inspection for the most recent ninety-day period during normal business hours. Any portion of the Fire Log older than ninety days will be made available within two business days of a request for public inspection. The Fire Log is available for public inspection through Campus Safety located at 5061 Colcord Drive, Collegedale, TN 37315. It may also be viewed by visiting the Daily Crime and Fire Log website at www.southern.edu/campussafety. To report that a fire has occurred on campus (non-emergency) so that it may be included in the Daily Crime and Fire Log, please contact Campus Safety at 423.236.2100. In the event of an emergency, please call 911 or Campus Safety. For the purpose of this log, a fire is defined as “any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner”.

Fire Statistics 2018, 2019, and 2020

Residential Facilities	Year	Number of Fires	Cause of Each Fire	Number of Injuries Related to Fire	Number of Deaths Related to Each Fire	Value of Property Damage
Talge Hall 4891 Taylor Circle	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Thatcher Hall 4871 Taylor Circle	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Thatcher South Hall 4841 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Southern Village Apartments	Year	Number of Fires	Cause of Each Fire	Number of Injuries Related to Fire	Number of Deaths Related to Each Fire	Value of Property Damage
Birch Apartments 4749 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Willow Apartments 4715 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Dogwood Apartments 4675 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Oak Apartments 4611 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Cedar Apartments 4587 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Redbud Apartments 4594 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Hickory Apartments 4629 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Magnolia Apartments 4658 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Maple Apartments 4696 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Poplar Apartments 4724 Timberland Terrace	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A

Stateside Apartments	Year	Number of Fires	Cause of Each Fire	Number of Injuries Related to Fire	Number of Deaths Related to Each Fire	Value of Property Damage
Virginia Apartments 4745 White Oak Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Kentucky Apartments 4731 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Mississippi Apartments 4742 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Tennessee Apartments 4787 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Georgia Apartments 4720 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Florida Apartments 4740 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Carolina Apartments 4760 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Alabama Apartments 4780 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Winding Creek Apartments	Year	Number of Fires	Cause of Each Fire	Number of Injuries Related to Fire	Number of Deaths Related to Each Fire	Value of Property Damage
Arizona Apartments 5071 Ooltewah-Ringgold Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
California Apartments 5071 Ooltewah-Ringgold Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Idaho Apartments 5071 Ooltewah-Ringgold Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Nevada Apartments 5071 Ooltewah-Ringgold Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Oregon Apartments 5071 Ooltewah-Ringgold Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A

Utah Apartments 5071 Ooltewah-Ringgold Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Washington Apartments 5071 Ooltewah-Ringgold Rd	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Spalding Cove Apartments	Year	Number of Fires	Cause of Each Fire	Number of Injuries Related to Fire	Number of Deaths Related to Each Fire	Value of Property Damage
Delaware Apartments 5223 Spalding Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Indiana Apartments 5215 Spalding Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Maryland Apartments 5223 Spalding Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
New York Apartments 5224 Spalding Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Ohio Apartments 5222 Spalding Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Rhode Island Apartments 5220 Spalding Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Vermont Apartments 5218 Spalding Road	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Other Housing	Year	Number of Fires	Cause of Each Fire	Number of Injuries Related to Fire	Number of Deaths Related to Each Fire	Value of Property Damage
4687 University Drive	2018	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A

Student Housing Facility Fire Safety Systems

Residential Facilities	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation (fire) Drills each calendar year
Talge Hall	Full	Yes	Yes	Yes	3
Thatcher Hall	Full	Yes	Yes	Yes	2
Thatcher South Hall	Full	Yes	Yes	Yes	3
Southern Village Apartments	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation (fire) Drills each calendar year
Birch	Full	Yes	Yes	Yes	2
Willow	Full	Yes	Yes	Yes	2
Dogwood	Full	Yes	Yes	Yes	2
Oak	Full	Yes	Yes	Yes	2
Cedar	Full	Yes	Yes	Yes	2
Redbud	Full	Yes	Yes	Yes	2
Hickory	Full	Yes	Yes	Yes	1
Magnolia	Full	Yes	Yes	Yes	2
Maple	Full	Yes	Yes	Yes	2
Poplar	Full	Yes	Yes	Yes	2
Stateside Apartments	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation (fire) Drills each calendar year
Virginia	Full	Yes	Yes	Yes	0
Kentucky	Full	Yes	Yes	Yes	0
Mississippi	Full	Yes	Yes	Yes	0
Tennessee	Full	Yes	Yes	Yes	0
Georgia	None	Yes	Yes	Yes	0
Florida	None	Yes	Yes	Yes	0
Carolina	None	Yes	Yes	Yes	0
Alabama	None	Yes	Yes	Yes	0
Winding Creek Apartments	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation (fire) Drills each calendar year
Arizona	None	Yes	Yes	None	0
California	None	Yes	Yes	None	0
Idaho	None	Yes	Yes	None	0
Nevada	None	Yes	Yes	None	0
Oregon	None	Yes	Yes	None	0
Utah	None	Yes	Yes	None	0
Washington	None	Yes	Yes	None	0
Spalding Cove Apartments	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation (fire) Drills each calendar year
Delaware	None	Yes	Yes	Yes	0
Indiana	None	Yes	Yes	Yes	0
Maryland	None	Yes	Yes	Yes	0
New York	None	Yes	Yes	Yes	0
Ohio	None	Yes	Yes	Yes	0
Rhode Island	None	Yes	Yes	Yes	0
Vermont	None	Yes	Yes	Yes	0
Other Apartments	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation (fire) Drills each calendar year
4687 University Drive	None	Yes	Yes	Yes	0

Partial Sprinkler System – A partial sprinkler system is defined as having some parts of a sprinkler system but not all. This can include having a standpipe installed but no sprinkler heads. This can also mean that a building may not have a full sprinkler system, but part of the building could be fully sprinklered.

Full Sprinkler System - A full sprinkler system is defined as being installed and in accordance with NFPA 13 (Installation of Sprinkler Systems). This will include sprinkler heads, risers, branch lines, either a flow switch, an electric bell/water gong, or both.

Smoke Detection - a device that monitors for smoke, may be hardwired into a university system, or battery operated.

Fire Extinguisher Devices - a portable device that discharges a jet of water, foam, gas, or other material to extinguish a fire.

Evacuation Plans / Placards - A plan describing evacuation routes, assembly points, emergency equipment location, building address, and emergency contact numbers for fire or other emergencies in the workplace.