

# Southern Adventist University's Annual Security and Fire Safety Report

2018

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# 2018 Annual Security Report

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## 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 federal Clery Act and 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. 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 a pastoral or professional counselor will be exempted from this timely warning policy only when they are acting or being paid within the licensure.

**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

### Emergency Numbers

<b>Emergency Numbers</b>	
<b>Campus Safety - 24/7 Number</b>	423.236.2100
<b>Title IX Office</b>	423.236.2566
<b>Collegedale Police Department</b>	
<b>Emergency</b>	911
<b>Non-Emergency</b>	423.396.3133
<b>Tri-Community Fire Department</b>	
<b>Emergency</b>	911
<b>Non-Emergency</b>	423.622.7777
<b>Non-Emergency Resources</b>	
<b>Celebrate Recovery</b>	423.396.2134
<b>Council for Alcohol and Drug Abuse Services, Inc.</b>	423.756.7644
<b>Lighthouse Counseling and Life Skills Center</b>	423.499.9335
<b>Erlanger Health System</b>	423.778.7000
<b>Family Violence</b>	423.209.8956
<b>Fortwood Center, Inc.</b>	423.266.6751
<b>Harbor Safe House</b>	423.303.3525
<b>Volunteer Behavioral Health 24-hour crisis line</b>	800.704.2651
<b>Sexual Assault Crisis and Resource Center</b>	423.755.2700
<b>On-Campus Non-Emergency Resources</b>	
<b>Title IX Office</b>	423.236.2566
<b>Counseling and Testing (Southern)</b>	423.236.2782
<b>Student Development (Southern)</b>	423.236.2484
<b>University Health Center (Southern)</b>	423.236.2713
<b>Housing Services (Southern)</b>	423.236.2995

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, the 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 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](mailto:campussafety@southern.edu) or calling 423.236.2100, or by clicking the Annual Security and Fire Safety Report link on the employment and prospective student webpages.

For questions or 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. An anonymous report can be submitted on at [southern.edu/campussafety](http://southern.edu/campussafety)

## 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, or during extended closures, or lockdown, and 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, and egress lighting is working in hallways and stairwells, all exterior doors are checked to make sure they lock, fire systems are tested annually.

Reviews 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 Law Enforcement

### Campus Safety Department

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, the authority to conduct university investigations. Campus Safety officers have the authority to issue parking citations, which are billed to 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 and is immediately notified of major crimes via the telephone or two-way radio.

Southern does not have any procedures that encourage pastoral counselors and professional counselors to inform, 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.

## Security Awareness Programs

During new student orientation (students) in at the start of each semester, and new employee orientations (faculty and staff) 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, 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 worships 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, and 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.

## Alcohol, Tobacco and Drug-Free Campus Policy

Southern Adventist University strives to maintain a safe and healthy environment for its students. In addition to following federal, state, and local legal statutes on alcohol and drugs, Southern adopts the temperance practices and health principles embraced by the Seventh-day Adventist Church. Therefore, all students are expected to refrain from the use of alcohol, drugs, and tobacco while enrolled at Southern.

Because of the Adventist health message and because of federally-mandated statutes, Southern includes a preventative educational program to its students to develop an awareness of the risks involved in alcohol, tobacco, and drug use and to promote the benefits of a lifestyle free of these substances. Moreover, Southern may, in its discretion, provide or refer to therapeutic alternatives any student involved in the use of alcohol, tobacco, drugs—illicit or prescription—or other mood-altering substances.

Violations of this policy, include, but are not limited to, on- or off-campus use, possession, purchase, sale, manufacture or distribution of

- Tobacco, tobacco products, e-cigarettes,
- Alcoholic beverages,
- Illegal drugs or drug-related paraphernalia,
- Prescription drugs—when the use of these drugs fits the description of illegal use.

When the unlawful possession of controlled substances or drug paraphernalia is discovered, Southern confiscates the item(s), investigates the circumstances of their presence on campus, and institutes appropriate disciplinary sanctions. All confiscated contraband is given to the appropriate authority or destroyed. The local authorities are called if any laws have been broken.

Southern reserves the right to investigate students when a reasonable suspicion exists of their use or possession of tobacco, drugs, or alcohol. An investigation may include a search of one's property, alcohol and drug screenings, 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 Services or a residence hall dean.

When reasonable suspicion exists or when a search uncovers the presence of alcohol, drugs, or tobacco in or on the property of students, the students who have violated this policy will be required to submit to chemical screening.

Students who violate this policy, refuse to be tested, or provide false information can expect disciplinary action up to and including dismissal. In addition, all violators of the policy are subject to applicable federal, state, and local laws.

Any Southern student found with alcohol, illicit drugs, or drug paraphernalia on campus property may be asked to withdraw from Southern for at least a semester before re-admittance of the student will be considered.

The entire process of an alcohol, drug, or tobacco investigation is treated with the highest confidentiality. Only those entities of the campus community that are in a need-to-know situation are informed of a student's violation of this policy. As such, the Schools of Nursing, Social Work, and Theology have regulations that prohibit the admittance or matriculation of students in their programs. Therefore, those schools will be informed of their students' violations of this policy.

## Protocol

If a student is suspected of having violated Southern's alcohol-, tobacco-, drug-free policy, the following protocol is followed:

### Step 1—Assessment:

- If the suspicion is that a student has consumed alcoholic beverages, an initial assessment for alcohol will be performed by a trained residence hall dean or personnel.
- If the suspicion is that a student is using tobacco or illicit drugs or abusing prescription drugs use, the initial assessment is performed by a qualified professional and/or qualified assessment facility.
- If the initial assessment confirms that this policy has been violated, a chemical screening is performed on the student by a qualified professional and/or qualified assessment facility. This screening is performed whether the violation is for alcohol, tobacco, illicit drugs, or prescription drugs.

*NOTE: The student will pay the screening if it comes back positive.*

**Step 2—Evidence:** The vice president for Student Services (or someone designated by the vice president) presents the student with the evidence from the above discovery processes:

All students who have violated this policy are asked to sign a release of confidentiality so that the vice president for Student Services can coordinate services and verify progress with the student's treatment provider and/or counselor.

**Step 3—Suspension:** A student who has been involved in substance abuse while enrolled at Southern is suspended for a period of 3-5 days.

**Step 4—Treatment and Reinstatement:** The student is required to follow the recommendations provided by the professional chemical abuse counselor.

If the student is deemed fit to resume classes, the student will be placed on Citizenship Probation while participating in an educational program specified by the assessment personnel. This program will include, but will not be limited to, six weeks of Alcohol and Drug Education. In addition, the student may need to attend off-campus programs such as an Intensive Outpatient Program (IOP) or support groups (such as Alcoholic Anonymous, Narcotic Anonymous).

If the student is assessed to have a chemical dependency, he or she will be required to enroll in either an outpatient or inpatient treatment program as a condition of further enrollment.

The student must present satisfactory evidence of compliance with the specified educational program. If the student does not comply with a specified educational program, he or she may be subject to further sanctions.

If the student is determined to have a chemical dependency that requires an IOP or inpatient program that makes successful matriculation impossible, he or she may be required to withdraw from Southern for the rest of the semester during which the violation occurred. The purpose of the withdrawal is to complete successfully the appropriate level of care. The individual must present satisfactory evidence of compliance with the specified educational program before admission to Southern is considered.

Upon reinstatement, the student signs a letter of commitment to abstinence from alcohol, tobacco, and drugs during the rest 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, or tobacco. I understand that any failure to do so will require my immediate withdrawal.
2. I will attend all alcohol and drug education meetings as scheduled by Southern.
3. I agree to submit to any screening process Southern requires and pay for the expenses of such screening.

**Step 5—Follow-up:** Reinstated students must participate in the established drug education program at Southern, during which the student's behavior is monitored and further use of alcohol, tobacco, and drugs is discouraged. This program will involve an individualized combination of the following:

*Alcohol and Drug Education:* The student must attend six weekly seminars that emphasize education regarding chemicals and resistance to their use. These seminars are not to be considered rehabilitation.

*Counseling:* A group facilitator from Counseling and Testing Services interviews each student entering and exiting the alcohol and drug education group in order to assist in the process of recovery.

*Alcoholics Anonymous/Narcotics Anonymous:* If other abstinence reinforcement activities are temporarily unavailable, Southern may require attendance of Alcohol Anonymous or Narcotics Anonymous meetings. In this situation, the student is asked to furnish documentation that he or she has attended the meetings.

*Random Screening:* The student must be willing to submit to random screening as a condition of his or her readmission to Southern. Any expense for such screening will be paid by the student.

*Community Service Hours:* In some cases, Southern may also require community service.

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

**Step 6—Probation:** Students who have been readmitted are subject to citizenship probation for a period specified at the time of readmission. Students who use substances banned by this policy after being reinstated may be subject to dismissal from the university.

## Notification of Alcohol/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.

## Prevention

Campus-wide educational programs regarding substance abuse are conducted by the university. These programs include, but are not be limited to, the dangers of substance abuse to self and others

## 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 that it is not prescribed to 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.

## **Alcohol**

It’s 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’s 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 must be offered treatment with no record of arrest.

## **Tobacco**

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

## **Financial Aid Ramifications**

Students receiving federal Title IV financial aid must certify that he or she does not engage in unlawfully manufacturing, distribution, 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 Health Service or Counseling and Testing Services. All requests are confidential.

Other agencies that can provide support include:

Counsel for Alcohol and Drug Abuse Services, Inc. 423.756.7644	Focus Healthcare 423.308.2560
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Fortwood Center, Inc. 423.308.2560	Johnson Mental Health Center 423.634.8995 / 423.634.8884
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Valley Psychiatric Hospital  
423.894.4220

## Health Risks

### Alcohol

There are many health risks associated with the use and abuse of alcohol, which is a central nervous system depressant.

Whether or not one appears drunk, everyone who drinks experiences central nervous system impairment. As the blood alcohol concentration rises, there is corresponding loss of inhibitions, decrease of judgment, increase in erratic emotions, and loss of coordination and reflex activity.

At blood alcohol concentrations of .40, a person often becomes unresponsive. Blood alcohol concentrations of .50 can cause death from respiratory arrest.

Though alcohol's acute effects on the central nervous system account for the most dramatic and observable phenomena associated with drinking, virtually all organ systems are affected by the acute and chronic presence of alcohol. Among the problems that may be encountered in otherwise healthy individuals are:

sleep disorders	gastrointestinal complaints
eating disorders	cardiomyopathy (chronic disease of the heart muscle)
folic acid deficiency and resulting anemia	enlarged liver
hepatitis	cirrhosis
hypoglycemia	depressions
anxiety disorders	suicide

\*In addition, alcoholic mothers can give birth to babies with fetal alcohol syndrome.

## Tobacco

Tobacco is the most addictive of all drugs. Tolerance to nicotine develops faster than to cocaine or heroin, while stimulating the same areas of the brain as cocaine and amphetamines. Within a few hours after smoking tobacco, the body adapts to the toxins, making a person believe he must smoke to feel “normal.” Tobacco causes:

cancer	chronic bronchitis
diminished sense of taste and smell	emphysema
heart disease	recurrent colds
stroke	bad breath
premature face wrinkles	stained teeth

\*Tobacco use contributes to nearly 1.5 million new cases of cancer yearly.

## Illicit Drugs

The illicit use of drugs increases the risk of contracting hepatitis, AIDS, and other infections. Using alcohol or drugs singularly or in certain combinations has caused death.

**Cocaine** anesthetizes the mucus membrane and stimulates the central nervous system. The sense of stimulation received from cocaine probably results from the release of dopamine, a neurotransmitter associated with pleasure and a sense of alertness. Chronic cocaine use eventually leads to dopamine depletion, leaving one incapable of feeling pleasure without the drug. Chronic users also experience cocaine-triggered seizures or psychotic behavior. Someone using cocaine experiences a strong compulsion to take more of the drug each time it is used. The speed and probability of addiction differs for each individual, but for those with a personal or family history of drug addiction or alcoholism, addiction is significantly increased. Cocaine causes:

cold sweats	compulsive lying
confusion	decreased libido
depression	dilated pupils
fatigue	hallucinations
increased blood pressure	increased body temperature
insomnia	intense anxiety
irritability	mental illness (indistinguishable from schizophrenia)
myocardial infarction	myocardial rupture
nausea / vomiting	pale skin, tremors
paranoia	poor concentration
seizures	tachycardia
weight loss	withdrawal from normal activities

\*If cocaine is used during pregnancy, babies can be born addicted.

**Marijuana** is a complex drug with more than 400 chemical ingredients. Among them are around 70 psychoactive elements, the most significant being tetrahydrocannabinol (THC). The chemical reactions caused by burning

marijuana result in as many as 2,000 secondary chemicals. Marijuana affects cell function, cell division, and cell immunity. Marijuana causes poor transmission of nerve cell impulses between cells, producing far-reaching negative effects on the central nervous system and negatively affecting comprehension, memory, sleep, mood, coordination, and vision.

Other effects of marijuana use include:

abnormally rapid heart rate	bronchitis
elevated blood pressure	lower testosterone levels in males / increased in females
lung cancer	sinusitis

\*Moderate-to-heavy use can result in infertility, and birth defects have been associated with use during pregnancy.

**Amphetamines**, commonly called “pep pills,” are central nervous system stimulants. Amphetamines promote nerve impulse transmission by releasing stored norepinephrine from nerve terminals in the brain. Symptoms associated with these drugs include:

anorexia	irritability
changes in libido	itching
chills	metallic taste
cramps	nausea / vomiting
diarrhea / constipation	overstimulation
dizziness	palpitations
dry mouth	restlessness
dysphoria (general dissatisfaction with life)	tachycardia
headache	talkativeness
hyperactivity	tremors
impotence	weight loss
insomnia	

**Barbiturates**, commonly referred to as “downers,” are central nervous system depressants derived from barbituric acid. Barbiturates have been used as sedatives, hypnotics, anesthetics, and anticonvulsants and can cause:

angioedema (rapid swelling of the skin)	itching
drowsiness	lethargy
gastrointestinal problems	nausea / vomiting
hangover	rash

**Methamphetamine** is an addictive stimulant that triggers the brain to release norepinephrine, dopamine, and serotonin, causing a sense of rush followed by a state of high agitation, which can lead to violent behavior.

Other effects include:

anxiety	irritability / aggression
convulsions	nervousness
decreased appetite	paranoia
delusions of parasites or insects crawling under the skin	repetitive behavior (such as compulsively disassembling and assembling objects)
hallucinations	stroke
increased wakefulness and insomnia	toxic psychosis

## Policy Review

This policy goes through an annual review to determine its effectiveness, to implement changes that may be needed, to ensure that disciplinary actions 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 the 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
  - a) Sign-up at [www.southern.edu/notify](http://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
  - a) 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) Voice broadcast in buildings using university approved fire alarm notification systems (in buildings where this system is available)
  - a) This system is audible and visual and notifies building occupants through the existing fire system (speakers and strobes). The fire system may be automatically activated by a fire or manually activated by a control panel in Campus Safety dispatch using pre-programmed message buttons. In addition, a microphone at dispatch may be used to speak through the fire system.
  - b) Buildings that **DO NOT** have a fire alarm notification system:
 

<ol style="list-style-type: none"> <li>i) 5071 Industrial Drive</li> <li>ii) WSMC</li> <li>iii) Miller Hall</li> <li>iv) College Press</li> <li>v) Fleming Plaza</li> <li>vi) Transportation Services</li> <li>vii) Plant Services</li> <li>viii) Service Department</li> <li>ix) Wright Hall (partially)</li> </ol>	<ol style="list-style-type: none"> <li>x) Apartments               <ol style="list-style-type: none"> <li>(1) Lower Stateside Apartments (x4)</li> <li>(2) Spalding Cove Apartments (x6)</li> <li>(3) Winding Creek Apartments (x7)</li> </ol> </li> </ol>
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- 4) Hilltop siren
  - a) This system receives radio signals from a control panel activated by dispatch using pre-programmed buttons to sound alerts to anyone within hearing range.
- 5) Patrol officer/runner
  - a) An individual who relays messages by foot or vehicle in an emergency. This person may use a handheld voice amplification device.
- 6) Two-way radios
  - a) Two-way radios are carried by select personnel and departments.
- 7) Email/websites
  - a) 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.
    - i) Southern Alert email list – sends an email to all groups at Southern including faculty, staff, undergraduate students, church staff, retirees, and adjuncts.
    - ii) Parent email list – sends an email to all parents who receive parent e-newsletter.
    - iii) 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](http://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 a 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](mailto:TBISORMGR@tn.gov).

**Unlawful use of the information for purposes of intimidating or harassing another is prohibited.**

## Local Law Enforcement Agencies

### Collegedale Police Department

Brian Hickman, Chief of Police  
4910 Swinyar Drive  
Collegedale, Tennessee 37315  
Emergency: 911  
Dispatch: 423.396.3133  
City Hall: 423.396.3135  
[www.collegedaletn.gov](http://www.collegedaletn.gov)

### Chattanooga Police Department

Bobby H. Dodd, 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](http://www.chattanooga.gov/police-department)

### Tennessee Highway Patrol – District 2 Headquarters

Jessie Brooks, Captain  
4120 Cummings Highway  
Chattanooga, Tennessee 37419  
Emergency: 911  
Dispatch: 423.622.7777  
<https://www.tn.gov/safety/tennessee-highway-patrol.html>

### Hamilton County Sheriff's Department

Jim Hammond, Sheriff  
600 Market Street  
Chattanooga, Tennessee 37402  
Emergency: 911  
General Information: 423.634.6898  
[www.hcsheriff.gov](http://www.hcsheriff.gov)

## Sexual Misconduct Policy

### 1. Introduction

As noted in its Sexual Conduct and Standards of Behavior policies of the Student Handbook and the Fraternalization policy (2025) of the Employee Handbook, Southern affirms the Biblical understanding of human sexuality as a gift from God to heterosexual married couples. Moreover, students who engage in behaviors that contradict this standard are subject to discipline. Because of this standard, Southern prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Southern issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

Many activities prohibited by Southern's Sexual Misconduct Policy are unlawful, and all are antithetical to the mission of the university. Therefore, Southern takes reasonable and appropriate remedial action to prevent sexual misconduct; to eliminate any hostile environment, including retaliation; to prevent its recurrence; and to correct its discriminatory effects on the Complainant and others, if applicable. Students or employees who violate this policy are subject to discipline, which may include dismissal from Southern, termination from employment, and/or criminal prosecution.

This policy applies to all Southern faculty/staff and students during all twelve months of the calendar year and is enforced whether or not the misconduct occurs on this campus. That is, the policy governs the behavior of Southern faculty/staff and students who are involved in long- or short-term mission or evangelistic projects; Adventist Colleges Abroad (ACA); off-campus internships or externships; nursing clinical; extension campuses, such as Rosario Beach; and any other Southern-sanctioned program. Moreover, Southern faculty/staff and students are expected to conduct themselves in a manner consistent with both Christian decorum and this policy even when not involved in Southern-sponsored activities.

Conduct prohibited by this policy does not generally include teasing, offhand comments, or isolated incidents. Rather, conduct that rises to the level prohibited by this policy is unwelcome gender-based, verbal or physical conduct that is sufficiently severe, persistent, or pervasive to unreasonably interfere with someone's ability to perform job duties or to participate in or benefit from Southern's education program and activities.

Conduct that violates this policy may result from actions that threaten a student or any employee in any Southern-related setting, whether it is conduct between students, between employees, between employees and students, or between employees/students and visitors to our campus. Any Southern student, staff member, faculty member, or third party participating in any Southern program or activity who wishes to report a complaint of sexual misconduct against a Southern student or employee may do so at any time.

Southern's process to address cases of alleged sexual misconduct is designed to:

- Consider the rights of the Complainant, the rights of the Respondent, the safety of the community, and applicable laws and university policies;

- Conduct a timely, thorough, fair, impartial, and equitable investigation and adjudication process with respect for all involved parties;
- Protect the privacy of all parties to the extent practical, while balancing the need to perform an investigation, follow the procedures outlined below, comply with applicable law, and maintain campus safety;
- Hold all students and employees found to have violated Southern policies accountable for their actions and provide appropriate remedies to address the discriminatory effects of sexual misconduct on the Complainant and others.

The parties are provided procedural rights as outlined in this policy. Since the university lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's rights cannot be coextensive with or identical to the rights afforded an accused in a civil or criminal legal proceeding. The procedures outlined below are designed, however, to assure basic fairness and to protect students from arbitrary or capricious disciplinary action. All panel members, investigators, and university officials shall conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation does not invalidate a decision unless it prevents basic fairness.

In summary, any sexual behavior that creates an intimidating, hostile, or offensive working or school environment is a violation of Christian standards as well as applicable state and federal laws and should be reported to Campus Safety or the Title IX Coordinator. Also included in this document are resources available to individuals who are involved in some way with an incident of sexual misconduct (See Appendices A and B).

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator by calling, writing or coming into the office to report in person or by going to the Campus Safety office on Colcord Drive (if the victim so desires). Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

## 2. **Notice of Nondiscrimination/Title IX Coordinator**

In compliance with Title IX of the U. S. Higher Education Amendments (1972,) Southern does not discriminate on the basis of gender. In addition to gender equity in sports, Title IX prohibits sex-based discrimination in education. It addresses gender-based discrimination and sexual violence (whether student-to-student, student-to-employee, or employee-to-employee).

The Director of Risk Management (DRM) is this campus's Title IX Coordinator. The Title IX Coordinator is tasked with assuring campus compliance with all Title IX dictates. In regards to sexual misconduct, this office is specifically tasked with the resolution of sexual misconduct grievances.

Grievances involving employees should be presented to the Title IX Deputy, AVPHR, who will work towards the resolution of the grievance.

Student-to-student grievances under Title IX should be presented to the Title IX Deputy (known as ERL below), who will resolve the grievance or present it to Southern's Student Sexual Misconduct Review Panel (definition below) for resolution.

Although the Title IX Coordinator is tasked with the resolution of all sexual misconduct grievances, the following matrix details who oversees a particular type of case:

COMPLAINANT	RESPONDENT	OVERSEES PROCESS
Student	Student	ERL
Employee	Employee	AVPHR
Student	Employee	AVPHR
Employee	Student	ERL
3 <sup>rd</sup> Party	Student	ERL
3 <sup>rd</sup> Party	Employee	AVPHR
Student	3 <sup>rd</sup> Party	ERL
Employee	3 <sup>rd</sup> Party	AVPHR

This policy, in its complete form, is available on both the HR and Student Developments website. Southern's Student Handbook and Employee Handbook contain truncated versions of the policy, which refer readers to where on Southern's website they may read the complete policy. Published versions of the policy may be obtained from the offices of Human Resources, Student Development, Campus Safety, and in the residence halls.

### 3. Sexual Misconduct and Harassment:

Sexual misconduct is a form of sexual harassment and may include unwelcome sexual advances, requests for sexual favors, or other unsolicited verbal or physical conduct of a sexual nature. Any sexual contact without consent by means of force, intimidation, or victim helplessness or incapacity constitutes sexual misconduct and includes violations of civil or criminal assault laws.

#### Definitions

The definitions below are intended to provide clarity relating to sexual behaviors and do not suggest that one behavior is more severe or violating than the other.

**Acquaintance Assault:** Acquaintance assault is a sexual assault by someone whom the victim knows. The person may be a boyfriend or girlfriend, ex-boyfriend or ex-girlfriend, classmate, friend, acquaintance, family member, or coworker.

**Director of Risk Management (DRM):** The Director of Risk Management is the Title IX Coordinator responsible for directing sexual harassment avoidance training, overseeing sexual harassment investigations, and overseeing the procedures pertaining to harassment complaints brought by students, faculty, and staff under Southern’s “Harassment,” “Sexual Misconduct,” and “Retaliation” policies. If extraordinary circumstances dictate that a case must be adjudicated when it is not possible to convene the Sexual Misconduct Review Panel (see below), the DRM adjudicates the case and assumes all authority otherwise granted to the Sexual Misconduct Review Panel. Contact information for the DRM is found in Appendix A.

**Coercion:** Coercion is defined (22 U.S. Code § 7102) as threats of serious harm or physical restraint against any person or the use of any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person. The term can also be used to refer to the abuse or threatened abuse of the legal process.

**Complainant:** A Complainant is usually an individual filing a complaint of a violation of Southern’s policies. In some cases, (such as, cases in which a person involved in an incident of alleged sexual misconduct does not wish to participate in the process but the university decides that the alleged misconduct needs to be investigated), Southern may serve as the Complainant. In these cases, the university extends the full rights of the Complainant as defined in this policy to affected parties as deemed appropriate by the DSLA (see definition below).

**Consent:** Consent means words or actions, freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.

Consent is not valid when a person is incapable of giving consent because of his or her use or consumption of drugs or alcohol; when intimidation, threats, physical force, or other actions that a reasonable person would consider coercive, are applied; when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or when a person has not achieved the age required for consent, as defined by state law. Silence, non-communication, or a lack of resistance does not necessarily imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Moreover, consent can be rescinded at any time.

The use of alcohol or drugs does not minimize or excuse a Respondent’s responsibility for committing sexual misconduct. A Respondent may not and cannot assume that a Complainant has given consent to any sexual activity when alcohol or drugs have been used by the Complainant. That is, consent is not valid when:

1. From the standpoint of a reasonable person, the Respondent (see definition below) knew, or reasonably should have known, that the Complainant was incapable of giving consent due to the Complainant’s use or consumption of drugs or alcohol or the person’s physical or mental condition; or
2. The person was, in fact, incapable of giving consent due to the person’s use of drugs or alcohol, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition.

**Dating Violence:** Dating violence 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 by 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, sometimes called "partner abuse" or "intimate partner violence," is a systematic pattern of behaviors where power is used to control partners. Abusive behavior can be spoken, written, or physical, and includes - Actual, attempted, or threatened violence - Sexual offenses - A pattern of assaultive and coercive behaviors

**Days:** Unless otherwise noted, "Days" indicate calendar days, regardless of whether the majority of Southern's administrative offices are open. "Business days" indicate days on which the majority of Southern's administrative offices are open and generally connotes Monday through Friday.

**Director of Student Life and Activities (DSL A):** The director of Student Life and Activities is a Title IX Deputy responsible for overseeing the investigation and adjudication of sexual misconduct complaints involving students. The DSL A serves as an informational resource for all parties involved in the sexual misconduct complaint, investigation, and review process. Contact information may be found in Appendix A.

**Domestic Violence:** Tennessee Code Annotated 39-13-111 defines domestic violence as an offense that - Is classified as a misdemeanor in this state; - Has an element of the offense the use or attempted use of physical force or the threatened use of a deadly weapon; and - Is committed by a: a) Current or former spouse, parent, or guardian of the victim; b) Person with whom the victim shares a child in common; c) Person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian; or d) Person similarly situated to a spouse, parent, or guardian of the victim

**Harassment:** Harassment, as used in this policy, is defined as unwelcome sexual advances, requests for sexual favor, and other verbal or physical conduct of a sexual nature.

**Impact Statement:** An Impact Statement is either written information or an oral statement from either the Complainant or the Respondent, in his or her own words, about how this sexual misconduct has affected him or her.

**Inappropriate Sexual Conduct:** Inappropriate sexual conduct includes unwelcome sexual conduct that does not constitute sexual assault as defined in this document but is sexually violating in nature. It includes but is not limited to the following: - Nonconsensual physical contact of a sexual nature. This sort of contact includes intentionally touching the breasts, buttocks, groin, mouth, genitals of a person who has not given consent to this contact, or contact of a sexual nature with any other body parts; - Sexually exploitative behaviors. Examples include, but are not limited to, - Capturing through any means images of sexual activity, - Capturing through any means another's nudity without consent, - Sharing the above images material with others without all participants' consent.

*Exception:* This section is not intended to prohibit the use of sexually explicit material that is reasonably related to the academic mission of the university. Specifically, this section is not intended to proscribe or inhibit the use of sexually-explicit materials in or out of the classroom when in the judgment of a reasonable person they are used appropriately to promote genuine discourse, free inquiry, and learning.

**Investigator:** The investigator is the entity assigned to conduct interviews of the Complainant(s), Respondent(s), and any potential witnesses and to gather any other pertinent information and material that could be important to determining a fair and impartial decision during the adjudication process. This policy uses the

singular *Investigator* but the DRM may appoint more than one Investigator when appropriate, and those Investigators work together to handle the complaint. Southern's Campus Safety has been appointed the Investigator of all alleged sexual misconduct incidences. The appointed Investigator should have no prior significant history with either the Complainant or the Respondent and may have no significant prior knowledge of the Complaint or the facts surrounding it. When a conflict of interest is apparent, the Investigator may be selected from outside Southern.

**Public indecency: TN Code Ann. § 39-13-511 defines public indecency as follows:**

A 1. A. *A person commits the offense of public indecency who, in a public place, as defined in subdivision (a)(2)(B) below, knowingly or intentionally: i. Engages in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions or other ultimate sex acts; ii. Appears in a state of nudity; or iii. Fondles the genitals of the person, or another person*

B. *A person does not violate subdivision (a)(1)(A) if the person makes intentional and reasonable attempts to conceal the person from public view while performing an excretory function, and the person performs the function in an unincorporated area of the state. 2. As used in subdivision (a)(1): A. "Nudity" or "state of nudity" means the showing of the bare human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of the areola, or the showing of the covered male genitals in a discernibly turgid state. "Nudity" or "state of nudity" does not include a mother in the act of nursing the mother's baby; and*

B. I. *"Public place" means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. "Public place" includes, but is not limited to, streets, sidewalks, parks, beaches, business and commercial establishments, whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement, bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations.*

II. *Premises used solely as a private residence, whether permanent or temporary in nature, are not deemed to be a public place. "Public place" does not include enclosed single sex public restrooms, enclosed single sex functional showers, locker or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors' offices, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein; nor does it include a person appearing in a state of nudity in a modeling class operated by a proprietary school, licensed by the state of Tennessee, a college, junior college, or university supported entirely or partly by taxation, or a private college or university where such private college or university maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation or an accredited private college. "Public place" does not include a private facility that has been formed as a family-oriented clothing optional facility, properly licensed by the state.*

3. *Public indecency is punishable as follows:*

A. *A first or second offense is a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500); and*

B. *A third or subsequent offense is a Class A misdemeanor punishable by a fine of one thousand five hundred dollars (\$1,500) or confinement for not more than eleven (11) months and twenty-nine (29) days, or both.*

**TN Code Ann. § 39-13-511 addresses indecent exposure as well:**

1. *A person commits the offense of indecent exposure who:*

A. *In a public place, as defined in § 39-11-106, or on the private premises of another, or so near thereto as to be seen from the private premises:*

*i. Intentionally: a. Exposes the person's genitals or buttocks to another; or b. Engages in sexual contact or sexual penetration as defined in § 39-13- 501; and*

*ii. Reasonably expects that the acts will be viewed by another and the acts: a. Will offend an ordinary viewer; or b. Are for the purpose of sexual arousal and gratification of the defendant; or B. i. Knowingly invites, entices or fraudulently induces the child of another into the person's residence for the purpose of attaining sexual arousal or gratification by intentionally engaging in the following conduct in the presence of the child: a. Exposure of such person's genitals, buttocks or female breasts; or b. Masturbation. ii. For the provisions of subdivision (b)(1)(B)(i) to apply, the defendant must be eighteen (18) years of age or older and the child victim must be less than thirteen (13) years of age.*

*2. "Indecent exposure," as defined in subdivision (b)(1), is a Class B misdemeanor, unless the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, in which event, indecent exposure is a Class A misdemeanor. Additionally, "indecent exposure," as defined in subdivision (b)(1), is a Class E felony when the defendant is eighteen (18) years of age or older, the victim is under thirteen (13) years of age, and the defendant has any combination of two (2) or more prior convictions under this section.*

*The provisions of this section do not apply to a mother who is breastfeeding her child who is twelve (12) months of age or younger in any location, public or private.*

**Respondent:** A Respondent is an individual alleged to have violated Southern's sexual misconduct policies. See Scope of Oversight and Pending Discipline at the end of this policy for more information.

**Retaliation:** Retaliation includes, but is not limited to, ostracizing the Complainant, pressuring the person to drop or not support the complaint, providing false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely the Complainant's educational, living, or work environment. Retaliating directly or indirectly against a person who has in good faith filed, supported, or participated in an investigation of a complaint of sexual misconduct as defined above is prohibited. In some circumstances, retaliation may be unlawful and may constitute a violation of this policy whether or not the complaint is ultimately found to have merit.

**Sanction Statement:** A sanction statement is a statement provided by the Complainant or the Respondent, should either party or both choose to compose one, upon receiving the conclusions of the SMRP (see definition below). It outlines what impact the sanctions imposed upon the Respondent will have upon the subject. Sanction statements are used as part of the appeal process should the Respondent or Complainant choose to appeal the decision.

**Sexual Assault:** The federal government defines sexual assault as *"any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape"* (<http://www.justice.gov/ovw/sexual-assault>).

Tennessee defines a number of sexual and violent sexual offenses. The following are those definitions and related codes:

*(a) Aggravated rape is unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: 1. Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon; 2. The defendant causes bodily injury to the victim; 3. The defendant is aided or abetted by one (1) or more other persons; and a. Force or coercion is used to accomplish the act; or b. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless. (b) Aggravated rape is a Class A felony.*

**39-13-531. Aggravated rape of a child** is the (a) *Aggravated rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is three (3) years of age or less [or]* (b) *Aggravated rape of a child is a Class A felony and shall be sentenced within Range III, as set forth in title 40, chapter 35.*

**39-13-504. Aggravated sexual battery [is]** (a) *aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:*

1. *Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;*
2. *The defendant causes bodily injury to the victim;*
3. *The defendant is aided or abetted by one (1) or more other persons; and a. Force or coercion is used to accomplish the act; or b. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or*
4. *The victim is less than thirteen (13) years of age.*
5. *Aggravated sexual battery is a Class B felony.*

**39-17-1004. Aggravated sexual exploitation of a minor**

(a) 1. *It is unlawful for a person to knowingly promote, sell, distribute, transport, purchase or exchange material, or possess with the intent to promote, sell, distribute, transport, purchase or exchange material that includes a minor engaged in: a. Sexual activity; or b. Simulated sexual activity that is patently offensive.*

2. *A person who violates subdivision (a)(1) may be charged in a separate count for each individual image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation. Where the number of materials involved in a violation under subdivision (a)(1) is greater than twenty-five (25), the person may be charged in a single count to enhance the class of offense under subdivision (a)(4).*

3. *In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether an exchanged person knowingly promoted, sold, distributed, transported, purchased, or possessed the material for these purposes, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.*

4. *A violation of this section is a Class C felony; however, if the number of individual images, materials, or combination of images and materials that are promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange, is more than twenty-five (25), then the offense shall be a Class B felony.*

(b) 1. *It is unlawful for a person to knowingly promote, sell, distribute, transport, purchase or exchange material that is obscene, as defined in § 39-17-901(10), or possess material that is obscene, with the intent to promote, sell, distribute, transport, purchase or exchange the material, which includes a minor engaged in: a. Sexual activity; or b. Simulated sexual activity that is patently offensive.*

2. *A person who violates subdivision (b)(1) may be charged in a separate count for each individual image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation. Where the number of materials involved in a violation under subdivision (b)(1) is greater than twenty-five (25), the person may be charged in a single count to enhance the class of offense under subdivision (b)(4).*

3. *In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly promoted, sold, distributed, transported, purchased, exchanged or possessed the material for these purposes, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.*

4. A violation of this section is a Class C felony; however, if the number of individual images, materials, or combination of images and materials, that are promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange, is more than twenty-five (25), then the offense shall be a Class B felony.

(c) In a prosecution under this section, the state is not required to prove the actual identity or age of the minor.

(d) A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the person promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange material within this state.

### **39-2-608. Assault with intent to commit or attempt to commit rape or sexual battery**

1. Assault with intent to commit or attempt to commit rape is a felony punishable by imprisonment in the penitentiary for not less than two (2) nor more than ten (10) years.

2. Assault with intent to commit or attempt to commit sexual battery is a felony punishable by imprisonment in the penitentiary for not more than three (3) years.

### **39-13-109. Criminal exposure to HIV**

(a) A person commits the offense of criminal exposure of another to human immunodeficiency virus (HIV) when, knowing that the person is infected with HIV, the person knowingly:

1. Engages in intimate contact with another; (note: subsections (a)(2), (a)(3), (b)(1-3), (c) and (d) of this statute are not included in the Sex Offender Law)

(e) Criminal exposure of another to HIV is a Class C felony.

### **39-3703 Criminal sexual conduct -- first degree**

A person is guilty of criminal sexual conduct in the first degree if that person engages in sexual penetration with another person and if any of the following circumstances exists:

1. The victim is twelve (12) years of age or under.

2. The victim is at least thirteen (13) but less than sixteen (16) years of age and either the actor is related to the victim by blood, or affinity to the third degree, or the actor is in a position of custodial or official authority over the victim and used this authority to coerce the victim to submit. The actor under this subsection must be at least three (3) years older than the victim.

3. The actor uses a weapon or any article used or fashioned in a manner calculated to lead the victim reasonably to believe it to be a weapon to force or coerce the victim to engage in sexual penetration.

4. The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes but is not limited to any of the following circumstances: a. when the actor overcomes the victim through the actual application of physical force or physical violence. b. When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim reasonably believes that the actor has the present ability to execute these threats. c. When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim reasonably believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes but is not limited to threats of physical punishment, kidnapping, or extortion. d. When the actor, through concealment, or by the element of surprise, is able to overcome the victim. Concealment includes the situation in which the actor pretends to be the victim's spouse and the victim reasonably believes the actor to be the spouse.

5. The actor causes personal injury to the victim, and the actor knows or should, as a reasonable person, know that the victim is mentally defective, mentally incapacitated, or physically helpless.

**39-3704. Criminal Sexual conduct- Second degree**

A. A person is guilty of criminal sexual conduct in the second degree if that person engages in sexual contact with another person, and if any of the following circumstances exists:

1. The victim is under thirteen (13) years of age.
2. The victim is at least thirteen (13) but less than sixteen (16) years of age, and either the actor is related by blood or affinity to the third degree to the victim, or the actor is in a position of custodial or official authority over the victim and the actor used this authority to coerce the victim to submit. The actor under this section, must be at least three (3) years older than the victim.
3. The actor uses a weapon or any article used or fashioned in a manner calculated to lead a person reasonably to believe it to be a weapon, to force or coerce the victim to engage in sexual contact.
4. The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact: For coercion includes but is not limited to any of the circumstances listed in 39-3703 (A)(4), (a) through (d).
5. The actor causes personal injury to the victim and the actor knows or should, as a reasonable person, know that the victim is mentally defective, mentally incapacitated or physically helpless.

B. Second degree criminal sexual conduct is a felony punishable by imprisonment in the penitentiary for a period not less than two (2) years nor more than fifteen (15) years.

*Provided, however, if the victim of the offense dies or is seriously injured as the result of an assault committed by the defendant either directly before, after or during the offense and the defendant is convicted of a violation of this section only, such defendant shall be ineligible for probation as provided in 40-2901, parole as provided in 40-3612, work release, trusteeship, furlough, or any other program or method whereby the offender's term of imprisonment in the penitentiary may be reduced or enjoys the privilege of supervised or unsupervised release into the community.*

**39-3705. Criminal sexual conduct- Third degree**

A. A person is guilty of criminal sexual conduct in the third degree, if that person engages in sexual penetration with another person and if any of the following circumstances exists:

1. The victim is at least thirteen (13) years of age and under sixteen (16) years of age, and the actor under this section is a least three (3) years older than the victim.
2. Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in 39-3703 (A)(4), (a) through (d).
3. The actor knows, or should, as a reasonable person, know that the victim is mentally defective, mentally incapacitated, or physically helpless.
4. When the actor engages in sexual penetration on the pretext of performing a medical examination or treatment for the purpose of achieving sexual penetration.

B. Third degree criminal sexual conduct is a felony punishable by imprisonment in the penitentiary for a period not less than two (2) years nor more than ten (10) years.

*Provided, however, if the victim of the offense dies or is seriously injured as the result of an assault committed by the defendant either directly before, after or during the offense and the defendant is convicted of a violation of this section only, such defendant shall be ineligible for probation as provided in 40-2901, parole as provided in 40-3612, work*

*release, trusteeship, furlough, or any other program or method whereby the offender's term of imprisonment in the penitentiary may be reduced into the community.*

**39-17-1005. Offense of especially aggravated sexual exploitation of a minor**

*A. It is unlawful for a person to knowingly promote, employ, use, assist, transport or permit a minor to participate in the performance of, or in the production of, acts or material that includes the minor engaging in:*

- 1. Sexual activity; or*
- 2. Simulated sexual activity that is patently offensive.*

*B. A person violating subsection (a) may be charged in a separate count for each individual performance, image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation.*

*C. In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly promoted, employed, used, assisted, transported or permitted a minor to participate in the performance of or in the production of acts or material for these purposes, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.*

*D. A violation of this section is a Class B felony. Nothing in this section shall be construed as limiting prosecution for any other sexual offense under this chapter, nor shall a joint conviction under this section and any other related sexual offense, even if arising out of the same conduct, be construed as limiting any applicable punishment, including consecutive sentencing under § 40-35-115, or the enhancement of sentence under § 40-35-114.*

*E. In a prosecution under this section, the state is not required to prove the actual identity or age of the minor.*

*F. A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the person promoted, employed, assisted, transported or permitted a minor to engage in the performance of, or production of, acts or material within this state.*

**39-13-529. Offense of soliciting sexual exploitation of a minor -- Exploitation of a minor by electronic means**

*A. It is an offense for a person eighteen (18) years of age or older, by means of oral, written or electronic communication, electronic mail or Internet service, including webcam communications, directly or through another, to intentionally command, hire, persuade, induce or cause a minor to engage in sexual activity or simulated sexual activity that is patently offensive, as defined in § 39-17-1002, where such sexual activity or simulated sexual activity is observed by that person or by another.*

*B. It is unlawful for any person eighteen (18) years of age or older, directly or by means of electronic communication, electronic mail or Internet service, including webcam communications, to intentionally:*

- 1. Engage in sexual activity, or simulated sexual activity, that is patently offensive, as defined in § 39-17-1002, for the purpose of having the minor view the sexual activity or simulated sexual activity, including circumstances where the minor is in the presence of the person, or where the minor views such activity via electronic communication, including electronic mail, Internet service and webcam communications;*
- 2. Display to a minor, or expose a minor to, any material containing sexual activity or simulated sexual activity that is patently offensive, as defined in § 39-17-1002, where the purpose of the display can reasonably be construed as being for the sexual arousal or gratification of the minor or the person displaying the material; and*
- 3. Display to a law enforcement officer posing as a minor, and whom the person making the display reasonably believes to be less than eighteen (18) years of age, any material containing sexual activity or simulated sexual activity that is patently offensive, as defined in § 39-17-1002, where the purpose of the display can reasonably be construed as being for the sexual arousal or gratification of the intended minor or the person displaying the material.*

*C. The statute of limitations for the offenses in this section shall be the applicable statute for the class of the offense, or until the child reaches the age of eighteen (18), whichever is greater.*

*D. A person is subject to prosecution in this state under this statute for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the conduct involved a minor located in this state.*

*1. A violation of subsection (a) is a Class B felony.*

*2. A violation of subsection (b) is a Class E felony; provided, that, if the minor is less than thirteen (13) years of age, the violation is a Class C felony.*

**39-15-302. Incest**

*A. 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.*

*B. Incest is a Class C felony*

**39-6-1138. Promotion of performances including sexual conduct by children**

*A. As used in this section:*

*1. "Child" means any person who has not reached the age of eighteen (18) years;*

*2. "Knowingly" shall be defined as in § 39-6-1137(b)(2);*

*3. "Performance" means any play, motion picture, photograph or dance. Performance also includes any other visual representation exhibited before a person or persons;*

*4. "Promote" shall be defined as in § 39-6-1137(b)(6); and*

*5. "Sexual conduct" shall be defined as in § 39-6-1137(b)(9).*

*B. It is a felony punishable upon conviction by imprisonment for not less than three (3) years nor more than twenty-one (21) years and a fine of not more than twenty thousand dollars (\$20,000) for any person to knowingly, promote a performance which includes actual or simulated sexual conduct by a child.*

*C. It is a felony punishable upon conviction by imprisonment for not less than three (3) years nor more than twenty-one (21) years for any parent or legal guardian or custodian of a child to consent knowingly to the participation by the child in a performance which includes sexual conduct.*

*D. Under this section, it is an affirmative defense that the defendant in good faith reasonably believed the person appearing in the performance was sixteen (16) years of age or older.*

*E. The provision of this section shall not apply to any public library which is entirely or partially supported by public funds; any recognized and established educational institution and the libraries contained therein; any recognized and established museum; any recognized and established historical society; any licensed practitioner of the healing arts, medical clinic or hospital while engaged in a professional capacity; any governmental agency; any governmental sponsored organization; any other nonprofit association or entity which is engaged in the collection and preservation of*

historic or religious documents; and any person, employee or agent acting in an official capacity for any such organization.

**39-13-503. Rape**

A. Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

1. Force or coercion is used to accomplish the act;
2. The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
4. The sexual penetration is accomplished by fraud.

B. Rape is a Class B felony.

**39-13-522. Rape of a child**

A. Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is more than three (3) years of age but less than thirteen (13) years of age.

B. 1. Rape of a child is a Class A felony.

2. a. notwithstanding title 40, chapter 35, a person convicted of a first or subsequent violation of this section shall be punished by a minimum period of imprisonment of twenty-five (25) years. The sentence imposed upon any such person may, if appropriate, exceed twenty-five (25) years, but in no case shall it be less than the minimum period of twenty-five (25) years.

b. Section 39-13-525(a) shall not apply to a person sentenced under this subdivision (b)

c. Notwithstanding any law to the contrary, the board of probation and parole may require, as a mandatory condition of supervision for any person convicted under this section, that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of supervision consistent with the requirements of § 40-39-302.

**39-13-505. Sexual battery**

A. Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:

1. Force or coercion is used to accomplish the act;
2. The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;
3. The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
4. The sexual contact is accomplished by fraud.

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

C. Sexual battery is a Class E felony.

**39-13-527. Sexual battery by an authority figure**

A. Sexual battery by an authority figure is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by the following circumstances:

1. The victim was, at the time of the offense, thirteen (13) years of age or older but less than eighteen (18) years of age; or

2. The victim was, at the time of the offense, mentally defective, mentally incapacitated or physically helpless, regardless of age; and,

3. (a) The defendant was at the time of the offense in a position of trust, or had supervisory or disciplinary power over the victim 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

(b) The defendant had, at the time of the offense, parental or custodial authority over the victim and used the authority to accomplish the sexual contact

B. Sexual battery by an authority figure is a Class C felony.

**39-17-1003. Offense of sexual exploitation of a minor**

A. It is unlawful for any person to knowingly possess material that includes a minor engaged in:

1. Sexual activity; or

2. Simulated sexual activity that is patently offensive.

B. A person possessing material that violates subsection (a) may be charged in a separate count for each individual image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation. Where the number of materials possessed is greater than fifty (50), the person may be charged in a single count to enhance the class of offense under subsection d).

C. In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly possessed the material, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.

D. A violation of this section is a Class D felony; however, if the number of individual images, materials, or combination of images and materials that are possessed is more than fifty (50), then the offense shall be a Class C felony. If the number of individual images, materials, or combination of images and materials, exceeds one hundred (100), the offense shall be a Class B felony.

E. In a prosecution under this section, the state is not required to prove the actual identity or age of the minor.

**39-12-102. Solicitation**

A. Whoever, by means of oral, written or electronic communication, directly or through another, intentionally commands, requests or hires another to commit a criminal offense, or attempts to command, request or hire another to commit a criminal offense, with the intent that the criminal offense be committed, is guilty of the offense of solicitation.

B. It is no defense that the solicitation was unsuccessful and the offense solicited was not committed. It is no defense that the person solicited could not be guilty of the offense solicited, due to insanity, minority, or other lack of criminal responsibility or incapacity. It is no defense that the person solicited was unaware of the criminal nature of the conduct

*solicited. It is no defense that the person solicited is unable to commit the offense solicited because of the lack of capacity, status, or characteristic needed to commit the offense solicited, so long as the person soliciting or the person solicited believes that either or both have such capacity, status, or characteristic.*

**39-13-528. Offense of solicitation of a minor**

*A. It is an offense for a person eighteen (18) years of age or older, by means of oral, written or electronic communication, electronic mail or Internet services, directly or through another, to intentionally command, request, hire, persuade, invite or attempt to induce a person whom the person making the solicitation knows, or should know, is less than eighteen (18) years of age, or solicits a law enforcement officer posing as a minor, and whom the person making the solicitation reasonably believes to be less than eighteen (18) years of age, to engage in conduct that, if completed, would constitute a violation by the soliciting adult of one (1) or more of the following offenses:*

- 1. Rape of a child, pursuant to § 39-13-522;*
- 2. Aggravated rape, pursuant to § 39-13-502;*
- 3. Rape, pursuant to § 39-13-503;*
- 4. Aggravated sexual battery, pursuant to § 39-13-504*
- 5. Sexual battery by an authority figure, pursuant to § 39-13-527;*
- 6. Sexual battery, pursuant to § 39-13-505;*
- 7. Statutory rape, pursuant to § 39-13-506;*
- 8. Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005; or*
- 9. Sexual activity involving a minor, pursuant to § 39-13-529.*

*B. It is no defense that the solicitation was unsuccessful, that the conduct solicited was not engaged in, or that the law enforcement officer could not engage in the solicited offense. It is no defense that the minor solicited was unaware of the criminal nature of the conduct solicited.*

*C. A violation of this section shall constitute an offense one (1) classification lower than the most serious crime solicited, unless the offense solicited was a Class E felony, in which case the offense shall be a Class A misdemeanor.*

*D. A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the person solicited the conduct of a minor located in this state, or solicited a law enforcement officer posing as a minor located within this state.*

**39-13-506. Statutory rape**

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

*B. Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:*

- 1. The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or*
- 2. The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.*

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

D. 1. *Mitigated statutory rape is a Class E felony.*

2. *Statutory rape is a Class E felony.*

3. *Aggravated statutory rape is a Class D felony.*

**39-13-532. Statutory rape by an authority figure**

A. *Statutory rape by an authority figure 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 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 victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or*

4. *The defendant had, at the time of the offense, parental or custodial authority over the victim and used the authority to accomplish the sexual penetration. (b) Statutory rape by an authority figure is a Class C felony and no person who is found guilty of or pleads guilty to the offense shall be eligible for probation pursuant to § 40-35-303 or judicial diversion pursuant to § 40-35-313.*

**39-13-309. Trafficking for sexual servitude**

A. *A person commits the offense of trafficking a person for sexual servitude when that person knowingly subjects or maintains another in sexual servitude or knowingly recruits, entices, harbors, transports, provides or obtains by any means another person for the purpose of sexual servitude.*

B. *Trafficking for sexual servitude is a Class B felony.*

**39-6-1137. Use of Minors for Obscene Purposes**

A. *It shall be a felony, punishable by imprisonment for not less than three (3) years nor more than twenty-one (21) years and a fine of not more than ten thousand dollars (\$10,000), for any person:*

1. *To knowingly promote, employ, use or permit a minor to engage in or assist others to engage in:*

a. *Posing or modeling alone or with others in any performance of sexual conduct for purposes of preparing a film, photograph, negative, slide or motion picture or other matter which is obscene;*

b. *Sexual conduct by the minor alone or with other persons or animals; or*

c. *Promoting any matter which depicts any minor posing alone or with others in any sexual performance which is obscene.*

2. *Who, with knowledge that a person is a minor, or who, while in possession of such facts that he or she shall reasonably know that such person is a minor, hires, employs, solicits, entices, or uses a minor to do or assist in doing any of the acts described in subdivision (1) of this subsection.*

B. *As used in this section:*

1. *Community* as used herein means the State of Tennessee;
2. *Knowingly* as used above means having actual or constructive knowledge of the subject matter. A person shall be deemed to have constructive knowledge of the contents if he has knowledge of facts which would put a reasonable and prudent man on notice as to the suspect nature of the material;
3. *Matter* means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture film, or other pictorial representation, or any statue, figure, device, theatrical production or live performance, or any recording, transcription, or mechanical, chemical or electrical reproduction, or any other article, equipment, machine or material that is obscene as defined by 39-6-1101—39.6.117;
4. *Minor* means any person who has not reached the age of eighteen (18) years;
5. *Person* as used in this section shall include the singular and the plural and shall mean and include any individual, firm, partnership, copartnership, association, corporation, or other organization or other legal entity, or any agent or servant thereof;
6. *Promote* shall mean to produce, direct, manufacture, issue, sell, lend, mail, publish, exhibit or advertise;
7. *Prurient interest* means a shameful or morbid interest in sex;
8. *Obscene* means:
  - a. That the average person applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest;
  - b. That the work depicts or describes, in a patently offensive way, sexual conduct; and
  - c. That the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
9. *Sexual conduct* as used in this section shall include but not be limited to sexual intercourse; sodomy; sexual bestiality; masturbation; sado-masochistic abuse; excretion; or the exhibition of the male or female genitals.

**Sexual Misconduct:** Sexual misconduct is a general term that incorporates a range of behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Much sexual misconduct includes nonconsensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently severe or pervasive to constitute sexual harassment can constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct. Both men and women are protected from sexual misconduct, and sexual misconduct is prohibited regardless of the sex of the harasser.

**Sexual Misconduct Review Panel (SMRP):** The Sexual Misconduct Review Panel is the committee convened at the conclusion of an investigation to review the final report, determine a finding, and if required, determine a sanction. See “Sexual Misconduct Investigation” below for a description of the composition of this panel.

**Stalking: According to TN Code 39-17-315,**

*a. 4. Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.*

*b. 1. A person commits an offense who intentionally engages in stalking. 2. Stalking is a Class A misdemeanor. 3. Stalking is a Class E felony if the defendant, at the time of the offense, was required to or was registered with the Tennessee bureau of investigation as a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in § 40-39-202.*

**Threat:** Threat in an assault instance is defined as placing an unwilling participant in fear that he/she or any other individual will suffer imminent physical, emotional, or social injury if engaging in a sexual act does not occur.

**Unconsented contact:** According to TN Code 39-17-315 unconsented contact means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- A. Following or appearing within the sight of that person;
- B. Approaching or confronting that person in a public place or on private property;
- C. Appearing at that person's workplace or residence;
- D. Entering onto or remaining on property owned, leased, or occupied by that person;
- E. Contacting that person by telephone;
- F. Sending mail or electronic communications to that person; or
- G. Placing an object on, or delivering an object to, property owned, leased, or occupied by that person.

**Vice President for Student Development (VPSD):** Student sexual misconduct falls under the VPSD's purview as it is this office's role as Dean of Students that oversees all alleged student violations of Southern's code of conduct. More specifically, the VPSD's role in sexual misconduct adjudication is to listen to appeals of any sanctions the SMRP may or may not have issued to a Respondent. This process is described in more detail below.

**Voyeurism:** The act of spying or eavesdropping on another person for sexual gratification, including photographing or videotaping that person, is a form of sexual misconduct and is punishable by up to six months in jail.

4. **Confidentiality** - The law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional or religious advisor. The medical, mental health, and religious professionals at Southern respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have a responsibility to report, however, when they perceive an immediate and/or serious threat to any person or property. In addition, medical and

mental health professionals are required by law to report any allegation of sexual assault of a person under the age of 18.

General inquiries to university officials about policies or procedures other than those identified above may remain private. In all cases, Southern endeavors to protect the privacy of individuals to the extent it can do so consistent with its obligations to uphold relevant policies and to protect the safety of the community. However, the university has an obligation to investigate complaints of sexual misconduct and/or harassment and to take reasonable steps to prevent sexual misconduct or ongoing harassment (see below). Therefore, strict confidentiality may not be guaranteed.

If a Complainant insists that his or her name or other identifiable information not be revealed, Southern evaluates the request in the context of its responsibility to prove a safe and nondiscriminatory environment for all students, staff, and faculty. Thus, Southern may weigh the request for confidentiality against the following factors: the seriousness of the alleged conduct, the presence of other sexual misconduct or sexual harassment complaints about the same individual, and the extent of any threat to the university community.

Southern is also part of a larger community and context. If there is an independent investigation or lawsuit related to a sexual misconduct, harassment, or retaliation matter, Southern officials, those involved in the investigation, or others may be required by law to provide documents, investigation reports and related materials, and findings and sanctions issued under this policy.

Before a complainant discloses information he or she wants to keep confidential, the university is obligated to inform the complainant of its duty to report sexual misconduct to the Title IX Coordinator or other designated administrator. Students who are not sure they want the incident reported should meet with a confidential resource, such as a licensed or pastoral counselor, or other professional who has a duty to keep those communications confidential.

If a complainant discloses information but requests confidentiality or asks that no action be taken, the university is obligated to inform him or her that the request will be honored to the extent that confidentiality does not limit the institution's ability to respond to the incident. That is, if an investigation and response is necessary to ensure a safe campus environment for all students, including the complainant, maintaining the victim's confidentiality may not be possible.

In those situations, where a response is required, information is shared on a need-to-know basis and victims' names are not included in crime statistics or other publicly-available documents unless required by law. Victims may request that directory information on file with the University be withheld by request with the Records and Advisement Office.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By sharing only personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

## 5. Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Misconduct, or Stalking Occurs

### Seeking Medical Treatment

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at the University Health Services at 46876 University Drive. If the incident occurs after its closing hours, victims should go to the one of the emergency rooms of the hospitals listed in Appendix D. In Tennessee, evidence may be collected even if you choose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

### Involvement of Law Enforcement and Campus Authorities

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, Campus Safety will assist any victim with notifying law enforcement if the victim so desires. The Collegedale Police Department may also be reached directly by calling 423-396-3133 or in person at 4910 Swinyar Drive. Additional information about the Collegedale Police Department may be found online at <http://www.collegedaletn.gov/index.aspx?nid=181>.

**A. In General:** The body of this document thus far applies to all students, faculty and staff of Southern. Because Southern's process for hearing and adjudicating complaints of student sexual misconduct is different from those involving staff and faculty, the following procedural information is divided into separate sections addressing the procedural processes for alleged cases of student sexual misconduct and of employee sexual misconduct.

All Southern students, faculty, and staff have the right to pursue sexual misconduct complaints beyond the university and are encouraged to use local, state, or federal enforcement agencies, including Southern's Campus Safety, regardless of whether they choose to file a complaint on campus. See contact information in Appendix A.

Southern does not wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolve complaints under this policy. The university does, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the university may need to delay an investigation temporarily while law enforcement is in the process of gathering evidence. Once law enforcement has compiled its evidence, the university promptly resumes and completes its investigation. The university may also take interim measures to ensure the safety and well-being of the Complainant and the school community while law enforcement gathers evidence.

**B. Complaints:** All Southern students who have reasonable cause to believe that they themselves are the victims of sexual misconduct or who believe that they have been subjected to retaliation for having brought or supported a complaint of sexual misconduct against a student are encouraged to bring that information to the immediate attention of the Title IX Designee for students. Third-party complaints, that is, complaints by parties who are not directly affected by the sexual misconduct, may bring a complaint on behalf of alleged victims of sexual misconduct. A complaint may be brought verbally or in writing and ultimately needs to be recorded in written form by the Complainant or member of staff involved with the investigation.

All students may file a complaint of sexual misconduct against a faculty or staff member by following the same procedures outlined below.

All faculty and staff who learn of an incident or conduct that appears to be prohibited by this policy must report this information to Southern's associate vice president for Human Resources (see Appendix A for contact information), unless their status as confidential resources precludes this disclosure. Confidential resources include the staff of the counseling services, the Chaplain and Assistant Chaplain in Campus Ministries, and other medical, counseling, support, or religious personnel and volunteers who are required by law to maintain confidentiality.

## Procedures for Students

### Rights of Complainants

Individuals whose complaints of sexual misconduct are being investigated by the university can anticipate that:

- They will be treated with sensitivity, dignity, and respect in an unbiased manner by all involved administrators, Investigators, and adjudicators.
- They will be informed in writing that their complaint of sexual misconduct is being investigated and of any other suspected related policy violations being explored through this investigation.
- They will be advised of Southern's Sexual Misconduct Policy and procedures.
- They will be afforded similar rights and opportunities as the Respondent throughout the investigation and adjudication process.

- As the investigation proceeds, they will be given the opportunity to present verbal and written documentation to the Investigator, as well as provide information on witnesses of the incident(s).
- The investigation will be a fact-finding inquiry that may be handled through personal interviews, telephone interviews, written documentation, or in whatever method the Investigator believes is most appropriate.
- They will be given reasonable status updates throughout the investigation and adjudication process.
- They may access Southern and/or external resources for medical and counseling services at any time.
- They may choose to pursue a formal complaint with external law enforcement authorities or other federal or state agencies at any time. Southern will assist the student in making contact with the authorities if the student chooses to do so. Notifying the authorities is at the student's discretion and can occur whether or not the student chooses to continue a complaint of a violation of this policy with Southern.
- They may invite one Southern student, faculty, staff member, friend, or relative to accompany them as an advisor to meetings with Investigators or Sexual Misconduct Review Panel.
- They may submit one letter of character reference for consideration by the Sexual Misconduct Review Panel.
- In the event of a finding of guilt, they may submit an Impact Statement.
- They will be informed in writing, concurrently with the Respondent, of the finding issued by the Sexual Misconduct Review Panel, as well as the outcome of an appeal, to the extent permitted by law.
- They will have the right to appeal the outcome based on the grounds designated in this policy, provided they have participated in the investigation process.
- They may retain legal counsel at any time, and legal counsel may play the role of advisor as noted above; however, legal counsel is not permitted to participate in Southern's investigation and adjudication process. Attorneys who wish to communicate about a case will be directed to the university's legal counsel.

### **Rights of the Respondents**

Individuals responding to complaints of sexual misconduct can anticipate that:

- They will be treated with sensitivity, dignity, and respect and in an unbiased manner by all involved administrators, Investigators, and adjudicators.
- They will be informed in writing that their complaint of sexual misconduct is being investigated and of any other suspected related policy violations being explored through this investigation.
- They will be advised of Southern's Sexual Misconduct Policy and procedures.
- They will be afforded similar rights and opportunities as the Complainant throughout the investigation and adjudication process.
- As the investigation proceeds, they will be given the opportunity to present verbal and written documentation to the Investigator, as well as provide information on witnesses of the incident(s).

- The investigation will be a fact-finding inquiry that may be handled through personal interviews, telephone interviews, written documentation, or in whatever method the Investigator believes is most appropriate.
- They will be given reasonable status updates throughout the investigation and adjudication process.
- They may access Southern and/or external resources for medical and counseling services at any time.
- They may choose to pursue a formal complaint with external law enforcement authorities or other federal or state agencies at any time. Southern will assist the student in making contact with the authorities if the student chooses to do so. Notifying the authorities is at the student's discretion and can occur whether or not the student chooses to continue a complaint of a violation of this policy with Southern.
- They may invite one Southern student, faculty, staff member, friend, or relative to accompany them as an advisor to meetings with Investigators or Sexual Misconduct Review Panel.
- They may submit one letter of character reference for consideration by the Sexual Misconduct Review Panel.
- In the event of a finding of guilt, they may submit an Impact Statement.
- They will be informed in writing, concurrently with the Complainant, of the finding issued by the Sexual Misconduct Review Panel, as well as the outcome of an appeal, to the extent permitted by law.
- They will have the right to appeal the outcome based on the grounds designated in this policy, provided they have participated in the investigation process.
- They may retain legal counsel at any time, and legal counsel may play the role of advisor as noted above; however, legal counsel is not permitted to participate in Southern's investigation and adjudication process. Attorneys who wish to communicate about a case will be directed to the university's legal counsel.

### **Complaint Receipt and Review**

When the disciplinary process is used to resolve a complaint of sexual violence, both the accused and complainant are treated equally regarding:

- presenting witnesses and other evidence
- having an advisor or others present during the hearing or any meetings
- receiving written notification of the outcome, any sanction imposed, and how to appeal the decision

Hearing officials must receive annual training on: - sexual misconduct issues - impartial hearings that protect the rights of both parties

Consistent with [Title IX standards](#), decisions in conduct proceedings are based on the "preponderance of evidence" standard, which requires evidence showing that it is more likely than not that the accused is responsible.

The range of sanctions for sexual misconduct includes a warning, probation, suspension, or expulsion, but other remedies may be necessary to address the effects of sexual misconduct on the complainant and the campus community.

A complaint of sexual misconduct or retaliation brought against a student should be submitted to the DSLA. Upon receiving the complaint, or at any point during the investigation and review process, the DSLA and AVPHR may consult to determine if a complaint of sexual misconduct also contains allegations that, if proven, could constitute other forms of sexual harassment. Consultation between the DSLA and the AVPRH may include a review of available information, including but not limited to, Campus Safety reports and/or statements provided by the Respondent or other relevant witnesses.

In cases in which the DSLA, or the DSLA in consultation with the DRM, believes that the allegations, if proven, would not constitute sexual misconduct or harassment, the Complainant is advised of other judicial and support options, and no further sexual misconduct or harassment investigation is pursued. If a Complainant subsequently provides new information, this decision may be reevaluated.

In cases in which there is a basis to believe that sexual misconduct, but not other forms of sexual harassment, may have occurred, the procedures outlined below are followed.

In cases in which there is a basis to believe that sexual misconduct and other forms of sexual harassment may have occurred, the DSLA and the DRM conduct an investigation as outlined below.

Reasonable accommodations are provided for persons with disabilities who need assistance filing or pursuing a complaint of sexual misconduct or retaliation, upon request.

## **Sexual Misconduct Investigation**

### **Investigation Overview**

1. The DSLA informs the Respondent in writing that a complaint of sexual misconduct has been filed against him or her and is being investigated.
2. Should a Respondent who has been notified of an investigation fail to cooperate with the Investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available.
3. A no-contact order is normally issued to restrict contact and communication between the Complainant and Respondent for the duration of the investigation. In addition, other preventative measures, such as room changes or class changes, or in particularly serious cases, temporary removal of a student from campus, may be taken.
4. If prior to or during the investigation the university becomes aware that additional university policies may have been violated, the Respondent is notified in writing, and these too are investigated and resolved through this process. While not condoning infractions of any kind, the university considers reporting incidents of sexual misconduct to be of paramount importance. Therefore, to encourage reporting, the university may, where appropriate, offer leniency with respect to other policy violations. The nature and scope of the leniency depends on the particular circumstances involved.

5. The university may choose to discontinue an investigation as long as discontinuation keeps the university in compliance with Title IX directives. The Complainant may request that an investigation be discontinued, but when compelling evidence suggests significant individual or community safety will be compromised by discontinuation, the university will choose to continue the investigation without the cooperation of the Complainant.

### **Investigation**

1. The DSLA appoints an Investigator. The investigation is conducted as promptly and equitably as possible without compromising thoroughness. The Investigator is expected to a) conduct the investigation in a thorough, impartial, and expeditious manner; b) make all findings in a fair and objective manner; and c) submit a written investigation report to the DSLA in a timely manner. In his or her role as information gatherer, the Investigator is authorized to contact any and all individuals that will allow for a thorough report to be submitted; however, the university also recognizes the legally protected rights of this university's counselors and clergy to withhold certain information as a result of the confidential discussions with students.

2. The Respondent and the Complainant may each elect to have as an advisor a Southern student, faculty, staff member, relative, friend, or lawyer present with them at all phases of the investigation process. This individual may not play any other role in the investigative process (e.g., may not also be a witness or serve as legal counsel), and may only speak or otherwise represent the Complainant or Respondent at the discretion of the DSLA, Investigator, or the SMRP.

3. The Complainant and Respondent is asked to identify all relevant evidence they would like the Investigator to review, as well as witnesses they would like the Investigator to interview. Both students may provide, if they wish, a list of questions they would like the Investigator to ask of particular witnesses or of each other. The Investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties, nor to ask questions provided by either party. However, in determining whether to interview witnesses or review evidence, the Investigator considers such factors as equity, fairness, thoroughness, and impartial treatment of both parties.

4. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They are expected to sign statements, or other documents, memorializing the information they provided, and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the Investigator may subject the witness to disciplinary actions.

5. Formal, legal rules of evidence do not apply in university disciplinary proceedings. The DSLA makes rulings on evidentiary or procedural questions related to the investigation and adjudication process.

6. At the conclusion of the investigation, the Investigator shares all relevant materials with the Complainant and the Respondent. Both have an opportunity to respond to this information in writing within seven days.

7. The deadline for the receipt of the Complainant's and Respondent's written responses is also the deadline for receipt by the Investigator of the character reference letters for each party. Guidelines for character references are provided by the DSLA.

8. If at any stage following the submission of these responses new relevant evidence is gathered, it is shared with the Complainant and Respondent, who has an opportunity to submit a written response within a time frame determined by the DSLA.

9. When the final responses, if any, from the Complainant and Respondent have been received, the DSLA shares each student's response with the other student.

10. The Investigator submits a final report to the DSLA. The final report includes all investigation materials, the Complainant and Respondent responses, both students' character references, and the Investigator's conclusions regarding potential violations of the university's sexual misconduct policy and any other policies. (The conclusions are based on the standard of preponderance of evidence, i.e., whether it is more likely than not that the policy was violated. The Investigator's rationale for his or her conclusions is also part of his or her report).

11. Upon receipt of the Investigator's final report, the DSLA reviews the report and determines whether the findings are sufficient for convening the SMRP.

12. If the DSLA determines that a sanction of withdrawal or expulsion is possible, she informs the vice president for Student Development that he will chair the panel proceedings as a non-voting participant for as per Southern policy the Dean of Students is involved in all behavioral proceedings that may involve separation from the university.

### **Sexual Misconduct Review Panel (SMRP)**

1. As defined by the Employee Handbook, the Sexual Misconduct Review Panel is a University-Senate-appointed, eight-person board chosen from the full-time faculty and staff of the university. It reports to the vice president of Student Development. Members of this panel serve staggered, non-renewable two-year terms (eligible for another term after a one-year hiatus). The Senate is required to appoint four males and four females. It makes every effort to mirror the diversity of Southern's campus in the makeup of this panel. Excluded from consideration in serving on this panel are members of the Chaplain's Office and the Residence Hall staff because of their roles as potential counselors and/or advocates. Members of this panel receive training in the adjudication process, using Title IX and sexual assault training resources approved by Tennessee Independent Colleges and University Association (TICUA).

2. Upon receipt of the report, if the DSLA deems it appropriate to convene the Sexual Misconduct Review Panel, three of the possible eight members adjudicate a case. One of the three members serves as chair. If the Title IX Coordinator determines that a sanction of dismissal is a possibility, the Dean of Students, who is involved in all student judicial hearings that may conclude with a sanction of dismissal, serves as chair but in a non-voting capacity. The University makes a reasonable effort to ensure that at least one of the three members is of the opposite gender of the other two and that it represents the diversity of the membership. The administrative assistant for Student Development serves solely as recording secretary.

3. The Panel is provided with the Investigator's complete report and both the Complainant's and Respondent's Impact Statements. The panel is not bound by the investigation report; rather, the report is advisory to the panel. The panel may accept or reject the Investigator's conclusions in whole or in part and may request additional information before making a final determination. This additional information is provided to the Panel only after the DSLA, in consultation with the DRM, determines the relevancy of the requested information to the current case. The panel may consult with other persons but, again, only after consulting the DSLA.

4. The Complainant and Respondent may choose to meet individually with the Panel prior to the Panel's finding. Both the Complainant and the Respondent are not obligated to meet with the Panel, however. If the one or both parties chooses not to meet with the SMRP, the Panel uses the documents supplied by the DSLA to determine its conclusions. Guidelines for this meeting are provided by the DSLA.

### Findings and Sanctions

1. The Panel issues a finding regarding whether Southern's policy has been violated, using the same standard the Investigator uses, the preponderance of evidence. The panel does not need to be unanimous in its determination that a policy has been violated in order to determine sanctions; in other words, a simple two-to-one vote is sufficient in determining violation.

If the Panel determines that no Southern policies have been violated, the Panel chairperson informs in writing the DSLA, who then notifies in writing the Complainant and Respondent of the findings. This notification of the two parties occurs concurrently.

No record of the complaint or the outcome is placed in the permanent file of the Respondent. The Investigator's report and the Panel's conclusions are maintained in a separate, general investigation file for the following reasons: a. as proof that university action was taken in the case; b. as potential, relevant material (see SMRP 3 above for more on relevancy) in any subsequent, substantiated sexual misconduct; c. or, in the present case, should retaliation occur against the Complainant.

Complainants may appeal this outcome (See Appeals below). Non-disciplinary outcomes, such as extending and modifying No Contact Orders, may be imposed regardless of the finding.

2. If the Panel determines that the Respondent has violated the university's Sexual Misconduct Policy, it then determines a sanction. Prior conduct and judicial history may be taken into account in determining sanctions. The panel may consider only those sanctions listed in this policy. However, the Panel may extend or modify any no-contact orders that have been in place since prior and during the adjudication process.

In determining the appropriate sanction(s), the Panel considers a number of factors, including:

- the nature of the conduct at issue, including whether it involved violence;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the Southern community;
- any relevant conduct violations by the Respondent, both at Southern or elsewhere, as well as any criminal convictions;
- the Respondent's level of accepted responsibility for the conduct;
- the maintenance of a safe and respectful environment conducive to learning;
- any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

3. When the Panel has determined the sanctions, if any, the Panel chairperson informs in writing the DSLA, who then notifies in writing the Complainant and Respondent of the findings.

4. If the Complainant or the Respondent is not satisfied with the determinations of the adjudication process, either or both of the parties may appeal the results (Appeal process described below).

5. Upon resolution of the investigation, adjudication, and appeal, a final report that includes, but is not limited to, observations on credibility, factual findings, and remedial actions, is compiled and then filed in the Office of the DSLA in a location that is separate from other student records.

**If the Sexual Misconduct Review Panel determines that the Respondent must be sanctioned, sanctions may include:**

- **Warning** – the 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 Panel determines that the misconduct is not substantial enough to warrant separating the Respondent from the campus but feels the action warrants more than a warning.

- **Short-term Suspension** – the Panel determines that the Respondent must leave campus for a short period (3-5 days).

- **Long-term Suspension** – the Panel determines that the 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.

- **Withdrawal** – if the Panel chooses this option at the end of a semester or summer session, it has the option of also recommending the student be allowed to complete course work for that semester or session if the student's conduct has been acceptable during the period of investigation and adjudication.

- **Immediate Withdrawal** – the Panel determines that a student move away from the university community; unwillingness to do so may result in formal dismissal.

- **Dismissal** – the Panel determines that immediate separation between the student and the university community and that the student be banned from university properties. The student is not eligible for re-admission.

All Respondents who have received a sanction of suspension or withdrawal must be evaluated by a professional counselor (the counselor must be approved by the university's Counseling Services) to determine the Respondent's potential threat to the campus. The counselor's assessment will be used to determine re-admission if the Respondent chooses to reapply to Southern upon the conclusion of the stipulated length of separation from the university community.

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

Respondents who have received a sanction of withdrawal or expulsion are also banned from all properties owned by the university, including Fleming Plaza, the church grounds, all ball fields, the Biology and Bauxite Mountain Trails, and the Student Park.

**Time Frames for the Investigation and Finding by the Sexual Misconduct Review Panel**

All sexual misconduct investigations are conducted as promptly and equitably as possible without compromising thoroughness and rights of both the Complainant and the Respondent. Absent extenuating circumstances, the university's investigation of a sexual misconduct complaint ordinarily is completed within 60 days from the time a formal complaint is made. This time period may be shorter or longer depending on the circumstances, including, but not limited to, the complexity of the case and the availability of witnesses. If the Complainant or Respondent would like to request an extension of this time frame, a request for extension with a description of the reasons for the request should be directed to the DSLA. The DSLA makes a decision on the appropriateness and extent of any extension (after notice to the other party), and informs the Complainant, the Respondent, and any other individual who needs to know of that decision. The DSLA may also decide to extend this general 45-day time frame because of other extenuating circumstances. The DSLA informs the Complainant, the Respondent and any other individual who needs to know of any such decision.

Absent extenuating circumstances, the Sexual Misconduct Review Panel issues a finding regarding whether Southern policy has been violated within 15 days after receipt of the Investigator's complete report. The 15-day period may be extended if the Panel determines that further information or investigation is needed.

### **Appeals**

The Complainant and Respondent each have the right to appeal the decision, and or sanctions of the Sexual Misconduct Review Panel. The purpose of an appeal is to review the adjudication process.

### **Grounds**

Appeals are accepted on the basis of one or more of the following:

- discovery of significant new factual material not available to the SMRP that could have affected the original outcome; however, information that was deliberately omitted by the appealing party does not support an appeal;
- procedural error when the error prevented fairness;
- abuse of discretion in the issuance of a sanction, meaning that the SMRP imposed a sanction significantly disproportionate to the offense.

The right of appeal is available only to a Respondent or Complainant who participated in the investigative process. An appeal must be made in writing to the Dean of Students or designee within five business days of receipt of written notification of the findings of the SMRP. The appeal must include the grounds for appeal and an outline of supporting evidence.

### **Procedures**

The Dean of Students invites an informational response to the appeal from both appealing and non-appealing parties, who must respond within five business days of the invitation. The Dean of Students may request assistance from the original Investigator, a new Investigator, or any other relevant individual, as necessary.

The Dean of Students may deny the appeal, or if any of the appeal grounds have been met, may:

- return the case to the original SMRP for reconsideration; or

- convene a new SMRP to review the case, which ordinarily occurs when the original outcome was deemed to be based upon an abuse of discretion.

It is the responsibility of the Dean of Students to determine which aspects of the case merit a new review, and the parameters of the review, and to direct the DSLA accordingly. Absent extenuating circumstances, the Dean of Students notifies the Complainant and Respondent of the determination concurrently in writing within 30 days, and notifies the DSLA in writing of instructions for any further action.

Except in cases in which the sanction is dismissal, all decisions by the Dean of Students are final. In cases of dismissal, the Respondent may submit a final appeal to the president of Southern within five business days of written notification of the appeal outcome. The Complainant may submit a response to the Respondent's final appeal within five business days thereafter. The president may reduce the sanction, if warranted, after the consultation with the VPSS and a representative of the SMRP. Absent extenuating circumstances, the president concurrently informs the parties of the final decision in writing within 30 days of receiving the appeal and Complainant's response. When the Dean of Students must serve as chair of the SMRP, appeals are heard by the president of Southern or his designee.

#### **D. Procedures for Faculty and Staff**

The following information is taken from the Employee Handbook, section 2020, whose focus is harassment of employees and students and deals with all forms of harassment, including harassment based on race, color, religion, sex, national origin, age, or disability. Therefore, some wording has been changed to fit the more narrow scope of this policy.

##### **1. Individual Responsibilities:**

- a. All employees are expected to refrain from all forms of harassment at all times.
- b. While the university encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome and should be stopped immediately, the university also recognizes that power and status disparities between an alleged harasser and an employee or student may make such confrontation ineffective, futile, or impossible. In the event that direct, informal communication between individuals is ineffective, futile, or impossible, then the individual who believes that he or she has been the victim of harassment should report the conduct to:
  1. The employee's supervisor; or
  2. The department director; or
  3. Human Resources director.

Incidents of suspected harassment should be reported as soon as possible, preferably within 48 hours, so that a prompt investigation can be undertaken by the university. If the complaint involves a direct supervisor, the employee should go directly to the department manager or Human Resources director. The initial report should be followed by a written statement describing the incident and identifying potential witnesses. Employees who are aware of incidents of potential workplace harassment toward others are to report such incidents to their department director or Human Resources director.

## 2. Supervisor Responsibilities:

Supervisors who observe harassing conduct should advise the offending individual to stop immediately, explaining what the conduct is and how it is offensive. They should document the occurrence and notify the Human Resources director. If a supervisor is uncertain as to whether observed conduct is prohibited harassment, the supervisor should contact the Human Resources director for assistance in deciding whether to take action.

Supervisors who receive from an employee or student a report of what appears to be sexual harassment should promptly notify the Human Resources director and request that the employee or student document the complaint in writing.

3. The Human Resources director will thoroughly and objectively investigate all reported allegations of harassment. In determining whether the alleged conduct occurred and, if it did, whether it constitutes harassment in violation of this policy, the university will examine the totality of the circumstances. A determination regarding the violation of this policy will be made from the facts of a particular situation, on a case-by-case basis. The Human Resources director may enlist the assistance of outside resources in conducting the investigation and in making the determination.

4. Upon a determination by the Human Resources director that the reported conduct occurred and that it constituted harassment in violation of this policy, the university will take appropriate corrective action(s) against the offending employee such as:

- a. Written warning;
- b. Referral to counseling;
- c. Probation, with a warning of suspension or termination for continuing or recurring offenses;
- d. Suspension with or without pay; and/or
- e. Termination.

5. The university will keep all information obtained in connection with a report or investigation of alleged harassment confidential; however, the Human Resources director may disclose information to those individuals inside and outside the university whom they reasonably believe have a need to know the information in connection with the investigation, correction, or prevention of harassment in the workplace.

6. While the university urges individuals to report harassment, unfounded allegations can irreparably harm an employee's reputation and limit his/her ability to fulfill job responsibilities. Employees or students who bring malicious, spiteful, or false allegations of harassment will be subject to disciplinary action.

## E. Rights of the Employee

Southern employees responding to complaints of sexual misconduct can anticipate that:

- They will be treated with sensitivity, dignity, and respect in an unbiased manner by all involved administrators, Investigators, and adjudicators.

- They will be informed in writing that their complaint of sexual misconduct is being investigated and of any other suspected related policy violations being explored through this investigation.
- They will be advised of Southern's Sexual Misconduct Policy and procedures.
- They will be afforded similar rights and opportunities as the Complainant throughout the investigation and adjudication process.
- As the investigation proceeds, they will be given the opportunity to present verbal and written documentation to the Investigator, as well as provide information on witnesses of the incident(s).
- The investigation will be a fact-finding inquiry that may be handled through personal interviews, telephone interviews, written documentation, or in whatever method the Investigator believes is most appropriate.
- They will be given periodic status updates throughout the investigation and adjudication process.
- Their use of medical and counseling services at any time during the whole grievance process will be reimbursed as per Southern's medical benefits policy.
- They may invite one faculty, staff member, friend, or relative to accompany them as an advisor to meetings with Investigators.
- They may submit one letter of character reference for consideration by the Grievance Committee.
- In the event of a finding of guilt, they may submit an Impact Statement.
- They will be informed in writing, concurrently with the Complainant, of the finding issued by the Grievance Committee, as well as the outcome of an appeal.
- They will have the right to appeal the outcome based on the grounds designated in this policy, provided they have participated in the investigation process.
- They may retain legal counsel at any time, and legal counsel may play the role of advisor as noted above; however, legal counsel is not permitted to participate in Southern's investigation and adjudication process. Attorneys who wish to communicate about a case will be directed to the university's legal counsel.

### **Grievance Procedure**

The following grievance procedure is taken from the Employee Handbook, section 4040.

It is available to salaried staff members who believe that their treatment at Southern Adventist University has not been in accordance with the written policies of the University or its representatives. This procedure is also one of the methods by which concerns of harassment on account of race, color, sex, age, ethnicity or disability or sexual misconduct may be presented to the university.

### **Membership of the Grievance Committee**

The membership of the grievance committee shall consist of the following members whose terms shall last two years. Committee members may serve a maximum of two consecutive terms. Members shall be elected on a staggered terms basis to provide some continuity of understanding and approach.

1. Chair, elected by the University Senate from faculty or salaried staff to 5-year renewable terms
2. Three faculty members, elected by the University Senate
3. One alternate faculty member, elected by the University Senate
4. Three staff members, elected by the University Senate.
5. One alternate staff member, elected by the University Senate

The Human Resources director of the university shall be, ex officio, the non-voting secretary of the Grievance Committee.

The Grievance Committee shall be empowered to replace such members as may excuse themselves from involvement in a particular grievance due to any conflict of interest, up to a maximum of two from each category (faculty, salaried staff). In selecting replacement members, the committee shall avoid choosing individuals with any known reason for bias regarding the case at hand. In no case shall the committee function with fewer than five members, specifically including the chair. In the event that the chair shall not be able to serve due to conflict of interest, he/she will be replaced for the purposes of the particular case in hand by an individual appointed by the Executive Committee of the University Senate.

Upon appointment or election, each committee member must sign a confidentiality statement. The signing of such a statement shall be understood to preclude discussion of the case outside of committee meetings, except as individual members of the committee may be directed to conduct necessary investigations. As a precaution, all personal notes taken during the meetings are to be left in the custody of the secretary of the committee between meetings.

At the end of the grievance process, all pertinent materials, including the written grievance, written responses to the Grievance, Committee members' personal notes, and records of committee procedures and actions shall be kept in the grievant's personnel file in the Office of Human Resources for no less than three years after the conclusion of the grievance process or for the duration of employment. The file containing these materials shall be sealed, and shall have the name of the grievant and of the individual who chaired the committee through the process on the outside.

### **Jurisdiction**

The Grievance Committee shall have jurisdiction over matters including, but not limited to age, race, gender discrimination, color, national origin, handicap/disability, harassment, sexual misconduct, termination of employment, and non-renewal of employment agreement. In no case shall a grievance petition be entertained by the committee, until appropriate lesser forms of redress have been thoroughly explored, as follows:

1. The grievant may discuss directly with the respondent the allegations of the grievance and work with the respondent to resolve any concerns.

2. If the action suggested in paragraph 1 is unsuccessful, ill-advised, or otherwise inappropriate, the grievant is encouraged to first discuss his/her concerns with the supervisor or department chair or school dean who is responsible for taking appropriate action. If the grievance directly involves the supervisor, the grievant may go to the vice president having jurisdiction, at which point, if possible, the matter may be concluded by mutual consent. If a grievance directly involves an individual at the level of vice president, the grievant should bring the matter to the attention of the president.

3. If there is no mutually satisfactory resolution at an earlier stage, or if the grievant does not wish to bring the matter directly to the chair, dean, or supervisor, the grievant may contact the chair of the university Grievance Committee to seek resolution, as in paragraph 4 below.

4. If the matter is informally resolved at any point after the Grievance Committee has become involved, the grievant shall send written notice to the Grievance Committee that no further university action is needed or desired. In such event, the chair of the Grievance Committee shall place records pertaining to the grievance and its informal resolution in the Office of Human Resources, to be kept unsealed for a minimum of three years.

5. If the grievance is not resolved by any of the means described above, the grievant shall file a written grievance with the Grievance Committee after termination of the informal process. Should the chair be temporarily unavailable, the grievance shall be presented to the Human Resources director of the university. The written grievance should include a clear description of the problem, a description of efforts at reconciliation already undertaken, supporting evidence and documentation, and a statement of the remedy, or remedies, sought by the grievant.

The Grievance Committee chair shall, within 5 working days of receiving the written grievance, schedule a meeting of the Grievance Committee. The Grievance Committee shall meet within 20 days from the time the grievance was delivered to the chair. At the first session of the Grievance Committee, the committee shall make an initial determination concerning the following:

Whether a prima facie grievance, in fact, exists.

- a. Whether all lesser avenues of remedy have been appropriately explored.
- b. Whether additional written documentation or information is needed.
- c. Whether any persons not on the committee will be requested to attend future meetings.

If the Grievance Committee determines that a prima facie grievance does not exist, it shall notify the president, in writing, of that determination. The written letter shall also specify the reasons that the committee reached that determination. The president will notify the grievant of that decision.

If the committee's determination favors the president, he shall be free to implement his original intent and he shall so notify the grievant in writing within 5 working days of receiving the committee's report. If the committee's determination favors the grievant, the president shall meet in a timely manner with the entire Grievance Committee in an effort to reach consensus regarding the situation. If consensus can be reached, the president shall abide by it. If consensus cannot be reached, the president shall thereafter be free to proceed according to his/her best judgment within 5 working days of the consensus-seeking meeting, the president shall present to the grievant, in writing, the vote of the committee and his/her own final determination. This act shall

mark the conclusion of the grievance procedure, at which point all university avenues of appeal shall be deemed to have been exhausted.

## 6. Communication with Honesty and Integrity

Southern prohibits making a false report or providing false or misleading information in any investigation of alleged violations of Southern's sexual misconduct policy. Because false statements may result in the compromise of a Complainant's or Respondent's rights, failure to provide truthful statements could result in the sanctioning of the guilty parties. Sanctions may range from short-term suspension to expulsion.

## 7. Education and Training

Education programs and training are conducted throughout the academic year to promote the awareness of rape, acquaintance rape, and domestic violence, dating violence, sexual assault, and stalking. The following list enumerates the various settings of these programs:

### Students

- New Student Orientation
- Special programming – Residence Hall Worships, Convocation, awareness weeks with activities
- RAD classes
- Upper Division – SAAP (Sexual Abuse Awareness and Prevention) class

### Employees

- New Employee Orientation
- Special programming – Colloquium, Town Hall Meeting, etc.

## 8. Being an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." Southern wants to promote a culture of community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm. You may not always know what to do even if you want to help. Below is a list of some ways to be an active bystander. Southern occasionally offers bystander training which gives further information regarding bystander intervention. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- a. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- b. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- c. Speak up when someone discusses plans to take sexual advantage of another person.

- d. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- e. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## 9. Risk Reduction

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

- a. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- b. Try to avoid isolated areas. It is more difficult to get help if no one is around.
- c. Walk with purpose. Even if you don't know where you are going, act like you do.
- d. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- e. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- f. Make sure your cell phone is with you and charged and that you have cash money.
- g. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- h. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- i. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- j. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- k. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- l. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- m. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

n. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

o. If you need to get out of an uncomfortable or scary situation here are some things that you can try:

**Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

**Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

**Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make an excuse for you to leave

**Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

p. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

q. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## 10. Policy Access

An online link to this Sexual Misconduct Policy is available at both Southern's Human Resources and Student Development webpages. Printed copies of this policy are also available upon request in the office of the vice president for Student Development and at the residence halls.

## 11. Policy Review

This policy goes through an annual review. Reviews often occur during the academic year. Therefore, the website referenced above should be consulted for any updates or amendments. The amended policy, as published through the university's website, shall supersede wholly any prior versions of the policy.

### Appendix A: Administrative Contacts

#### - Vice President for Student Development

Dennis Negrón

Office of Student Development

Ulmer Student Center

Southern Adventist University

423.236.2813

[negron@southern.edu](mailto:negron@southern.edu)

*- Title IX Coordinator*

Director of Risk Management

Andrew Myaing

Risk Management Office

423.236.2266

[titleix@southern.edu](mailto:titleix@southern.edu)

*- Title IX Deputy (employee related)*

Associate Vice President for Human Resources

Brenda Flores-Lopez

Human Resource office

Southern Adventist University

423.236.2276

[bfloreslopez@southern.edu](mailto:bfloreslopez@southern.edu)

*- Title IX Deputy (student related)*

Pamela Jansen

Evening Reference Librarian

McKee Library

Southern Adventist University

423.236.2393

[pjansen@southern.edu](mailto:pjansen@southern.edu)

## **Appendix B: Other On-campus Resources**

*Campus Safety*

423.236.2100

Campus Safety encourages any student, faculty, or staff member who has been sexually assaulted to report this incident to its office. From a safety and investigatory standpoint, the sooner a sexual assault is reported, the better. Even so, the University strongly encourages reporting at any time victims are ready to do so.

If Complainants report a sexual assault to Campus Safety, after the Complainants' immediate needs have been attended to, they are interviewed by a member of the Campus Safety staff and asked to share their accounts of what took place. This conversation may take place in the offices of the Campus Services Building on Colcord Drive or at another space on campus the Complainants find more comfortable. Complainants may indicate a gender preference of the officer who interviews them. Complainants are asked to write down their report, but the officer may ask them additional questions to make sure all of the important details are recorded. The officer takes notes, and once these notes are typed up, victims are asked to review them for accuracy.

Also, upon receiving a report of sexual assault, Campus Safety alerts the campus and community that a sexual assault has occurred. The warning is general and will not specify names or other identifying information. Reports of sexual assault made to Campus Safety are also reported to the Title IX Coordinator, the Title IX Designee, and the vice president for Students Development. Complainants are also encouraged to report any sexual assault to the Collegedale Police Department; however, reporting a sexual assault to Campus Safety does not commit Complainants to pursuing this avenue.

*- Housing Deans*

Dwight Magers, Dean of Men

423.236.2992

Lisa Hall, Dean of Women

423-236-2900

*- Counseling Services Coordinator*

Liane de Souza

423.236.2782

*- University Health Service*

Candace Wing, Director

423.236-2713

*- Chaplain's Office*

Brennon Kirstein, Chaplain

423.236.2786

**Appendix C: Federal/State/Local Agencies**

*- Collegedale Police Department*

423.468.1866

*- 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

*- Tennessee Department of Health*

921 E. 3rd Street

Chattanooga, TN 37403

423-209-8000

**Appendix D: Other Resources**

*- Alternative Academic and Living Situations*

The University changes a Complainant's academic and/or living situation(s) if changes are requested and are reasonably available. See dean in charge of Housing or Records office for assistance.

*- Partnership for Families, Children, and Adults*

423.755.2700

The Partnership's Rape Crisis Center provides assistance to victims of sexual assault or rape. The Partnership staff provides confidential quality care to victims of sexual assault crimes. The caring and devoted nurses and advocates help victims by attending to physical, emotional, and educational needs of victims of sexual assault.

Nurses can provide forensic examination and other medical screenings to determine if further treatment is recommended. Evidence collected is stored and protected for prosecution. Victims are not required to report to law enforcement prior to receiving services. Nurses can offer medications to help prevent sexually transmitted diseases (infections).

Having evidence collected does not commit victims to filing a complaint with Southern or charges with the police. It allows victims to preserve evidence while they take time to decide if they want to file a report and/or press charges. If they bathe, change clothes, or otherwise alter their physical condition before having evidence collected, then they may be washing away valuable evidence. A lengthy delay in reporting may make evidence more difficult to collect.

All services are confidential and at no cost to the victims.

*- Erlanger Hospital*

423.778.7000

975 East 3rd Street

Chattanooga, TN 37403

*- Memorial North Park Hospital*

423.495.2525

2525 Desales Ave

Chattanooga, TN 37404

*- Parkridge Medical Center*

423-698-6061

2333 McCallie Avenue

Chattanooga, TN 37404

Southern can provide transportation, and it is not necessary to share information with them about the nature of their emergency. Both hospitals' staff offer medical treatment and can collect physical evidence. There may be a Sexual Assault Nurse Examiner available, but this is not guaranteed. Victims may want to call in advance to request that a SANE (Sexual Assault Nurse Examiner) be made available, if possible, before they come in.

***RAINN (Rape, Abuse and Incest National Network): 1-800-656-HOPE, for men as well as women.***

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

Tennessee Statewide Emergency Number

855-CRISIS-1 or 800-704-2651

Volunteer Behavioral Health Care System

413 Spring Street

Chattanooga, TN 37405

**Appendix E: Title IX Coordinator**

Inquiries concerning the application of Title IX may be referred to Southern's Title IX Coordinator or to the United States Department of Education Office for Civil Rights (contact information is listed in Appendix A). The full text of Southern's Nondiscrimination Statement is available at the Student Development and Human Resources pages of Southern's website. Printed copies are also available from the offices of Student Development and Human Resources.

Reasonable accommodations are provided for persons with disabilities who need assistance in reviewing the Sexual Misconduct policies.

The Director of Risk Management serves as the University's Title IX Coordinator for the purposes of coordinating sexual harassment training and education, conducting and/or supervising sexual harassment investigations, and adjudicating sexual harassment complaints on behalf of the University. The Title IX Coordinator may, as necessary, appoint other designees to assure that this policy is carried out.

The Associate Vice President of Human Resources serves as the University's Title IX Deputy for cases involving employees.

The Evening Reference Librarian serves as the University's Title IX Deputy for the purposes of coordinating the University's efforts to comply with and carry out its responsibilities under Title IX.

The Sexual Misconduct Review Panel serves as the Title IX Coordinator's designee for the purposes of determining sanctions, in a case of sexual misconduct.

## 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, [www.southern.edu/campussafety](http://www.southern.edu/campussafety).

### Locations 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

**Sex Offenses, Non-Forcible:** Unlawful, non-f forcible sexual intercourse.

**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:** "Domestic violence" means a felony of 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 2015-2017

*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 PROPERTY, NOT INCLUDING STUDENT HOUSING FACILITIES	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON- NEGLIGENT MANSLAUGHTER	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
RAPE	2015	6	0	6	0	2
	2016	2	0	2	1	3
	2017	2	0	2	0	0
FONDLING	2015	1	1	2	0	1
	2016	0	0	0	0	0
	2017	1	0	1	0	0
INCEST	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
STATUTORY RAPE	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
ROBBERY	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
AGGRAVATED ASSAULT	2015	0	0	0	0	0
	2016	2	0	2	0	0
	2017	0	0	0	0	0
BURGLARY	2015	1	2	3	0	0
	2016	0	2	2	0	0
	2017	0	2	2	0	0

CRIMINAL OFFENSE (CONTINUED)	YEAR	ON-CAMPUS PROPERTY, NOT INCLUDING STUDENT HOUSING FACILITIES	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MOTOR VEHICLE THEFT	2015	0	0	0	0	0
	2016	8	0	8	0	0
	2017	1	0	1	0	0
ARSON	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
DOMESTIC VIOLENCE	2015	0	0	0	1	0
	2016	0	0	0	1	0
	2017	0	0	0	0	0
DATING VIOLENCE	2015	4	0	4	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
STALKING	2015	2	0	2	0	0
	2016	8	3	11	0	0
	2017	9	2	11	0	0

ARRESTS	YEAR	ON-CAMPUS PROPERTY, NOT INCLUDING STUDENT HOUSING FACILITIES	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	2	2	0	0
DRUG ABUSE VIOLATIONS	2015	1	2	3	0	0
	2016	1	2	3	0	0
	2017	0	1	1	0	0
LIQUOR LAW VIOLATIONS	2015	0	1	1	0	0
	2016	0	0	0	0	0
	2017	1	2	3	0	0
DISCIPLINARY REFERRALS	YEAR	ON-CAMPUS PROPERTY, NOT INCLUDING STUDENT HOUSING FACILITIES	ON-CAMPUS STUDENT HOUSING FACILITIES	TOTAL ON- CAMPUS	NONCAMPUS PROPERTY	PUBLIC PROPERTY
WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	0	0	0	0
	2016	0	2	2	0	0
	2017	2	0	2	0	0
DRUG ABUSE VIOLATIONS	2015	0	1	1	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
LIQUOR LAW VIOLATIONS	2015	0	0	0	0	0
	2016	0	2	2	0	0
	2017	1	1	2	0	0

### Hate Crimes

There were no reported hate crimes for the years 2015, 2016, and 2017.

### Unfounded Reports

There were no unfounded reports for the years 2015, 2016, and 2017.

# 2018 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 2018. 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](http://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](mailto:campussafety@southern.edu)

**Tri-Community Volunteer Fire Department**

9769 Sanborn Drive  
Collegedale, TN 37315  
423.396.3113  
[a.planchard@tricomcommunityfire.com](mailto:a.planchard@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 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.

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*In 2017, Southern conducted (31) 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 safety 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 along with inviting employees to attend. 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
- Installing sprinkler systems in occupied buildings that don't yet have them

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. In addition to keeping the Fire Log, the University is required to provide an annual report to the campus community on the fires recorded in the Fire 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 Industrial Drive, Collegedale, TN 37315. It may also be viewed by visiting the Daily Crime and Fire Log website at [www.southern.edu/campussafety](http://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 2015, 2016, and 2017

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	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	1	Hairspray and match	0	0	0
Thatcher Hall 4871 Taylor Circle	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Thatcher South Hall 4841 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	1	Cooking	0	0	\$300
Southern Village Apartments		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	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Willow Apartments 4715 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Dogwood Apartments 4675 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Oak Apartments 4611 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Cedar Apartments 4587 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Redbud Apartments 4594 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Hickory Apartments 4629 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Magnolia Apartments 4658 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Maple Apartments 4696 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Poplar Apartments 4724 Timberland Terrace	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A

Stateside Apartments		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	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Kentucky Apartments 4731 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Mississippi Apartments 4742 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Tennessee Apartments 4787 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Georgia Apartments 4720 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Florida Apartments 4740 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Carolina Apartments 4760 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Alabama Apartments 4780 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Winding Creek Apartments		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	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
California Apartments 5071 Ooltewah-Ringgold Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Idaho Apartments 5071 Ooltewah-Ringgold Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Nevada Apartments 5071 Ooltewah-Ringgold Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Oregon Apartments 5071 Ooltewah-Ringgold Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Utah Apartments 5071 Ooltewah-Ringgold Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A

Washington Apartments 5071 Ooltewah-Ringgold Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
<b>Spalding Cove Apartments</b>		<b>Number of Fires</b>	<b>Cause of Each Fire</b>	<b>Number of Injuries Related to Fire</b>	<b>Number of Deaths Related to Each Fire</b>	<b>Value of Property Damage</b>
Delaware Apartments 5223 Spalding Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Indiana Apartments 5215 Spalding Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Maryland Apartments 5223 Spalding Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
New York Apartments 5224 Spalding Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Ohio Apartments 5222 Spalding Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Rhode Island Apartments 5220 Spalding Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
Vermont Apartments 5218 Spalding Road	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A
<b>Other Housing</b>		<b>Number of Fires</b>	<b>Cause of Each Fire</b>	<b>Number of Injuries Related to Fire</b>	<b>Number of Deaths Related to Each Fire</b>	<b>Value of Property Damage</b>
4687 University Drive	2015	0	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	N/A	N/A
	2017	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	4
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
Redwood	Full	Yes	Yes	Yes	2
Hickory	Full	Yes	Yes	Yes	2

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	1
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	None	None	0
California	None	Yes	None	None	0
Idaho	None	Yes	None	None	0
Nevada	None	Yes	None	None	0
Oregon	None	Yes	None	None	0
Utah	None	Yes	None	None	0
Washington	None	Yes	None	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	None	Yes	0
Indiana	None	Yes	None	Yes	0
Maryland	None	Yes	None	Yes	0
New York	None	Yes	None	Yes	0
Ohio	None	Yes	None	Yes	0
Rhode Island	None	Yes	None	Yes	0
Vermont	None	Yes	None	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.