



Annual Security and Fire Report 2015

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Welcome

The Maryville College Campus Safety and Security Department and its members take the issue of campus security seriously. Maintaining a safe campus cannot be accomplished without the assistance and cooperation of members of the College community. The responsibility of maintaining a safe campus is one that is shared among all members of our community and involved working cooperatively to solve problems and proactively address the issues that will reduce the likelihood of crime occurring in our community.

The report provides information about safety programs and services at Maryville College. In addition, crime statistics on incidents that have occurred with the area as defined by The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This also includes crime statistics received from the Maryville Police Department that occurred in the public areas immediately adjacent to the campus.

We hope you find the information contained in this report to be beneficial. If you have any questions or suggestions about campus safety at Maryville College, please feel free to call the Campus Safety and Security Department at 865-981-8112.

Sincerely,

Jack Piepenbring
Director of Campus Safety and Security

Maryville College
502 E. Lamar Alexander Parkway
865-981-8004
jack.piepenbring@maryvillecollege.edu

Overview of Maryville College Campus Safety and Security Department

The Maryville College Campus Safety and Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Maryville College. Maryville College Safety and Security officers have the authority to issue parking tickets. Campus Security officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on Maryville College's campus. The Campus Safety and Security Department at Maryville College maintains a highly professional working relationship with the Maryville Police Department and the Blount County Sheriff's Office. All crime victims and witnesses are strongly encouraged to immediately report the crime to Maryville College Campus Safety and Security and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

The Maryville College Campus Safety and Security Department (MCCSSD) maintain a close working relationship with the Maryville Police Department (MPD). The MCCSSD staff works with other law enforcement agencies in the east Tennessee area, including, but not limited to, the Blount County Sheriff's Office. Meetings are held between the leaders of these agencies on both a formal and informal basis. The officer's at the MCCSSD and MPD communicate regularly on the scene of incidents that occur in and around the campus area

The Campus Security Act Legal Requirements

The Campus Security Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics may be gathered from campus security, local law enforcement, and other College officials who have “significant responsibility for student and campus activities;”
- Provide “timely warning” notices of those crimes that have occurred and “poses an ongoing threat to the students and employees;”
- Disclose in a public crime log “any crime that occurred on campus or within the patrol jurisdiction of the campus security department and is reported to the campus security department;” and is available in the campus safety and security office.
- Disclose any agreements with state and/or local law enforcement.

Preparation of the Annual Security Report

The Director of the Maryville College Campus Safety and Security Department prepares and distributes this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with local law enforcement agencies, the Student Development Department, and other various college departments.

We encourage members of the Maryville College community to use this report as a guide for safe practices on and off campus. This report is available online at <http://www.maryvillecollege.edu/campus-life/student-services/essentials/safety-security/>

Each year, an email notification is made to all enrolled students, faculty, and staff that provides the website to access this report. Copies of the report may also be obtained at the Maryville College Campus Safety and Security Department, located in Bartlett Hall, room 116, or by calling 865-981-8004 for a paper copy.

Crime Log

Maryville College updates the daily crime log within two business days and includes all crimes reported to the Maryville College Campus Safety and Security Department. It is available during business hours at Maryville College Campus and Security Department, located on first floor Bartlett Hall, room 116.

Incident Reporting and Response

How to Report a Crime of Emergency

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety incidents to Maryville College Campus Safety and Security. The Maryville College Campus Safety and Security Department is open 24 hours a day, 7 days a week, and 365 days a year and located on the first floor of Bartlett Hall, room 116, on the Maryville College campus.

To report a crime or emergency, call the Maryville College Campus Safety and Security Department at 865-981-8112 or 911 to reach the Maryville Police Department and Maryville Emergency Services (ambulance and fire).

To report a non-emergency security or public safety related matter, call the Maryville College Campus Safety and Security Department at 865-981-8112.

Response to Reported Incidents

Campus security offices are available at (865)981-8112, 24 hours a day to answer your call. The Maryville College Campus Safety and Security Department's procedures include an immediate response to emergency call. MCCSSD works closely with the full range of city and county first responders to assure a complete and timely response to all emergency calls. In response to a non-emergency call, MCCSSD will take the required action, either dispatching an officer or asking the victim to report to the Campus Safety and Security office to file an incident report.

All Campus Safety and Security incident reports are forwarded to the Student Development Department for review and potential action by the Assistant Dean of Students. Campus Safety and Security will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Assistant Dean of Students.

Campus incidents requiring law enforcement assistance are reported to the Maryville Police Department through Campus Safety and Security. The Maryville College Campus Safety and Security Department does not have the power to arrest, and is not a law enforcement office. This includes a cooperative relationship between Campus Safety and Security, Student Development, and Maryville Police Department. Maryville College cooperates fully with the Maryville Police Department in criminal investigations. If a sexual offense should occur, staff on the scene, including Campus Safety and Security, will offer the victim a wide variety of services.

This report contains information about on-campus and off-campus resources. This information is made available to provide Maryville College community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about “resources” is not provided to infer that those resources are “reporting entities” for Maryville College.

Crimes should be reported to the Maryville College Campus Safety and Security Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when warranted.

Mandatory Reporters

Maryville College policy defines all employees (Faculty and Staff – both exempt and non-exempt) as mandatory reporters for crimes that occur on campus and/or involving Maryville College students, faculty, and/or staff. Employees hired by the College in the capacity of counselors, chaplains, athletic training staff, and/or health care providers are exempt from reporting requirements per the guidelines of their profession.

Guidelines for Mandatory Reporters of Maryville College

1. When a mandatory reporter becomes aware of an alleged act of sexual harassment, discrimination or assault, the reporter must promptly contact the Title IX Coordinator.
2. As to the Clery Act, when an employee becomes aware of any crime which occurs a) on campus, b) on public property within or immediately adjacent to the campus, or c) in our on non-campus property that the College owns or controls, the employee should immediately contact Campus Safety and Security at 865-981-8112. The Clery Act does not establish an obligation for Campus Safety and Security to conduct an investigation of the reported crime, only to report the crime as a statistic following Clery Act guidelines.

In some cases, Campus Safety and Security may also be required to release a timely warning to the community about a threat to the community.

Non-Retaliation/Non-Retribution

The purpose of this policy is to encourage good-faith reports by College employees of observed or suspected misconduct or noncompliance with law or with College policies and procedures without fear of retaliation or retribution.

Contact Information

Keni Lanagan, Director of Human Resources/Title IX Deputy, 865-981-8308

Allison Norris, Assistant Dean for Student Development/Title IX Coordinator, 865-981-8215

Voluntary and Confidential Reporting

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 USC Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within in the scope of that recognition as a pastoral counselor.

Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Timely Warning Notification

In the event that a situation arises, either on or off campus, that, in the judgment of the Dean of Students or his/her designee constitutes an ongoing continuing threat, a campus wide “time warning” will be issued. The warning will be issued through the Immediate Response Information System (IRIS), and the college email and voicemail systems to all students, faculty, and staff. If needed, a timely warning will also be posted on the main page of the College website.

Anyone with information warranting a timely warning should report the circumstances to the Maryville College Campus Safety and Security Department, by phone at (865)981-8112 or in person at the Campus Safety and Security Office on the first floor of Bartlett Hall, room 116.

In case of an emergency, the campus community may be alerted in the following ways:

- Send the information via campus email
- Post the information on the college website
- Notify the radio and television stations
- Send an IRIS alert (Immediate Response Information System) to all faculty, staff and students (includes a text, voice message, and email).

The College is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

Security and Access of Facilities

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by either a key or a proximity card, if issued, or by admittance via the Campus Safety and Security Department or Residence Life Staff.

Residence Halls are secured 24 hours a day and the living spaces are restricted to those who live in that space. Access to exterior doors is controlled by a proximity card system and door prop alarms. Only students that live in that residence hall have card access to that residence hall. Students also have a key to their assigned residence hall room. When a residence hall key is reported lost, the lock is replaced. Over extended breaks, the doors of all living spaces will be secured around the clock. Some facilities may have individual hours, which may vary at different times of the year.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic have security surveys conducted of them. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Director of Physical Plant, Assistant Director of Residence Life, and the Director of Safety and Security meet regularly to discuss areas of concern.

When a third party contractor is needed in a campus building, keys or proximity cards to the buildings are checked out through the physical plant and a log is kept of contractors on campus. If it is deemed that keys are not needed, contractors are escorted by a Campus Safety and Security Officer, or a physical plant employee.

Maryville College does not have officially recognized student organizations with off-campus housing.

Safety Programs

In order to inform students and employees about campus safety and security procedures and practices, and to encourage risk reduction and responsibility for personal and community safety, Maryville College does the following:

- Conducts meetings with incoming students. At this meeting the Director of Campus Safety and Security is introduced and given information on how to contact the Campus Safety and Security Officers.
- Meets with resident directors and resident assistants at the beginning of school each year.
- At this time, procedures for reporting as well as preventing crime on campus are discussed.
- Meets with Student Government Association (SGA) representative(s), as needed, to address issues of concern.
- Provides a campus safety and security information about services, emergency procedures, parking, etc.
- Residence hall programming also enhances students' safety awareness by providing programs on such topics as:
 - Bystander Intervention Training
 - Date and acquaintance rape
 - Dating violence, domestic violence, sexual assault and stalking
 - Self-defense
 - Alcohol awareness
 - Self-esteem
 - CPR training
 - Personal health
 - Healthy relationships

Everfi: Maryville College provides ongoing prevention and awareness programs in the area of sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking. Maryville College provides a training program through Everfi called Haven for all new students. Haven uses a population-level approach to educate all students on the issues associated with sexual assault and relationship violence, taking in to account their unique perspectives and experiences, providing:

- ✓ Key definitions and statistics
- ✓ Reflective and personalized content
- ✓ Bystander skill and confidence-building strategies
- ✓ Campus-specific policies, procedures, and resources
- ✓ Rich data summaries to inform future programming

Alcoholic Beverages

The use of alcohol on the Maryville College campus is seen as a privilege that is earned both through age and a demonstration of appropriate behavior. The consumption of alcohol is permitted only in limited situations as described below. The College is committed to combating underage drinking through strong policy enforcement and our alcohol education program. Although we understand alcohol will be a part of college life, we reject the notion that alcohol should be a major part of the college experience.

In accordance with the laws of the State of Tennessee, Maryville College prohibits the purchase, possession, or consumption of alcoholic beverages (beer, wine, liquor) by or for persons under twenty-one (21) years of age. Further, the Federal Government requires that as a recipient of Federal monies, Maryville College prohibit the illegal use of controlled substances on the campus. To comply with the terms of this Federal certification as well as statutory law, students are hereby notified of the Maryville College policy concerning alcohol.

A. Maryville College does not permit the use, possession, advertisement, or sale of alcoholic beverages on the campus in its daily operations and routine programming. The use and/or possession of alcoholic beverages is prohibited on College property, including academic and athletic facilities, maintenance and storage areas, athletic fields, College Woods, conference facilities, and campus grounds. Any individual found in violation of this policy will be required to immediately relinquish the alcohol in his/her possession to a College staff member who will dispose of the beverage. Students failing to do so may be subject to immediate suspension.

B. At certain traditional College events, expressly approved and supervised by the College (Robert Burns Dinner, Wine & Cheese, 100 Days Reception, Alumni Barbecue, Graduation Celebration), persons of legal age (21 years and older) may consume alcoholic beverages. Such events must be approved by the Vice President and Dean of Students and conducted within established guidelines. Further information is available in the Student Development Office.

C. Maryville College permits the possession and consumption of alcoholic beverages in residential living units located within Beeson Village, Court St. Apartments, Carnegie, Lloyd, and Pearsons Hall in which all residents of that living unit are of legal drinking age (21 years or older). A "living unit" may be a room, suite or apartment to which a student is assigned. Bedrooms within a suite or apartment are not considered separate living units, but part of the larger living unit. Guests who are also of legal drinking age are permitted to possess and consume alcohol in these designated living units.

1. While consumption of alcohol is permitted under Section C above, no consumption of alcohol may take place when individuals under 21 years of age are present.
2. Residents discovered to have students or guests under the legal drinking age (under 21 years of age) consuming alcoholic beverages in their living unit, or present

while alcohol is being consumed, will be in violation of this Alcohol Policy and subject to appropriate disciplinary action. All persons present in a living unit where this occurs will be subject to disciplinary action. Residents of the living unit where a violation occurs may be subject to disciplinary action whether or not they are present at the time of the violation.

3. Alcohol is not permitted in public hallways, lounges, stairwells, basements, lobbies, or any other public areas of the residence halls, except when closed alcohol containers are being transported to living units where alcohol possession and consumption are permitted.

4. Kegs, pony-kegs and alcohol containers larger than one gallon are not permitted on campus.

5. Students of legal age who provide underage students with alcohol are subject to state and local law as well as College disciplinary action.

6. When consuming alcohol, residents and their guests must obey the following guidelines concerning room capacity:

a. Six-person apartments may have no more than 18 persons at one time, including the residents of the apartment.

b. Four or three-person suites or apartments may have no more than 12 persons present at one time, including the residents of the suite or apartment.

c. Single or double rooms may have no more than 6 persons present at one time, including the residents of the room.

D. In Copeland, Davis, Gamble, and Gibson Halls, possession or consumption of alcohol is not permitted under any circumstances. Alcohol containers of any type, whether full or empty, are also not allowed in Copeland, Davis, Gamble, or Gibson Halls.

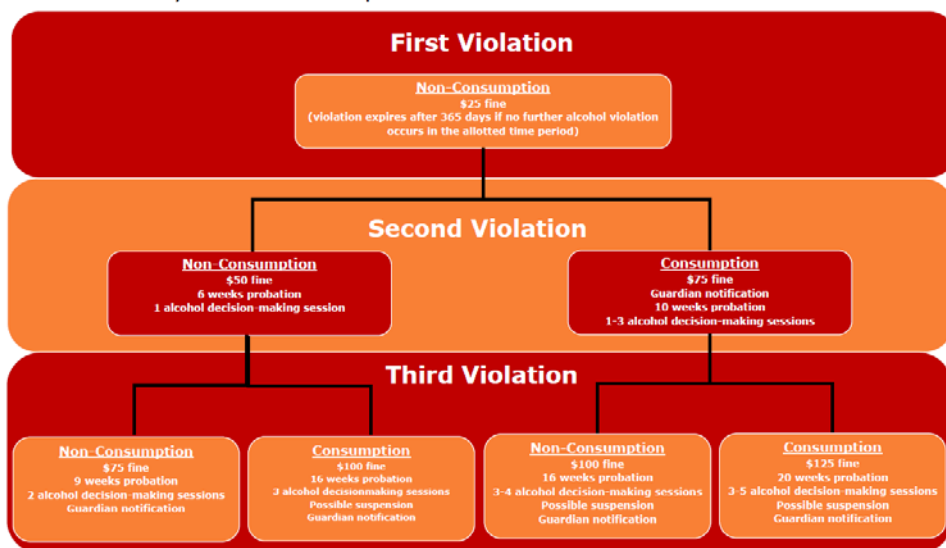
E. Students who choose to drink assume total responsibility for their actions. Consumption of alcohol will not be accepted as an excuse for irresponsible or irrational behavior such as excessive noise, vandalism, violence, physical or verbal abuse, or public drunkenness. Conduct disruptive of any College sponsored activity or athletic event or acts that violate the rights of others, tend to breach the peace, or which are considered indecent or obscene, will be subject to local laws as well as College disciplinary action. Any violation of the alcohol policy or other Community Standards while under the influence of alcohol will result in disciplinary action.

F. Public intoxication is a violation of this policy.

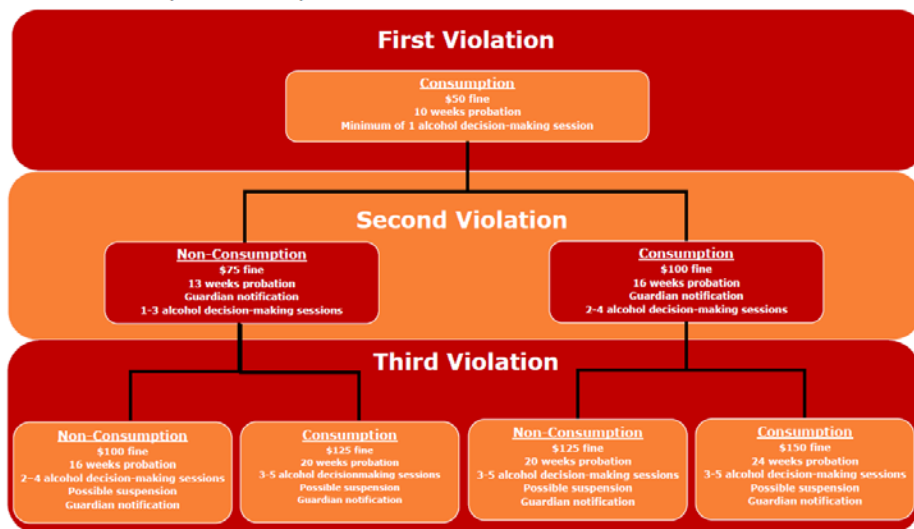
G. Any student in need of assistance as a result of having too much to drink is encouraged to contact the Staff Member On Duty (SMOD) at 865.981.8002 and assistance will be arranged. Students who voluntarily seek help via this means will not be subject to disciplinary action. The counseling staff will assist students in obtaining appropriate assessment and treatment in a confidential manner.

H. Alcohol Policy Violations Procedures and Sanctions – Any violation of the College’s alcohol policy will minimally subject the student to the disciplinary procedures and sanctions listed in the student handbook. In all violations, additional disciplinary actions and/or referral to local law enforcement officials may be imposed depending upon the circumstances surrounding the violation. Any questions regarding the campus alcohol policy should be directed to the Assistant Dean of Students for Student Development at 865.981.8215.

Alcohol Policy: Non-Consumption



Alcohol Policy: Consumption



Parental Notification

The Maryville College Alcohol policy calls for parental notification after the second offense or the first offense under certain circumstances. The College also notifies parents on the first drug offense. The College is allowed to contact parents concerning drug and alcohol violations, for students under 21 years of age, based on the 1998 Congressional revisions to the Family Educational Rights and Privacy Act. Letters are normally sent to the student's home address and may be followed up with a phone call. It is our hope that the student will notify their parents of the violation before notification is received from the College. We hope that parent's knowledge of this type of violation will help deter students from future violation of these policies. Any questions concerning parental notification should be directed to the Assistant Dean of Students for Student Development at 865.981.8215.

Illegal Drugs

The possession, use, distribution, manufacture, or sale of drugs or paraphernalia associated with drug use is strictly prohibited. Any student who voluntarily seeks help through the Director of Counseling for drug or alcohol abuse will not be subject to College disciplinary action for disclosure of such concerns. The Director of Counseling will assist the student in obtaining appropriate assessment and treatment in a confidential manner. The term "drugs," as used here, includes any narcotic drug, central nervous system stimulant, hallucinogenic drug, anabolic steroid, barbiturate, marijuana or prescription drug as defined by state law. The term "paraphernalia" refers to implements employed in the use of drugs. Prescription drugs, taken under the care and by direction of a licensed physician, are permitted. Students taking prescription drugs should inform a member of the Student Development Staff of any side effects that could affect normal functioning or prohibit the student from participation in College activities.

Procedures and Sanctions

All cases involving violations of the drug policy are ultimately heard by the Vice President and Dean of Students or his/her designee. Any violation of the drug policy will subject the student to the following minimum disciplinary procedures and sanctions and possible prosecution under state law.

1. The student will be required to immediately relinquish the drug and/or paraphernalia to a College staff member who will turn it over to campus security or the Assistant Dean of Students for Student Development.
2. The first offense may subject the student to suspension from the College and prosecution under the law. If the student admits guilt and has no prior record of violations, the sanction of suspension may be held in abeyance and the student will be subject to additional sanctions determined by the Vice President and Dean of Students. These sanctions may include a Drug Assessment, Drug Testing, and/or parental notification.

Drug Testing

When drug testing is part of a student's judicial sanctions, the student will be notified on the day of the test. The student will be sent to a local drug testing facility and asked to submit to the screening. Refusal to submit to the screening or release the results to Maryville College will be interpreted as a positive test. Any student who tests positive may be suspended from Maryville College.

Repeated violations of the drug abuse policy will result in:

1. Temporary suspension if the student opts to enter an approved rehabilitation program. He/she may be eligible for remittance only after successful completion of a rehabilitation program approved by the Director of Counseling. The student's status will stand as "suspension" until the completion of such program.
2. Suspension for one year if the student does not opt to enter an approved rehabilitation program. If during that one year the student chooses to enter and successfully complete an approved program, he/she will be eligible to apply for readmission. If the student does not complete such a program within the year of suspension, the suspension will change to irrevocable dismissal from the College.

Alcohol and Drug Education

The Director of Counseling and the Wellness Coordinator provide a program of alcohol and drug education as a resource to students, staff and faculty. Topics include the disease concept of alcoholism, effects of alcohol and other drugs, drinking and driving, responsible decision making regarding the use of addictive drugs and treatment options. For more information, call 865.981.8035.

The Alcohol and Drug Education program is not a treatment program, but rather emphasizes education, intervention and support. Anyone concerned about their own use or use by a family member or friend may contact the Director of Counseling, the Assistant Dean of Students, or the Director of the Student Health Center. Student confidentiality will be strictly observed.

Tennessee Laws Governing Alcohol

Drug Free Youth Act Offenses (Ages 13 – 17) T.C.A. 55-10-701

- License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
- License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year
- Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted

Underage Possession of Alcohol (Age 18 -21) T.C.A. 57-5-301

- License suspension for 1 year or until person reaches age 17, whichever longer for 1st offense & may apply to court for early withdrawal of suspension after serving 90 days
- License suspension of 2 years or until person reaches age 18, whichever longer for 2nd offense & may apply to court for early withdrawal of suspension after serving 1 year

- Restricted license can be issued on 1st offense at court discretion, however, on 2nd offense must serve one year of suspension before eligible for restricted

Driving While Impaired (Age 16 – 20) T.C.A 55-10-415

- License revocation for 1 year/No provision for restricted license
- \$250 fine
- Court may impose public service work

1st Time DUI Offender - .08 (BAC) [55-10-401] [55-10-403]

- 48 hours up to 11 months, 29 days for offenders in violation of 55-10-401
- .20 BAC or greater minimum jail time 7 consecutive days
- License revocation for 1 year
- You will be ordered to participate in an alcohol and drug treatment program
- Pay restitution to any person suffering physical injury or personal loss
- \$350-\$1,500 fine
- With towing, bail, attorney, high risk insurance, court costs, school, and reinstatement fees, your first offense average costs could add up to \$4,900
- Judge can order you to install an Ignition Interlock Device at your expense. Minimum first year costs could exceed \$1,000.00
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense
- Drug and Alcohol Treatment may be required at the judge's discretion

Prevention of Sexual Misconduct

Maryville College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. In coordination with the Title IX Coordinator, Campus Safety and Security, the Health Clinic, New Student Orientation Programs, Residence Life and other on/off campus partners, sexual assault prevention and awareness programs are offered to the campus community.

Reporting Sexual Misconduct

Maryville College encourages all members of the campus community to report instances of sexual misconduct. You may report if you are a victim, or you are a third party who is aware of an issue of sexual misconduct. There are various avenues for reporting with varying levels of confidentiality and services available. Certain employees can maintain complete confidentiality and are not required to share the details of the incidents with anyone else, unless there is concern for your safety or the safety of others. Other employees are defined as “responsible employee” as they are required to share your report with the Title IX Coordinator so that Maryville College may take steps to offer you support services, to prevent the recurrent of sexual misconduct. In these cases your information will be shared with as few people as possible and every effort will be made to maintain your privacy. Regardless of the reporting avenue you choose, we will make every effort to keep the report as private as you wish.

If you are unsure of a staff or faculty member’s reporting requirement, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become a victim of or aware of sexual misconduct. The reporting avenue, levels of confidentiality and other College reporting requirements are outlined below.

Retaliation

Retaliation against any individual who make a complaint or participates in the complainant process will not be tolerated.

Reporting Avenues

Confidential Reporting

The Director of Counseling, the Health Clinic Nurse, the College Chaplain, and the Head Athletic Trainer can provide you with confidential reporting. These employees cannot and will not share the details of your report without your consent. However,

should your report indicate there is a concern for your safety or the safety of others; they may have to share some details.

Bruce Holt, Director of Counseling, 865-981-8035, bruce.holt@maryvillecollege.edu

Kaye Howell, College Nurse, 865-981-8716, kbhowell@bmnet.com

Anne McKee, Chaplain, 865-981-8298, anne.mckee@maryvillecollege.edu

Sharon Wood, Head Athletic Trainer, 865-981-8389, sharon.wood@maryvillecollege.edu

These individuals can connect you with resources and explain the other reporting options that are available to you as well.

Off campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form. If you would like to report to someone off campus, you may also contact the Sexual Assault Center of East Tennessee at 865-522-7273

Private Reporting

You may also report issues of sexual misconduct to any faculty member or student life staff. These individuals are defined as “responsible employees” and are required to share your information with the Title IX Coordinator. Your information will be shared with as few people as possible. Every effort will be made to keep the details private. The details of your report, to whom you report and the course of action you wish to pursue will determine how your information is shared. A responsible employee should not share information with law enforcement without the complainant’s consent or unless the complainant has also reported the incident to law enforcement.

When a responsible employee is made aware of an incident of sexual misconduct, the complainant has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

The College will remain ever mindful of the complainant’s well-being, will take ongoing steps to protect the complainant from retaliation or harm and will work with the complainant to create a safety plan. Retaliation against the complainant, whether by students or College employees, will not be tolerated.

Title IX Coordinator

The Sexual Misconduct Policy oversight and implementation is the responsibility of the Title IX Coordinator. The Title IX Coordinator for Maryville College is Allison Norris, Assistant Dean of Students. She can be reached at allison.norris@maryvillecollege.edu or 865-981-8215. To reach her after hours or in an emergency, please contact Campus Safety and Security at 865-981-8112. A Deputy Title IX Coordinator supports the Title

IX Coordinator, Keni Lanagan, Director of Human Resources, 865-981-8308, keni.lanigan@maryvillecollege.edu.

Local Law Enforcement

You may also report to the Maryville Police Department. They can be reached via 911, if any emergency, or by calling (865) 981-1370 for a non-emergency. Sexual assault is a criminal offense. Maryville College realizes colleges cannot and should not hold themselves as an alternate to the criminal justice system.

College Reporting Requirements

Federal Reporting Obligations

Campus officials have a duty to report certain forms of sex-based discrimination and/or misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to the campus safety and security department regarding the type of incident and its general location for publication in the annual campus safety report.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Maryville College's full sexual misconduct and sexual harassment policy can be found at <http://www.maryvillecollege.edu/campus-life/student-services/handbook/section-eleven/>

Maryville College will disclose to the alleged victim of a crime of violence, of a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Maryville College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Bystander Intervention

Bystanders can respond to moments of power based personal violence in three different ways: 1) A direct intervention involves confronting the situation. This may mean telling an individual that the bystander observed the individual's drink being drugged or by asking a couple that appears to be conflict if everything is ok. 2) Intervention by distraction means to divert attention from the current conflict. This could be done by "accidentally" spilling a drink on someone that is in conflict or telling a friend that might be in an uncomfortable situation that you need to talk to them right away and then pulling them outside. 3) Intervention by delegation means to ask someone else to

intervene in the situation. One could delegate by calling the police if the situation appears dangerous or on campus, it might mean reporting a fight to a resident assistant.

Maryville College Sexual Harassment and Sexual Misconduct Policy

Maryville College is committed to providing all individuals with an environment free of sexual harassment and misconduct. Maryville College prohibits all forms of sex discrimination including, but not limited to dating violence, domestic violence, sexual assault, sex-based intimidation and/or harassment, sexual harassment, sexual misconduct, sexual violence, and stalking. Instances of sex discrimination, in any form, will not be tolerated. Should such issues arise, the college has policies and procedures in place to handle these situations thoroughly, effectively, and in a timely manner. These policies are not and should not be construed to be a replacement or alternative for the criminal justice system. Rather, they provide avenues through which the campus community may work to create a better environment.

The College will:

- Respond to and investigate every reported complaint in a timely manner
- Provide involved parties with appropriate resources such as a connection to legal, mental and physical health care providers as well as campus policies on sexual harassment and/or sexual misconduct
- Provide remedies when misconduct is discovered
- Impose sanctions in a case-by-case manner
- Protect the privacy of all those involved to the extent it is possible and where protecting that privacy does not put the individual or others at risk

Maryville College is committed to addressing all forms of sexual misconduct through enacting preventative measures, educating the campus community and the establishment of thorough grievance procedures. Maryville College employees all levels are responsible for taking reasonable and necessary action to prevent address and respond to sexual misconduct as permissible by their professional guidelines, which are based on the capacity in which they were hired by the College. For example, those hired as mental health counselors may be exempt from reporting instances of sexual assault if the individual does not pose a threat to themselves or the campus community. However, a faculty member who may hold a degree in counseling would still be required to report as he/she was hired by the College in the capacity of faculty rather than a mental health counselor.

Confidentiality Policy

If you are a victim or are aware of an instance of sexual misconduct, we highly encourage you to report. We have resources to offer and may be able to help. There are several options for reporting with different levels of confidentiality. We will make every effort to keep the report as private as you wish.

Certain employees can maintain complete confidentiality (unless there is a concern for your safety or the safety of others) and are not required to share the details of the incident with anyone else. Other employees are required to share certain details of your

report with specific professional staff on campus. Likewise, in certain situations the College has Federal reporting requirements. In these cases your information will be shared with as few people as possible and every effort will be made to maintain your privacy.

If you are unsure of a staff or faculty member's reporting requirement, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become a victim of, or are aware of sexual misconduct.

All individuals involved in an investigation or adjudication will be informed of the importance of confidentiality and asked to sign a confidentiality statement.

Options for Assistance

Assistance immediately after an incident of sexual misconduct

If you or someone you know is a victim of sexual assault, the following procedures are encouraged:

1. Go to a safe place.
2. Call someone whom you trust and/or
3. Please consider seeing a medical professional. There are many benefits from doing so. Seek medical care at an emergency room or hospital of your choice. It is important to have a medical exam to check for physical injuries and disease, to dispense pregnancy information and prophylaxis if necessary, and to collect evidence should you decide to prosecute. If you are planning on filing a criminal complaint, the medical exam must be done within 72 hours of the assault. You may have the exam and then decide not to prosecute. It may be helpful to ask for someone you trust, or a Maryville College staff member go with you.
4. If you want to prosecute there are steps you can take to help preserve evidence. You should avoid changing clothes, bathing, douching, urinating or defecating before arriving to the ER. Urine samples will be necessary to test for any date rape drugs. Do bring extra clothes with you, as clothing may be held as evidence.

We encourage you to report any instance of sexual misconduct to campus personnel so we may provide you with support, assistance, and resources. Campus personnel can also assist you in contacting other resources both on and off campus.

- Campus Safety and Security: 865-981-8112
 - ✓ Available 24 hours a day
 - ✓ Campus Safety and Security can also connect you with a campus counselor or the Title IX Coordinator in after-hours emergencies
- Staff Member on Duty (SMOD), 865-981-8002
- Title IX Coordinator, 865-981-8215

- Director of Counseling, 865-981-8035
- Local Law Enforcement, 865-273-3700
- Blount Memorial Hospital, 1-800-448-0219
- Rape Crisis Center, 865-522-7273

The College will also offer remedies and /or accommodations for individuals reporting issues of sexual misconduct. No formal complaint or investigation, campus or criminal, need occur before these options are available.

The College will:

- Inform the complainant of and, offer to assist in accessing available resources both on and off campus such as mental health counseling, physical health care providers, and legal assistance and victim advocacy services.
- Inform the complainant of the right to report to local law enforcement and provide assistance if the complainant so wishes.
- Offer other security and support services:
 - Issuing a campus no-contact order against another student who has engaged in or threatens to engage in sexual misconduct, stalking, threatening harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
 - Arranging a change of living, working arrangements or academic accommodations so the complainant need not face the accused. Academic accommodations will vary based on the situation and class, but may include things such as assignment rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, alternative course completion options, etc.

Ongoing Assistance

You may have needs for ongoing support and many questions in the days and weeks following an instance of sexual misconduct. Maryville College encourages you to utilize the following resources. These resources are available to you whether or not you choose to make an official report or participate in an institutional disciplinary and/or criminal process.

1. Counseling and Advocacy Services
 - a. On-Campus: Bruce Holt, Director of Counseling
 - b. On Campus: Anne McKee, Campus Chaplain
 - c. On-Campus: Sexual Grievance Advisors
 - ✓ Advisors are trained in rules of confidentiality, and each party involved in a case will be informed about the need to maintain confidentiality. The advisor will explain the available options and will help you understand your rights as a complainant.
 - ✓ A person accused of sexual assault should also seek the assistance of a sexual grievance advisor. The advisor will

describe the grievance process, will inform the accused of his/her rights, and will assist the accused person in preparing a written response to a formal complaint, should a formal complaint be made.

- ✓ It is important to remember that you do not have to go through the grievance process alone. Sexual grievance advisors are available to assist you. To contact a sexual grievance advisor, first select the advisor whom you would like to see and then telephone that person for an appointment or stop by his/her office. The Sexual Grievance Advisors are:

- Phillip Sherman, 865-981-8298
- Sharon Wood, 865-981-8389
- Jennifer Brigati, 865-981-8158
- Bruce Guillaume, 865-981-8126

d. Off-Campus: Sexual Assault Center of East Tennessee, 865-522-7273

2. Health Care Providers

- a. On-Campus: Kaye Howell, College Nurse, 865-981-8716
- b. Off Campus: Blount Memorial Hospital, 1-800-448-0219

3. Maryville College Title IX Coordinator: Allison Norris, 865-981-8215

- ✓ The Title IX Coordinator is trained in issues of sexual misconduct and can connect you to resources, answer questions and offer other forms of assistance as appropriate. The Title IX Coordinator can help provide ongoing support with an institutional disciplinary process or a criminal process.

Title IX Coordinator

The Title IX Coordinator for Maryville College is Allison Norris, Assistant Dean of Students. She can be reached at Allison.norris@maryvillecollege.edu or 865-981-8125. To reach her after hours or in an emergency, please contact Campus Safety and Security at 865-981-8112.

A Deputy Title IX Coordinator supports the Title IX Coordinator, Keni Lanagan, Director of Human Resources, 865-981-8308, keni.lanigan@maryvillecollege.edu

The Title IX Coordinator is responsible for the following:

- Oversight and implementation of the Sexual Misconduct policy including investigation and adjudication procedures.
- Ensure all members of the investigation and adjudication teams for sexual misconduct are trained in issues specific to sexual misconduct.
- Educate the campus community on reporting requirements for sex based offenses including when and how to report instances of sexual misconduct.

- Coordinate trainings for the campus community (students and employees) on issues of sexual misconduct.

Definitions

There are many terms used in the issues of sexual misconduct. The following will provide some common definitions and examples.

- **Accused:** The alleged perpetrator of any form of sexual misconduct.
- **Awareness Programs:** Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- **Bystander Intervention:** Same and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- **Coercion:** Coercion is unreasonable pressure for sexual activity.
- **Complainant:** The alleged victim or individual reporting the issue of sexual misconduct.
- **Consent:** Consent is the active giving of permission to engage in sexual activity. Consent is clear, knowing and voluntary. Consent is given with a sober verbal yes. Silence should not be interpreted as consent. Absence of protest is not consent. Previous history does not imply consent for future activity. Likewise, consent to one activity does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Consent cannot be given under pressure, force, threats, intimidation, coercion or while incapacitated due to the influence of alcohol and/or drugs. In order to give consent one must be of legal age and not incapacitated mentally or physically. Lack of consent occurs when:
 - ✓ A person is forced to submit.
 - ✓ The person does not expressively or implicitly agree with a sober verbal yes with the accused person's conduct under circumstances other than forcible compulsion or incapacity to consent.
 - ✓ A person is deemed to be incapable of consenting if he/she is less than 16 years old, is mentally challenged, suffers from mental illness, or is physically helpless or is totally incapacitated.
 - ✓ A person is rendered temporarily incapable of appraising or controlling his/her conduct as a result of a controlled or intoxicating substance administered to him/her with or without consent or knowledge.

- ✓ A person is unable to consent when he/she is unconscious, or for any other reason is physically unable to communicate unwillingness to act.
- **Dating Violence:** According to 42 USCS § 13925 (8), the term 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 based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
 - For the purposes of this definition:
 - i. Dating violence includes, but is not limited to sexual and/or physical abuse of the threat of such abuse.
 - ii. Dating violence does not include acts covered under the definition of domestic violence.
 - For purposes of complying with the requirement of this section, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.
- **Domestic Violence:**
 - **Domestic assault in Tennessee** is an assault against a victim who is a family or household member including:
 - ✓ a current or former spouse of the offender
 - ✓ person with whom the offender resides or previously resided
 - ✓ person who the offender is dating or previously dated or someone with whom the offender has or previously had a sexual relationship
 - ✓ someone with whom the offender is related by blood or adoption
 - ✓ a person with whom the offender is or was related by marriage, and
 - ✓ an adult or minor child of the offender or a family or household member. (Tenn. Code Ann. §36-3-601, §39-13-11.)
 - For purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
 - **Federal Definition**
 - A felony or misdemeanor crime of violence committed-
 - By a current or former spouse or intimate partner of the victim
 - By a person with whom the victim shares a child in common
 - By a person who is cohabitating with or has cohabitated with the victim as a spouse or a partner
 - By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Force:** The use of physical violence and/or imposing on someone physically to gain sexual access. Force includes threats, intimidation (implied threats) and

coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

- **Incapacitation:** Incapacitation is the state where an individual cannot make a rational or reasonable decision because he/she lacks the ability or information to understand the sexual interaction to the fullest extent. Incapacitation can result from mental or physical disabilities, drug or alcohol use, physical restraints, “date-rape” drugs, or anything that affects the individual’s ability to make a clear and informed decision. Incapacitation occurs anytime sexual activity takes place where the alleged victim does not understand the “who, what, when, where, why and how.”
- **Intimidation:** Intimidation is the act of using correction, instilling fear or making threats to include submission, compliance or acquiescence from another.
- **Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight with any object, by a man or a woman upon a man or woman that is without consent and/or by force.
- **Ongoing Prevention and Awareness Campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
- **Primary Prevention Programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexually, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- **Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceedings do not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to the victim.
- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Result:** Any initial, interim, and final decisions by any official or entity authorized to resolve disciplinary matters with the institution. The result must include any sanction imposed by the institution. Notwithstanding section 44 of the General Education Provisions Act (20 U.S.C. 1232g0, commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the results and sanctions.
- **Retaliation:** Retaliation occurs when an individual seeks a form of revenge against another for a perceived wrong.

- **Risk Reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- **Sex Discrimination/Sexual Misconduct:** Sex discrimination and sexual misconduct occurs anytime a person's sex becomes a factor or basis in treating them unfairly. Sex discrimination may also occur when an individual is treated unfairly due to her/his connection with a group or organization that is typically associated with certain sex. Sex discrimination includes behaviors such as sexual assault, sexual harassment, any non-consensual behavior of a sexual nature, domestic or dating violence, and stalking. Such behaviors could be committed by force, intimidation or use of a victim's incapacity (physical, mental, or through the use of drugs or alcohol).
- **Sexual Assault:** Sexual assault is defined as sexual intercourse or sexual contact with another person by forcible compulsion and/or without consent. Forcible compulsion may be committed by means such as physical power, coercion, or incapacitation. Acts of sexual assault include rape, oral, and/or anal intercourse, and other sexual acts not involving intercourse to which participants are not both consenting.
- **Sexual Contact:** Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another person touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- **Sexual Exploitation:** Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include:
 - ✓ Invasion of sexual privacy
 - ✓ Nonconsensual video or audio-taping of sexual activity
 - ✓ Going beyond the boundaries of consent (such as letting friends view you having consensual sex without the other party knowing)
 - ✓ Sexually based stalking and/or bullying
 - ✓ Engaging in voyeurism
 - ✓ Knowingly transmitting a STI or HIV to another person
- **Sexual Harassment:** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience.
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual. This can also include retaliating against the victim by the accused or by friends of the accused or others who are sympathetic to the accused. In addition, retaliation directed toward a third party due to their participation in

a grievance process of for supporting a grievance may be retaliatory harassment.

- c. Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of, or have the effect of substantially interfering with, an individual's educational opportunity by creating an intimidating, hostile, or offensive environment.

Types of Sexual Harassment include:

- d. **Quid Pro Quo:** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education experience.
- e. **Retaliatory:** Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual. The can also include retaliating against the victim by the accused or by friends of the accused or others who are sympathetic of the accused. In addition, retaliation directed toward a third party due to their participation in a grievance process or for supporting a complainant may be retaliatory harassment.
- f. **Hostile Environment:** Such conduct is sufficiently severe, pervasive and persistent so as to alter the conditions of, or have the effect of substantially interfering with, an individual's educational opportunity by creating an intimidating, hostile, or offense environment.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.
- c. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.
- **Tennessee Stalking Laws:** Stalking laws came about in the 1990s. Initially stalking laws were written in response to behavior committed against the famous. Now, however, they apply to everyone. Stalking is defined by Tennessee law as **willful conduct involving repeated harassment of someone that causes them to feel terrorized, frightened, intimidated, threatened, harassed or molested**. Typically stalking is charged as a **Class A misdemeanor** and is punishable by up to 1 year in jail and fines up to \$2,500. However, in some situations, stalking is a felony offense.

- **Aggravated Stalking:** If any of the following apply you could be charged with a **Class E felony**, punishable by 1 to 6 years in prison:
 - a. The stalking involved you displaying a weapon;
 - b. The victim is under the age of 18 and you were over the age of 23;
 - c. This is your 2nd stalking charge within 7 years
 - d. You make a credible threat of death or serious harm to the victim or a member of their family; or
 - e. A restraining order was in place.
- **Especially Aggravated Stalking:** Especially aggravated stalking is a **Class C felony** and the most serious of all stalking and harassment offenses. This felony is punishable by 3-15 years in prison. If any of the following apply to the offense, you could be charged with especially aggravated stalking:
 - a. If you have already been convicted of stalking and the victim is the same;
 - b. Commit aggravated stalking and inflict serious bodily harm on the stalking victim or a member of their family.

With any stalking charge you may be ordered to obtain counseling, undergo treatment, and be on house arrest whether you are sentenced to probation or released early from prison.

Ref: TCA 39-17-315

- **Federal Definition of Stalking**
 - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress
 - For the purposes of this definition-
 - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - c. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Reporting Sexual Misconduct

Maryville College encourages all members of the campus community to report instances of sexual misconduct. You may report if you are a victim, or you are a third party who is aware of an issue of sexual misconduct. There are various avenues for reporting with varying levels of confidentiality and services available. Certain employees can maintain complete confidentiality and are not required to share the details of the incidents with anyone else, unless there is concern for your safety or the safety of others. Other employees are defined as “responsible employee” as they are required to share your report with the Title IX Coordinator so that Maryville College may take steps to offer you support services, to prevent the recurrence of sexual misconduct. In these cases your information will be shared with as few people as possible and every effort will be made to maintain your privacy. Regardless of the reporting avenue you choose, we will make every effort to keep the report as private as you wish.

If you are unsure of a staff or faculty member’s reporting requirement, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become a victim of or aware of sexual misconduct. The reporting avenue, levels of confidentiality and other College reporting requirements are outlined below.

Retaliation

Retaliation against any individual who make a complaint or participates in the complainant process will not be tolerated.

What to Expect When you Report

1. If you contact a member of Residence Life (your resident assistant or your resident director), Campus Safety, faculty or professional staff (not including those hired by Maryville College as a physical health provider).
 - The employee will notify the Title IX Coordinator of the incident.
 - You may be contacted by the Title IX Coordinator regarding the incident.
 - An investigation conducted by a campus employee trained as a Title IX investigator may begin if the individual chooses or if the incident suggests there is an ongoing threat to the campus community. An investigation does not mean that your personal identity will be revealed to the campus community nor does it mean that you would ever have to come face to face with the accused.
 - The Title IX Coordinator will offer to connect you to local police, mental and physical health care providers and legal resources if you desire.
 - If the accused is a member of the campus community, the Title IX Coordinator can order the accused to cease and desist from any

intentional contact, direct or indirect, with you. We may also be able to offer housing and/or classroom accommodations so that the complainant need not face the accused.

- You will also be given the opportunity to contact the Maryville College Counseling Center of another agency in the community such as a rape crisis center.
 - The nature of your report (i.e. sexual assault) may be included in the College's crime log. The crime log does not include personally identifiable information, just that a report of an issue such as sexual assault was taken. Likewise, should the nature of your report pose a threat to the campus community, general information may need to be shared. This is further explained in the Federal Reporting Obligations section.
 - If you choose to move forward with a campus judicial process, the individuals who facilitate that process will be notified, as well as the accused.
2. If you contact the Student Counseling Center:
- A counselor will meet with you on campus and provide support.
 - The counselor will not share any information of the incident with law enforcement or a member of the Maryville College Community without your consent unless there is a clear threat to other members of the Maryville College Community of the individual makes statements of a suicidal/homicidal nature.
 - The counselor will explain the options and support you in whatever decisions you make regarding reporting or not reporting.
 - If you choose to file a report with the Title IX Coordinator or law enforcement, grievance counselor may accompany you and support you through the process if you so desire.
3. If you contact the Maryville Police Department:
- Maryville police will either meet you on campus, or request that you meet at their office to discuss the incident and create a report.
 - The police will ask you for details of sexual misconduct and explain your legal rights.
 - They may contact a victim advocacy service or the alleged perpetrator. Their actions will depend on what you report and how you want to proceed.
 - The police may contact the Campus Safety and Security Office to let them know they are on campus (if they choose to meet you on campus).
4. If you go the hospital for an exam:
- You may request a sexual assault exam be completed.
 - A police officer may be contacted and you may be asked to make a report. The officer is there to collect any evident obtained during the exam.
 - If you are 18, your parents will not be notified without your consent.
 - Making a report and completing an exam preserves the option to prosecute, but NOT commit an individual to pressing charges.

Investigation Procedures and Protocols

The College will investigate all reports of sexual misconduct. However, the level and scope of the investigation may in some cases be decided by the reporting individual. Responsibility for the investigation model is assigned to the Title IX Coordinator. The Title IX Coordinator oversees the training and implementation of the investigator team.

Formal Investigations

Formal investigations with willing participants provide the most thorough and effective process. They are also necessary for campus disciplinary proceedings. Formal investigations of sexual misconduct will be handled using an investigator model. In this model an investigator(s) serve as neutral fact –finder who will interview the complainant, the accused, witnesses and gather any other evidence as necessary. The lead investigator will be assigned by the Title IX Coordinator and will be trained in issue of sexual misconduct. Issues such as impartiality, appropriateness based on involved parties, fit, etc. will be considered in appointed the lead investigator on any case.

The lead investigator may interview the complainant, the accused, witnesses, any parties with potentially relevant information, review video footage, and investigate any other appropriate avenues that may provide pertinent information. The investigator will keep both the complainant and the accused apprised of their rights and the status of the process. The investigator will compile all the investigation material into a report. The report will be submitted to the chair of the Sexual Grievance Committee who will make a determination of charges. Should a hearing be deemed necessary, the report will be given to the Sexual Grievance Committee for adjudication.

Informal Investigations and Requests for Confidentiality

If a complainant discloses an incident to a responsible employee but wished to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

If the College honors the request for confidentiality, a complainant must understand the College's ability to meaningfully investigate the incident and pursue disciplinary actions against the alleged perpetrator(s) may be limited.

Although rare, there are times when the College may not be able to honor a complainant's request not to investigate in order to provide a safe, non-discriminatory environment for all students. When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the College will consider a range of factors, including the following:

The increased risk that the accused will commit additional acts of sexual or other violence, such as:

- Whether there have been other sexual violence complaints about the same accused
- Whether the accused has a history of arrests or records from a prior school indicating a history of violence
- Whether the sexual violence was committed by multiple perpetrators;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the complainant is a minor
- Whether the College possesses other means to obtain relevant evidence of sexual violence (e.g., security camera or personal, physical evidence);
- Whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary actions. If none of these factors is present, the College will likely respect the complainant's request for confidentiality.

If the College determines that it cannot maintain a complainant's confidentiality, the College will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with the people responsible for handling the College's response.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action such as increased monitoring, supervision or security at locations where he reported sexual violence occurred, increasing educations and prevention efforts, conducting climate assessments/victimization surveys and/or revisiting its policies and practices.

If the College determines that it can respect a complainant's request for confidentiality, the College will also take immediate action as necessary to protect and assist the complainant. The College will offer remedies and/or accommodations for the complainant. No formal complaint or investigation, campus or criminal, need occur before these options are available.

Confidentiality

All individuals involved in an investigation and/or adjudication process will be informed of the importance of confidentiality and will be asked to sign a confidentiality statement. Conversations and information that result from an investigation or disciplinary proceeding are private and should not be shared.

Time Frames

Investigations will be conducted in reasonable and prompt timeframes with a goal for resolution of any sexual misconduct complaint being 60 days. Certain issues, such as the point in the semester when the incident is reported may result in prolonged

investigations. For example, conducting interviews during semester breaks may be more challenging as students, faculty, and staff may be away. Every effort will be made to find resolution with the 60 day time frame. If the incident is also being investigated by the local law enforcement, the campus process need not wait for the outcome of the criminal justice system process before making a final determination.

Grievance/Adjudication Procedures

Sexual Grievance Committee

Mediation is never an appropriate means for handling issues of sexual misconduct. Sexual misconduct hearing will be heard by the Sexual Grievance Committee. The Sexual Grievance Committee is comprised of a chair, three faculty members and three staff members. Each case will be heard and investigated by a subcommittee of the Sexual Grievance Committee, which will be referred to as the Hearing Panel. The Hearing Panel will consist of two faculty, and two staff members.

Disciplinary action for students found responsible for violating the College's Sexual Assault policy may include suspension or expulsion from the College.

College officials shall take precautions to ensure that a complainant and individuals testifying on behalf of a complainant are not subjected to any form of retaliation. In cases of alleged retaliation, a College official or any person at whom the retaliatory action is directed may file a complaint against the individual(s) who participated in the retaliation. Such cases fall under the jurisdiction of the College's Harassment Policy. Violations of confidentiality can constitute a form of retaliation.

Standard of Proof

The standard of proof used for hearing cases sexual misconduct will be preponderance of the evidence of "more likely than not." Findings of responsible or not responsible for sexual misconduct cases will be made based on this standard proof in determining if a violation occurred.

Rights of Complainant:

- Prompt access to appropriate College services.
- Self-determination concerning their medical, psychological and legal support.
- Complainants have the right and are encouraged to seek counseling and support services, internal and external to the College.
- To request a change of academic or housing situations and to be notified of what options are available.
- The College will make all reasonable efforts to ensure the preservation of confidentiality, restricting information to those who have a legitimate need for it.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
- The right to appeal the finding and sanction of the Sexual Grievance Committee in accordance with the standards for appeal.

- The right to report incidents of sexual assault to a law enforcement agency, regardless of whether or not he/she is pursuing disciplinary options within the College community.
- Be informed in writing of the outcome of any disciplinary proceeding.

Rights of Accused Student:

- Prompt access to appropriate College services.
- Self-determination concerning their psychological and legal support.
- Accused students have the right and are encouraged to seek counseling and support services, internal and external to the College.
- To request a change of academic or housing situations and to be notified of what options are available.
- The College will make all reasonable efforts to ensure the preservation of confidentiality, restricting information to those who have a legitimate need for it.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
- The right to appeal the finding and sanction of the Sexual Grievance Committee in accordance with the standards for appeal.
- Accused students can expect a presumption of innocence throughout the disciplinary process until found responsible and will be treated with respect throughout the process.
- Be informed in writing of the outcome of any disciplinary proceeding.

If any party is uncomfortable being in the same room for the hearing, accommodations will be made such as using Skype, thereby allowing the hearing to take place without direct confrontation.

Notification of Hearing

All parties whose presence is requested at the hearing will be notified in writing five calendar days prior to the hearing. Notifications will be made via campus email by the Title IX Coordinator and include:

- The date, time and location of the hearing
- Notice of the alleged violations within the complaint
- The names of the members of the Sexual Grievance Committee assigned to the case. Neither the accused nor the complainant may directly or indirectly contact any member of the Sexual Grievance Committee.
- The names of all witnesses who will be called at the hearing, except in cases where a witness' identity may not be revealed for compelling safety reasons. Upon review of the witnesses called with the accused or the complainant may request additional witnesses be called. Witnesses may be added no later than 48 hours prior to the hearing.
- All documentary evidence to be presented at the hearing (subject to confidentiality limitations imposed by state and federal law). Both the complainant and the accused have the opportunity to review this at least 48

hours prior to the hearing. Requests to review this evidence should be made to the Title IX Coordinator.

Hearing Steps

The investigator report will be given to the Sexual Grievance Committee Chair who will make a determination of charges and if necessary, schedule a hearing with the Sexual Grievance Committee. The steps are as follows:

- **Introductions:** The hearing will be facilitated by the Sexual Grievance Committee Chair and begin with introductions.
- **Presentation of the Investigator Report:** the lead investigator will present the report to the Sexual Grievance Committee.
- **Questioning:**
 - Members of the Sexual Grievance Committee will be given the opportunity to ask questions of the accused, the complainant and/or investigator.
 - The accused and complainant may not directly ask questions of each other or any witnesses. Should a question arise, the complainant will in writing submit the question to the committee chair. The committee chair will determine the appropriateness and/or usefulness of the question and then present the question or deny it.
 - Questions about prior sexual conduct with any individual other than the alleged perpetrator are prohibited
 - Evidence of a previous consensual dating or sexual relationship between the accused and complainant does not imply consent or preclude a finding of sexual misconduct
- **Witnesses:** Any witnesses or individuals with relevant information will then be called. Video footage and other types of evidence will be reviewed. The Sexual Grievance Committee will first be allowed to ask questions of witnesses. The complainant and accused will then be permitted to ask questions of witnesses. Witnesses will be called as needed, questioned and dismissed. Witnesses will be present only for the portion of the questioning that applies to them directly.
- **Statements:** The complainant and the accused will then both be given a chance to make a statement after all questioning is finished.
- **Dismissal:** At this point the complainant, accused, investigator, advocates, witnesses and any other individuals will then all be dismissed, leaving only the Sexual Grievance Committee.
- **Deliberation:** The Sexual Grievance Committee will deliberate and make a determination of responsible or not responsible for the accused.
- **Sanctioning:** If a determination of responsible is reached, the board will then assign sanctions.

Notification of Outcome

In sexual misconduct cases, both the accused and the complainant will be notified simultaneously, in writing via campus email of the outcome within 48 hours of completion of the hearing. The complainant will also be notified of any sanctions

assigned to the accused that may impact the complainant. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Appeals Process

- Both the complainant and the accused are granted one opportunity for appeal
- Appeals should be submitted in writing to the Title IX Coordinator within 7 days of the notification of outcome
- Appeal requests may be made on the following grounds:
 - An excessive or inappropriate sanction was given
 - Procedural errors or bias existed in the hearing that were sufficient enough to deny a fair hearing process
 - Lack of sufficient evidence to support the finding
 - Admission of new material or evidence that is not merely collaborative repetitive and was not present at the time of the initial hearing
- A request for an appeal does not necessarily mean that one will be granted
- The Sexual Grievance Committee Chair and the Title IX Coordinator will appoint an appellate committee. Membership of the appellate committee will be determined based on the status of the involved individuals.
- The Appellate Committee will decide within seven calendar days of an appeal request if the appeal will be heard. This will be communicated to the appellant in writing with the date, time and location of the appeal hearing. The appellant will have at least 48 hours' notice prior to the scheduled hearing.
- The following individuals will be present at the appeals hearing:
 - The Appellate Committee
 - The appellant
 - The appellant may bring one advocate. This may be a College official, legal counsel, friend, parent, etc. The appellant may confer with the advocate, but the advocate may not participate in the hearing
- The Appellate Committee will hear the statement of the appellant, review any new evidence and ask any relevant questions. The appeal will then be dismissed and the committee will deliberate and make a determination.
- Should an appeal be granted and heard, both parties will be informed of the outcome in writing via campus email within 48 hours of the decision.

Prevention and Education

Maryville College has several avenues for preventing issues of sexual misconduct and educating the campus community. Some of the highlights are listed below:

1. Bystander Intervention Training: The Assistant Dean of Students is trained in Step Up Bystander Intervention Training and facilitates the program yearly.
2. Awareness and Educational Campaigns: Several Campus Life offices such as Residence Life, Maryville College Student Programming Board, Student Government Association, and other student organizations under faculty/staff supervision conduct programs throughout the year on topics such as consent,

dating violence, sexual assault myths, making healthy choices, sexual violence awareness, etc.

3. Orientation educates new students every fall on issues of sexual misconduct and Maryville College's sexual misconduct policies and procedures.
4. The Title IX Coordinator educates the campus employees on issues of sexual misconduct and to report these issues. Likewise, the Title IX Coordinator trains campus employees on how to sensitively handle such reports.
5. Maryville College provides ongoing prevention and awareness programs in the area of sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking. Maryville College provides a training program through EverFi called Haven, for all new students. Haven used a population-level approach to educate all students on the issues associated with sexual assault and relationship violence.

Training

Maryville College is committed to ensuring all employees are trained in a trauma-informed approach to issues of sexual misconduct. Training for faculty and staff on issues of sexual misconduct is the responsibility of the Title IX Coordinator. Employees are trained annually on what constitutes sexual misconduct, their reporting responsibilities, and how to handle reports of sexual misconduct. Likewise, any individual involved in investigating or adjudicating issues of sexual misconduct undergoes training prior to engaging in such responsibilities. Trainings are conducted by the Title IX Coordinator, in collaboration with other experts versed in sexual misconduct issues.

Obtaining Information Concerning Registered Sex Offenders

The following website provides law enforcement agency information provided by the state of Tennessee concerning registered sex offenders:

http://www.tbi.tn.gov/sex_ofender_reg/sex_ofender_reg.shtml

Missing Persons

Missing persons (students) should be immediately reported to the Vice President of Student Development/Dean of Students at (865) 981-8111. Following confirmation that a student has been missing for more than 24 hours, the Vice President for Student Development/Dean of Students will contact authorities and others as deemed appropriate. Reports of missing person will immediately referred to Maryville College Campus Safety and Security and/or the Maryville Police Department. Parents will be notified if a student is under the age of 18.

To report a missing person, please contact:

Jack Piepenbring, Director of Safety and Security, 865-981-8112

Vandy Kemp, Vice President for Student Development/Dean of Students, 865-981-8111

Allison Norris, Assistant Dean of Students for Student Development, 865-981-8215

Whistleblower Protection and Anti-Retaliation

Maryville College is committed to protecting the safety, and when appropriate the confidentiality of persons reporting crimes included in this report.

Emergency Response Plan

1. Information about a potential campus emergency should be communicated to Campus Safety and Security and the Vice President for Student Development/Dean of Students
2. Campus Safety and Security or the Vice President for Student Development/Dean of Students will notify the President
3. The President will make the determination to declare a state of emergency and inform:
 - a. **Student Development** who will:
 - i. Use the Immediate Response Information System (IRIS) system to send Emergency Texts, Campus Emails, and Phone Calls
 - ii. Contact Campus Safety and Security to
 1. Communicate with the Maryville Police Department
 2. Send out emergency notification over radios to notify the physical plant staff
 3. Configure a plan for dispatch
 - iii. Contact athletics who will:
 1. Contact the trainers for athletics practices taking place.
 2. Trainers will alert coaches and athletes practicing.
 - b. **Communications** who will confer with the President and consider /implement use of:
 - i. Social Media (Facebook, Twitter, Website, etc.)
 - ii. Parent communication via email
 - iii. Any necessary communication with the media

Non Emergency Phone #'s

Maryville Police Department: 865-273-3700

Blount County Sheriff: 865-273-5000

Maryville Fire Department: 865- 273-3650

Blount County Rescue Squad: 865-984-9315

Campus Safety and Security: 865-981-8112

How you will be notified...

- Maryville College uses the Immediate Response Information System (IRIS) which is an emergency communications system that emails, texts, and calls students, faculty and staff in case of an emergency. The IRIS system is tested twice a year, once at the beginning of the fall semester, and once at the beginning of the spring semester. The IRIS system is an opt out database and all student contact information is included in the database. Students wishing to opt-

out should contact the Student Development Office, Bartlett Hall, room 327. The IRIS system is an opt in program for all college employees.

- Campus emergency procedures and training are provided to faculty and staff, and are posted on the MC insider intranet page.
- The Vice President of Student Development/Dean of Students and the Director of Campus Safety and Security are responsible for the IRIS Emergency Communication System as well as the initiation and content of the messages.
- Fire Alarms – Evacuate the Building
- Email: An e-mail may be sent to all people with the maryvillecollege.edu address
- Webpage: the home page, www.maryvillecollege.edu, is the focal point for campus-related emergencies
- Residence Life: College residence halls have procedures for alerting residents in individual halls via their resident assistants, and signage.
- Local Media: The College works with the news media, radio, TV, newspapers, and internet, to help inform everyone.

Fires

- Activate the alarm
- When the fire alarm is activated, evacuation is mandatory
- Call for help – dial 911
- Warn Others
- Evacuate immediately at the nearest exit
- Evacuate to an area that does not impede responders
- Assist persons with disabilities, if possible
- DO NOT USE ELEVATORS
- Do not re-enter the building until authorized by the Campus Safety and Security or the Fire Department Officials

Active Shooter

If Inside...

- If advised or aware of an active shooter incident, immediately seek shelter in the nearest room
- Lock and BARRICADE the doors to protect yourself and others inside the room
- Do not leave your room until authorized by Campus Safety and Security or Law Enforcement Officials (the exception to this rule is if you are in greater danger staying in the room/building than trying to escape)

If Outside...

- If advised or aware of an active shooter incident, run in the opposite direction of the sound of gunfire. If in a room where barricading is not an option, exit the room/building immediately in the direction away from the sound of gunfire.

Hazardous Materials

- If advised to shelter for a HAZMAT incident, immediately seek shelter in the nearest facility
- Close and lock all windows, exterior doors, and any opening to the outside, seal bottom of doors with towels or clothes (and windows if possible) (wet if possible)
- In possible, move to an interior room above the ground floor with fewest windows, close vents or turn off AC
- Do not leave the building until authorized by Campus Safety and Security or Public Safety Officials

Tornado Warning

- The Immediate Response Information System (IRIS) is used by the Campus Safety and Security Department to notify the campus that a tornado warning has been issued for the area by the National Weather Service.
- If you are notified of a tornado warning, immediately seek shelter in the nearest facility (or if no shelter is available lie flat in a ditch facedown covering your face).
- Proceed to the lowest level. If a basement is not available, seek an interior hallway or small interior room on the lowest level, away from windows and doors.
- All clear will be announced by IRIS or over the local TV and radio stations or expiration of the initial National Weather Service warning. **DO NOT LEAVE THE SHELTER UNTIL the all clear is given.**

- **Clery Act Crime Definitions**
- **Murder and 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, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **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.
 - **Date Rape Drug:** Under Clery, the administration of a date rape drug in an unsuccessful attempt to incapacitate and sexually assault the victim, and investigation determines that the perpetrator's attempt was to commit a sex offense, is a sexual assault. Administration of a date rape drug in which intent cannot be proven is an Aggravated Assault.
- **Sex Offenses, Nonforcible:** Unlawful, nonforcible sexual intercourse.
 - **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- **Domestic Violence**
 - Domestic assault in Tennessee is an assault against a victim who is a family or household member including:
 - ✓ a current or former spouse of the offender
 - ✓ person with whom the offender resides or previously resided
 - ✓ person who the offender is dating or previously dated or someone with whom the offender has or previously had a sexual relationship
 - ✓ someone with whom the offender is related by blood or adoption
 - ✓ a person with whom the offender is or was related by marriage, and
 - ✓ an adult or minor child of the offender or a family or household member. (Tenn. Code Ann. §36-3-601, §39-13-11.)

- For purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting
- **Federal Definition**
 - A felony or misdemeanor crime of violence committed-
 - By a current or former spouse or intimate partner of the victim
 - By a person with whom the victim shares a child in common
 - By a person who is cohabitating with or has cohabitated with the victim as a spouse or a partner
 - By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence** According to 42 USCS § 13925 (8), the term 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 based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
 - For the purposes of this definition:
 - i. Dating violence includes, but is not limited to sexual and/or physical abuse of the threat of such abuse.
 - ii. Dating violence does not include acts covered under the definition of domestic violence.
 - For purposes of complying with the requirement of this section, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.
- **Stalking**
 - **Tennessee Stalking Laws:** Stalking laws came about in the 1990s. Initially stalking laws were written in response to behavior committed against the famous. Now, however, they apply to everyone. Stalking is defined by Tennessee law as **willful conduct involving repeated harassment of someone that causes them to feel terrorized, frightened, intimidated, threatened, harassed or molested**. Typically stalking is charged as a **Class A misdemeanor** and is punishable by up to 1 year in jail and fines up to \$2,500. However, in some situations, stalking is a felony offense.
 - **Aggravated Stalking:** If any of the following apply you could be charged with a **Class E felony**, punishable by 1 to 6 years in prison:
 - f. The stalking involved you displaying a weapon;

- g. The victim is under the age of 18 and you were over the age of 23;
- h. This is your 2nd stalking charge within 7 years
- i. You make a credible threat of death or serious harm to the victim or a member of their family; or
- j. A restraining order was in place.
- **Especially Aggravated Stalking:** Especially aggravated stalking is a **Class C felony** and the most serious of all stalking and harassment offenses. This felony is punishable by 3-15 years in prison. If any of the following apply to the offense, you could be charged with especially aggravated stalking:
 - a. If you have already been convicted of stalking and the victim is the same;
 - b. Commit aggravated stalking and inflict serious bodily harm on the stalking victim or a member of their family.

With any stalking charge you may be ordered to obtain counseling, undergo treatment, and be on house arrest whether you are sentenced to probation or released early from prison.

Ref: TCA 39-17-315

- **Federal Definition**
 - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress
 - For the purposes of this definition-
 - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - c. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- **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. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an

aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. Aggravated assault includes poisoning (date rape drug, etc.)

- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding).
- **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.
- **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.)
- **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).
- **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.

(Crime definitions are from the [Uniform Crime Reporting Handbook](#). Sex offense definitions are from the National Incident edition of the Uniform Crime Reporting Program).

Clery Act Hate/Bias Crimes

A hate crime is defined as any crime that manifests evidence that a victim was selected because of his/her actual or perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the

offense because of his/her bias against the victim's perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability, the crime is classified as a hate crime.

- **Bias:** Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin. Although there are many possible categories of bias, under Clery, only the following eight categories are reported:
 - **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
 - **Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
 - **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
 - **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
 - **Sexual Orientation:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.
 - **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
 - **National Origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.
 - **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
 -

NOTE: Maryville College is required to report statistics for hate/bias crimes by the type of bias for the prior listed offenses (see definitions above) as well as the crimes of

larceny, simple assault, intimidation and vandalism (see definitions below). The below listed crimes are not Clery reportable crimes unless the crime was motivated by bias.

- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black's Law Dictionary, 6th ed. as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.")
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property (Except "Arson"):** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

NOTE: If a hate crime occurs during an incident involving larceny, simple assault, intimidation or vandalism, Clery law requires that the statistic be reported as a hate crime even though these four crime classifications by themselves are not Clery-reportable crimes.

A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, religion, ethnicity, national origin, gender, gender identity, sexual orientation, or disability, the crime is classified as a hate crime.

Crime Statistics

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Maryville College has compiled the following crime statistics. The college encourages every member of the college community to review this report so that each may be informed as to the means of preventing and reporting campus crime. The report was compiled from the 2012, 2013, and 2014 calendar year statistics.

Under this law, institutions must include in its crime statistics all crimes listed below occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). (34 C.F.R. part 668(c)(2)(i))

A reported crime may not be withheld, or subsequently removed, from an institution's crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non campus official (34 C.F.F. Part 668(c)(2)(iii))

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have full investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report. (34 C.F.R. Part 668(c)(2)(iii))

Crime Statistics Reporting Table					
Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Negligent Manslaughter	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0

Sex Offenses, Non Forcible	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Sex Offense, Forcible	2012	1	1	0	0
	2013	2	2	0	0
	2014	4	2	0	0
Robbery	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Aggravated Assault	2012	3	2	0	0
	2013	3	0	0	0
	2014	0	0	0	0
Burglary	2012	6	6	0	0
	2013	3	3	0	0
	2014	4	2	0	0
Motor Vehicle Theft	2012	1	0	0	0
	2013	0	0	0	0
	2014	2	0	0	0
Arson	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Hate Crime: Simple Assault	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0

Hate Crime: Larceny-Theft	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Hate Crime: Intimidation	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Hate Crime: Destruction/Damage/ Vandalism	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Arrests: Weapons - Carrying, Possessing, etc.	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Disciplinary Referrals: Weapons – Carrying, Possessing, etc.	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Arrests: Drug Abuse Violations	2012	0	0	0	0
	2013	0	0	0	1
	2014	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2012	4	4	0	0
	2013	5	5	0	0
	2014	8	8	0	0
Arrests: Liquor Law Violations	2012	0	0	0	3
	2013	0	0	0	2
	2014	0	0	0	0

Disciplinary Referrals: Liquor Law Violations	2012	27	27	0	2
	2013	13	12	0	1
	2014	6	6	0	0
Domestic Violence	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0
Dating Violence	2012	0	0	0	0
	2013	0	0	0	0
	2014	3	2	0	0
Stalking	2012	0	0	0	0
	2013	0	0	0	0
	2014	0	0	0	0

Hate Crime Statistics			
2012	On-Campus	Non-Campus Building/Property	Public Property
Race	0	0	0
Gender	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Ethnicity	0	0	0
National Origin	0	0	0
Disability	0	0	0
Total	0	0	0

2013	On-Campus	Non-Campus Building/Property	Public Property
Race	0	0	0
Gender	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Ethnicity	0	0	0
National Origin	0	0	0
Disability	0	0	0
Total	0	0	0
2014	On-Campus	Non-Campus Building/Property	Public Property
Race	0	0	0
Gender	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Ethnicity	0	0	0
National Origin	0	0	0
Disability	0	0	0
Total	0	0	0

Fire Safety

Campus Safety and Security's main priority is the safety of our students. All buildings on campus are monitored 24 hours a day, 7 days week. A "notifier" fire panel in each residence hall pinpoints the exact location of a fire alarm that has been activated. This fire panel notifies the 24/7 monitoring company, which first notifies the Maryville Fire Department and then the Maryville College Campus Safety and Security on duty officer. Both the fire department and campus security then respond to the location of the fire alarm. Fire alarms should always be taken seriously. You should follow your evacuation plan, moving calmly and quickly to the exit. Do not remain in the building during an alarm or return to the building without the consent of a Maryville College official.

Emergency phone numbers to report a fire:

Maryville Fire Department at 911

On Duty Campus Safety and Security officer at 865-981-8112.

Non-emergency phone numbers to report a fire that has occurred:

Director of Campus Safety and Security at 865-981-8004

On Duty Campus Safety and Security officer at 865-981-8112

Fire Safety Systems:

- All residence halls on the Maryville College campus have smoke detectors, fire extinguishers, fire sounders and sprinkler systems.
- Court Street Apartments have smoke detectors but no fire sounders or sprinkler system.
- Hearing impaired student's rooms are equipped with fire strobes.

Fire Drills and Fire Evacuation Procedures:

- Fire drills are held at the beginning of fall and spring semesters in each residence hall.
- Fire evacuation plans are posted in every residence hall.
- Campus community members shall not disregard a fire alarm or refuse to evacuate a building during a drill or an actual fire. They will evacuate by the nearest exit, closing doors, and activating the fire alarm system (if one is present) as they leave. At no time should the closing of doors, or the activation of the alarm, delay the exit from a building.
- Upon exiting the building, students will gather in a designated location so that the residence life staff can document that everyone has evacuated the building, and if appropriate call 911 and campus safety and security at 865-981-8112.
- Staff members assist handicapped persons to evacuate residence halls during emergencies.

Rules on Portable Electrical appliances, Smoking, and Open Flames in Student Housing:

- Fireworks, flammable liquids, dangerous chemicals, or other explosives are expressly prohibited in residence halls.
- Candles cannot be burned in the residence halls. Candles with wicks that have never been burned are allowed. Incense is not allowed in the halls.
- Anything that involves open flame or fire in a College building is prohibited.
- Use of extension cords is prohibited. Instead, surge protectors with an on/off switch and a maximum of 15 amps may be used.
- Use of halogen light bulbs is prohibited.
- The covering of light fixtures or electrical outlets with any flammable material is prohibited.
- Smoking in all buildings is prohibited.

Fire Safety Education and Training:

- Fire safety education is provided annually at the first of the school year to residence hall staff by the Maryville Fire Department and professional resident director staff who are trained in fire safety and prevention measures.
- This training is designed to familiarize everyone with the fire safety system in each housing facility, trains everyone on the procedures to be followed in case there is a fire, and distributes information on the campus fire safety policies.
- All residence life staff and residents are trained on the specific evacuation routes and location of the fire alarm pull stations for their specific building.
- During these programs, trainers emphasize that participating in fire drills is mandatory.
- Students with disabilities are given the option to have a “buddy” assigned to them.
- Residence hall staff provides fire safety education and training to residents of their buildings.

Plans Addressing Future Improvements for Fire Safety

- All residence hall smoke detectors will be examined, cleaned, and replaced if needed.
- Pearsons Hall is being renovated (will open in the fall of 2015), and a new fire pump, sprinkler system, fire extinguishers, smoke detectors, and a monitored fire panel is being installed.

MEMORANDUM OF UNDERSTANDING

Maryville College has a Memorandum of Understanding with the Maryville Police Department and the Maryville Fire Department that states the following:

Maryville City Police Department agrees to:

- Provide law enforcement coverage for the Maryville College Campus.
- Respond to emergency calls from MC Security Officers.
- Provide MC Security with access to the radio frequency used by MPD.
- Provide MPD SWAT team response in emergency situations requiring that level of force.

Maryville City Fire Department agrees to:

- Provide fire inspections, fire protection, and fire suppression for the Maryville College Campus.
- Respond to emergency fire calls from MC Security Officers.
- Provide MC Security with access to the radio frequency used by MFD.
- Assist in providing annual fire prevention training to MC Residence Life staff.

Fire Report**Fire Log for 2012, 2013, 2014**

Statistics and Related Information Regarding Fires in Residential Facilities for 2012, 2013, and 2014						
Residence Hall	Date	Time	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
Beeson	0	0	N/A	0	0	N/A
Carnegie	9/30/12	7:45 PM	Student cooking food, pan caught fire, student used rags to put out the fire	0	0	Cost: \$0
Copeland	0	0	N/A	0	0	N/A
Court Street	0	0	N/A	0	0	N/A
Davis	0	0	N/A	0	0	N/A
Gamble	0	0	N/A	0	0	N/A
Gibson	0	0	N/A	0	0	N/A
Lloyd	0	0	N/A	0	0	N/A

Fire Safety Systems in Maryville College Residential Facilities						
Residence Hall	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans	Number of Evacuation (fire) Drills Each Calendar Year
Beeson	x	x	x	x	x	2
Carnegie	x	x	x	x	x	2
Copeland	x	x	x	x	x	2
Court Street			x	x	x	2
Davis	x	x	x	x	x	2
Gamble	x	x	x	x	x	2
Gibson	x	x	x	x	x	2
Lloyd	x	x	x	x	x	2

