

Cumberland University  
Annual Security and  
Fire Safety Report  
October 2016



**Cumberland**  
UNIVERSITY

In compliance with federal and state guidelines  
[www.cumberland.edu](http://www.cumberland.edu)



Dear Cumberland University Students, Faculty, Staff, and Community:

Welcome to Cumberland University to new and returning students, faculty, staff, and community supporters! Going to college means classes, books, studying, juggling clocks and calendars, and adjusting to the college scene. It means collaborating as students, faculty, staff, and community members. It means give and take. We intend to offer as many tools as possible to help everyone achieve a level of success that will make you proud of your achievements.

The aspects mentioned above are only a part of university life. The emphasis on academic achievement is certainly important and we wish our students well in your classes. However, since CU is a total university, our concern for everyone includes the total college experience. We encourage everyone to participate in and fully engage in college life and to become involved both in and out of the class. Look around and you will readily see a host of activities that complement your academic experience and contribute to a more enjoyable college experience.

The college experience also means living in a community that is committed to respect and dignity for all and to an environment of openness and civility. This document provides information relative to student rights, responsibilities, safety, and other pertinent information. There is reference to links to the Student Life website which contains a host of information for CU students relative to policies and procedures along with links to the University Catalog and to the Student Right-to-Know section, all of which provide information that is important for students to insure their safety on and around campus. The University takes campus security very seriously and is committed in our efforts to maintain a safe, secure environment for our students, faculty, staff, and visitors. Your personal safety is a top priority, and maintaining a safe campus requires a dedicated partnership between the members of the University community. **Security is everyone's responsibility.**

The 2016 Annual Security and Fire Safety Report is designed to provide a wealth of information to help us maintain a safe campus. It can also be found at this link: [www.cumberland.edu/studentrighttoknow](http://www.cumberland.edu/studentrighttoknow). Each Cumberland University office and unit promises to strive to make your college experience exciting and rewarding. If you have any questions please do not hesitate to contact me.

Good luck and have a great year.

Best regards

Joseph Gray

Vice President of IT, Campus Services & Security

## Table of Contents

Welcome.....	2
Notice of Annual Security and Fire Safety Report Availability.....	4
Accreditation Statement.....	4
Equal Opportunity Statement.....	5
The Campus Security Act and Legal Requirements.....	6
Campus Environment and Safety.....	9
Campus Security Authorities.....	9
How to Report a Crime.....	10
Daily Incident/Crime Log.....	10
Timely Warning Notification.....	11
Emergency Response Plan.....	11
Emergency Notification System CUA Alerts.....	13
Fire Safety Report.....	14
Evacuation Procedures.....	15
Missing Student Notification Procedure.....	16
Missing Student Notification Protocol.....	19
Harassment, Threats, and Violence Policy.....	20
The Violence Against Women Act.....	22
Sexual Assault Prevention.....	30
Preventing and Responding to Sex Offenses.....	32
What to Do If You Are a Victim of a Sexual Assault.....	33
Information on Registered Sex Offenders.....	33
Security and Access to Facilities.....	34
Alcohol and Illegal Drugs.....	34
Uniform Crime Reporting Definitions.....	35
Campus Crime Statistics.....	38
Voluntary or Confidential Crime Reporting.....	39
Encouragement of Accurate and Prompt Crime Reporting.....	39
Crime Prevention Tips.....	39
University Civil Rights and Investigation Process.....	42
Complaints Concerning Discrimination and/or Harassment.....	43
Time Frame and Grounds for Filing an Appeal Request.....	43
Special Grievance Process Provisions.....	44
Statement of Rights of the Alleged Victim.....	51
Statement of Rights of the Accused Student/Person.....	53

## Notice of Annual Security Report Availability

Cumberland University's annual security report is now available. This report is required by federal law and contains policy statements and crime statistics for the school. The policy statements address the school's policies, procedures and programs concerning safety and security, for example, policies for responding to emergency situations and sexual offenses. Three years' worth of statistics are included for certain types of crimes that were reported to have occurred on campus, in or on off-campus buildings or property owned or controlled by the school and on public property within or immediately adjacent to the campus. This report is available online at: <http://www.cumberland.edu/studentrighttoknow>. You may also request a paper copy from the Executive Vice President in Memorial Hall, Suite 116, from the Dean of Students in Labry Hall, Room 206, from the Executive Director of Facilities and Safety in Memorial Hall, Room 209, or from the Executive Director of Communications in Memorial Hall, Suite 116.

## Accreditation Statement

Cumberland University is chartered by the State of Tennessee and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award the associate, the baccalaureate and the master's degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404.679.4500 for questions about the accreditation of Cumberland University.

- The School of Education and Public Service at Cumberland University is accredited by the National Council for Accreditation of Teacher Education (NCATE), [www.ncate.org](http://www.ncate.org). This accreditation covers initial teacher preparation programs and/or advanced educator preparation programs at the University.
  - All undergraduate and graduate teacher preparation programs are approved by the Tennessee Department of Education.
- The baccalaureate program at Cumberland University is accredited by the Commission on Collegiate Nursing Education (<http://www.aacn.nche.edu/ccne-accreditation>).
- The baccalaureate program in nursing is accredited by the Accreditation Commission for Education in Nursing, Inc. (ACEN) (3343 Peachtree Road NE, Suite 850, Atlanta, GA 30326; [404-975-5000](tel:404-975-5000)).
- Approved by the Tennessee Board of Nursing (665 Mainstream Drive, Metro Center, Nashville, TN 37243; [615-532-5166](tel:615-532-5166)).
- The Athletic Training Education Program (ATEP) is accredited by the Commission on Accreditation of Athletic Training Education (CAATE).
- The Labry School of Business and Technology is accredited by the Accreditation Council for Business Schools & Programs (ACBSP) in both its undergraduate and graduate programs.
- Cumberland University is authorized to offer professional continuing education for accountants by the Board of Accountancy of the State of Tennessee.

## **Equal Opportunity in Education/Title IX Section 504 Statement**

**Cumberland University does not discriminate on the basis of race, sex, color, religion, sexual orientation, national origin, age, disability or veteran status in provision of education opportunities or employment opportunities and benefits, pursuant to the requirements of Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. 2000D; Title IX of the Education Amendments of 1972, Pub. L. 92-318: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990, Pub. L. 101-336; the Age Discrimination in Employment Act of 1967 (Pub. L. 90-202) (ADEA); and the Age Discrimination Act of 1975, 42 USC 6101, et. seq.** This policy extends to employment by and admission to the University as well as the terms and conditions of matriculation. Inquiries or complaints involving alleged unlawful or prohibited discrimination on the basis of race, sex, color, religion, sexual orientation, national origin, age, disability or veteran status must be in writing and directed to Eddie Pawlawski, Designated University Coordinator, Executive Vice President and Chief Institutional Effectiveness Officer, Suite 116 Memorial Hall, Cumberland University, One Cumberland Square, Lebanon, TN 37087, 615-547-1225 (with a copy to the Disability Coordinator if the complaint involves accommodation for a disability). In the event that the conduct involves the Designated University Coordinator for any matter involving prohibited discrimination under this policy, the inquiry or complaint must be in writing and directed to the University's General Counsel Stacey Garrett, Bone McAllester Norton PLLC, 511 Union Street, Suite 1600, Nashville, TN 37219, 615-238-6350. Inquiries or complaints to the University's General Counsel shall involve an initial complaint against the listed individuals and not an appeal of one of their decisions. The University's General Counsel does not hear appeals of any decision involving unlawful or prohibited discrimination.

**In support of the University's commitment to equal opportunity in educational services on the basis of race, sex, color, religion, sexual orientation, national origin, age, disability or veteran status, the following procedures exists to promptly investigate and respond to complaints that this policy has been violated.** Any individual who wishes to complain about discrimination in educational opportunities or employment opportunities and benefits should follow the steps outlined below:

**Step 1** An individual with a complaint should contact the Designated University Coordinator (Joe Gray or Chuck Cagle of Lewis, Thomason, King, Krieg & Waldrop, P.C. (for a complaint against the aforementioned individual that does not involve an appeal) and obtain a complaint form by which the specifics of the individual's complaint can be recorded and action initiated within seven business days of its receipt. Complaint Forms can be obtained at [http://www.cumberland.edu/complaintorhttp://www.cumberland.edu/sm\\_files/Cumberland%20University%20Complaint%20Form.pdf](http://www.cumberland.edu/complaintorhttp://www.cumberland.edu/sm_files/Cumberland%20University%20Complaint%20Form.pdf). **Step 2** The Designated University Coordinator will investigate, collect data, interview witnesses and/or develop a response to the complaint, as appropriate, within 21 business days of Step One. **Step 3** Following the investigation of the complaint, the Designated University Coordinator will speak with the individual in person or via telephone (in lieu of a more traditional face-to-face meeting) to discuss the outcome of the investigation and the response of the University to the complaint within 21 business days of Step Two.

**Step 4** A report of the Investigation, its outcome and recommendations will be forwarded to the Designated University Coordinator at the conclusion of the investigation within 21 business days of Step Three.

**Step 5** If the individual is dissatisfied with the outcome of the investigation, an appeal may be made to the Office of the President by the individual within 10 business days of the outcome of Step Four. In the event of an appeal, the President will review the complaint, the results of the investigation, the report and recommendations of the Designated University Coordinator and consult with the complaining individual in an attempt to resolve any remaining concerns within 21 business days of receipt of the appeal. The President represents the final appeal.

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

The Student Right to Know Act requires an institution that participates in any student financial assistance program under Title IV of the Higher Education Act of 1965 (as amended) to disclose information about graduation rates to current and prospective students. Institutions that award athletically-related student aid are also required under the Student Right to Know Act data related to the institution's student population and student-athlete graduation rates to potential student-athletes, their parents, coaches, and counselors.

To ensure students, faculty and staff may be informed members of the campus community and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Cumberland University publishes statistics regarding crimes reported as occurring on campus and on adjacent public property. Security, the Executive Director of Facilities and Safety, the Executive Vice President, and the Dean of Students compile data regarding crimes reported on campus and by the Lebanon and Wilson County law enforcement agencies, maintaining statistics in accordance with definitions used in the FBI's uniform crime reporting system.

A detailed safety and security report is distributed to all current students and employees by October 1 each year. Representatives of Security, the Executive Director of Facilities and Safety, the Executive Vice President, and the Dean of Students compile reports received from CU students, faculty, staff, visitors, the Office of Residence Life and the Lebanon and Wilson County police departments. All current employees and all currently enrolled students with campus mailboxes receive the printed security report booklet via campus mail. The data is also made available on the Cumberland University website. Detail of the report can be provided by Security, the Executive Director of Facilities and Safety, the Executive Vice President, or the Dean of Students.

The safety and security report reflects incidents that were reported as occurring on CU property, in CU facilities, on property controlled by recognized student organizations and on public property within the same reasonably contiguous geographic area of the institution (e.g., a sidewalk or street adjacent to campus).

In compliance with the Clery Act, college professional counselors are not required to inform Security, the Executive Director of Facilities and Safety, the Executive Vice President, or the Dean of Students about crimes brought to their attention by clients but, on a case-by-case basis,

may voluntarily elect to provide information. Such reporting is encouraged, and if made, is included in published crime data.

Occasionally, a student engages in criminal activity off campus. If such behavior is reported to Security, the Executive Director of Facilities and Safety, the Executive Vice President, or the Dean of Students by the Lebanon or Wilson County police departments or another source, the matter is reviewed and responded to in accordance with judicial procedures described in the student Policies and Procedures (located on the University website). Similarly, violations of laws committed by faculty or staff are also subject to disciplinary action, as described in employee handbooks.

The Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where persons may obtain law enforcement agency information provided by a state concerning registered sex offenders. The Act also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation or is a student. In Tennessee, convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the Tennessee Department of State Police. In accordance with the law, information concerning offenders registered may be disclosed to any person requesting information on specific individuals. For more information and to submit requests, please see the Tennessee State Police website.

All incidents of sexual offense are assumed to manifest evidence of gender bias. No other reported incidents or arrests manifested evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

Forcible sex offenses include any sexual act committed forcibly, against a person's will or where the victim is incapable of giving consent. Both "acquaintance rape" and "stranger rape" would be included in this category. Non-forcible sex offenses include incest and statutory rape.

#### Compliance Methods

CU must distribute annually to all enrolled students a notice of the availability of the information required to be disclosed. The notice must list and briefly describe the information and tell the student how to obtain the information.

An institution may satisfy any requirement to disclose information by posting to an Internet Web site. The following rules apply when reporting required information on the web:

- Information disclosed to students by posting on an Internet Web site must be preceded by the notice described above. The notice must also include:
  - The exact electronic address at which the information is posted.
  - A statement that the institution will provide a paper copy of the information upon request.

## **Annual Security Report**

Enrolled Students must receive notice of the availability of the security report, the exact electronic address and a statement that the institution will provide a paper copy of the information upon request. Current employees must receive a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents and a statement that the institution will provide a paper copy of the report upon request.

Prospective students and prospective employees must receive a notice that includes a statement of the security report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents and a statement that the institution will provide a paper copy of the report upon request.

CU must make available to enrolled students, prospective students and the public, athletic program participation rates and financial support data. Enrolled students are to receive a notice of the reports availability, including the exact electronic address at which the report is posted, a brief description of the report's contents and a statement that the institution will provide a paper copy of the report upon request. It is not acceptable to post to an Internet site for use by prospective students.

## **Required Institutional Information**

Institutional information that the institution must make readily available upon request to enrolled and prospective students includes, but is not limited to:

The cost of attending the institution including:

- Tuition and fees charged to full-time and part-time students
- Estimates of costs for necessary books and supplies
- Estimates of typical charges for room and board
- Estimates of transportation costs
- Any additional cost of a program in which a student is enrolled or expresses a specific interest

Any refund policy with which the institution is required to comply for the return of unearned tuition and fees or other refundable portions of costs paid to the institution procedures for officially withdrawing from the institution:

- A summary of requirements for return of Title IV grant or loan assistance
- The academic program of the institution including:
  - Current degree programs and training programs
  - Physical facilities which relate to the academic program
  - Faculty and other instructional personnel
  - Names of associations, agencies or governmental bodies that accredit, approve, or license the institution and its programs, and the procedures by which documents describing that activity may be reviewed



The institution must make available for review to any enrolled or prospective student, upon request, a copy of the documents describing the institution's accreditation, approval or licensing:

- A description of any special facilities available to disabled students
- A statement that the student's enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment at the home institution for the purpose of applying for assistance under the title IV, HEA programs
- Completion and Graduation Rates
- Institutional Security Policies and Crime Statistics
- Athletic Program Participation Rates and Financial Support Information

## **Campus Environment and Safety**

Security for the campus is provided by University employees and contracted agencies. Students, employees, and guests are subject to all city, county, state, and national laws. All Cumberland University students, visitors, faculty, and staff are required to cooperate fully with security officers in their performance of official duties at the University. Any person who does not cooperate fully may be subject to disciplinary action and/or arrest. Security may be reached by telephone at an on-campus phone at 2222 or at 615-476-3061 on an off-campus phone.

A complete report of all Student Right-to-Know information (in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act) including crime statistics, tuition and fees and cost of attendance, graduation rates, and athletic participation rates is available through the Executive Director of Facilities and Safety, the Executive Vice President, or the Dean of Students. The information is available by October 1 of each year and is also available on the Cumberland University website in the Student Right to Know section. Questions or requests for additional information concerning crimes on campus should be directed to the Vice Executive Director of Facilities and Safety, the Executive Vice President, the Dean of Students, or the Executive Director of Communications.

## **Campus Security Authorities**

Federal Clery Act requires the following offices/persons to report crimes received from any reporting party.

<b>Title</b>	<b>Telephone</b>	<b>Cell Phone</b>
President	(615) 547-1268	
V.P. of IT, Campus Services, & Security	(615) 547-1255	(615) 838-5620
Safety and Security	(615) 476-3061	(615) 476-3061
Dean of Students	(615) 547-1387	(615) 556-7285
Executive Director of Communication	(615) 547-1307	(615) 681-1502
Vice President of Academic Affairs	(615) 547-1311	(615) 390-8690

Director of Admissions	(615) 547-1231	
Director of Athletics	(615) 547-1348	(615) 390-0884
Director of Information Technology	(615) 547-7610	(615) 489-9299
Director of Student Life	(615) 547-1390	(615) 779-3879
Director of Residence Life	(615) 547-1231	(615) 476-8114
Director of Human Resources	(615) 547-1359	
Director of Counseling	(615) 547-1397	
Vice President of Finance	(615) 547-1249	
Vise Library	(615) 547-1351	
Nursing and Health Sciences	(615) 547-1200	
Humanities, Education and the Arts	(615) 547-1323	
Science, Business and Technology	(615) 547-1210	
Alumni and Advancement	(615) 547-1239	
Maintenance	(615) 547-1377	

## How to Report a Crime

Contact Security at 615-476-3061 (non-emergencies), dial 9-1-1- (emergencies only), or use the Code Blue telephones located in the Residential Halls, Parking Lots or by some buildings. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Residential Halls should be reported to Security. In addition you may report a crime to the following areas:

1. V.P. of IT, Campus Services & Security Joe Gray, 615-547-1255, Memorial Hall.
2. Dean of Students: Stephanie Walker, 615-547-1387, Labry Hall.
3. Director of Counseling/Disability Services, Juanita Kissell, 615-547-1397, Labry Hall.
4. Vice President of Academic Affairs, Dr. Bill McKee, 615-547-1311, Memorial Hall.
5. Executive Director of Communications, Phil Carter, 615-547-1307, Memorial Hall.
6. Director of Residence Life, Catherine Straube, Labry Hall.
7. Director of Athletics, Ron Pavan, 615-547-1348, Dallas Floyd Recreational Center.

## Daily Incident/Crime Log

Campus Security maintains a daily crime log which is written in an easily understood format and describes the nature of the crime/incident, date the crime/incident was reported, date and time the crime/incident occurred, general location of the crime/incident, and disposition of the complaint, if known. Safety and Security enters or updates reports within two business days of receiving the information. The log records virtually all crimes/incidents reported to Campus Security.

There are times, however, when information may be withheld from the log. If there is clear and convincing evidence that releasing such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, that information may be withheld until the adverse effect is no

longer likely to occur. In addition, updates are not required after 60 days have passed from the date of the initial entry.

Access the log at <http://www.cumberland.edu/studentrighttoknow> and click on Incident Report Log. Upon request, the most recent 60-day period of the log may be inspected at the office of the Executive Director of Facilities and Safety during normal business hours (8 a.m. to 4:30 p.m.), Monday through Friday, unless the University is closed. Any portion of the log older than 60 days may be inspected at the same location within two business days of being requested. Logs are kept for seven years. Requests for copies of the crime log can be made to the Executive Director of Facilities and Safety by calling 615-547-1255.

## **Timely Warning Notification**

In the event that a situation arises, either on or off campus, that, in the judgment of Campus Security and/or the Executive Director of Facilities and Safety, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail system to students, faculty, staff and the University website ([www.cumberland.edu](http://www.cumberland.edu)).

Campus Crime Alerts typically include the following information:

1. A succinct statement of the incident.
2. Any connection to previous incidents.
3. Physical description and/or composite drawing of the suspect, if appropriate.
4. Date and time the bulletin was released.
5. Other relevant and important information.
6. Appropriate safety tips.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Campus Security and/or the V.P. of IT, Campus Services & Security may also post a notice on the CUAAlerts system providing the university community with more immediate notification. In such instances, a copy of the notice is posted in each residence hall, at the front door of each classroom building, and in each public University building.

## **Emergency Response Plan**

The Emergency Services and Safety Manual has been written to establish policies and procedures for campus emergencies. While the guide does not cover every conceivable emergency that could occur, it does provide basic guidelines to be followed for most campus emergencies. Any requests for procedural changes, suggestions or recommendations are to be submitted in writing to the Executive Director of Facilities and Safety or the Emergency Safety and Services Committee (ESSC) for evaluation and adoption. The complete Manual is at: [http://www2.cumberland.edu/communications/CU%20Policy%20and%20Procedure%20Website/zav\\_EMER.htm](http://www2.cumberland.edu/communications/CU%20Policy%20and%20Procedure%20Website/zav_EMER.htm).

**NOTE:**

*Without question, the most important thing to remember when addressing any emergency or crisis situation on campus is that your safety is paramount. The safety of each staff member, faculty member, and student is the top priority in all emergency situations.*

<b>Important Telephone Numbers</b>	<b>Number</b>
Local Emergency Services	911
Campus Security (if on campus)	extension 2222
Campus Security (if off campus)	615.476.3061
V.P. of IT, Campus Securities & Security	615.547.1255
Executive Vice President	615.547.1225
Vice President for Academic Affairs	615.547.1311
Vice President for Business and Finance	615.547.1249
Director of Human Resources	615.547.1359
Counseling Center	615.547.1397
Wilson County Emergency Management	615.444.8777
Wilson County Mobile Crisis	800.704.2651
Wilson County Health Department	615.444.5325
Poison Control Center	615.322.6435

**Important Addresses:**

Cumberland University: One Cumberland Square Lebanon, TN 37087  
 Howell E. Jackson Hall: 250 So. Greenwood St. Lebanon, TN 37087  
 Horace H. Lurton Hall: 350 So. Greenwood St. Lebanon, TN 37087  
 Justin Potter Hall: 216 So. Greenwood St. Lebanon, TN 37087  
 Edward Potter Hall: 298 So. Greenwood St. Lebanon, TN 37087  
 Learning and Career Commons: 307 McClain Avenue Lebanon, TN 37087  
 South Hall: 303 McClain Avenue Lebanon, TN 37087

**In the Event of a Minor Emergency:**

- Contact Campus Security:
  - If on campus: 2222
  - If calling from a cell phone or off campus: 615-476-3061
- Call the Executive Director of Facilities and Safety: 615-547-1255

**In the Event of a Major or Life-Threatening Emergency:**

1. Dial 911
2. Notify Security at the earliest opportunity: extension 2222 or 615-476-3061
3. Call the Executive Director of Facilities and Safety: 615-547-1255

**Declaration of a Campus State of Emergency**

The authority to declare a campus state of emergency rests with the President. The Executive Director of Facilities and Safety, the Executive Vice President, their designee, and/or legal counsel will inform and advise the President and carry out the orders of the President during the

emergency situation. During this time, the appropriate procedures to safeguard persons and property, and maintain educational facilities will be implemented.

In the event of earthquakes, fires, storms or major disaster occurring in or about the campus, the Cumberland University administration will work with Wilson County Emergency Management Agency and the Tennessee Emergency Management Agency to determine the extent of any damage to university property and what action to be taken.

## **Emergency Notification System CUALerts**

Cumberland University offers the "CUALERTS" Emergency Text Alert System. The University website is the primary source for information during an emergency but the "CUALERTS" Emergency Text Alert System is the most immediate means of communication. It is important that you register for this service.

You can register for the text alert system by the following from your phone:

**Message:** CUALERTS

**Send to:** 41411

With this service, Cumberland University administration can text your cell phone with timely information about emergencies, class cancellations, or other urgent campus communication. Depending on your personal cell phone plan, there may be a nominal fee from your carrier to receive text messages, but there is no charge to sign up. This service is available to anyone who signs up.

Questions? Contact Cumberland University Security at [security@cumberland.edu](mailto:security@cumberland.edu).

***Cumberland University does not guarantee the successful delivery of each message to each individual recipient. The service depends on the individual e-mail systems, cellular, and mobile phone carriers to deliver SMS & e-mail messages to each recipient. There may be a charge by your cell phone provider to receive SMS messages.***

## **2014-2015 Campus Fire Safety Annual Compliance Report**

### **Overview**

The Higher Education Opportunity Act (PL 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining the fire safety practices, standards, and all fire-related on-campus housing statistics. The following public disclosure report details all information required by this law as it relates to Cumberland University.

### **General Statement of University Owned/Controlled Student Housing**

Cumberland University's five (5) Residence Halls are covered by a State Fire Marshall-approved and regularly inspected fire alarm system. The Residence Halls are covered by automatic fire suppression sprinkler systems. All Campus Security Officers, Buildings and Grounds employees and residence hall staff receive comprehensive fire safety training at the beginning of the academic year. In addition a program that covers emergency and evacuation procedures is reviewed regularly with the occupants and staff of each residence hall. Emergency Evacuation maps are posted on each floor to direct residents to exits. Fire drills are conducted each semester in accordance with the National Fire Protection Association's Life Safety Code. Basic fire safety instruction is provided to both new and current employees.

### **Specific Fire Prevention Policies**

It is the policy of Cumberland University to provide faculty, staff, students and visitors with the safest possible environment, free from potential fire hazards. The primary goal of the Fire Safety Program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire. The goal is accomplished by conducting periodic safety inspections of all university buildings and increasing the fire safety awareness of employees and students by conducting periodic basic fire safety.

Basic fire safety instruction is provided during New Employee Orientation. Additional training is available upon request by a department. Basic fire safety instruction is provided to all Resident Assistants and Residence Hall staff at the beginning of each academic year. These trainings are coordinated with the Wilson County Emergency Management Association (WEMA).

Candles with unburned wicks and candle warmers are allowed in the halls. Burning candles/incense and candles/incense with burned wicks are not allowed and will be confiscated and a \$25 fine will be assessed.

Possession of fireworks or any explosive device is prohibited. Possession will result in disciplinary action and damage assessments will be charged to the responsible student(s) or to all residents of the residence hall if specific student(s) cannot be identified.

Charcoal grills are only allowed on campus with the permission of the Residence Life Coordinator. They must be kept 20 feet away from all buildings. No flammable liquids (propane, etc.) are allowed to be stored in the residence hall.

Smoking is prohibited in any university building. Individuals may smoke in designated areas, and must dispose of cigarette butts and matches properly. Anyone found smoking in the residence halls is subject to a \$25 fine and/or further disciplinary action. Persistent refusal to abide by University regulations will result in removal from Campus Housing, with no refund of monies, including damage deposit.

The use of extension cords and multiple plugs is hazardous. If an extension cord is needed, only one item may be plugged in. Overloading electrical circuits is a dangerous fire hazard. Students must limit the number and type of electrical appliances in their room and attach only one electrical cord to a single outlet to avoid overloading circuits. Multiple outlet plugs, when used, must have circuit breakers. Electrical cords or extension cords may go under doors as long as the cord is not pinched by the door when closed.

No additional wiring should be added to the room. These are requirements of the University insurance carrier and local fire codes. Halogen lamps are not permitted in the residence halls. College staff conducts a health and safety inspection each month in each residence hall. Residents in violation of these standards will be subject to disciplinary action and fines.

To minimize the potential for fires at Cumberland University, any cooking that requires an open heating source such as a hot plate or oven is limited to the designated apartments with full service kitchens, where our Residence Life Coordinators reside.

**Statistical Report for all residence halls (Edward Potter Hall, Justin Potter Hall, Howell E. Jackson Hall, Horace H. Lurton Hall, South Hall)**

<b>Year</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Number of fires (unintentional)	0	0	0	0	0	0	0
Number of fires (intentional)	0	0	0	0	0	0	0
Number of fires (undetermined cause)	0	0	0	0	0	0	0
Fire injuries	0	0	0	0	0	0	0
Fire Fatalities	0	0	0	0	0	0	0
Value of property damage related to fire	0	0	0	0	0	0	0
Total Fires	0	0	0	0	0	0	0
Fire Alarm Checked	1	1	1	1	1	1	1
Fire Alarm Drills	2	2	2	2	2	2	2
Sprinkler System Checked	1	1	1	1	1	1	1
Portable Extinguisher Checked	1	1	1	1	1	1	1
Evacuation Plans Checked	2	2	2	2	2	2	2
Evacuation Drills (number conducted)	2	2	2	2	2	2	2

## Evacuation Procedures

- In an emergency, call EMS at 911
- Be sure to identify yourself and give the location of the emergency.
- Notify Campus Security and the Executive Director of Facilities and Safety at the earliest possible opportunity.
- If the Executive Director of Facilities and Safety is unavailable, notify the Executive Vice President and/or the Dean of Students at the earliest possible opportunity.

## Building Evacuation

- All building evacuations will occur when an alarm sounds, when a CU Alert message is issued, and/or upon notification by the Emergency Director. Tests of the emergency alert system are not an exception to this rule.
- When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same. Evacuation routes are posted in each classroom wall near the door.
- When classes are in progress, the instructor will be responsible for instructing all students in the classroom to evacuate the building, using the nearest exit. Building Runners will be responsible for insuring that buildings are evacuated.
- **ASSIST INDIVIDUALS WITH DISABILITIES IN EXITING THE BUILDING!** The safe evacuation of individuals with disabilities is a top priority in evacuating the building.
- Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel.
- **DO NOT RETURN TO AN EVACUATED BUILDING** unless you are given the “all clear” signal by the appropriate university personnel. The signal that the staff and students can return to an evacuated building will be initiated by emergency response personnel. Once the Emergency Director receives the “all clear” signal, s/he will communicate this to the Building Runners, who will notify evacuated staff and students that they can return to the building.
- University personnel should request that students stay at a designated area until an accurate headcount is taken. Faculty members will compile a list of students in their classes who are at the evacuation location and give this list to the Emergency Director.

## Missing Student Notification Procedure

### Definitions

- A. Residential Student - For purposes of this policy, a student who resides in on-campus housing under a housing contract and is currently enrolled at the college.
- B. Missing - For purposes of this policy, a residential student is presumed missing if he or she is overdue in reaching home or campus for more than 24 hours past their expected arrival and a check of their residence supports that determination. A residential student may be considered missing if he or she is overdue in reaching home, campus or another specific location past their expected arrival, additional factors lead college staff to believe he or she is missing, and a check of their residence supports that determination.



### **Notification to Residential Students**

- A. Residential students are to be informed that they have the option to identify an individual to be contacted by the institution no later than 24 hours after the time that the student is determined missing.
- B. Residential students, who are under 18 years of age and not emancipated individuals, are to be informed that the college is required to notify a custodial parent or guardian no later than 24 hours after the time that the student is determined to be missing.
- C. Residential students are to be informed that the college will notify the appropriate law enforcement agency within 24 hours after the time that the student is determined missing.
- D. Residential students are to be informed that they have the option to confidentially identify an individual, and his or her telephone number(s), to be contacted by the institution no later than 24 hours after the time that the student is determined missing. The Office of Residence Life will collect and maintain the confidential contact information. The student is responsible for ensuring that the contact information is up-to-date and accurate.

### **V. Procedures for Reporting and for Investigating Missing Students**

- A. Any college employee who receives a report that a student is missing, or has independent information that a student is missing, must immediately report the information or evidence to the Dean of Students, the Office of Residence Life, the Executive Director of Facilities and Safety, the Executive Vice President, or to Campus Security. If Campus Security is initially contacted, they will notify the Dean of Students, the Executive Director of Facilities and Safety, the Executive Vice President, and the Office of Residence Life, whose staff will determine whether the student is a residential student.
- B. If the student is not a residential student, Campus Security will conduct a preliminary investigation in order to verify the situation and to determine the circumstances which exist relating to the reported missing student. If Campus Security determines that the student should be considered missing, it will contact the relevant outside law enforcement authority and provide the relevant information. All pertinent law enforcement agencies, including, if known, those operating in the student's normal routes of travel or hometown, will be notified and requested to render assistance; all law enforcement agencies involved will receive routine investigation status reports during the course of the investigation. If Campus Security determines that student should be considered missing, the person making the initial report will be encouraged to make an official missing person report to local Law Enforcement.
- C. If the student is a residential student, the Residence Life Staff, with assistance from Campus Security, will conduct a preliminary investigation in order to verify the situation and to determine the circumstances which exist relating to the reported missing student.
  - a. A staff member will attempt to contact the missing student via his or her telephone.
  - b. If the missing student cannot be reached by telephone, two staff members (one [1] from Residence Life and one [1] from Campus Security) will visit the room of the student in question to verify their whereabouts and/or wellness, and, in some cases, deliver a message to contact a parent or family member who is searching for them.

- c. If the missing student is not at the room, but it is occupied, the Residence Life staff will attempt to gain information on the student's whereabouts and/or wellness from questioning the occupants.
- d. If there is no response when the staff members knock on the door of the room or there are occupants who do not know of the missing student's whereabouts, Residence Life and Campus Security staff will enter into the room in question, by key if necessary, to perform a health and safety inspection. The staff members will take note of the condition of the room and look for visible personal property (wallet, keys, cell phone, clothing, etc.) which might provide clues as to whether the missing student has taken an extended trip or leave from the residence hall.
- e. If the missing student is not found in the room, the Residence Life staff will attempt to gain information on the student's whereabouts from roommates, other members of the residential community, or other friends. The Residence Life staff will also attempt to acquire additional phone numbers for the missing student (if not already on file) and use them to initiate contact. Campus Security will obtain the missing student's class schedule and go to the scheduled class to talk with Professors.
- f. At any step in the process Residence Life staff members will immediately report any suspicious findings to Campus Security and appropriate local law enforcement agencies.
- g. If all of these steps do not provide Residence Life or Campus Security staff with an opportunity to speak with the missing resident or to learn his or her whereabouts, appropriate local law enforcement agencies will be contacted to investigate further.
- h. If the missing student is determined to be under the age of eighteen, Residence Life staff will notify the Dean of Students so that contact will be made with the student's parents within 24 hours. If the missing student is determined to be over the age of eighteen, Residence Life staff will notify the Dean of Students so that contact will be made with the student's confidential contact within 24 hours.
- i. If these steps provide Residence Life, Campus Security, or the Dean of Student with an opportunity to speak with the missing student, verification of the student's state of health and intention of returning to campus will be made. If needed, a referral will be made to the Counseling Center office. The Division of Student Affairs shall contact Campus Security and appropriate local law enforcement agencies to document that a missing student investigation was begun and apprise them of the student's state of health and well-being.
- j. If no contact can be made then the staff of the college will move forward with filing a missing person's report.

## **Missing Student Protocol**

### **Faculty Member**

1. If a faculty member raises a concern regarding a student missing multiple classes, the faculty member should try to reach the student via phone and e-mail initially.
2. If the faculty member is unsuccessful in contacting the student, the concern should then be directed to the student's faculty advisor, who will check attendance records for all classes.
3. If multiple classes have been missed multiple times, the advisor will then notify the Dean of Students.
4. The Dean of Students will determine if the student is a residential student or a commuter.
5. The Dean of Students will request that either Residential Life or Security conduct a welfare check with the student.
6. If the student cannot be located, the Dean of Students will notify the student's designated emergency contact person.

### **Resident Assistant**

1. If a Resident Assistant notes that a student is potentially missing, the Resident Assistant will notify the Residence Life Coordinator, who will notify Director of Residence Life.
2. The Director of Residence Life will then notify the Dean of Students.
3. The Dean of Students will notify the student's designated emergency contact person.

## **Harassment, Threats, and Violence Policy**

The purpose of this policy is to create and maintain a learning environment wherein all students maximize productivity in their studies without exposure to offensive or threatening conduct. The University supports the free and orderly exchange of ideas on the part of its students. But (1) sexual harassment; (2) racial, religious, gender, nationality, ethnic, and other forms of harassment; and (3) violence and threats of violence are expressly prohibited. These types of misconduct disrupt the educational studies of University students, and it is the intent of Cumberland University to eliminate these types of misconduct.

### **Definitions**

#### **1. Sexual Harassment**

Sexual Harassment can include:

- Physical assaults or physical conduct that is sexual in nature (touching, pinching, or brushing against another's body).
- Unwelcome sexual advances, sexual propositions, and/or requests for sexual favors.
- Verbal or physical conduct of a sexual nature that would interfere with an individual's performance, or create an intimidating, hostile or offensive learning and living environment.
- Sexual displays or publications such as computer pornography.
- Other verbal or physical conduct of a sexual nature that would interfere with an individual's performance, or create an intimidating, hostile or offensive learning and living environment.
- Retaliation for complaints of harassment.

#### **2. Gender, Racial, Religious, National Origin, Disability, Age, or Sexual Orientation Harassment**

These types of harassment can include:

- Any conduct based on gender, race, religion, national origin, disability, age, or sexual orientation which interferes with a student's ability to perform or participate in educational activities or University-sponsored activities.
- The use of "slurs" or other offensive language which could encourage or provoke physical confrontations.
- Retaliation for complaints of harassment.

#### **3. Violence and threats of Violence**

This type of antisocial behavior can include:

- Any conduct which involves the offensive touching of another person.
- Intimidating or threatening gestures or body posture that reflects possible violence or a threat of violence.
- Verbal threats to "get even" or "go postal" or similar statements that cause a student or University employee to fear possible harm by another student or University employee.

## **What to do if you experience antisocial behavior**

These types of antisocial behavior can be blatant or they can be subtle. Despite the definitions above, it is sometimes difficult to recognize whether particular conduct falls within these types of antisocial behavior. Any student who feels victimized by any of these types antisocial behavior should report the conduct immediately. Unless the student feels he or she will be subject to violence, the student should tell the offender to stop the offending conduct. If the conduct involves sexual advances, he or she should tell the offender that the advances are unwelcome.

Reports should be made to the Dean of Students and will be routed to the correct campus office for investigation. Students will be asked to file a written report providing as much detail as possible concerning the situation, people involved and/or behavior performed. Sensitivity and confidentiality will be of the utmost concern.

## **How reports should be handled**

Reports of antisocial behavior will be promptly investigated. In most cases, the investigator(s) will meet with the person making the report to get a complete and accurate statement concerning the nature of the problem. The investigator(s) usually will then meet with the accused student or employee and other potential witnesses. Once the facts have been gathered, Cumberland University will try to address and eliminate any problems through one or more of the following actions: (1) verbal counseling sessions with those committing possible antisocial behavior; (2) group meetings or training sessions; (3) referrals to formal counseling, at the expense of the student or employee; (4) written disciplinary action or suspension; or (5) expulsion from the University

In most cases, the student reporting the antisocial behavior will be informed of the results of the investigation and the remedial action taken.

While all reports of antisocial behavior will be treated as confidentially as possible, the requirement to conduct an impartial investigation means that complete confidentiality cannot be assured.

## **Your role and responsibility**

1. First and foremost, each of us is responsible for our own conduct and should avoid the types of behavior addressed in this policy.
2. Second, each of us has a responsibility to report antisocial behavior that we experience or observe.

With your help in enforcing this policy, we can make Cumberland University a better and more productive place to learn for all students.

## **Hazing**

Hazing is defined as any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule. Complaints involving allegations of hazing may be brought before the Dean of Students for review without regard to set disciplinary regulations.

## **The Campus Sexual Violence Elimination (SaVE) Act and the 2013 Violence Against Women Act**

[http://www2.cumberland.edu/communications/CU%20Policy%20and%20Procedure%20Website/zav\\_EOP--004.htm](http://www2.cumberland.edu/communications/CU%20Policy%20and%20Procedure%20Website/zav_EOP--004.htm)

### **Campus SaVE Act and the Violence Against Women Act Policy and Procedure Introduction**

Cumberland University is committed to providing a safe learning and working environment. In compliance with federal law, specifically the Jeanne Clery Act (the Clery Act), the Violence Against Women Act, and the Campus Sexual Violence Elimination Act (SaVE Act), the University has adopted policies and procedures to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking. These guidelines apply to all members of the University community (students, faculty, and staff) as well as contractors and visitors.

Cumberland University will not tolerate sexual assault, domestic violence, dating violence, or stalking, as defined in this Policy, in any form. Such acts of violence are prohibited by University policy, as well as state and federal laws. Individuals who the University determines more likely than not engaged in these types of behaviors are subject to penalties up to and including dismissal or separation from the University, regardless of whether they are also facing criminal or civil charges in a court of law.

### **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

**Sexual Assault** refers to any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the survivor is incapable of giving consent, as well as incest or statutory rape.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the survivor;
- A person with whom the survivor shares a child in common;
- A person who is or was residing in the same household as the survivor; or
- Any person against someone who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence** refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor.

**Stalking** occurs when an individual engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

## **Reporting an Incident**

The University encourages any member of the University community who has experienced sexual assault, domestic violence, dating violence, or stalking, or knows of another member of the community who has experienced sexual assault, domestic violence, dating violence, or stalking to report the incident to University authorities.

If a Cumberland student, faculty or staff member, visitor, or contractor has experienced a sexual assault, domestic violence, dating violence, or stalking, they should immediately report the incident to the Dean of Students at 615-547-1387 (if students are involved), the Director of HR at 615-547-1359 (if faculty and/or staff are involved), and/or University Safety Security at 615-476-3061.

Individuals who are on campus can also make an in-person report to any of these authorities. Each authority will assist all members of the Cumberland community by assessing the incident, advising the survivor on how he or she can seek legal protection, and making the survivor aware of medical, counseling, and other support services. If a reported incident did not occur on campus, University Safety and Security can assist the survivor in notifying the local police department with jurisdiction over the crime. **In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911.** Calling 911 will put you in touch with local police.

Students who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the Executive Vice President and Title IX Coordinator Eddie Pawlawski, Memorial Hall Suite 116, 1 Cumberland Square, 615-547-1225.

Employees who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the Office of Human Resources in Memorial Hall, 1 Cumberland Square, 615-547-1359.

These offices will provide survivors of sexual assault, domestic violence, dating violence, and stalking with information about available support services and resources, and also assist any survivor in notifying law enforcement, including the local police, if the survivor elects to do so.

Survivors are not required to report to area law enforcement in order to receive assistance from or pursue any options within the University.

Reporting sexual assault, domestic violence, dating violence, and stalking to the police (including University Safety and Security) does not commit the survivor to further legal action.

However, the earlier an incident is reported, the easier it will be for the police to investigate, if the survivor decides to proceed with criminal charges.

### **Written Notification of Rights and Options**

Any student or employee who reports an incident of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy.

These rights and options include the right(s) of a survivor to:

- A. go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- B. seek a criminal complaint for threats, assault and battery, or other related offenses;
- C. seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- D. request the police remain at the scene until your safety is otherwise ensured
- E. request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence; and
- F. obtain a copy of the police incident report at no cost from the police department.

### **Procedures Survivors Should Follow**

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

### **On Campus and Off Campus Resources**

Cumberland University, the City of Lebanon, and Wilson County, all offer other important resources to the survivors of sexual assault, domestic assault, dating violence, or stalking, including medical treatment, counseling services, and advocacy that survivors may wish to utilize.



The following University employees and on campus offices can assist members of the University community in considering their options and navigating through any resources or recourse they may elect to pursue.

A survivor need not formally report an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or the University in order to access the following resources:

**Emergency Contacts:**

<b>Important Telephone Numbers</b>	<b>Number</b>
Local Emergency Services	911
Campus Security (if on campus)	extension 2222
Campus Security (if off campus)	615-476-3061
V.P. of IT, Campus Services, Security	615-547-1255
V.P. of Admissions & Athletics	615-547-1348
Vice President for Academic Affairs	615-547-1311
Vice President for Business and Finance	615-547-1249
Director of Human Resources	615-547-1359
Counseling Center	615-547-1397
Wilson County Emergency Management	615-444-8777
Wilson County Mobile Crisis	800-704-2651
Wilson County Health Department	615-444-5325
Poison Control Center	615-322-6435

**Important Campus Addresses:**

Cumberland University: One Cumberland Square Lebanon, TN 37087  
 Howell E. Jackson Hall: 250 South Greenwood St. Lebanon, TN 37087  
 Horace H. Lurton Hall: 350 South Greenwood St. Lebanon, TN 37087  
 Justin Potter Hall: 216 South Greenwood St. Lebanon, TN 37087  
 Edward Potter Hall: 298 South Greenwood St. Lebanon, TN 37087  
 Learning and Career Commons: 307 McClain Avenue Lebanon, TN 37087  
 South Hall: 303 McClain Avenue Lebanon, TN 37087

## **Accommodations**

Regardless of whether a student or employee reports an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or pursues any formal action, if they report such an incident to University authorities, the University is committed to providing them as safe a learning or working environment as possible. Upon request, the University will make any reasonably available change to a survivor's academic, living, transportation, and working situation. When a reported incident of abuse involves more than one member of the University community, the College's Title IX Coordinator, Dean of Students, or the University President may also issue an institutional No Contact order, prohibiting the individuals from contacting one another, either on or off campus. Students may contact the Dean of Students' office (2<sup>nd</sup> Floor, Room 206, Labry Hall, 615-547-1387) for assistance, and employees may contact the Office of Human Resources (1<sup>st</sup> Floor, Memorial Hall, 615-547-1359) for assistance.

University authorities will advise survivors of a reported incident of sexual assault, domestic violence, dating violence, or stalking about how to seek a restraining order from a criminal court that directs the accused to refrain from abuse and to leave the survivor's household, building, school, college, or workplace.

Cumberland University is committed to ensuring that orders of protection issued by courts are fully upheld on all University-owned, used, and controlled property as well as properties immediately adjacent to the University. Therefore, if any member of the Cumberland community obtains an order of protection or restraining order, he or she should promptly inform University authorities and provide University authorities with a copy of that order, so that the University can enforce it. The University is also committed to protecting survivors from any further harm, and if University authorities determine that an individual's presence on campus poses a danger to one or more members of the University community, said authorities can issue an institutional No Contact or No Trespass Order barring that individual from University property.

## **Survivor Confidentiality**

Cumberland University recognizes the sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of individuals who report incidents of abuse, to the extent that doing so is permitted by law and consistent with the University's need to protect the safety of the community. Different University officials and personnel are able to offer varying levels of privacy protections to survivors.

The University requires all employees, with the exception of licensed mental health counselors who work at CU to share with the University's Title IX Coordinator information they learn concerning a report of sexual assault, or an incident of domestic or dating violence, or stalking, so that the Title IX Coordinator can investigate the incidents, track trends (including possible multiple reports involving the same assailant) and determine whether steps are needed to ensure the safety of the community. It is the survivor's choice whether he or she wishes to participate in the investigation; however the University may proceed with an investigation without the survivor's participation if there is a concern for the safety of other members of the community.

Reports made to Safety and Security will be shared with the Title IX Coordinator in all cases, and may also be made public (maintaining the survivor's anonymity) and shared with the accused in cases where criminal prosecution is pursued. Reports received by the University concerning the abuse of a minor or juvenile must be reported to state officials in compliance with state law requiring mandatory reporting of child abuse. All members of the University community are required by University policy to report any instances of known child abuse or neglect to Safety and Security, and this unit will in turn report such information to the appropriate state authorities.

Reports and information received by the University's medical professionals and licensed mental health counselors are considered legally protected or 'privileged' under Tennessee law. Thus, those individuals will not share information they learn from survivors with others within the institution (including the University's Title IX Coordinator) or with any third party except in cases of imminent danger to the victim or third party. Absent such circumstances of imminent danger, the only information that these employees will report to the University concerning incidents is statistical information, which does not identify the survivor, so that the incident can be included in the University's crime reporting statistics that are reported in the University's annual Clery Reports. Such crime reporting statistics are also included in a Title IX trend report maintained by the University.

Reports of sexual assault, domestic or dating violence, or stalking, which are shared with the University's Title IX Coordinator or other University officials, will be treated with the greatest degree of respect and privacy possible while still fulfilling the University's obligation to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. It is the survivor's choice whether to participate in the investigation; however the University may proceed with the investigation without the survivor's participation if there is a potential threat to other members of the community.

A survivor's ability to speak in confidence and with confidentiality may be essential to his or her recovery. The University thus expects employees to treat information they learn concerning incidents of reported sexual assault, domestic violence, dating violence, and stalking with as much respect and as much privacy as possible. University employees must share such information only with those College officials who must be informed of the information pursuant to University policy. Failure by a Cumberland University employee to maintain privacy in accordance with University policy will be grounds for discipline.

While federal law requires the University to include certain reported incidents of sexual assault, domestic violence, dating violence, and stalking among its annual campus crime statistics, such information will be reported in a manner that does not permit identification of survivors.

### **Cumberland University Educational Programs**

Cumberland University is committed to increasing the awareness of and prevention of violence. The University makes continued efforts to provide students and employees with education

programming, and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before they occur.

To address the issue of sexual assaults, domestic violence, dating violence, and stalking in a college environment, the University offers practical guidance for risk reduction, violence prevention, and bystander intervention.

**Personal Safety Workshops** – In an effort to educate the University community about safety, the University provides opportunities for all members of the community to learn about safety precautions. Resident Directors, Resident Assistants, and Safety and Security Officers conduct awareness workshops for University community members on a wide variety of subjects including but not limited to alcohol awareness, the definition of consent and sexual assault, and wellness.

**New Student Orientation** – Undergraduate orientation programs addressing active bystander awareness, support services, medical amnesty, wellness, and personal safety are delivered by members of Student Life and Safety and Security to first year and transfer students.

**Safety Escorts** – Safety and Security provides safety escorts twenty-four hours a day, seven days a week. This service provides students, faculty, and staff with walking or motor vehicle escort between locations on campus.

**Crime Bulletins and Alerts** – The University periodically distributes crime bulletins or alerts to inform members of the University community about incidents of crime in the areas surrounding the University that may pose an imminent threat of harm to members of the community. Bulletins and alerts are also circulated at times, not in response to a specific incident, but as general reminders to community members about measures that members of the community can take to enhance personal and property security.

**New Employee Orientation** – All new employees receive training on Sexual Harassment and Title IX through the several offices and during annual faculty and staff in-service programs. University authorities also provide new employees with information concerning issues of safety and personal awareness on such subjects as emergency preparedness, campus security authorities, and rape aggression defense (RAD) programs.

**Residence Hall Programs** – These programs are run through the Office of Residence Life and inform students on a wide variety of topics, such as, alcohol awareness, sexual assault, consent, bystander awareness, personal safety, and fire safety.

**Bulletin Board Campaigns** – The Office of Residence Life and the Office of Student Activities use passive programming strategies in the residence halls to provide information on crime prevention and safety issues related to University students on and off campus.

**Rape Aggression Defense (RAD)** – University authorities are aware that most sexual assaults are perpetrated by people known by the survivor, and not by strangers. However, many members of the University community have expressed an interest in taking RAD (Rape Aggression

Defense) classes, and members of the community who have taken RAD classes in the past have indicated they have found such classes useful. RAD is a nationally recognized program that advocates realistic self-defense tactics. RAD teaches that once a decision is made to resist a violent encounter, the resistance should come in the form of quick, deliberate, and precise defensive movements. Instructors teach students, staff, and faculty who choose to enroll in these free courses offered by the University how to increase personal safety by increasing risk awareness, risk recognition, risk reduction, and risk avoidance.

## **Conduct Proceedings**

Cumberland University strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face action by the University. When students or employees are accused of having engaged in sexual assault, domestic violence, dating violence, or stalking, the University may, depending on the facts alleged, issue interim safety measures prior to the resolution of the charges. Such interim safety measures might include issuing No Contact orders between the parties, altering an individual's work or class schedule or a student's on-campus housing assignment, placing an employee accused of misconduct on administrative leave, or placing a student accused of misconduct on an interim suspension.

The University's Title IX Coordinator will oversee all investigations of allegations of gender-based violence. Employees who are found responsible for having committed such a violation could face termination of employment, and students who are found responsible for having committed such a violation may face disciplinary probation, deferred suspension, suspension from college housing, dismissal from college housing, suspension from the college, or dismissal from the college. In addition, Cumberland University may issue No Contact Orders and No Trespass Orders to those found responsible.

If a Title IX investigation concludes that evidence exists which suggests a student more likely than not engaged in sexual assault, domestic violence, dating violence, or stalking, the matter will be referred to the Dean of Students' office (2<sup>nd</sup> Floor, Room 206 Labry Hall, 615-547-1387) for adjudication pursuant to the Student Code of Conduct. The Office of Human Resources (1<sup>st</sup> Floor, Memorial Hall, 615-547-1359) will handle any incidents involving employees and University affiliates who are found by the University to have engaged in behavior that violates University policy, including but not limited to sexual assault, domestic violence, dating violence, or stalking.

All conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair, and impartial investigation and resolution. All investigations and proceedings shall be conducted by officials who receive annual training on the nature of the types of cases they are handling, how to conduct an investigation, and how to conduct a proceeding in a manner that protects the safety of survivors and promotes accountability.

The University seeks to investigate and adjudicate any official complaints of sexual abuse, domestic violence, dating violence, or stalking that are filed with the University within sixty (60) days of receipt of that complaint, unless mitigating circumstances require the extension of time

frames beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, University breaks or vacations that occur during the pendency of an investigation, or other unforeseen circumstances. In these matters the complainant and the respondent shall be notified, provided an explanation, and given information about the amount of additional time required.

In all investigatory and adjudication proceedings conducted by the University concerning charges of sexual misconduct, domestic violence, dating violence, or stalking, including any related meetings or hearings, both the complainant and the respondent will be afforded the same process rights, including equal opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. Both the complainant and respondent will also be afforded an equal opportunity to introduce evidence and identify witnesses.

When a student is accused of any violation of the student conduct code, including but not limited to charges that he or she engaged in sexual assault, domestic or dating violence, or stalking, the charges will be decided using the preponderance of evidence standard, which means that it is more likely than not that the reported misconduct occurred. The Title IX Coordinator and the Dean of Students have discretion to decide whether sufficient evidence warrants referring charges of misconduct against a student to an Administrative/Faculty Hearing Board (a “Board”). If a Board hears such charges and issues a finding of responsibility against a student respondent, the Board may also recommend sanctions to the Dean of Students. However, the Dean of Students or designated University authority retain authority to determine the sanctions that will be issued to any student who has been found responsible for violating the Code of Conduct.

When the Title IX Coordinator completes an investigation and/or when a Board issues a decision, both the complainant and the respondent shall simultaneously be informed in writing within 7 business days of the outcome of the investigative or adjudicative proceeding. Both the complainant and respondent will be given the same procedures and timeframe to appeal the outcome of the proceeding, both parties will receive the same process rights if an appeal is granted, and the parties will both receive timely notice when the outcome becomes final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.

## **Sexual Assault Prevention**

Cumberland University does not tolerate sexual assault, coercion, exploitation, or other forms of sexual misconduct that offends the dignity of any member of the college community. Sexual assault, whether occurring on campus or at college-sponsored activities, is both a violation of the standards of the college and a criminal act within federal and state laws. Individuals who believe they have been the victims of a sexual assault may pursue resolution on campus and/or criminal action against an alleged perpetrator.

The University strongly encourages any person who has been sexually assaulted either on or off-campus to contact the Dean of Students, the Office of Campus Security, or the police department

where the incident occurred. It is important to realize that on a national level, at least one third of all reported sexual assault victims know their attacker

- this person may have been a date, steady boyfriend or girlfriend, or casual friend. This is called "acquaintance rape"
- and it can happen to anyone at any time.

**Victims of any violent crime can expect:**

- To be treated with respect
- To have confidentiality maintained (within the bounds of law and University policy)
- To have college or criminal proceedings fully explained
- To receive referral information for support services

Information on sexual assault prevention can be found at the office of Safety and Security, in the office of the Dean of Students, and in the University Counseling Center.

**Sex Offenses**

If you are the victim of a sexual assault:

- Go to a safe place.
- Try to remain calm and alert.
- Call 615-476-3061 if the incident took place on campus; call the local police at 9\*1\*1 if it occurred off campus.
- Contact a trusted friend or family member.
- Do not bathe or douche. Do not urinate, if possible.
- Do not eat, drink liquids, smoke, or brush teeth if oral contact took place.
- Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
- Get prompt medical attention at a local hospital.
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean until the police have had an opportunity to collect evidence.
- Tell someone all details remembered about the assault. Write down all details remembered as soon as possible.

REMEMBER: The preservation of physical evidence may be critical for successful prosecution of the offender.

**If you are a Sex Offender**

- You are subject to arrest, incarceration, and prosecution through the state courts.
- As a student, you are subject to University judicial proceedings that may result in permanent expulsion from Cumberland University.

## **On-campus Resources**

Safety and Security: (615) 476-3061

Dean of Students: (615) 547-1225

Director of Counseling: (615) 547-1397

Executive Director of Facilities and Safety: (615) 547-1255

Campus Security: (615) 476-3061

Executive Vice President: (615) 547-1225

## **Preventing and Responding to Sex Offenses**

The University educates the student community about sexual assaults and date rape through voluntary orientations each fall. Local agencies offer sexual assault education and information programs to University students and employees upon request. Literature on date rape education, risk reduction, and University response is available through the University Counseling Center.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. University administration strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a University Security officer and/or to the Dean of Students. Filing a report with a University officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Filing a police report will:

- • ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- • provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- • assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the appropriate campus official, local law enforcement agencies may be notified as well. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the University Conduct System, or only the latter. A University representative, typically the Dean of Students, will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the University through the Counseling Center, Rape and Sexual Abuse Center (800-879-1999 or 615-256-8526), the National Sexual Assault Hotline (800-656-HOPE).

Special guidelines for cases involving sexual misconduct are detailed in University policy and procedure material. The policy and procedure provides, in part, that the accused and the victim will each be allowed to choose one person who has had no formal legal training to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. A student found responsible for violating the University sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the



University for the first offense. Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available.

## **What to do if you are a victim of a sexual assault**

- 1. Find a safe location away from the perpetrator. Call 911 and/or CU Security (2222 or 615/476-3061) for help as needed to get to safety.** Ask a trusted friend to be with you for moral support.
- 2. Know that what happened was not your fault.**
- 3. Preserve all evidence of the assault.**
- 4. Do not bathe, wash your hands, brush your teeth, eat, or smoke.**
- 5. If you are still in the location at which the crime occurred, do not clean or straighten up or remove anything.**
- 6. Write down all the details you can recall about the attack and the perpetrator.**
- 7. Report the attack to law enforcement immediately** (local authorities can be reached by calling 911 or you can call CU Security at 2222 or 615/476-3061 for assistance in reporting)
- 8. Seek medical care as soon as possible.** Even if you do not have any visible physical injuries, you may be at risk of acquiring a sexually transmitted disease (women may also be at risk for pregnancy).
- 9. To find a local hospital or healthcare facility that is equipped to collect forensic evidence, contact the National Sexual Assault Hotline (800.656.HOPE). The hotline will connect you to your local crisis center, which can provide information on the nearest medical facility, and in some instances, send an advocate to accompany you through the evidence collection process.**
- 10. Ask the health care professional to conduct a Sexual Assault Forensic Exam (SAFE).**
- 11. If you suspect you have been drugged, request that a urine sample be collected to preserve evidence.**
- 12. If you decide to file an on-campus report of sexual assault OR if you want to discuss your options for filing an on-campus report, please see the Dean of Students in Labry Hall 206.** You can schedule an appointment by calling 547-1387.

**Recognize that healing from an attack takes time.** Give yourself the time you need and know that it is never too late to get help.

- 1. For free, confidential help 24/7 from a rape crisis counselor, contact the National Sexual Assault Hotlines (800.656.HOPE or online.rainn.org).**
- 2. For free counseling on campus, please contact the Cumberland University Counseling Center at 547-1397.**

## **Information on Registered Sex Offenders**

Federal law requires convicted sex offenders to register for the purpose of community notification. In addition, these laws provide for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The law requires sex offenders, already required to register in a specific state, to provide notice of each institution of higher education at

which that person is employed or enrolled as a student. This registration is to be made available to law enforcement agencies with jurisdiction where the institution of higher education is located. Institutions of higher education are required to issue a statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained.

Information on registered sex offenders can be found at the links below:

**Tennessee Bureau of Investigation Sex Offender Registry**  
[http://www.tbi.state.tn.us/sex\\_ofender\\_reg/sex\\_ofender\\_reg.shtml](http://www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml)

## **Security and Access to Facilities**

During business hours, the University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all University facilities is by key, if issued, or by admittance via Campus Safety or Residence Life staff. In the case of periods of extended closing, the University will admit only those with prior written approval to all facilities.

Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock. Some facilities may have individual hours, which may vary at different times of the year. Examples are the Dallas Floyd Recreational Center, the Vise Library, and administrative offices. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules.

## **Alcohol and Drugs Overarching Policy**

The possession, sale or the furnishing of alcohol on the University campus is governed by University Alcohol Policy and Tennessee state law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by Tennessee state law and statutes. However, the enforcement of alcohol laws on-campus is the primary responsibility of University Security. The Cumberland University campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by University Security. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the University Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior University approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.

The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by University Security and by local

law enforcement agencies. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

## **Uniform Crime Reporting Definitions**

**Aggravated Assault:** An unlawful attack by one person upon another where in the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible laceration, or loss of consciousness.

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

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

**Forcible Entry:** A forced entry is where force of any degree, or a mechanical contrivance of any kind (e.g. a pass key or skeleton key) is used to unlawfully enter a building or other structure.

**Unlawful Entry (No force):** An unforced entry is one where the unlawful entry is achieved without force through an unlocked door or window.

**Attempted Forcible Entry:** The attempt to commit a forcible entry, without succeeding.

**Criminal Homicide:** The killing of one human being by another.

**Murder/Non negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

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

**Motor Vehicle Theft:** The theft of a motor vehicle.

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

**Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

**Hate Crime:** Crime of aggravated assault, arson, burglary, criminal homicide, motor vehicle theft, robbery, sex offenses, and/or crime involving bodily injury in which the victim was intentionally selected because of the victims' actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

**Vandalism:** The Uniform Crime Report definition for vandalism is: "Vandalism consists of the willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without 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. This offense covers a wide range of malicious behavior directed at property, such as: cutting auto tires, drawing obscene pictures on public restroom walls, smashing windows, destroying school records, tipping over gravestones, defacing library books, etc. Count all arrests for the above, including attempts."

**Sexual assault** can be any form of forced sexual contact. Force can be physical or emotional (threat, intimidation, pressure, coercion). Sexual assault is intentional and is committed either by

- physical force, violence, threat, or intimidation;
- ignoring the objections of another person;
- causing another's intoxication or impairment through the use of drugs or alcohol; or

- taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

**Relationship violence**, also known as "dating violence," "domestic violence," or "intimate partner

violence," is a chronic pattern of one partner in an intimate relationship using abuse to gain power and control over the other person. Relationships violence can include:

- physical violence
- sexual violence
- psychological violence
- emotional violence
- economic abuse.

**Sexual misconduct** is sexual contact without intent to harm but also without the presence of effective consent. Sexual Misconduct occurs when

- the act is committed without intent to harm another
- the perpetrator fails to ask for or correctly assess whether effective consent has been given
- unreasonably believes unreasonably that effective consent was given without having met his/her responsibility to gain effective consent.

**Sexual harassment** includes threatening, inappropriate, unrelenting or abusive sexually explicit language or behaviors towards. Sexual harassment can include saying or doing things:

- directly to someone
- during a phone conversation
- during an online conversation
- in print or on clothing
- and can be directed towards individuals or groups

**Stalking** is conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is serious, often violent, and can escalate over time. Stalking behaviors include:

- Someone repeatedly calling, including hang ups
- Following someone
- Send unwanted gifts, letters, card or emails
- Damage to a residence, car or other property
- Monitoring phone calls or computer use
- Threatening to hurt someone, tor heir family, friends or pets

### **Effective Consent:**

**Clear Communication** Words or actions must be used to establish consent. Only a comprehensible, unambiguous, positive and enthusiastic communication of consent for each sexual act qualifies as consent. The absence of no does not equal yes. Only YES means YES.

- **Freely and Willingly:** Effective consent must be established without any coercion, including emotional, psychological or relational pressure or influence.
- **Unimpaired Decision Making:** Effective consent must be established without impairment by either person. Impairment can include the effects of alcohol or other drugs. In addition, if someone is asleep, passed out, has consumed alcohol or drugs, or is in any other way impaired, she or he cannot give legal consent.

- **Step-by-Step:** You must establish effective consent for every sex act and each time you hook up. Consenting to one sex act does not mean consenting to any other sex act. Prior sexual activity or an ongoing relationship cannot substitute for effective consent.
- **Subject to Change:** At any point during a sexual encounter both partners should be free to change their mind. If one partner changes his or her mind, then the other partner must respect the decision to limit or end sexual contact.

# Cumberland University Crime Statistics Calendar Years 2013-2015

## Cumberland University - 2015

GROUP A OFFENSES	Offenses	Rate per 1,000	Cleared	% Cleared
<b>Homicide Offenses (Total)</b>	0	0.0	0	0.0
Murder	0	0.0	0	0.0
Negligent Manslaughter	0	0.0	0	0.0
Kidnapping/Abduction	0	0.0	0	0.0
<b>Sex Offenses (Forcible) (Total)</b>	2	1.3	2	100.0
Forcible Rape	2	1.3	2	100.0
Forcible Sodomy	0	0.0	0	0.0
Sexual Assault W/Object	0	0.0	0	0.0
Forcible Fondling	0	0.0	0	0.0
Robbery	0	0.0	0	0.0
<b>Assault Offenses (Total)</b>	0	0.0	0	0.0
Aggravated Assault	0	0.0	0	0.0
Simple Assault	0	0.0	0	0.0
Intimidation	0	0.0	0	0.0
Stalking	0	0.0	0	0.0
Arson	0	0.0	0	0.0
Extortion/Blackmail	0	0.0	0	0.0
<b>Burglary</b>	8	5.2	0	0.0
<b>Larceny/Theft Offenses (Total)</b>	3	1.9	0	0.0
Theft - Pocket-picking	0	0.0	0	0.0
Theft - Purse Snatching	0	0.0	0	0.0
Theft - Shoplifting	0	0.0	0	0.0
Theft From Building	0	0.0	0	0.0
Theft From Coin Machine	0	0.0	0	0.0
Theft From Motor Vehicle	0	0.0	0	0.0
Theft of Motor Vehicle Parts	3	1.9	0	0.0
Theft - All Other Larceny	0	0.0	0	0.0
<b>Motor Vehicle Theft</b>	0	0.0	0	0.0
Counterfeiting/forgery	0	0.0	0	0.0
<b>Fraud Offenses (Total)</b>	0	0.0	0	0.0
Fraud - False Pretenses	0	0.0	0	0.0
Fraud - Credit Card/ATM	0	0.0	0	0.0
Fraud - Impersonation	0	0.0	0	0.0
Fraud - Welfare	0	0.0	0	0.0
Fraud - Wire	0	0.0	0	0.0
Embezzlement	0	0.0	0	0.0
<b>Stolen Property Offenses</b>	0	0.0	0	0.0
<b>Destruction/Damage/Vandalism</b>	3	1.9	1	33.3
<b>Drug/Narcotic Violations (Total)</b>	0	0.0	0	0.0
Drug/Narcotic Violations	0	0.0	0	0.0
Drug/Narcotic Equipment Violations	0	0.0	0	0.0

GROUP A OFFENSES	Offenses	Rate per 1,000	Cleared	% Cleared
<b>Sex Offenses (Nonforcible) (Total)</b>	0	0.0	0	0.0
Incest	0	0.0	0	0.0
Statutory Rape	0	0.0	0	0.0
Pornography/Obscene Material	0	0.0	0	0.0
<b>Gambling Offenses (Total)</b>	0	0.0	0	0.0
Gambling - Betting/Wagering	0	0.0	0	0.0
Gambling - Operating/Promoting	0	0.0	0	0.0
Gambling - Equipment Violations	0	0.0	0	0.0
Gambling - Sports Tampering	0	0.0	0	0.0
<b>Prostitution Offenses (Total)</b>	0	0.0	0	0.0
Prostitution	0	0.0	0	0.0
Prostitution Assisting/Promoting	0	0.0	0	0.0
Purchasing Prostitution	0	0.0	0	0.0
<b>Human Trafficking Offenses (Total)</b>	0	0.0	0	0.0
Commercial Sex Acts	0	0.0	0	0.0
Involuntary Servitude	0	0.0	0	0.0
Bribery	0	0.0	0	0.0
<b>Weapon Law Violations</b>	0	0.0	0	0.0

  

GROUP B OFFENSES	Offenses	Rate per 1,000
Bad Checks	0	0.0
Curfew/Vagrancy	0	0.0
Disorderly Conduct	0	0.0
DUI	0	0.0
Drunkenness	0	0.0
Family-Non Violent	0	0.0
Liquor Law Violations	0	0.0
Peeping Tom	0	0.0
Trespass	0	0.0
All Other Offenses	0	0.0

  

2015 Fall Term Campus Population	Population
Undergraduate Enrollment	1,306
Graduate Enrollment	244
Staff Personnel	101
Faculty Personnel	53
Security Personnel	8
<b>Total Campus Population</b>	<b>1,712</b>

\*Note: There were no hate crimes reported in 2013, 2014, or 2015.

## **Voluntary or Confidential Crime Reporting**

If you are the victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making a confidential report. You or a designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

## **Encouragement of Accurate and Prompt Crime Reporting**

If a crime or emergency occurs on campus, call Security at 615-476-3061 along with dialing 911. Dispatchers are available at these respective telephone numbers 24 hours a day to answer your call. In response to a call, Security will take the required action, dispatching an officer or asking the victim to file an incident report.

All incident reports are forwarded to the Executive Director of Facilities and Safety and to the Dean of Student's office (when applicable) for review and potential action by the Student Conduct process. If assistance is required from local law enforcement agencies, the University will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene will offer the victim a wide variety of services. The University has a Sexual Assault Crisis protocol that includes trained members and/or agencies who are available to assist a victim 24 hours a day.

Crimes should be reported to campus Security to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to a local Rape Crisis Center would not be included in the University crime statistics.

## **Crime Prevention Tips**

Crime prevention has been defined as anticipating, recognizing and appraising a crime risk, and then initiating some action to remove or reduce that risk. It's an unfortunate fact that crime does occur on college campuses nationwide. Cumberland University is required by law to investigate and make public any crimes committed on or near the campus. Safety and Security staff also wants to be sure that all staff, faculty and students are aware of our involvement in crime detection and prevention. Our success is greatly increased when staff and students get involved and assist with crime prevention and detection.

We encourage quick reporting of criminal incidents, no matter how small or insignificant they may appear. Victims have the right to expect and demand proper investigation of any crime, and

their involvement and cooperation are vital to each case. All crimes are investigated immediately and thoroughly. Follow-up investigations will continue to collect other information and evidence to identify and apprehend the offenders. When caught, Safety and Security works in partnership with the local police department and court system to prosecute the offenders.

There are steps you can take to avoid becoming a victim and to ensure your personal safety.

**Protecting your property can be the first step in avoiding victimization. Steps include:**

1. Lock your door whenever you leave your room for ANY length of time or when you are sleeping. Always lock all car doors.
2. Never prop open any door
3. Do not leave valuables or cash in plain view. Protect all valuables in your room, such as wallets, jewelry, credit cards, cash and computers.
4. Make copies of all your credit cards and other valuables in your wallet.
5. Protect your books and put your name or identifying marks in several locations.
6. Report all losses and incidents to the Safety and Security.
7. Do not loan your keys to anyone, Do Not hide your keys outside your apartment/room, or put your name or address on your keys.
8. Take all valuable items home with you during vacations or breaks.
9. Do not send cash through the mail.
10. Never leave your belongings unattended in public areas or the laundry area.
11. During semester check-in and check-out, lock your car between trips inside the residence hall.
12. Lock your bicycle in the bicycle rack.

**When at home, in an apartment or residence hall:**

1. Keep your room door locked when you are napping or sleeping.
2. Never let unauthorized persons come into your room, enter residence halls, or enter apartment security doors. Always ask to see proper identification. Any suspicious activity should be reported to the police immediately.
3. Never prop open inside or outside doors.
4. Do not hide keys outside of your room or apartment. Do not put your name or address on your keys.
5. Avoid working or studying alone in a campus building.
6. Never dress in front of a window. Draw blinds or curtains after dark.
7. If you are awakened by an intruder inside your room, do not attempt to apprehend the intruder. Try to get an accurate description of the intruder and then call the police.

**When driving:**

1. Carry your car keys when approaching your vehicle so you can enter quickly.
2. Lock your doors and keep windows rolled up whenever possible. Always check underneath your car and in the rear seat for intruders before entering your automobile.
3. Drive on well-traveled and well-lit streets.
4. Never hitchhike, and never pick up hitchhikers.
5. If someone tries to enter your stopped vehicle, sound the horn and drive to a safe area such as a police station.



6. If your vehicle breaks down, call the police. Do not allow any person access to you or inside your car. Roll down your window no more than an inch. Be aware that an accident may be staged to provide the other driver an opportunity to commit a criminal act.
7. Leave enough room between your car and the one ahead of you so you can drive around it if necessary.
8. Call ahead when driving to your home or apartment late at night and have someone watch you walk from your car to the residence.

**While walking or jogging:**

1. Avoid walking or jogging alone, and walk in groups of two or more at night.
2. Avoid dark or vacant areas. Walk along well-lit routes. Avoid vulnerable, no exit places.
3. Be alert to your surroundings. If you suspect you are being followed: Run in a different direction, go to the other side of the street and yell for help, or move quickly to a lighted area, a group of people, or an emergency phone.
4. Have your keys ready when returning to your residence hall or apartment. Keep your personal or valuable items concealed and close to your body.
5. Report suspicious persons or behavior to the police.

**Steps to follow to ensure the safety of your bicycle:**

1. Register your bicycle with Safety and Security. Engrave a special marking to identify it.
2. Lock your bicycle at a bike rack.
3. Use a high quality “U” bolt lock and/or a quality chain or cable and lock.
4. If your bicycle is stolen, contact Safety and Security immediately.

**Steps to follow if you see suspicious activity or persons:**

If you see any suspicious activity or person(s) on or near the University campus, it is your responsibility to call Safety and Security at (615) 476-3061. Do not assume what you see is an innocent activity or that another individual has already called the police. Do not worry about being embarrassed; rather, think about what could happen if you do not act.

**Suspicious persons may include**

1. Person(s) loitering about at unusual hours and locations.
2. Person(s) running, especially if something of value is being carried.
3. Person(s) exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs or needing medical or psychiatric assistance.
4. Person(s) carrying property that might be suspicious depending on the circumstances.
5. Person(s) going from room to room trying door knobs.

**Other unusual situations may be:**

1. Open or broken doors or windows.
2. Unusual noises-anything suggestive of foul play, danger, or illegal activity.
3. Person(s) sitting in parked vehicles for an extended period of time.
4. Vehicles driving slowly in a parking lot at night.
5. Any person(s) not affiliated with the University community.

## **Addendum**

### **University Civil Rights and Investigation Process**

This universal grievance policy, process and investigation protocol can and should be applied to all civil rights grievances and discrimination complaints, especially those governed by Title VI and Title IX, including discrimination on the basis of race, color or national origin, discrimination on the basis of gender and including sexual orientation, sexual violence, sexual harassment, intimate partner violence, stalking, and/or gender-based bullying or hazing. The Executive VP is the Designated University Coordinator for discrimination complaints, grievances, and conduct issues and coordinates all grievance and investigation processes.

Staff members and/or Faculty who knowingly and blatantly violate this policy may be terminated. Independent contractors who violate this policy may be terminated from providing services.

***Sexual Harassment:*** Unwelcome, gender-based verbal or physical conduct is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the University's educational program. The unwelcome behavior may be based on power differentials (quid pro quo), the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

***Discrimination:*** Any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the University's educational program or activities.

***Discriminatory Harassment:*** Detrimental action based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status that is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the University's educational program or activities.

***Retaliatory Harassment:*** Intentional action or non-action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a civil rights grievance proceeding.

### **Sexual Harassment of a Student by Another Student**

Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the University's educational program or activities.

### **Sexual Harassment of a Faculty/Staff Member by a Student; Employee-on-Employee**

Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member [by a student] that is so severe, persistent or pervasive that it unreasonably interferes with employment [or living] conditions or deprives the individual of employment access or benefits.

### **Sexual Harassment of a Student by a Faculty/Staff Member**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a faculty or staff member toward a student are held to constitute sexual harassment when:

1. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or
2. Such conduct is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the University's educational program or activities.

While a particular interaction must be offensive to both a reasonable person and to the victim to be defined as harassment, faculty and staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions. Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the **individual student, to the accused individual, and to the climate of the institution.**

### **Complaints Concerning Discrimination and/or Harassment**

The University does not permit discrimination or harassment in our programs and activities on the basis of race, color, national origin, sex, gender identity, sexual orientation, disability,

age, religion, pregnancy status, or any other characteristic protected by institutional policy or state, local, or federal law. Students who believe they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in this *Code* to report these concerns.

This process involves an immediate initial investigation to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the University will initiate a prompt, thorough and impartial investigation. The University reserves the right to designate an independent investigator to investigate the complaint and prepare pertinent documentation. This investigation is designed to provide a fair and reliable determination about whether the University's nondiscrimination policy has been violated. If so, the University will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

Students who wish to report a concern or complaint relating to discrimination or harassment may do so by reporting the concern to the Designated University Coordinator. If it is an Athletic discrimination matter, the initial report can be made through the Senior Woman's Administrator (SWA) who will report the incident to the Designated University Coordinator.

Individuals with complaints of this nature also always have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

### **Formal and Informal Grievance Procedure for Student Complaints, Employee Civil Rights Grievances Against Students and Student-on-Student Civil Rights Grievances**

This procedure is intended to apply to student grievances against employees, employee civil rights grievances against students, and student-on-student civil rights grievances. All other grievances by students against students or employees against students will be addressed through the student conduct procedures located elsewhere in this *Code*.

The University community benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns that students may have about the implementation of policies and procedures that govern the institution.

## **Informal Dispute Resolution Efforts: A Useful First Step before Filing Formal Complaints**

Before pursuing the formal complaint process, every reasonable effort should be made to constructively resolve issues with faculty, staff, or administrators, including following procedures for formal appeal. Whenever possible and safe, the problem or complaint should first be discussed with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, the student should contact the individual's direct supervisor to attempt to resolve the complaint. If it involves conduct by a student, the complaint should be directed to the Dean of Students. If it involves an Athletic complaint, it should be directed to the Senior Woman's Administrator (SWA). If these efforts are unsuccessful, the formal complaint process may be initiated. The University does not require a student to contact the person involved or that person's supervisor if doing so is impracticable, or if the student believes that the conduct cannot be effectively addressed through informal means.

## **Formal Grievance Process**

The Designated University Coordinator will assign a trained investigator (case officer) to formally investigate student grievances, address inquiries and coordinate the University's compliance efforts regarding student, faculty, or staff complaints and grievances. Notice of a formal complaint can be made in person or orally to an appropriate official, but the University strongly encourages submission of grievances [in writing, by email attachment as a MS Word or pdf document, in other written form] to the Designated University Coordinator.

The grievance should clearly and concisely describe the alleged incident(s), when and where it occurred, the persons involved, witnesses, and the desired remedy sought. The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be described within the body of the formal grievance. Additionally, the initiator of a formal grievance should submit any supporting materials in writing as quickly as is practicable.

Except in the case of violence or retaliation, wherein informal dispute resolution is not required, the grievant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort. If

contacting the person involved and/or the supervisor is impracticable, the grievant should state the reasons why.

Upon receipt of a grievance the case officer will open a formal case file and assign a case officer who will direct the investigation and confer with the Designated University Coordinator on interim action, accommodations for the alleged victim, or other necessary remedial short-term actions.

The case officer will then take the following steps:

1. In coordination with the Designated University Coordinator, initiate any necessary remedial actions;
  - Determine the identity and contact information of the complainant (whether that be the initiator, the alleged victim, or a University proxy or representative);
  - Identify the correct policies allegedly violated;
  - Conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint;
  - If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action;
2. Meet with the complainant to finalize the complaint;
3. Prepare the notice of charges on the basis of the initial investigation;
4. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual, who may be given notice prior to or at the time of the interview;
5. Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
6. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
7. Present the findings to the accused individual, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
8. Share the findings and update the complainant on the status of the investigation and the outcome.

Where the accused individual is found not responsible for the alleged violation(s), the investigation should be closed and the complainant advised of this fact. [OPTIONAL: the complainant may request from the Designated University Coordinator an extraordinary decision to refer the complaint to a hearing, which should only be granted by the Designated University Coordinator in exceptional circumstances]. Where the accused individual accepts the finding that s/he violated university policy, the Dean of Students or the Student Conduct Board will impose appropriate sanctions for the violation, after consultation with the Designated University Coordinator. The University will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community.

In the event that the accused individual rejects the findings in part or entirely, the Designated University Coordinator, in collaboration with legal counsel, will convene a hearing under its respective procedures to determine whether the accused individual is in violation of the contested aspects of the complaint. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The case officer(s) may give evidence. The hearing will determine whether it is more likely than not that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The Designated University Coordinator, in collaboration with legal counsel, has final decision making authority with regard to formal complaints, subject to appeal. Where an accused individual is found in violation, the Dean of Students or the Student Conduct Board (whichever has heard the case) will impose appropriate sanctions for the violation, after consultation with the Designated University Coordinator. The University will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community. Appeal proceedings as described in this *Code* will apply to all parties to the complaint.

### **Elaboration on Student Participation in the Grievance Process**

The case officer from the Designated University Coordinator's office will contact or request a meeting with the initiator of the formal grievance, and the complainant (if different people). The investigator also may contact or request a meeting with relevant University staff, students, or others as part of the investigation. The complainant may request to meet and discuss the allegations of the grievance with the case officers and may offer any documentation, witnesses, or other materials in support of the complaint. [Optional: The complainant has the option to have an advocate during a meeting with the case officer to discuss the documentation submitted by the student in support of the grievance. Such an advocate should be a member of the University community: student, faculty member, academic advisor, or staff member, unless leave is given by the Dean of Students upon request for an advocate from outside the University community].

The complainant must advise the case officer of the identity of an advocate or witness at least two (2) business days before the date of the meeting with the case officer. During a meeting with the case officer, no attorney may serve as the student's advocate or formally represent the student. These procedures are entirely administrative in nature and are not considered legal proceedings. No audio or video recording of any kind other than as required by institutional procedure is permitted, nor is formal legal representation allowed. At the case officer's discretion, the case officer may remove anyone disrupting the meeting from the discussion. All these same opportunities and privileges extend to all parties to the complaint.

## **Time Frame and Grounds for Filing an Appeal Request**

In the event that an accused individual accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed by the Dean of Students or the Student Conduct Board post-investigation can be appealed by any party according to the grounds, below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described, below.

All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Dean of Students for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, persistence, study abroad, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The decision of the Dean of Students or the Student Conduct Board may be appealed by petitioning the Executive Vice President and CIEO. Accused students or complainants must petition within 3-5 business days of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the Dean of Students. The Dean of Students will share the appeal with the other party (e.g., if the accused student appeals, the appeal is shared with the complainant, who may also wish to file a response), and then the Dean of Students will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer/committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
  - To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
  - The sanctions imposed are substantially disproportionate to the severity of the violation.

If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the original hearing body to reconsider in light of the new evidence, only. The reconsideration of the hearing body is not appealable.



If the appeals officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the original hearing officers, as in cases of bias, the appeals officers or committee may order a new hearing on the complaint with a new body of hearing officers. The results of a reconvened hearing cannot be appealed absent the occurrence of the same material error or a new material procedural or substantive error. The results of a new hearing, as opposed to a reconvened hearing, can be appealed, once, on the four applicable grounds for appeals.

If the appeals officer or committee determines that the sanctions imposed are disproportionate to the severity of the violation, the appeals officer or committee may then increase, decrease or otherwise modify the sanctions. This decision is final.

The procedures governing the hearing of appeals include the following:

1. All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
2. Generally, every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
3. Appeals are not intended to be full rehearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing for specific issues, and pertinent documentation regarding the grounds for appeal;
  - An appeal is not an appropriate avenue by which the officer or committee can substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the findings only where there is clear error and to the sanction only if there is a compelling justification to do so;
  - Sanctions imposed by the original hearing body are implemented immediately and during any appeal unless the Dean of Students or legal counsel stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - The appeals committee or officer will render a written decision on the appeal to all parties within seven (7) business days from hearing of the appeal. The committee's decision to deny any appeal request is final.

### **Special Grievance Process Provisions**

1. Attempted violations: In most circumstances, the University will treat attempts to commit any of the violations listed in the *Student Code of Conduct* as if those attempts had been completed.
2. University as Complainant: As necessary, the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct or despite any disagreement with the complaint by the victim of misconduct.

3. False Reports: The University will not tolerate intentional, false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any violation, and it may also violate state criminal statutes and civil defamation laws.
4. Immunity for Victims and Witnesses: The University community encourages the reporting of conduct code violations and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to university officials or participate in grievance processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, the University pursues a policy of offering victims of code infractions and/or crimes and any witnesses to such limited or full immunity from policy violations related to the incident.
5. Bystander Engagement: The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance, University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The University pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.
6. Parental Notification: The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.
7. Notification of Outcomes: The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release under a federal law, FERPA. However, the University observes the legal exceptions as follows:
  - Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, without condition or limitation.
  - The University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and

- kidnapping/abduction. The University will release this information to the complainant in any of these offenses regardless of the outcome.
8. **Alternative Testimony Options:** For sexual misconduct complaints, and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options shall be made available upon request by the victim, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify outside the physical presence of the accused individual, such as by Skype. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.
  9. **Past Sexual History/Character:** The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be highly relevant by the Lead Investigator. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the case officer. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Dean of Students Coordinator may supply previous complaint information to the investigators, the conduct board, or may consider it him/herself if s/he is hearing the complaint, only if:
    - The accused was previously found to be responsible;
    - The previous incident was substantially similar to the present allegation;
    - Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

### **Statement of the Rights of the Alleged Victim**

A victim of sexual misconduct has:

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to University administrators;
- The right to be treated with respect by University officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus disciplinary hearing;
- The right not to be discouraged by University officials from reporting an assault to both on-campus and off-campus authorities;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within 24 hours of the end of the conduct hearing;
- The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;

- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
  - Change of an on-campus student's housing to a different on-campus location;
  - Assistance from University support staff in completing the relocation;
  - Arranging to dissolve a housing contract and pro-rating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right ***not*** to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the Student Conduct Committee in determining its sanction;
- The right to a campus no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus law enforcement.
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right to a hearing closed to the public;
- The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
- The right to bring a victim advocate or advisor to all phases of the investigation and campus conduct proceeding;
- The right to give testimony in a campus hearing by means other than being in the same room with the accused student;

- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- The right to have the University compel the presence of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of witnesses (including the accused student), and the right to challenge documentary evidence.
- The right to be present for all testimony given and evidence presented before the conduct body;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
- The right to a conduct panel comprised of representatives of both genders;
- The right to have University policies and procedures followed without material deviation;
- The right to be informed in advance of any public release of information regarding the complaint;
- The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

### **Statement of the Accused Student's Rights**

The rights of accused students should also be prominently indicated. These should include, among others particular to your University:

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to University administrators against the accused student;
- The right to be treated with respect by University officials;
- The right to be informed of and have access to campus resources for medical, counseling, and advisory services;
- The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the Student Conduct Committee in determining its sanction;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;

- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to a hearing closed to the public;
- The right to petition that any member of the conduct body be removed on the basis of bias;
- The right to have the University compel the presence of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of witnesses, and the right to challenge documentary evidence.
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training;
- The right to have University policies and procedures followed without material deviation;
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the accused student's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the accused student as necessary;
- The right to a fundamentally fair hearing, as defined in these procedures;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to written notice of the outcome and sanction of the hearing;
- The right to a conduct panel comprised of representatives of both genders;
- The right to be informed in advance, when possible, of any public release of information regarding the complaint.