



## 2025 Annual Security and Fire Safety Report

Produced for the 2025-2026 Academic Year,  
including Crime Statistics for 2024, 2023, and 2022  
Calendar Years.

## Table of Contents

Welcome

Overview of Maryville College Campus Safety & Security Department

Campus Security Act Legal Requirements

Incident Reporting and Response

Mandatory Reporters

Voluntary and Confidential Reporting

Timely Warning Notification

Security and Access to Facilities

Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations of Recognized

Student Organizations

Security Awareness and Crime Prevention Programs

Alcoholic Beverages and Illegal Drugs

Prevention of Sexual Misconduct

Reporting Avenues

Maryville College Sexual Harassment and Sexual Misconduct Policy

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS  
AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Obtaining Information Concerning Registered Sex Offenders

Missing Persons

Whistleblower Protection and Anti Retaliation

Emergency Response Plan

Definitions of Crimes

Crime Statistics

Fire Safety

Fire Report

## Welcome

Maintaining a safe and secure campus cannot be accomplished without the cooperation and assistance of members of the Maryville College community. The responsibility of maintaining such a campus is one that is shared amongst all constituencies, and involves working collaboratively to identify and solve problems, as well as to proactively address issues that may reduce the likelihood of crime occurring in our community.

This report provides information about the various components of safety and security efforts and services at Maryville College. Additionally, this report includes crime statistics on incidents that have occurred within the areas defined by The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This report also includes crime statistics received from the Maryville Police Department that occurred in the public areas immediately adjacent to the campus.

If upon review, this report elicits questions or suggestions about campus safety and security at Maryville College, please call the Maryville College Safety & Security Department at 865-981-8112.

Sincerely,

Dennis R. Pumphrey  
Director of Safety & Security  
Maryville College

## **Overview of Maryville College Safety & Security Department**

The Maryville College Safety & Security officers have the authority to enforce College policy; proactively identify areas of risk and concern to and for campus safety; ask persons for identification and to determine whether individuals have lawful, salient business at the College; issue parking tickets and remove unlawful vehicles from campus; and liaise with local, state, and federal entities regarding matters of safety and security for the campus community. Campus Safety & Security officers do not possess arrest power. Criminal incidents are referred to the local police who have legal jurisdiction on Maryville College campus. The Safety & Security officers have jurisdiction to operate within Maryville College policy on College owned and controlled property.

The Maryville College Safety & Security Department maintains a professional and collegial working relationship with the Maryville Police Department, Maryville Fire Department, and the Blount County Sherriff's Office. All victims and witnesses of crime are strongly encouraged to immediately report the crime to Maryville College Safety & Security by calling 865-981-8112.

Crimes may also be reported to the Maryville Police Department at 865-273-3700. Emergency situations should be reported by calling 911. Prompt reporting will assist the issuance of timely warning notices on-campus when appropriate, and judicious disclosure of crime statistics.

The Maryville College Safety & Security Department (MCSSD) maintains a strong working relationship with the Maryville Police Department (MPD), and other law enforcement and safety agencies in the east Tennessee area, including but not limited to, Blount County Emergency Management. Meetings are held between the leaders of these agencies on both a formal and informal basis. The officers at the MCSSD and MPD communicate regularly on the scene of incidents that occur in and around the campus area.

Maryville College has a memorandum of understanding with the Maryville Police Department. The MOU addresses providing law enforcement and associated services for the College campus.

## **The Campus Security Act Legal Requirements**

### **The Campus Security Act requires colleges and universities to:**

- Publish an annual report every year by October 1 which contains three calendar 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 & Security Office.
- Disclose any agreements with state and/or local law enforcement.

### **Preparation of the Annual Security Report**

The Director of the Maryville College Safety & Security Department, or College designee should the Director be unable to do so, prepares and distributes the Annual Safety and Fire Safety 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, Student Affairs, and other salient College departments.

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

Each year, a notification by email 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 Safety & Security Department, located in Bartlett Hall, room 103, or by calling 865-981-8004 for a paper copy.

### **Crime Log**

Maryville College Safety & Security officers maintain Patrol Logs for each shift reflecting all crimes reported to them on-campus during their shift. They prepare and submit Incident Reports which describe crimes alleged to have been committed. Copies of the Patrol Logs and Incident Reports are available during business hours at Maryville College Safety & Security Department.

## **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 Safety & Security. The Maryville College Safety & Security Department is open 24 hours a day, 7 days a week, 365 days a year, and is located on the first floor of Bartlett Hall, room 103, on the Maryville College campus.

To report a crime or emergency, call the Maryville College Safety & Security Department at 865-981-8112, or call 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 Safety & Security Department at 865-981-8112.

Crimes should be accurately and promptly reported to the Maryville College Safety & Security Department or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

### **Response to Reported Incidents**

The Maryville College Safety & Security Department's procedures include immediate response to emergency calls. MCSSD works closely with the full range of city and county first responders to ensure a complete and timely response to all emergency calls. In response to a non-emergency call, MCSSD will take the required action by either dispatching an officer or asking the victim to report to the Campus Safety & Security Office to file an Incident Report.

All campus Safety and Security Incident Reports related to students, are forwarded to the Vice President & Dean of Students (or their designee) for review and potential action. Maryville College Safety & Security will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to Vice President & Dean of Students and/or the Designated Student Conduct Officer – if/when appropriate.

The Maryville College Safety & Security Department does not have the power to arrest and is not a law enforcement office. As such, campus incidents requiring law enforcement assistance are reported to the Maryville Police Department through the Safety & Security Department. Such assistance includes a cooperative relationship between the Safety & Security Department, Student Affairs, 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 Maryville College Safety & Security officers, will offer the victim a wide variety of services. The victim will also have the option of transport to Blount County Memorial Hospital for an exam and/or law enforcement reporting and investigation if desired.

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 should they become the victim of a crime. The information about “resources” is not provided to imply that those resources are “reporting entities” for Maryville College.

Crimes should be reported to the Maryville College Safety & 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 - CSA's and Responsible Employees**

Maryville College policy defines nearly all employees (Faculty and Staff – both exempt and non-exempt) as mandatory reporters (Responsible Employees) for Title IX issues and/or crimes that occur on campus. Other employees, including but not limited to officials with significant responsibility for student and campus activities, are defined as Campus Security Authorities (CSA's) who must report Clery defined crimes to the Safety & Security Department for inclusion in this report. Many employees are, by definition, both CSA's and Responsible Employees. Employees hired by the College in the capacity of designated confidential positions, such as mental health counselors, campus minister, 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 Campus Security Authority becomes aware of any crime which occurs a) on campus; b) on public property within or immediately adjacent to the campus; and/or c) on non-campus property that the College owns or controls, the employee should immediately contact Campus Safety & Security at 865-981-8112. The Clery Act does not establish an obligation for Campus Safety & Security to investigate the reported crime; only to report the crime as a statistic following Clery Act guidelines.
2. When a Responsible Employee becomes aware of an alleged act of sexual harassment, discrimination, or assault, the reporter must promptly contact the Title IX Coordinator.

In some cases, the Safety & Security Department may also be required to release a timely warning regarding an on-going threat to the community.

## **Non-Retaliation/Non-Retribution**

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

### **Voluntary and Confidential Reporting**

A victim of a crime on-campus who does not want to pursue action within the College system or the criminal justice system, may still want to consider making a voluntary report. With the victim's permission, a Maryville College Safety & Security Department officer can file a report on the details of the incident without revealing individual identity, except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment. The purpose of a confidential report is to comply with an individual's wish to keep the matter confidential, while taking steps to enhance the future safety of those who report and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

As a result of the negotiated rulemaking process which followed the signing into law of 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, when they deem it appropriate, to inform people 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 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 their license or certification.

### **Timely Warning Notification**

In the event a Clery Act crime occurs within the Maryville College Clery Geography (e.g., on-campus, public property, and non-campus property), that, in the judgment of the Director of Safety & Security in consultation with the Vice President & Dean of Students, or designee, constitutes a serious or continuing threat, a campus wide "timely warning" notice will be issued.

Anyone with information about a crime that warrants a timely warning should report the circumstances to the Maryville College Safety & Security Department by phone at 865-981-8112, or in person at 103 Bartlett Hall.

The campus community may be alerted with a Timely Warning Notice in the following ways:

- An alert to all faculty, staff, and students (includes text, voice message, and email).

- Send the information via campus email

Timely Warnings may be issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications depending on the likelihood of an ongoing threat to campus:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault
- Robbery
- Sexual Assault
- Arson
- Burglary
- Other Clery crimes as determined necessary by the Director of Safety & Security, in consultation with the Vice President & Dean of Students, or their designee.

Under circumstances where the threat is determined to be immediate, a security officer may initiate an emergency message through the ManageBridge App, commonly referred to as Scots Alert, without additional consultation or approval. This may include severe weather events and in-progress criminal activity.

### **Security and Access of Facilities**

During normal College business hours, the College (excluding certain housing facilities) will be open to students, employees, contractors, guests, and invitees, unless otherwise stipulated by urgent/emergency situations such as those caused by outbreaks of disease, forces of nature, or other unforeseen circumstances. During non-business hours, access to all College facilities is by either a key, as issued in collaboration with the College Facilities, or through a “proximity card” as issued via the Safety & Security Department or Residence Life Staff.

Residence halls are secured twenty-four (24) hours a day, and the living spaces are restricted to those who live in that space, and their approved guests. Access to most exterior doors is controlled by a proximity card system. For buildings with card access, such access is only granted to those assigned to reside in the specific building. 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 are secured around the clock, and card access is turned off. 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. Safety & Security officers routinely patrol campus property and buildings, to monitor and evaluate security related matters.

Maryville College maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. Maryville College Safety & Security Department works closely with Facilities Management to address burned out lights promptly, as well as malfunctioning door locks or other physical conditions that require repair. Other members of the College community are helpful when they report equipment problems to Maryville College Safety & Security Department or to Facilities Management. The College utilizes a software platform accessible to residential students to report damage, necessary repairs, issues, and concerns. Additionally, “Health and Safety”

inspections are completed on a routine basis within the residence halls, supplemented by routine inspections of fire extinguishers, AEDs, and elevator call buttons.

Areas that are revealed as problematic have security surveys conducted. These surveys examine issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Director of Facilities Operations, the Director of Safety & Security, and members of the Residence Life staff 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 Safety & Security Officer, or a Facilities employee.

### **Monitoring and Recording of Criminal Activity by Students at Non-Campus Locations of Recognized Student Organizations**

Maryville College does not have officially recognized student organizations with off-campus housing. Therefore, local PD is not used to monitor and record criminal activity since there are no non-campus locations of student organizations.

### **Security Awareness & Crime Prevention Programs**

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:

- Conduct meetings with incoming first-year students, providing information on how to contact the Maryville College Safety & Security Officers.
- Facilitates meetings with representatives of Safety & Security and Residence Life, to review procedures for reporting, as well as preventing crime on campus.
- Engage members of the Student Government Association (SGA) representative(s), as needed, to address issues of concern.
- Provides campus safety and security information about services, emergency procedures, and parking, through campus-wide updates via electronic newsletters.
- Provides programming addressing sexual violence, inclusive of the College's statement on prohibiting such offenses, related definitions (including consent), bystander intervention, signs of abusive behavior, and how to avoid potential attacks, through New Student Orientation and in collaboration with various student/department organizations on-campus.
- Residence hall programming addresses 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
  - Personal health

- Healthy relationships

Maryville College provides ongoing prevention and awareness programs in the areas of alcohol and other drugs, and sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking. Maryville College provides training programs (e.g., AlcoholEDU and Sexual Assault Prevention) including Step UP! and It's On Us (e.g., Bystander Training) for all new students. These programs use a population-level approach to educate students on the issues associated with the abuse of alcohol and other drugs, and 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

Maryville College conducts awareness and prevention programs during the academic year. In these programs, students and employees are encouraged to be responsible for their own security, and the security of others.

### **Alcoholic Beverages and Illegal Drugs**

#### **Alcohol**

The use of alcohol on the Maryville College campus is seen as a privilege that is earned both through age and 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 annual alcohol education programs. Although the College understands alcohol may be a part of college life for some, the College rejects the notion that alcohol should be a major part of the collegiate 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 unlawful use, possession, advertisement, or sale of alcoholic beverages on the campus in its daily operations and routine programming. The Vice President & Dean of Students, or their student-conduct designee, has primary responsibility for the enforcement of State underage drinking laws.

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 their 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 (e.g., 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 & Dean of Students and conducted within established guidelines. Further information is available through the Office of Student Affairs.

C. Maryville College permits the possession and consumption of alcoholic beverages in residential living units located within Beeson Village, Carnegie, and Lloyd Halls in which all residents of that living unit are of legal drinking age [e.g., twenty-one (21) years of age 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 the 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 they are present at the time of the violation or not.

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 people at one time, including the residents of the apartment.

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

- c. Single or double rooms may have no more than 6 people 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 disorderly conduct. 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 Code of Conduct/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 because of having too much to drink is encouraged to contact the Staff Member On Duty (SMOD) at 865-981-8002 or the Safety and Security Department at 865-981-8112, 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 of Community Standards at 865-981-8193.

### **Parental Notification**

The Maryville College Alcohol policy allows for parental notification after the second offense or the first offense under certain circumstances. The College Code of Conduct Policy also allows for parental notification 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 (FERPA). Letters are normally sent to the student’s home address and may be followed up with a phone call. The College encourages students to notify their parent(s)/guardian of the violation before notification is received from the College. Additionally, the College anticipates that parental/guardian knowledge of these types of violation will help deter students from future violation of such policies. Any questions concerning parental notification should be directed to the Office of Student Affairs at 865-981-8213. The Alcohol Policy can be found at <https://www.maryvillecollege.edu/campus-life/student-services/handbook/conduct/>

### **Illegal Drugs**

The possession, use, distribution, manufacture, or sale of drugs or paraphernalia associated with drug use is strictly prohibited. The Vice President & Dean of Students, or their student conduct officer designee, has primary responsibility for the enforcement of Federal and State drug laws for the student body.

Any student who voluntarily seeks help through the College Counseling Center for drug or alcohol abuse will not be subject to College disciplinary action for disclosure of such concerns. The Director of Counseling, or assigned clinician, 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 steroids, barbiturates, Marijuana, and 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 Student Affairs staff member 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 & Dean of Students, or their 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 the Safety & Security Department for disposal.
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 & Dean of Students, or designee. These sanctions may include a Drug Assessment, Drug Testing, and/or parental notification.

### **Drug Testing**

When drug testing is part of a student’s conduct 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 may result in:

1. Temporary suspension if the student opts to enter an approved rehabilitation program. The student 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.

### **Federal Drug Laws**

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

**A. Denial of Federal Benefits 21 U.S.C. 862**

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

**B. Forfeiture of Personal Property and Real Estate 21 U.S.C. 853**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

**C. Federal Drug Trafficking Penalties 21 U.S.C. 841**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list in section D is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

**D. Federal Drug Possession Penalties**

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For a comprehensive overview of federal drug possession and trafficking penalties, please refer to the following resources:

[https://www.dea.gov/sites/default/files/2018-06/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/2018-06/drug_of_abuse.pdf#page=30)

[https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf), pages 30-31.

**Alcohol and Drug Education**

In compliance with the Drug Free Schools and Communities Act (DFSCA), Maryville College publishes information regarding the College's programs related to drug and alcohol abuse prevention, which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use and abuse;

and a description of available counseling, treatment, rehabilitation and/or re-entry programs for MC students and employees. A complete description of these topics, as provided in the College's annual notification to students and employees, is available online at: <https://www.maryvillecollege.edu/wp-content/uploads/CampusLife/Safety-Security/mc-annual-notification.pdf>

The College's Wellness Committee members, the Director of Counseling, and the Director of Prevention Education collaboratively provide a program of alcohol and drug education as a resource to students, staff, and faculty. Topics include, for example, 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. Student confidentiality will be strictly observed.

It is unlawful in Tennessee for:

- Any person 21 years of age to buy, possess, transport (unless in the course of employment), or consume alcoholic beverages, wine, or beer;
- Any person to purchase an alcoholic beverage for or at the request of a person under 21 years of age;
- Any person who is younger than 21 years of age to purchase or attempt to purchase any alcoholic beverage;
- Any person under 21 years of age to knowingly make a false statement or exhibit false identification to the effect that the person is 21 years of age or older to any person engaged in the sale of alcoholic beverages for the purpose of purchasing or obtaining the same;
- Any person to give or buy alcoholic beverages or beer for or on behalf of any minor or to cause alcohol to be given or bought for or on behalf of any minor for any purpose;
- A driver to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state;
- Any person to persuade, entice, or send a minor to any place where alcoholic beverages or beer, are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person; and/or
- Any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on the property; provided, that the owner, occupant or other person knows that, at the time of the offense, the person consuming is an underage adult

### **Prevention of Sexual Misconduct**

Maryville College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. Toward that end, Maryville College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking, as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

In coordination with the Title IX Coordinator, Director of Prevention Education, the Safety & Security Department, New Student Orientation Programs, Student Affairs, and other campus partners on and off campus, 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. Individuals may report as the victim, or if they 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 an individual's safety or the safety of others. Other employees are defined as "responsible employee" as they are required to share reports with the Title IX Coordinator so that Maryville College may take steps to offer support services, to prevent the recurrent of sexual misconduct. In these cases, information will be shared with as few people as possible, and every effort will be made to maintain privacy. Regardless of the reporting avenue chosen, the College will make every effort to keep the report as private as the individual wishes.

If a staff or faculty member's reporting requirement is unclear, please ask the Title IX Coordinator. 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 reporting party process will not be tolerated. Reports of retaliation can be made to any responsible employee.

## **Reporting Avenues**

### **Confidential Reporting**

The Director of Counseling and those employed by the Counseling Center serving in the capacity of a counselor (e.g., graduate level counseling interns), and the Campus Minister, can provide students with confidential reporting. These employees cannot and will not share the details of a report without consent. However, should a report indicate there is a concern for an individual's safety or the safety of others; they may have to share some details.

Individuals who can connect students with resources and explain the other reporting options that are available to students as well, include:

1. Claudia Werner, Director of Counseling, 865-981-8035, [Claudia.werner@maryvillecollege.edu](mailto:Claudia.werner@maryvillecollege.edu),
2. Laura Reed, Prevention Education Director, 865-981-8008, [laurareed@maryvillecollege.edu](mailto:laurareed@maryvillecollege.edu)

Off-campus counselors, advocates, and health care providers not affiliated with Maryville College 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 students would like to report to someone off-campus in Blount County, they may also contact the Helen Ross McNabb Center at 865-255-9711, <https://mcnabbcenter.org/>

## **Private Reporting**

Individuals may also report issues of sexual misconduct to any faculty member or student affairs staff. These employees are defined as “responsible employees” and are required to share information with the Title IX Coordinator. This information will be shared with as few people as possible. Every effort will be made to keep the details private. The details of the report, to whom it was reported and the course of action the individual wishes to pursue will determine how this information is shared. A responsible employee should not share information with law enforcement without the reporting party’s consent or unless the reporting party has also reported the incident to law enforcement.

When a responsible employee is made aware of an incident of sexual misconduct, the reporting party 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 reporting party’s well-being, will take ongoing steps to protect the reporting party from retaliation or harm and will work with the reporting party to create a safety plan. Retaliation against the reporting party, 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 Daniel Roselli. Title IX reports may be made to [titleix@maryvillecollege.edu](mailto:titleix@maryvillecollege.edu) or 865-981-8192. To reach the Title IX Coordinator in an emergency, please contact the Safety & Security Department at 865-981-8112. The Deputy Title IX Coordinators who support the Title IX Coordinator are Tina Goodacre, the Director of Human Resources, 865-981-8308, [tina.goodacre@maryvillecollege.edu](mailto:tina.goodacre@maryvillecollege.edu) and Jenny Massey, Head Athletic Trainer, 865-981-8320, [jennymassey@maryvillecollege.edu](mailto:jennymassey@maryvillecollege.edu).

If a victim is physically or mentally incapacitated for at least ten (10) calendar days, and thereby unable to report the incident to law enforcement, the Title IX Coordinator will make such a report. Maryville College will comply with all requests by local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of an investigation detailed in the procedures below while local law enforcement agency gathers evidence. The Title IX Coordinator will promptly resume the investigation as soon as notified by local law enforcement agency that it has completed the evidence gathering process. Otherwise, the investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

## **Local Law Enforcement**

Students may also report to the Maryville Police Department, who can be reached in urgent situations through calling 911, or by calling 865-273-3700 in a non-urgent situation. Sexual assault is a criminal offense. As such, Maryville College realizes colleges cannot and should not hold themselves as an alternative to the criminal justice system for the prosecution of any crime(s).

Individuals are encouraged to report incidents of discrimination and harassment to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Maryville College will aid victims in notifying law enforcement if the victim chooses to report. Crimes dealing with minors must be reported to law enforcement.

### **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 Safety & 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 reporting party'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: [XII. Discrimination and Harassment Policy - Maryville College](#)

### **(HEOA) Notification to Victims of Crimes of Violence**

Maryville College will disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding 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:

- 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 in conflict if everything is ok.
- 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 they are needed to talk with right away and then pulling them outside.
- 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 Discrimination and Harassment Policy**

### **PURPOSE**

Maryville College is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law. Maryville College is an equal opportunity employer and does not discriminate in the provision of educational opportunities, employment practices, or benefits. For

additional information on nondiscrimination policies and concerns about violations, contact Daniel Roselli at [titleix@maryvillecollege.edu](mailto:titleix@maryvillecollege.edu) or 865-981-8192.

The purpose of the Discrimination and Harassment Policy, hereafter “Policy,” is to establish clearly and unequivocally that Maryville College prohibits discrimination, harassment and retaliation by individuals subject to its control or supervision and to set forth procedures by which such allegations shall be filed, investigated, and adjudicated.

## **APPLICABILITY**

This Policy applies to on-campus conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, individuals participating in camps and programs, volunteers, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Maryville College), and contractors working on campus who are not Maryville College employees, as well as to students, visiting students, employees, faculty, and staff participating in Maryville College-sponsored activities off campus. This Policy is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus or that effectively denies a person equal access to Maryville College’s education program. This policy applies to discrimination and harassment occurring against a person in the United States.

Allegations of on-campus or off-campus violations of this policy should be reported to the Title IX Coordinator in accordance with the guidance below and the Discrimination and Harassment Grievance Procedures (see Section 5).

### **Academic Freedom and Free Speech**

This Policy does not allow curtailment or censorship of constitutionally protected expression, which is valued in higher education and by Maryville College. In addressing all reports of alleged violations of this policy, Maryville College will take all permissible actions to ensure the safety of students and employees while complying with applicable guidance regarding free speech rights of students and employees. This Policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

## **DEFINITIONS**

**Appellant** means an individual who appeals either the final determination of a case or the Title IX Coordinator’s dismissal of a Formal Complaint.

**Appellee** means an individual who is the non-appealing party in an appeal.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, discrimination, harassment, or other possible violation of this Policy.

**Consent** is knowing, voluntary, and clear permission, by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent may be withdrawn at any time. Consent cannot be obtained by force,

physical violence, threat, coercion, or intimidation. A person who is impaired or incapacitated is unable to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.

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

**Domestic Violence** includes felony or misdemeanor crimes 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 intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the local jurisdiction, 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.

**Discrimination** is inequitable and unlawful treatment based on an individual's protected characteristics or statuses — race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, disability, or any other status protected by law — that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

**Exculpatory Evidence** means evidence that is favorable to the Respondent in an allegation that supports an unsubstantiated finding.

**Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment, harassment, or discrimination against a Respondent and requesting that the Title IX Coordinator or designee investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of Maryville College. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission through the submission form provided on the Maryville College website, official Maryville College email that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

**Formal Investigation** means an investigation conducted by the Title IX Coordinator into allegations that discrimination or harassment occurred.

**Free Expression** is communicative conduct or activity protected by the First Amendment including, but not limited to, public speeches, demonstrations, marches, protests, and picketing, as well as any lawful free expression activity as defined in the Maryville College Free Expression Policy. Free expression does not include commercial activity.

**Inculpatory Evidence** is evidence that tends to show involvement in an act or evidence that can establish responsibility for an action and may support a substantiated finding.

**Informal Resolution** means a resolution facilitated by the Title IX Coordinator as an alternative to a Formal Investigation.

**Harassment** is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of their protected characteristics or statuses. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment violates this policy when it creates a hostile environment, as defined below.

**Hostile Environment** may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from Maryville College's education programs, services, opportunities, or activities, or the individual's employment access, benefits, or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individual's education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

**Preponderance of the Evidence** is a standard that requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that an alleged violation occurred.

**Reasonable Person** is a person similarly situated to the Complainant.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, discrimination, harassment, or other conduct that may be in violation of this Policy.

**Responsible Employees** must report to the Title IX Coordinator all relevant information received about an incident of conduct that potentially is in violation of this policy and without delay. If necessary, the report may be made after addressing any immediate needs of the victim. "Responsible Employee" includes all Maryville College employees. A Responsible Employee is considered confidential and is not required to make a report if the Responsible Employee obtained, within the scope of their employment at Maryville College, the information through any communication considered privileged under state or federal law, or in the course of providing services as a professional counselor, campus victim support personnel, a member of clergy, or an attorney.

**Retaliation** is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, discrimination, or harassment, but arise out of the same facts or circumstances as a report or Formal Complaint of discrimination, or harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Neither Maryville College nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report, testified, assisted, or participated or refused to participate in any manner in an

investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith. Action is generally deemed adverse if it would deter a reasonable person in the same circumstance from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions, remedies, or supportive measures imposed in response to the underlying allegations of discrimination or harassment. Retaliation prohibited by this policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator, for purposes of interfering with their job responsibilities.

**Sexual Assault** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following: 1) An employee of Maryville College conditioning the provision of an aid, benefit, or service of Maryville College on an individual's participation in unwelcome sexual conduct; 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Maryville College's education program or activity; or 3) Sexual assault, dating violence, domestic violence, or stalking.

**Sexual Exploitation** is a form of sexual harassment that includes, but is not limited to: causing the incapacitation of another person for the purpose of compromising that person's ability to consent to sexual activity; prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual recording or photographing private sexual activity and/or a person's intimate body parts, or distribution of photos or other images of an individual's sexual activity or intimate body parts; non-consensual voyeurism or allowing third parties to observe private sexual activity from a hidden location or through electronic means; knowingly transmitting HIV or an STD/STI to another; or exposing one's genitals to another in non-consensual circumstances.

**Sexual Violence** is a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

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

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Maryville College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Maryville College's educational environment, or deter sexual harassment, discrimination, or harassment. Supportive measures may include referral and coordination of counseling and health services, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties (e.g., no-contact orders), changes in work or housing locations, bans from campus or areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Maryville

College must maintain as confidential any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**Sexual Misconduct** includes alleged sexual assault, dating violence, domestic violence, stalking, and sexual harassment incidents not otherwise covered by Title IX.

**Title IX Incidents** include sexual assault, dating violence, domestic violence, stalking and sexual harassment incidents alleged to have occurred on-campus or off-campus as part of Maryville College's education program.

## **POLICY**

### **A. Policy**

Any question of discrimination or harassment will be addressed with efficiency in accordance with this policy and the Maryville College Discrimination and Harassment Grievance Procedures (see Section 5). This policy and the Discrimination and Harassment Grievance Procedures also address reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed or reported under this policy, and those who have testified or otherwise participated in enforcement of this policy.

## **Reporting**

1. Any person may report sexual harassment, discrimination, or harassment, whether the person reporting is the person alleged to be the victim of such misconduct. Individuals receiving reports of sexual harassment, discrimination, or harassment should immediately notify the Title IX Coordinator after addressing the immediate needs of the victim. Individuals should not undertake any independent efforts to determine whether the report has merit before reporting it to the Title IX Coordinator.
2. A report may be made in person, by mail, by telephone, or by email, using the contact information below. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The Title IX Coordinator will also accept, without comment or need for explanation, a sealed envelope addressed to "Title IX Coordinator." The envelope, at a minimum, needs only contain a piece of paper with the name and contact information of the individual wishing to make a report. Such a report may be made at any time (including during non-business hours) by using the telephone number, or email address, or by mailing to the office address listed for the Title IX Coordinator.

Maryville College's Title IX Coordinator's contact information is as follows:

Daniel Roselli

865-981-8192

titleix@maryvillecollege.edu

3. **Mandatory Employee Reporting:** All employees, other than the confidential employees detailed in the definition of Responsible Employee in Section 3 of this policy, who receive information regarding a report of discrimination or harassment must report any relevant information about

the alleged incident to the Title IX Coordinator without delay after addressing the needs of the victim. No Maryville College employee shall undertake any independent efforts to determine whether the report has merit or can be substantiated before reporting it to the Title IX Coordinator. The Maryville College Safety & Security Department will follow departmental procedures.

4. **Reports Made by Students:** Students should report possible discrimination or harassment to the Title IX Coordinator. While students may report to anyone listed in this policy or any supervising staff or faculty member, it is preferred to report to the Title IX Coordinator. Other than reports made to confidential sources in accordance with the definition of Responsible Employee in Section 3 of this policy, reports must be forwarded to the Title IX Coordinator.
5. **Reports Made by Visitors or Contractors:** Visitors, including visiting students, and employees of contractors working on campus should report possible discrimination or harassment to the Title IX Coordinator.
6. All members of the Maryville College community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination and Harassment Grievance Procedures (see Section 5). Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination and Harassment Grievance Procedures is prohibited and subject to conduct charges for students under the Student Code of Conduct (Community Standards) or discipline for employees under the appropriate policy. This provision does not apply to reports made or information provided in good faith, even if the facts as alleged are not later substantiated by a preponderance of the evidence.
7. Notwithstanding the foregoing, individuals who believe they have been the subject of conduct in violation of the Discrimination and Harassment Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s) and any witness(es), promptly after an incident.
8. There is no time limit for filing a report of discrimination or harassment. However, Complainants should report as soon as possible to maximize Maryville College's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair Maryville College's ability to adequately respond to the allegations.

## **B. Criminal Reporting**

If a victim is in immediate danger or needs immediate medical attention, contact 911, or the Maryville College Safety & Security Department at 865- 981-8112.

Some conduct in violation of this policy may also be a crime under Tennessee law. Individuals are encouraged to report incidents of discrimination and harassment to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Maryville College will aid victims in notifying law enforcement if the victim so chooses. Crimes dealing with minors must be reported to law enforcement.

## **C. Criminal Process and Coordination**

If a victim is physically or mentally incapacitated for at least ten (10) calendar days, and thereby unable to report the incident to law enforcement, the Title IX Coordinator will make such a report. Maryville College will comply with all requests by local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of an investigation detailed in the procedures below while local law enforcement agency gathers evidence. The Title IX Coordinator will promptly resume the investigation as soon as notified by local law enforcement agency that it has completed the evidence gathering process. Otherwise, the investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

#### **D. Confidentiality and Requests Not to Pursue Title IX Investigation**

1. Maryville College will keep confidential the identity of any individual who has made a report, or who has filed a Formal Complaint, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Education Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
2. Maryville College officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy wishes to keep a report confidential, it must be made to a mental health counselor or individual under professional supervision of a mental health counselor, Clergy, or the Director of Prevention Education. These individuals will encourage victims to make a report to the Title IX Coordinator or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above who are able to maintain confidentiality of reports. Other Maryville College responsible employees receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising Maryville College's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the Complainant requests confidentiality, or that an investigation not be conducted, Maryville College may be limited in the actions it is able to take and its ability to respond while respecting the request. The Complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued, and the Title IX Coordinator will take all reasonable steps to respond to the report consistent with the request.
3. Notwithstanding a Complainant's request that law enforcement not be informed of an incident, Maryville College is required to report information about an incident to law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.36. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the Complainant requests confidentiality or that the report not be pursued, Maryville College may also be limited in the actions it is able to take and its ability to respond.
4. Maryville College is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. Maryville College will ensure, to every extent possible, that a victim's name and other identifying

information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

#### **E. Title IX Coordinator Oversight**

1. The Title IX Coordinator is responsible for overseeing all reports of discrimination and harassment and identifying and addressing any pattern or systemic problems that arise during the review of such reports.
2. The Title IX Coordinator oversees the investigation and resolution of all reports by students, visiting students, and faculty and staff of alleged discrimination and harassment in accordance with the Discrimination and Harassment Grievance Procedures.
3. The Title IX Coordinator also coordinates a training and awareness program on discrimination and harassment for students.
4. The Title IX Coordinator may name a designee as needed.
5. The Title IX Coordinator and designees do not serve as an advocate for either the Complainant or the Respondent.
6. Reports of discrimination and harassment by the Title IX Coordinator should be made to the President.

#### **F. Supportive Measures**

1. The Title IX Coordinator is responsible for coordinating effective implementation of supportive measures, as necessary to assist or protect the Complainant or Respondent.
2. To the extent possible, Maryville College will seek the consent of the Complainant before offering supportive measures to the greatest degree possible.
3. Maryville College may remove a Respondent from an educational program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, discrimination, or harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Maryville College may temporarily reassign or place on administrative leave any employee alleged to have violated this policy, pending investigation. Leave will be administered in accordance with appropriate employment policies.
4. Maryville College will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

#### **G. Disciplinary Immunity**

Ensuring the safety of individuals who report violations of this policy is Maryville College's primary concern. In order to facilitate reporting, Maryville College will provide disciplinary immunity to a person who reports to any individual employed by the institution that an act of sexual violence, or any other incident violating this policy, which occurred on campus, in or on a non-campus building or property. Disciplinary immunity means that, if the institution determines, as a result of any investigation relating to such alleged act of sexual violence or other violation of this policy, the reporting individual committed a separate, unrelated, nonviolent act that violates the Maryville College Student Code of Conduct (Community Standards), that person is immune from disciplinary action for such violation. Disciplinary

immunity may also be offered to individuals who intervene to help others before a violation of this policy occurs and to individuals who receive assistance or intervention.

## **PROCEDURES**

### **A. Purpose**

These procedures provide a prompt and equitable resolution for reports of discrimination and harassment prohibited by the Maryville College Discrimination and Harassment Policy. Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a report with Maryville College as outlined in these procedures.

These procedures also address any reports of retaliation against individuals who have filed reports of discrimination and harassment, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from reports of discrimination and harassment. Questions regarding discrimination and harassment prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Maryville College's Title IX Coordinator.

### **B. Written Explanation of Rights and Options**

- I. When the Title IX Coordinator receives a report that a Complainant has been a victim of discrimination or harassment, the Title IX Coordinator will promptly contact the Complainant to share and provide a written explanation of rights and options, which shall include:
  - (A) Notification of resources on-campus and within the community.
  - (B) Options for, available assistance in, and how to request supportive measures, regardless of whether the Complainant chooses to report the crime to law enforcement or file a Formal Complaint.
  - (C) The procedures for Title IX, including filing a Formal Complaint, Formal Investigation and Informal Resolution procedures, dismissal of cases, adjudication, appeals, and disciplinary sanctions and remedies.
  - (D) The right to file a Formal Complaint.
  - (E) The right to bring an advisor of their choice with them to the meetings with the Title IX Coordinator or designee. The advisor may be, but is not required to be, an attorney. The role of such advisors shall be limited to advice and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor's role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any hearing.
  - (F) Procedures Complainants should follow if a crime has occurred, including information about:

The importance of seeking medical attention and of the collection and preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order.
  - (G) How and to whom the alleged offense should be reported;

- (H) Options about the involvement of local law enforcement, including the Complainant's option to:
  - (a) Notify proper law enforcement authorities,
  - (b) Have assistance with notifying law enforcement authorities, if the Complainant so chooses; and
  - (c) Decline to notify such authorities.
- (I) The Respondent is presumed not responsible for the alleged conduct until the determination at the end of the grievance process.
- (J) The Complainant's right to decline to participate in a Title IX investigation and the Title IX Coordinator's ability to pursue a Formal Complaint and Formal Investigation.
- (K) The Title IX Coordinator has discretion to sign a Formal Complaint and initiate an investigation under the following conditions:
  - (a) The Title IX Coordinator has received multiple reports of potential sexual harassment, harassment, or discrimination against the same Respondent,
  - (b) The Title IX Coordinator determines that circumstances surrounding an allegation (e.g., violence, use of weapons, threats, serial predation) warrant an investigation.
- (L) Information about how Maryville College will protect the confidentiality of Complainants and other parties, including how Maryville College will:
  - (a) Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the Complainant and Respondent;
  - (b) Maintain as confidential, any supportive measures provided to the Complainant and Respondent, to the extent that maintaining such confidentiality would not impair the ability of Maryville College to provide the supportive measures; and
  - (c) Ensure confidentiality of investigative files as education records protected by FERPA, if the incident poses to members of the Maryville College community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the Complainant or other individuals.
- (M) Any incidents of retaliation as defined in Section 3 should be reported to the Title IX Coordinator without delay.

All members of the Maryville College community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination and Harassment Grievance Procedures. Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination Harassment Grievance Procedures is prohibited and subject to conduct charges for students under the Student Code of Conduct or discipline for employees under the appropriate policy.

If an incident contains any actions or allegations that are a violation of the Maryville College Student Code of Conduct, and that do not fall within the scope of this Policy, then the portion of the case where the

Standards of Student Conduct (Community Standards) applies may be referred to that designee for adjudication and resolution.

If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that were not included in the notice provided to the parties, if known, then the Title IX Coordinator will provide notice of the additional allegation(s) to the parties whose identities are known.

Both parties may inspect and review evidence relevant to the Formal Investigation and/or Informal Resolution.

Three factors determine the category of the case and, thus, the route by which the case is adjudicated. The determining factors are 1) whether the alleged incident is considered “sexual harassment,” 2) the location where the alleged incident occurred, and 3) the Respondent’s affiliation with Maryville College (e.g., student, employee). Appropriately involved individuals (e.g., parties) to a case will be notified simultaneously of the category in which their case falls.

The categories are “Title IX Case,” “Student Conduct Case,” and “Non-Title IX/Non-Student Case.” Parties to a case will be informed of the proper category for their case and will be informed if the category changes as investigators learn more information.

Cases will be identified and adjudicated as follows:

1. The case will be categorized as a “Title IX Case” and will be referred to a Decision Maker for a live hearing, with a document review as appeal, if
  - a. The allegation is sexual harassment, and
  - b. The incident(s) alleged occurred either on campus or off campus as part of Maryville College’s education program or activity.
  - c.

**Refer to “Title IX Case Process” in Section 5.C.b.viii. and Appeal Document Review in Section 5.E.4. below.**

2. The case will be categorized as a “Student Conduct Case” and will be dismissed as a Title IX Case. The fact-finding process and case will be referred to the Designated Student Conduct Officer – for adjudication and associated appeal processes, if
  - a. The Respondent is a student, and
  - b. The allegation does not fall within the definition of sexual harassment, or
  - c. The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Maryville College’s education program or activity.

**Refer to “Student Conduct Case” in Section 5.C.b.vi. below.**

3. The case will be categorized as a “Non-Title IX/Non-Student Case” and will be processed in the associated areas of Student Conduct or Human Resources, if
  - a. The Respondent is a Maryville College employee or non-student, and

- b. The allegation is violation of this Policy that does not fall within the definitions of sexual harassment, or
- c. The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Maryville College's education program or activity.

**Refer to "Non-Title IX/Non-Student Casein Section 5.C.b.vii. and Appeal Hearing in Section 5.E.3. below.**

Procedures Complainants should follow if a crime has occurred, including information about:

- i. The importance of seeking medical attention and of the collection and preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- ii. How and to whom the alleged offense should be reported;
- iii. Options about the involvement of local law enforcement, including the Complainant's option to:
  - a. Notify proper law enforcement authorities,
  - b. Have assistance with notifying law enforcement authorities, if the Complainant so chooses; and
  - c. Decline to notify such authorities.

**Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the investigation.**

The Title IX Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation, hearing, or resolution the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled in or employed by Maryville College; or specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. The dismissal of a Formal Complaint may be appealed (see Section 5.E.4.).

The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, wavier of the right to an investigation and adjudication of a Formal Complaint of sexual harassment or other discrimination or harassment. The College may not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution unless a Formal Complaint is filed.

B2. On receipt of a Formal Complaint from a Complainant as addressed under Title IX, the Title IX Coordinator will provide written notice and written explanation of rights and options to the Respondent, which shall include:

- a. Notice of the allegations of sexual harassment, discrimination, or harassment potentially constituting a violation of this Policy, including sufficient details known at the time and with notice provided for the Respondent to prepare a response prior to an initial interview. Sufficient details will include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a violation, and the date and location of the alleged incident, if known. The notice

will also provide contact information for the Title IX Coordinator and a date by which the Respondent must contact the Title IX Coordinator, so the Respondent may receive additional information.

- b. Notification of resources, both within Maryville College and in the local community.
- c. The procedures for Title IX, including filing a Formal Complaint, Formal Investigation and Informal Resolution procedures, dismissal of cases, adjudication, appeals, and disciplinary sanctions and remedies.

Three factors determine the category of the case and, thus, the route by which the case is adjudicated. The determining factors are 1) whether the alleged incident is considered “sexual harassment,” 2) the location where the alleged incident occurred, and 3) the Respondent’s affiliation with Maryville College (e.g., student, employee). Appropriately involved individuals (e.g. parties) to a case will be notified simultaneously of the category in which their case falls. The categories are “Title IX Case,” “Student Conduct Case,” and “Non-Title IX/Non-Student Case.” Parties to a case will be informed of the proper category for their case and will be informed if the category changes as investigators learn more information. Cases will be identified and adjudicated as follows:

i. The case will be categorized as a “Title IX Case” and will be referred to a Decision Maker for a live hearing, with a document review as appeal, if

1. The allegation is sexual harassment, and
2. Is against a person in the United States of America, and
3. The incident(s) alleged occurred either on campus or off campus as part of Maryville College’s education program or activity.

**Refer to “Title IX Case Process” in Section 5.C.b.viii. and Appeal Document Review in Section 5.E.4. below.**

ii. The case will be categorized as a “Student Conduct Case” and will be dismissed as a Title IX Case. The fact-finding process and case adjudication will occur with the Student Conduct designee, with appeal through that same process, if

- a. The Respondent is a student, and
- b. The allegation does not fall within the definition of sexual harassment as addressed under Title IX, or
- c. The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Maryville College’s education program. Refer to “Student Conduct Case” in Section 5.C.b.vi. below.

iii. The case will be categorized as a “Non-Title IX/Non-Student Case” and will be processed in the associated areas of Student Conduct or Human Resources, if

- a. The Respondent is a Maryville College employee or non-student, and
- b. The allegation is violation of this Policy that does not fall within the definitions of sexual harassment, or
- c. The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Maryville College’s education program or activity. **Refer**

**to “Non-Title IX/Non-Student Case” in Section 5.C.b.vii. and Appeal Hearing in Section 5.E.3. below**

- d. The right to bring an advisor of their choice with them to the meetings with the Title IX Coordinator or designee. The advisor may be, but is not required to be, an attorney. The role of such advisors shall be limited to advice and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor’s role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any hearing.
- e. The Respondent is presumed not responsible for the alleged conduct until the determination at the end of the grievance process.
- f. All members of the Maryville College community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination and Harassment Grievance Procedures. Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination and Harassment Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy.
- g. If an incident contains any actions or allegations that are a violation of the Maryville College Standards of Student Conduct, and that do not fall within the scope of this Policy, then the portion of the case where the Standards of Student Conduct applies may be referred to that office for adjudication and resolution.
- h. If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that were not included in the notice provided to the parties, if known, then the Title IX Coordinator will provide notice of the additional allegation(s) to the parties whose identities are known.
- i. Both parties may inspect and review evidence relevant to the Formal Investigation and/or Informal Resolution.
- j. The Complainant’s right to decline to participate in a Title IX investigation and the Title IX Coordinator’s ability to pursue a Formal Complaint and Formal Investigation. The Respondent also has the right to decline to participate.
  - i) The Title IX Coordinator has discretion to sign a Formal Complaint and initiate an investigation under the following conditions:
    - a. The Title IX Coordinator has received multiple reports of potential sexual harassment, harassment, or discrimination against the same Respondent,
    - b. The Title IX Coordinator determines that circumstances surrounding an allegation (e.g., violence, use of weapons, threats, serial predation) warrant an investigation. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the investigation.
  - ii) The Title IX Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation, hearing, or resolution the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled in or employed by Maryville College; or specific circumstances prevent the Title IX Coordinator from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. A Formal Complaint must be dismissed if upon investigation the

alleged conduct does not meet sexual harassment as defined within the federal final rules (even if proved), did not occur in the recipient's education program or activity, or did not occur against a person in the United States of America. The dismissal of a Formal Complaint may be appealed (see Section 5.E.4.).

- iii) The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual harassment discrimination or other discrimination or harassment. The College may not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution unless a Formal Complaint is filed.
- k. Information about how Maryville College will protect the confidentiality of Complainants and other parties, including how Maryville College will:
  - i) Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the Complainant or Respondent;
  - ii) Maintain as confidential, any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of Maryville College to provide the supportive measures; and
  - iii) Ensure confidentiality of investigative files as education records protected by FERPA, if the incident poses to members of the Maryville College community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the Complainant or other individuals.
- l. Any incidents of retaliation as defined in Section 3 should be reported to the Title IX Coordinator without delay.

B3. Witnesses will be informed of resources on-campus and in the community; the investigation and resolution process, including how to file a Formal Complaint; and how their information will be used in any report. As with all members of the Maryville College community, witnesses are expected to provide truthful information in any report or proceeding under this policy and the Discrimination and Harassment Grievance Procedures.

### **Investigation and Resolution**

1. After being informed of their Written Explanation of Rights and Options, a Complainant may choose to file a Formal Complaint. The Complainant will be asked to indicate what allegation(s) they want to pursue and which route of resolution they wish to take. There are two possible methods for investigation and resolution of a Formal Complaint alleging violations of the Discrimination and Harassment Policy: Informal Resolution and Formal Investigation.
2. In all cases, Maryville College will ensure that the Title IX Coordinator, investigators, Decision Maker, or any person designated to facilitate any process, not have a conflict of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent, in the investigation and resolution of reports and will strive to avoid the appearance of conflict of interest.
3. In all investigations and resolutions, there is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion

of the grievance process. All relevant evidence, both inculpatory and exculpatory, will be objectively evaluated, and determinations of credibility may not be based on a person's status as a Complainant, Respondent, or Witness. In neither the Formal Investigation nor the Informal Resolution may Maryville College require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

4. Maryville College will treat Complainants and Respondents equitably by offering supportive measures to a Complainant and/ Respondent, by providing remedies to a Complainant where a determination of responsibility for sexual harassment, discrimination, or harassment has been made against the Respondent, and by following the grievance process before imposing disciplinary sanctions or other actions that are not supportive measures against a Respondent.
5. Parties will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Parties will not be restricted from their ability to discuss the allegations under investigation or to gather and present relevant evidence. Parties will be provided with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding. The role of such advisors shall be limited to advice and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor's role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any hearing. All hearings will be closed to the public.
6. The Title IX Coordinator will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. The Title IX Coordinator must investigate the allegations in a Formal Complaint; and, the Title IX Coordinator must also dismiss a Formal Complaint if the conduct alleged in the Formal Complaint 1) would not constitute sexual harassment, discrimination, or harassment, even if proved; 2) did not occur in Maryville College's education program or activity; or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another provision of Maryville College's code of conduct. If the Title IX Coordinator dismisses the Formal Complaint, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) to the parties simultaneously. Such a decision may be appealed.
8. The Title IX Coordinator may consolidate Formal Complaints as to allegations of sexual harassment, discrimination, or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment, discrimination, or harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "complainant," or "respondent," include the plural as applicable.
9. If a Formal Investigation is initiated, at any time prior to reaching a determination regarding responsibility, the Title IX Coordinator may facilitate an Informal Resolution process that does not involve a full investigation and adjudication, provided that the Title IX Coordinator provides written notice as outlined in Section 5; obtains the parties' voluntary, written consent to the

Informal Resolution process; and the Informal Resolution process is not offered or facilitated to resolve allegations that an employee sexually harassed or otherwise discriminated against a student

**1. Informal Resolution**

- i. For alleged violations of the Discrimination and Harassment Policy, the Complainant and the Respondent have the option to proceed under an informal procedure, when deemed permissible by the Title IX Coordinator and when the allegations are not that an employee sexually harassed or otherwise discriminated against a student.
- ii. If the Complainant, the Respondent, and the Title IX Coordinator all agree that an Informal Resolution should be pursued, the Title IX Coordinator shall attempt to facilitate a resolution that is agreeable to all parties. Prior to beginning the Informal Resolution process, the Title IX Coordinator must obtain the parties' voluntary, written consent to the process.
- iii. Upon initiating an Informal Resolution, the Title IX Coordinator will provide the parties written notice of the following:
  - a. the allegations;
  - b. either party has the right to withdraw from the Informal Resolution process at any time prior to agreeing to a resolution and may resume a Formal Investigation process with respect to the Formal Complaint;
  - c. if an Informal Resolution is pursued and a resolution is reached, parties may not request a Formal Investigation arising from the same allegations;
  - d. any agreement between parties as part of the Informal Resolution will be provided to the parties in writing. Any violation of the agreement should be reported by the parties to the Title IX Coordinator; and
  - e. the record of the Informal Resolution will be maintained per the Policy.
- iv. Under this procedure, the Title IX Coordinator will gather information and evidence only to the extent fact-finding is needed to resolve the conflict and to protect the interests of all parties, Maryville College, and the campus community. Typically, an Informal Resolution will be completed within 30 business days of confirmed delivery of the Formal Complaint. If an extension is necessary, all parties will be notified of the expected resolution time frame and the reason for the extension. If at any point during the Informal Resolution process, the Complainant, the Respondent, or the Title IX Coordinator wish to suspend the Informal Resolution and proceed through the Formal Investigation, such request will be granted.
- v. Any resolution of a Formal Complaint through an Informal Resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the responsibility of Maryville College to prevent, address, and remedy alleged violations of the Discrimination and Harassment Policy. Informal Resolution remedies may include providing training; providing counseling to an individual whose conduct, if not ceased, could rise to the level of discrimination or harassment; confidential briefing of the Respondent's work supervisor; or use of processes and sanctions set forth in Maryville College's code of conduct. There shall be no right of appeal afforded to the complainant or the respondent following Informal Resolution.

**2. Formal Investigation**

- i. The Title IX Coordinator will conduct a prompt, adequate, reliable, and impartial investigation of the Formal Complaint. The Complainant is not required to submit a written report to the Title IX Coordinator to commence a Formal Investigation. The

Complainant may provide additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the Formal Investigation. The Complainant should also disclose if a Formal Complaint has been filed with another Maryville College office, or a state or federal entity for the same offense.

- ii. Typically, a Formal Investigation, not including the time necessary for potential appeals, will be completed within 45 business days of receipt of notice. If extension is necessary, all parties will be notified of the expected time frame and the reason for the extension. Only the Title IX Coordinator, or a trained investigator designated by the Title IX Coordinator, shall conduct the investigation.
- iii. Both Complainants and Respondents will be provided an equal opportunity to inspect and review any evidence obtained as part of an investigation, that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The Title IX Coordinator will send to each party and the party's advisor, if any, the Draft Investigative Report and the evidence subject to inspection and review in an electronic format or hard copy. The parties will have ten (10) business days to submit a written response to the Draft Investigative Report, which the investigator will consider prior to completion of the Final Investigative Report. Maryville College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, and for purposes of cross-examination.
- iv. The investigator will create a Final Investigative Report that fairly summarizes relevant evidence. At least ten (10) business days prior to a hearing, the Title IX Coordinator will send the Final Investigative Report to each party and the party's advisor, if any, in an electronic format or a hard copy.
- v. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Maryville College and not on the parties provided that the College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so for a grievance process.
- vi. **Student Conduct Case**  
If the criteria for a "Student Conduct Case" are met, the case will be dismissed as a Title IX Case. The Student Conduct designee will continue the fact-finding process and adjudication and/or appeal. On receiving notice of the referral, the Student Conduct designee will contact the parties in the case to notify them of the policies and procedures that will be followed for adjudication, appeal, and implementation of sanctions (if any).
- vii. **Non-Title IX/Non-Student Case:**
  - a. Using information learned from interviews and gathered as evidence during the Formal Investigation, the Title IX Coordinator will determine whether there is a preponderance of the evidence to substantiate the alleged violation of the Policy. A Respondent will not be found in violation of the Policy absent a finding of preponderance of evidence that the violation occurred.

- b. If the Title IX Coordinator finds, by a preponderance of the evidence that violation of the Policy did occur, the Title IX Coordinator's written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the Complainant and the community. The written report also will contain the Title IX Coordinator's recommendation on sanctions. If supportive measures have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such supportive measures. The Title IX Coordinator shall provide the written report to both the Complainant and Respondent. Notwithstanding any other provision of these procedures, the Respondent shall not be provided information about the individual remedies offered or provided to the Complainant, but such information may be provided to the Complainant. The Complainant and Respondent will be advised of their right to appeal any finding or recommended remedy or sanction to the Appeal Committee. The appeal procedure outlined in Section 5.E.3. will also be explained. The completed investigation and recommended sanctions will be provided to the Department of Human Resources and other appropriate department heads to determine and impose appropriate sanctions, as described below.

**viii. Title IX Case**

Following the Formal Investigation, the Title IX Coordinator will schedule a live hearing with a Decision Maker.

- a. The Title IX Coordinator will notify both parties of the time, date, and location of the live hearing.
- b. The hearing will occur within ten (10) business days from the date the Final Investigative Report is distributed to the parties. If an extension is necessary, all parties will be notified of the expected time frame and the reason for the extension.
- c. The Decision Maker will facilitate the hearing.
- d. The Decision Maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - i. Only relevant cross examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - ii. If a party or witness does not submit to cross examination at the live hearing, the Decision Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; however, the Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- e. Live hearings may be conducted with all parties physically present in the same geographic location or, at Maryville College's discretion, any or all parties,

witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of either party, Maryville College will provide for the live hearing to occur with the parties located in separate rooms with the technology enabling the Decision Maker and parties to simultaneously see and hear the other party or the witness answering questions.

- f. If a party does not have an advisor present at the live hearing, Maryville College must provide, without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party.
- g. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- h. Maryville College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- i. Following the hearing, the Decision Maker, who is not the Title IX Coordinator or investigator, will issue to both parties simultaneously a written determination regarding responsibility using the preponderance of the evidence standard. The written determination will include:
  - i. Identification of the allegations potentially constituting sexual harassment, discrimination or harassment;
  - ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the written determination of responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - iii. Findings of fact supporting the determination of responsibility;
  - iv. Conclusions regarding the application of the Policy to the facts;
  - v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Maryville College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Maryville College's education program or activity will be provided by the College to the Complainant;
  - vi. The procedures and permissible bases for the Complainant and Respondent to appeal.
- j. The written determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or the date on which an appeal would no longer be considered timely, if an appeal is not filed.

## Sanctions and Remedies

1. If it is determined that conduct in violation of this Policy has occurred, sanctions and remedies will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, institutional precedence, and any history of past conduct.<sup>2</sup>
2. Remedies will be designed to restore or preserve equal access to Maryville College's education program or activity. The Title IX Coordinator will consult with the Complainant to determine those remedies to restore or preserve equal access. Sanctions and remedies will be reasonable and will fall within the bounds of law and Maryville College policy. Sanctions and remedies may affect one's access to and/or affiliation with Maryville College's physical campus and/or any portion of Maryville College's education program or activity.
3. In addition to sanctions that may be imposed on an individual found in violation of this policy, Maryville College will take steps to prevent recurrence of any discrimination or harassment and to remedy discriminatory effects on the Complainant and others, if appropriate.
4. Not every violation of the Discrimination and Harassment Policy will result in an identical sanction. Maryville College reserves the right to impose different sanctions depending on the severity of the incident as well as any previous proven violations by the respondent.
  - a. Sanctions and remedies for students may include education, disciplinary probation, deferred suspension, suspension, and penalties up to and including dismissal. Such sanctions and remedies will be recommended by either the Title IX Coordinator or by the Decision Maker in consultation with the Student Conduct Officer and in accordance with reasonable and applicable standards of conduct.
  - b. Sanctions and remedies for employees may include education, probationary status, reassignment and termination from employment. Such sanctions and remedies will be recommended by either the Title IX Coordinator or by the Decision Maker in consultation with the Director of Human Resources and the Respondent's supervisor(s) or Cabinet member.
  - c. Sanctions and remedies for Faculty will be determined by the Dean of the College, in consultation with the President and in accordance with applicable Faculty Handbook and Maryville College policies and regulations.
  - d. Contractors shall assign for duty only employees acceptable to Maryville College. Maryville College reserves the right to require the Contractor to remove from campus any employee who violates the Discrimination and Harassment Policy.
  - e. Visitors, including, but not limited to, students participating in camps or other programs at Maryville College, who violate the Discrimination and Harassment Policy will be directed to immediately leave campus and may be subject to a permanent ban from campus.
5. If neither the Complainant nor the Respondent requests an appeal, then a determination regarding the imposition of sanctions shall be made within ten (10) business days of the date of either the Title IX Coordinator's Final Investigative Report for a case adjudicated through the Non-Title IX/Non-Student Case process, or the Decision Maker's written determination for a case adjudicated through the Title IX Case process. If an appeal is requested, sanctions, if any, shall be imposed within ten (10) business days of the final decision of the President after consideration of the written decision of the Appeal Committee. If extension of the time frame for sanctions to be imposed beyond ten (10) business days is necessary, all parties will be notified by the appropriate office of the expected time for imposing the sanctions. The Respondent shall be informed in writing of any sanctions imposed for violation of the Discrimination and Harassment Policy, by the

individual imposing the sanctions, within five (5) business days of the determination of an appropriate sanction. The Title IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator will disclose to the Complainant, simultaneously to the notification provided to the Respondent, information about the sanctions that directly relate to the Complainant as is permitted by state and federal law including FERPA.

## **Appeals**

### **1. Composition of the Appeal Committee**

- a. The Appeal Committee shall be comprised of trained individuals selected by the Title IX Coordinator in consultation with the Dean of Students, Dean of the College, and the President. Each Appeal Committee shall include at least three individuals. The President has sole discretion to permanently remove members from the pool.
- b. The Appeal Committee will not include the same person who served as the Decision Maker who reached the determination regarding responsibility, the investigator(s), or the Title IX Coordinator. Further, Maryville College requires that individuals serving on the Appeal Committee not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent

### **2. The grounds for appeal are as follows:**

- a. The Title IX Coordinator, investigator, or Decision Maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. Procedural irregularity that affected the outcome of the matter;
- d. The recommended sanctions or remedies are substantially outside the parameters or guidelines set by Maryville College for this type of offense, as outlined in Section 5.D.

### **3. Appeal Procedure for a “Non-Title IX/Non-Student Case”**

- a. A Complainant or Respondent desiring to appeal the investigative findings shall file a written request for appeal with the Title IX Coordinator within five (5) business days of delivery of the Final Investigative Report.
- b. The Title IX Coordinator will notify the other party in writing when an appeal is filed.
- c. Within ten (10) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the names of the individuals serving on the Appeal Committee. The parties must raise, within five (5) business days of such notification, objections to members of the Committee based on conflict of interest or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections within five (5) business days.
  - i. Within five (5) business days following the deadline to raise objections, or within five (5) business days following the resolution of the objection, the Title IX Coordinator will notify the parties of the time, date, and location of the appeal hearing. Such appeal hearings typically will be scheduled within fifteen (15) business days of receipt of the request for appeal. If extension beyond fifteen (15) business days is necessary, both parties will be notified by the Appeals Committee of the revised time frame.
- d. Within five (5) business days following the deadline for appeal, the appealing party (appellant) must submit a written statement in support of, or challenging, the outcome;

identify the names and addresses of witnesses that are requested to be called at the hearing; identify and include copies of any documents that will be used as evidence at the hearing; describe with specificity the grounds for appeal and request a specific remedy. The non-appealing party (appellee) also may submit, within five (5) business days of the deadline for appeal, such information for the Committee's consideration. The Title IX Coordinator will provide to the Committee within five (5) business days prior to the hearing, a copy of the Final Investigative Report and copies of any documents used in the investigation.

- e. Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Maryville College may be represented at the hearing by legal counsel as well.
- f. The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the Policy occurred and whether the grounds for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both the appellant and appellee, or the Title IX Coordinator if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will make the final decision on all matters of procedure during the hearing.
- g. The past sexual history or sexual character of a party to the Formal Complaint, Complainant or Respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the Respondent, in the form of previous findings in any Maryville College or judicial proceeding will be admissible. The parties will be notified in advance by the Appeal Committee Chair of the hearing if any information addressed by this paragraph is deemed admissible.
- h. The Appeal Committee will review all provided documents and, within ten (10) business days following the hearing, the Committee will submit a written recommendation simultaneously to both parties, the Title IX Coordinator, and the President. The recommendation shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the findings of the Title IX Coordinator and/or the recommended sanction and the rationale for such determination; (iv) if the Title IX Coordinator's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution, and (v) the materials the Committee members were provided by the Title IX Coordinator and by the appellant and appellee.
- i. Within five (5) business days of the Committee's recommendation, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his or her decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

**4. Appeal Procedure (Document Review) for a “Title IX Case” and a “Dismissal of Formal Complaint”**

- a. A Complainant or Respondent may appeal the Decision Maker’s written determination, or the Title IX Coordinator’s dismissal of a Formal Complaint. To request appeal, the Appellant shall file a written request for appeal with the Title IX Coordinator within five (5) business days of delivery of Decision Maker’s findings or the Title IX Coordinator’s Written Notice of Dismissal of Formal Complaint.
- b. The Title IX Coordinator will notify the other party in writing when an appeal is filed.
- c. Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the names of the individuals serving on the Appeal Committee. The parties must raise within five (5) business days of such notification, objections to members of the Committee based on conflict of interest or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections within five (5) business days.
- d. Within five (5) business days following the deadline for appeal, the appealing party (appellant) must submit a written statement in support of, or challenging, the outcome; describing the specificity the grounds for appeal; and including copies of any pertinent documents. The non-appealing party (appellee) also may submit, within five (5) business days of the deadline for appeal, such information for the Committee’s consideration. The Title IX Coordinator will provide to the Committee, within five (5) business days of the deadline for appeal, copies of any documents used in the investigation.
- e. The Appeal Committee will review all provided documents and, within ten (10) business days of receipt of the documents, the Committee will submit a written recommendation simultaneously to both parties, the Title IX Coordinator, and the President. The recommendation shall include: (i) a description of the appellant’s grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee’s decision to uphold or reject the Decision Maker’s finding regarding responsibility and/or the recommended sanction and the rationale for such determination; or the Title IX Coordinator’s dismissal of a Formal Complaint (iv) if the Decision Maker’s findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution, and (v) the materials the Committee members were provided by the Title IX Coordinator and by the appellant and appellee.
- f. Within five (5) business days of the Committee’s recommendation, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

**5. Appeal of a Student Conduct Case will follow the appeal processes as described within the Student Code of Conduct (e.g., Community Standards).**

**Documentation and Record-keeping**

1. The Title IX Coordinator shall maintain, in a confidential manner, for at least ten (10) years, paper or electronic files of all reports, witness statements, documentary evidence, written investigation reports, audio or audiovisual recordings or transcripts, Formal Investigation findings, Informal

Resolution processes and the result therein, appeals and appeal results, disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to Maryville College's education program or activity, and associated documents. The Title IX Coordinator will collect and maintain information received and created by investigators, Decision Makers, and Appeal Committee members.

2. The Title IX Coordinator will maintain, for at least (10) years, records of any actions, including supportive measures taken in response to a report or Formal Complaint of sexual harassment, discrimination, or harassment. In each instance, the Title IX Coordinator will document the basis for the conclusion that the response was not deliberately indifferent and document that the measures were designed to restore or preserve equal access to Maryville College's education program or activity. If the Title IX Coordinator did not provide the Complainant with supportive measures, then the Title IX Coordinator will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Maryville College from providing additional explanations or detailing additional measures taken.
3. The Title IX Coordinator will prepare a monthly summary of pending reports, present the summary to the President, and retain the summary for at least ten (10) years. Such summary will contain sufficient information to permit the Title IX Coordinator and the President to assess Maryville College compliance with the requirements of Title IX.

### **Training**

1. The Title IX Coordinator, investigators, Decision Makers, and any person who facilitates an Informal Resolution process, will receive training on the definition of sexual harassment; the scope of Maryville College's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including how to avoid prejudice of the facts at issue, conflicts of interest, and bias. Decision Makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including questions and evidence about the Complainant's sexual predisposition or prior sexual behavior. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train the Title IX Coordinator, investigators, Decision Makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment, discrimination, and harassment. The Title IX Coordinator shall maintain, for at least ten (10) years, all materials used to train the Title IX Coordinator, investigators, Decision Makers, and persons who facilitate Informal Resolution processes. These materials will be made available upon request to the Title IX Coordinator.

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS  
AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

---

Maryville College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the College community. Toward that end, Maryville College issues this statement of policy to inform the campus community of our programs to address

domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - i. A Felony or misdemeanor crime of violence committed—
    - A) By a current or former spouse or intimate partner of the victim;
    - B) By a person with whom the victim shares a child in common;
    - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - E) 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.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.”

- **Rape** is defined as 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** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
    - i. 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.
    - ii. 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) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
      - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
    - iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The College prohibits sexual assault (i.e., rape, fondling, incest, and statutory rape), dating violence, domestic violence, and stalking. For the community's education and awareness, the terms stalking, sexual assault, domestic violence, dating violence and consent (with reference to sexual activity) are defined by the College’s local jurisdiction. The local jurisdiction uses the Tennessee Code Annotated (TCA) to define criminal offenses. These definitions may differ from those within the Clery Act and are not used for the purposes of reporting Clery Act statistics.

TCA Code § 39-17-315 defines **Stalking** as a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

By TCA, “Course of conduct” means a pattern of conduct composed of a series of two (2) or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows,

monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property.

“Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

“Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated, or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

“Unconsented contact” means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- (A) Following or appearing within the sight of that person;
- (B) Approaching or confronting that person in a public place or on private property;
- (C) Appearing at that person's workplace or residence;
- (D) Entering onto or remaining on property owned, leased, or occupied by that person;
- (E) Contacting that person by telephone;
- (F) Sending to that person mail or any electronic communications, including, but not limited to, electronic mail, text messages, or any other type of electronic message sent using the Internet, web sites, or a social media platform; or
- (G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person; and

“Victim” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

TCA does not define **Sexual Assault** specifically, but categorizes a number of crimes under *Sexual Offenses* including:

TCA 39-13-503 defines *Rape* as unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual penetration is accomplished by fraud.

TCA 39-13-505 defines as unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual contact is accomplished by fraud.

TCA 39-13-506 defines *Statutory rape* as the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or (2) The victim is

at least fifteen, but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim.

TCA 39-15-302 defines *incest* by a person who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy: (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or (2) The person's brother or sister of the whole or half-blood or by adoption.

Several other offenses are included under TCA Sexual Offenses. For a list of offenses and their definitions, see TCA codes 39-13-501 through 39-13-511.

TCA does not define **Domestic Violence** specifically as there is no criminal offense code for Domestic Violence. However, TCA 39-13-111 defines *Domestic Assault* and a domestic abuse victim as the following:

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

For purposes of this definition, TCA 39-13-101 defines “assault” as (a) A person commits assault who: (1) Intentionally, knowingly, or recklessly causes bodily injury to another; (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

Per TCA 36-3-601, “Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor; (2) “Adult” means any person eighteen (18) years of age or older, or who is otherwise emancipated;

TCA does not define **Dating Violence**. Anyone in a dating relationship would fall within TCA 39-13-111 for Domestic Assault as seen in section three of the definition.

In Tennessee, **Consent** with respect to most criminal offenses relating to sexual activity, sexual activity is criminal if: (1) the activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent; (2) force or coercion is used to accomplish the activity; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless; or (4) the sexual activity is accomplished by fraud. “Consent” is not explicitly defined in

Tennessee statutory law, for purposes of criminal offenses relating to sexual activity. “Coercion” means a threat of kidnapping, extortion, force, or violence to be performed immediately or in the future. (Tennessee Code Annotated § 39-13-501(1)) “Mentally defective” means that a person suffers from a

mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct. (Tennessee Code Annotated § 39-13-501(3)) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent. (Tennessee Code Annotated § 39-13-501(4)) "Physically helpless" means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act. (Tennessee Code Annotated § 39-13-501(5)) With respect to criminal offenses relating to sexual activity with a person under the age of eighteen (18) years of age, consent is irrelevant because Tennessee law deems a minor as incapable of consenting to sexual activity. However, Tennessee law provides a close-in-age exception to that general rule that allows minors who are at least the age of thirteen (13) and less than the age of eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor.

### **How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."<sup>1</sup> The College wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Those who want to help may not always know what to do. Below is a list<sup>2</sup> of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### **Risk Reduction**

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

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.

---

<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

3. **Walk with purpose.** Even if you don't know where you are going, act like you do.
4. **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

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

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

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

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

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

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of Tennessee;
- D. The institution's definition of consent AND the purposes for which that definition is used.
- E. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- G. Information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs" elsewhere in this document)
  - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims,

- both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

### **Primary Prevention and Awareness Programs**

Beginning in the calendar year 2021, the College implemented prevention and awareness programs to educate students and employees on sexual misconduct, bystander intervention, and related topics. All incoming students are required to participate in prevention education during their first semester. This includes a **required one-hour, in-person bystander intervention training** during orientation each fall and spring, which utilizes curriculum from *StepUp* and incorporates messaging from *It’s On Us*. Completion of this training is tied to the students’ First Year Seminar grade.

The bystander intervention training provides education on definitions, federal/state/local laws, campus policies and procedures (including identifying responsible and confidential employees), recognizing concerning behaviors, intervention tactics, and campus and local resources.

For employees, new faculty and staff receive prevention education during onboarding. The Title IX Coordinator provides an overview of Title IX, including key topics such as sexual harassment and sexual assault, as well as expectations under College policy.

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at the closest hospital offering physical evidence recovery kit collection and/or access to forensic nurse examiners/sexual assault nurse practitioners.

In Tennessee, evidence may be collected even if you chose not to make a report to law enforcement<sup>3</sup>. Victims may refuse any part of the exam. During the exam, victims will:

- Be asked to sign consent forms to perform the exam and to release information to law enforcement officials if they choose to file a police report.
- Be asked questions about your general health, past health problems, and medications that they take.

---

<sup>3</sup> Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”

- Be asked to give details about the assault. These may include the date/time of the assault, where it took place, and what has been done since the assault occurred.
- Be asked to change into a gown during the exam, and provide clothing on the person, if they were worn during/after the assault.
- Have some blood drawn for sexually transmitted infection (STI) testing and for DNA purposes.
- Be asked to allow photos to be taken to note bruises, scrapes, or cuts, and/or X-ray if any fractures are suspected.
- Have a physical exam to collect possible evidence. This involves using cotton swabs to collect evidence from the inside of the mouth, under fingernails, or on hair/skin.
- The final part of the exam is a genital exam where the provider checks for injury and collects further evidence.

After the exam, victims may be:

- Offered prescription treatment to prevent some STIs and pregnancy, if necessary.
- Asked to speak with a law enforcement officer if reporting the assault or rape.
- Encouraged to arrange follow-up counseling.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

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

### **Involvement of Law Enforcement and Campus Authorities**

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College will assist any victim with notifying law enforcement if the victim so desires, and may be assisted through the Title IX Coordinator, Director of Prevention Education, and/or the Department of Safety & Security. Maryville Police Department may

also be reached directly by calling 865-273-3700 or at 418 West Broadway, Maryville, TN, 37801. Additional information about the Maryville Police Department may be found here: <https://www.maryvillegov.com/police-department-home-page.html>.

### **Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Daniel Roselli, [titleix@maryvillecollege.edu](mailto:titleix@maryvillecollege.edu), 865-981-8192, by calling or writing to report, and/or to the Campus Safety & Security Department (if the victim so desires.) Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Safety & Security will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

### **Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Campus Safety & Security or local law enforcement. Students and employees should contact Daniel Roselli, [titleix@maryvillecollege.edu](mailto:titleix@maryvillecollege.edu) or 865-981-8192.

If a report of dating violence, domestic violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow:

#### **Dating Violence**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
3. Institution will provide written instructions on how to apply for Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Institution will provide the victim with a written explanation of the victim's rights and options.
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate.

#### **Domestic Violence**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.

3. Institution will provide written instructions on how to apply for Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Institution will provide the victim with a written explanation of the victim's rights and options.
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate.

### **Stalking**

1. Institution will assess immediate safety needs of complainant.
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
3. Institution will provide written instructions on how to apply for Protective Order.
4. Institution will provide written information to complainant on how to preserve evidence.
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Institution will provide the victim with a written explanation of the victim's rights and options.
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate.

### **Sexual Assault**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with information related to access to medical care.
2. Institution will assess immediate safety needs of complainant.
3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.
4. Institution will provide complainant with referrals to on and off campus mental health providers.
5. Institution will assess need to implement interim or long-term protective measures, if appropriate.
6. Institution will provide the victim with a written explanation of the victim's rights and options.
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate.
8. Institution will provide written instructions on how to apply for Protective Order.
9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.
10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.
11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

### **Assistance for Victims: Rights & Options**

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

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;

- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

**Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court, or by the Institution**

Maryville College complies with Tennessee law in recognizing orders of protection, which are designed to protect victims of domestic abuse, sexual assault, and/or stalking. In Tennessee there are two types of protection orders for victims of domestic abuse, sexual assault, and stalking.

**Temporary Protection Orders (TPOs)**

Temporary Protection Orders are also known as "ex parte" orders. Temporary Protection Orders are short-term orders that are designed to protect you until you are issued an Extended Protection Order. TPOs may be granted without the perpetrator's knowledge, although the authorities will notify him or her if you are granted a TPO. You can ask for a TPO at the same time as you ask for an Extended Protection Order (EPO). A TPO last 15 days, or until the full hearing for you EPO.

**Extended Protection Orders (EPOs)**

Extended Protection Orders are only issued after a full court hearing. They protect you for a longer period of time and can offer you a wider variety of protection measures than a TPO. EPOs last up to one year. Before your order expires, you can ask for a one-year extension.

Any person who obtains an order of protection from Tennessee should provide a copy to the Safety & Security Department and the Office of the Title IX Coordinator. A complainant may then meet with Safety & Security to develop a Safety Action Plan, which is a plan for campus officers and the victim to reduce risk of harm while on-campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, providing a temporary cellphone, changing classroom location, or allowing a student to complete assignments from home, for example. The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

The victim is required to apply directly for these services through an associated Tennessee Court. More information about Tennessee Order of Protection forms can be found here: <https://www.tncourts.gov/programs/self-help-center/forms/order-protection-forms>.

The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

**Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Maryville College will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim’s request, and to the extent of the victim’s cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a student victim should contact the Title IX Coordinator at [titleix@maryvillecollege.edu](mailto:titleix@maryvillecollege.edu) or 865-981-8192 and an employee should contact the Director of Human Resources at 865-981-8308. If the victim wishes to receive assistance in requesting these accommodations, they should contact a trusted advisor on-campus, such as a faculty member, colleague, Resident Director, and/or member of the Counseling Center.

**On and Off Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Maryville College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services. Use of such resources does not require a victim to subsequently file a police report. These resources include the following:

ON CAMPUS	TYPE OF SERVICES	SERVICE PROVIDER	CONTACT INFORMATION
COUNSELING	Student Support	Counseling Center	865-981-8035 <a href="mailto:counseling@maryvillecollege.edu">counseling@maryvillecollege.edu</a>

Uwill	24/7 mental health support		833-646-1526 for Crisis Services
TITLE IX	Title IX process and procedures	Title IX Coordinator & team members	<a href="mailto:titleix@maryvillecollege.edu">titleix@maryvillecollege.edu</a> 865-981-8192
SAFETY & SECURITY	Campus security	Safety & Security Officers, and Director	865-981-8112
PREVENTION EDUCATION	Education, support, advocacy	Laura Reed	<a href="mailto:laura.reed@maryvillecollege.edu">laura.reed@maryvillecollege.edu</a> 865-981-8008

OFF CAMPUS	TYPE OF SERVICES	SERVICE PROVIDER	CONTACT INFORMATION
COUNSELING	Varies by service provider	McNabb Center	865-539-2409 – crisis hotline 865-522-7273 – sexual assault hotline 865-637-8000 – domestic violence hotline
EMERGENCY HEALTH	Emergency Department	Blount Memorial Hospital	911 907 E. Lamar Alexander Pkwy, Maryville, TN 37804
VICTIM ADVOCACY	Domestic Violence Sexual Assault	McNabb Center McNabb Center	865-637-8000 865-522-7273
LEGAL ASSISTANCE; VISA/IMMIGRATION ASSISTANCE	Varies	Legal Aid of East TN	865-981-1818 <a href="https://www.laet.org/contact-us/">https://www.laet.org/contact-us/</a>
FINANCIAL INSECURITY	Varies	Blount County Community Action Agency	<a href="https://www.blountcaa.org/">https://www.blountcaa.org/</a>

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse, and Incest National Network

<https://www.justice.gov/ovw/resources-for-survivors> Department of Justice, Office on Violence Against Women

### **Confidentiality**

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

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

### **Adjudication of Violations**

The College’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy (YOU NEED TO MAKE SURE THEY DO) provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;

3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each can be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The College will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to specific functions, as indicated in salient policy.
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim, and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, the College or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

### **Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The Harassment and Discrimination Policy is applicable for students and employees regarding domestic violence, dating violence, sexual assault, and stalking.

Students and employee may obtain an electronic copy of this policy through this link [XII. Discrimination and Harassment Policy - Maryville College](#); or contact the Office of Student Affairs or Human Resources to obtain a hard copy of this policy; in which students and employees can:

- Learn how to file a complaint  
Confirm how the College determines how the policy will be used
- Identify the steps utilized in the disciplinary process
- Anticipated timelines
- Decision making processes
- Standard of evidence
- Possible sanctions
- Range of proactive measures

### **College-Initiated Protective Measures**

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to: a College order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to

additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the College.

### **Obtaining Information Concerning Registered Sex Offenders**

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

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

### **Missing Persons**

Missing persons (students) should be immediately reported to the Vice President of Student Affairs & Dean of Students, at 865-981-8213. Following confirmation that a student has been missing for more than 24 hours, the Vice President for Student Affairs & Dean of Students, will contact authorities and others as deemed appropriate. Reports of a missing person will immediately be referred to Maryville College Safety & Security Department and/or the Maryville Police Department.

All residential students are given the option annually to provide a confidential missing contact person to be notified by the College no later than 24 hours after the time the student is determined to be missing by the designated College officials authorized to make that determination (specifically, the Maryville College Safety & Security Department) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that this contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

The provided contact person will be notified within 24 hours if the student has been missing 24 hours. Regardless of whether the student provides a contact person, is above the age of 18, or is an emancipated minor, the institution will notify local law enforcement that a student is missing, within 24 hours.

In addition, the College will notify the parents of any missing student under the age of 18 and not emancipated, and any other designated contact person within 24 hours of when College has determined that the student has been missing for 24 hours.

To report a missing person, please contact:

Dr. Ben Stubbs, Vice President & Dean of Students, 865-981-8213  
Maryville College Safety & Security Department, 865-981-8112

Students are advised that in the event a student under 18 years of age and not emancipated, the College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Students are advised that for all missing students, the College will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

### **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**

Maryville College maintain an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

College units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported by contacting the Safety & Security Department at 865-981-8112.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, including tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

### **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Maryville College Safety & Security Department does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Maryville College Safety & Security Department staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At the College, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

### **General Evacuation Procedures**

At the sound of a fire alarm or when instructed to evacuate, leave your work/academic area immediately, proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify Maryville College Safety & Security Department at 865-981-8112 and/or dial 911.

1. Remain Calm.
2. Do NOT use Elevators, Use the Stairs.

3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Maryville College Campus Safety & Security or the responding Fire Department of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

### **Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, Safety & Security, Residence Life staff, other College employees, local police, or other authorities utilizing the College’s emergency communications tools.

### **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)

6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to Maryville College Safety & Security Department so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Individuals can report emergencies occurring at Maryville College by calling 865-981-8112.

### ***Emergency Notifications***

In the event of an immediate threat to the health or safety of the Maryville College community, the Director of Safety & Security, or designee, will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the College community.

If the Director of Safety & Security, or designee, in conjunction with other College administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is a potential emergency or dangerous situation that poses a threat to the health or safety of some or all members of the Maryville College community, the Maryville College Safety & Security Department may collaborate with other vested departments to determine the content of the message. This process may use some or all of the systems described below to communicate the threat to the MC Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Maryville College will, without delay and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Safety & Security, Local PD, and/or the Local Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Information about a potential campus emergency should be communicated to the Safety & Security Department at 865-981-8112.

### ***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 & Security: 865-981-8112

### **How notifications are made**

- Maryville College uses the Everbridge mass notification system which is an emergency communications system that emails, texts, and calls students, faculty, and staff in case of an emergency. The Everbridge system is tested twice a year, once during the fall semester and once during the spring semester. The Everbridge system is an “opt out” database and all student contact information is included in the database. Students wishing to opt out should contact the Office of Student Affairs, Bartlett Hall, room 327.

- Campus emergency procedures and training are provided to faculty and staff and are posted on the MC insider intranet page.
- The Director of Safety & Security is responsible for the Everbridge 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](http://www.maryvillecollege.edu), is the main location for updated campus-related information on emergencies, after the initial emergency has passed.
- 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 reach a broader audience.
- Face to face communication

<b>System to use</b>	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving &amp; sending messages</b>	<b>Primary Message Sender/ Distributor</b>	<b>Backup Message Sender/ Distributor</b>
Everbridge	Director of Safety & Security	Safety & Security Officer	NA	Director of Safety & Security	Safety & Security Officer
Email	Vice President & Dean of Students	Executive Director, Communications & Marketing	Vice President & Dean of Students; President	Vice President & Dean of Students	President; Vice President & Dean of the College; Executive Director of Communications & Marketing
Web	Executive Director, Communications & Marketing	Vice President & Dean of Students; Vice President & Dean of the College; President	President	Executive Director, Communications & Marketing	Vice President & Dean of Students; Vice President & Dean of the College; President

MC Intranet	HR Director	HR Personnel;	Chief Operating Officer	HR Director	HR Personnel
----------------	-------------	---------------	-------------------------------	-------------	--------------

The content of distributed messages will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the campus community, and will direct campus members to where they can receive additional information. Follow-up information will be distributed using some or all the identified communication systems (except in the case of a local fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the Maryville College homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on-campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

***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 Safety & Security Department or Fire Department Officials

***Shooter or other active threat on Campus – Notification and Recommendations***

The initial Scots Alert notification will indicate that there is a threat on campus. It may reference ‘active shooter,’ ‘active harmer,’ or ‘active threat.’

- The preferred action is to Run-Hide-Fight if you are in a public area, or shelter in place if you are in a private room/residence behind locked doors.
- Run-Hide-Fight is not a linear progression, and Run is not always someone’s first option.
- An individual’s response is determined by two key factors: **the proximity to the threat (contact) and the location.**
- Initial information will be very limited, and it’s likely a location may not be identified or will be very broad in description. Be sure to pay attention to your surroundings and evaluate your best option.
- This notification will be specific to an individual who is actively attempting to cause mass injury/casualty through violent means on campus. This may indicate the use of a firearm, edged weapon, vehicle, or other means capable of causing severe injury or death.

- This verbiage will not be used for circumstances to make people aware of potential threats that may be identified by local law enforcement or security, such as a report of a suspect in a violent crime possibly hiding on campus. 'Active' and 'Run-Hide-Fight' are only utilized related to an in-progress, active threat of violence.

### **Contact**

- **Direct Contact:** There are no barriers between one's location and the attacker, and the attacker is close enough to pose an immediate danger.
- **Indirect Contact:** The attacker is inside or near the student's facility or general area, but distance or barriers delay the attacker's ability to harm the individual.

### **Location**

- **Securable location:** A location that can provide a degree of protection from an attacker. This includes rooms with doors that may be secured and have minimal interior windows from the hallway to the room. A securable location may be conducive to a HIDE or lockdown response.
- **Non-securable location:** A location that offers no protection from an attacker. This includes hallways or common spaces that do not have doors that could be secured. A non-securable location does not deny access and is not conducive to a HIDE strategy.

### **RUN--Initiate a running evacuation when:**

- The individual has a direct contact with the attacker or factually knows the attacker is approaching nearby; and
- The individual cannot lock the attacker out of their location or sufficiently conceal themselves; and
- The individual has a clear path of escape, which includes considerations of distance to concealment/safety when faced with a threat from an armed individual.

### **HIDE--Barricade or secure the area to delay the attacker if:**

- Individual has indirect contact with the attacker; and
- Individual can secure the area to prevent the attacker from entering.

### **FIGHT--When lives are in immediate danger, FIGHT if:**

- Individual has direct contact; and
- Individual cannot safely run and hide (running would not mitigate the threat); and
- Individual is afraid of serious bodily injury or loss of life for himself/herself or others present.

### ***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 & Security or Public Safety Official

### **Tornado Warning**

- Scots Alert is used by the Campus Safety & Security Department to notify the campus that a tornado warning has been issued for the area by the National Weather Service.
- If students are notified of a tornado warning, it is advised they immediately seek shelter in the nearest facility (or if no shelter is available lie flat in a ditch facedown covering their 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 through Scots Alert 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.

**Manslaughter by Negligence:** 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.
- **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 (a), 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 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 an individual could be charged with a **Class E felony**, punishable by 1 to 6 years in prison:
  - a. The stalking involved the alleged displaying a weapon;
  - b. The victim is under the age of 18 and the alleged is over the age of 23;
  - c. This is the 2<sup>nd</sup> stalking charge within 7 years for the alleged perpetrator;
  - d. The alleged makes 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**. This felony is punishable by 3-15 years in prison. If any of the following apply to the offense, the alleged could be charged with especially aggravated stalking:
  - a. If the alleged has 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 the alleged may be ordered to obtain counseling, undergo treatment, and be on house arrest whether the alleged is sentenced to probation or released early from prison. (*Ref: Tennessee Code Annotated 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. Under Clery, 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 using 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 2022, 2023, and 2024 calendar year statistics.

Under this law, institutions must include in their 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)(18). The Clery Act only requires compilation of events reported to CSA's, not investigated events. In accordance with this aspect of the law, anonymous and good faith reporting is included in the yearly statistics.

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.

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 fully 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))

<b>Crime Statistics Reporting Table</b>					
<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>On-Campus Student Housing Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Murder/Non-Negligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Rape	2024	3	3	0	0
	2023	2	2	0	0
	2022	0	0	0	0
Fondling	2024	0	0	0	0
	2023	0	0	0	0
	2022	1	0	0	0

Incest	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Robbery	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Burglary	2024	3	3	0	0
	2023	0	0	0	0
	2022	2	0	0	0
Aggravated Assault	2024	1	1	2	0
	2023	0	0	0	0
	2022	0	0	0	0
Arson	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0
	2023	0	0	0	0
	2022	1	0	0	0
Arrests: Weapons - Carrying, Possessing, etc.	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Disciplinary Referrals: Weapons – Carrying, Possessing, etc.	2024	0	0	0	0
	2023	0	0	0	0

	2022	0	0	0	0
Arrests: Drug Abuse Violations	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Equipment*	2024	N/A	N/A	N/A	N/A
	2023	N/A	N/A	N/A	N/A
	2022	N/A	N/A	N/A	N/A
Disciplinary Referrals: Drug Abuse Violations	2024	13	13	0	0
	2023	5	5	0	0
	2022	13	13	0	0
Arrests: Liquor Law Violations	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2024	39	39	0	0
	2023	26	26	0	0
	2022	31	31	0	0
Domestic Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Dating Violence	2024	1	1	0	0
	2023	1	1	0	0
	2023	0	0	0	0
Stalking	2024	2	0	0	0
	2023	5	2	0	0
	2022	0	0	0	0

<b>Hate Crime Statistics</b>			
<b>2024</b>	<b>On-Campus</b>	<b>Non-Campus Building/Property</b>	<b>Public Property</b>
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
<b>2023</b>	<b>On-Campus</b>	<b>Non-Campus Building/Property</b>	<b>Public Property</b>
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
<b>2022</b>	<b>On-Campus</b>	<b>Non-Campus Building/Property</b>	<b>Public Property</b>
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

**Unfounded Crimes**

Unfounded Crimes	On-Campus	Non-Campus Building/Property	Public Property
2024	0	0	0
2023	0	0	0
2022	0	0	0

\* Drug Equipment and Drug Abuse Violations are included together starting in 2022 statistics.

**Fire Safety**

Campus Safety & Security’s main priority is the safety of our students. All buildings on campus are monitored 24 hours a day, 7 days a 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 Safety & 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. Individuals should follow their 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 Safety & Security officer at 865-981-8112.

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

Director of Safety & Security at 865-981-8004  
 On Duty Safety & 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.

- All fire extinguishers in all campus buildings are inspected monthly for sufficient pressure and maintenance performed annually.
- Batteries in all residence hall smoke detectors so equipped are changed annually and when a low charge audible warning is observed.

**Fire Drills and Fire Evacuation Procedures:**

- Fire drills are held quarterly/every three (3) months in each residence hall and twice annually in academic/administrative buildings.
- 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 & 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.

**Procedures Students and Employees Should Follow in Case of a Fire**

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Maryville College Campus Safety & Security Department. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, College policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

**Plans Addressing Future Improvements for Fire Safety**

All residence hall smoke detectors will be examined, cleaned, and replaced if needed. Fire safety systems were enhanced within the main Athletics building during summer 2021. Other improvements will be identified within annual safety reviews, as informed by budgetary models.

**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 2024**

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Beeson	0	0	N/A	0	0	0

548 Maryville College Circle DR						
Carnegie  534 Maryville College Circle DR	0	0	N/A	0	0	0
Copeland  712 Howee Ave	0	0	N/A	0	0	0
Court Street **  100 Stanley Ave	N/A	N/A	N/A	N/A	N/A	N/A
Davis  425 Maryville College Circle DR	0	0	N/A	0	0	0
Gamble  327 Maryville College Circle DR	0	0	N/A	0	0	0
Gibson  321 Maryville College Circle DR	0	0	N/A	0	0	0
Lloyd  319 Maryville College Circle DR	0	0	N/A	0	0	0
Pearsons  433 Maryville College Circle DR	0	0	N/A	0	0	0

**Fire Report**

**Fire Log for 2023**

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Beeson  548 Maryville College Circle DR	0	0	N/A	0	0	0
Carnegie  534 Maryville College Circle DR	0	0	N/A	0	0	0
Copeland  712 Howee Ave	0	0	N/A	0	0	0
Court Street **  100 Stanley Ave.	0	0	N/A	0	0	0
Davis  425 Maryville College Circle DR	0	0	N/A	0	0	0
Gamble  327 Maryville College Circle DR	0	0	N/A	0	0	0
Gibson  321 Maryville College Circle DR	0	0	N/A	0	0	0
Lloyd	0	0	N/A	0	0	0

319 Maryville College Circle DR						
Pearsons  433 Maryville College Circle DR	0	0	N/A	0	0	0

### Fire Report

#### Fire Log for 2022

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Beeson  548 Maryville College Circle DR	0	0	N/A	0	0	0
Carnegie  534 Maryville College Circle DR	0	0	N/A	0	0	0
Copeland  712 Howee Ave	0	0	N/A	0	0	0
Court Street  100 Stanley Ave	0	0	N/A	0	0	0

Davis 425 Maryville College Circle DR	0	0	N/A	0	0	0
Gamble 327 Maryville College Circle DR	0	0	N/A	0	0	0
Gibson 321 Maryville College Circle DR	0	0	N/A	0	0	0
Lloyd 319 Maryville College Circle DR	0	0	N/A	0	0	0
Pearsons 433 Maryville College Circle DR	0	0	N/A	0	0	0

\*\*Court Street Apts. were sold and are no longer part of Maryville College as of September 9, 2022.

<b>Fire Safety Systems in Maryville College Residential Facilities</b>						
Residence Hall	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans	Minimum Evacuation (fire) Drills Each Calendar Year
Beeson 548 Maryville College Circle DR	x	x	x	x	x	2
Carnegie	x	x	x	x	x	2

534 Maryville College Circle DR						
Copeland 712 Howee Ave	x	x	x	x	x	2
Court Street 100 Stanley Ave	N/A	N/A	N/A	N/A	N/A	N/A
Davis 425 Maryville College Circle DR	x	x	x	x	x	2
Gamble 327 Maryville College Circle DR	x	x	x	x	x	2
Gibson 321 Maryville College Circle DR	x	x	x	x	x	2
Lloyd 319 Maryville College Circle DR	x	x	x	x	x	2
Pearsons 433 Maryville College Circle DR	x	x	x	x	x	2

### Fire Log

A fire log is available for review at the Safety & Security Office from 9 a.m. to 4 p.m. Monday through Friday, excluding holidays and College closures. The information in the fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

All fires should be reported to the Maryville College Safety & Security Department at 865-981-8112 or online at [security@maryvillecollege.edu](mailto:security@maryvillecollege.edu).