

MARTIN METHODIST COLLEGE



ANNUAL SECURITY AND FIRE SAFETY REPORT 2021

Updated: October 1, 2021

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RESPONSE TO COVID-19

The policies and protocols included below are in response to the COVID-19 Pandemic for the academic year of 2020 to 2021 only.

Martin Methodist College has developed policies and protocols to ensure the safety and health of our faculty, staff and students as we live together through the unprecedented COVID-19 pandemic. This plan outlines the College's approach to dealing with major issues such as instruction, health and safety, housing and dining, and more. The health and safety of the college community is our number one priority.

MMC Pledge

The College expects all members of the MMC Community (students, faculty and staff) to make a commitment to protect the MMC Community, pledging to take responsibility for their health, the protection of others, and to keep the Martin Methodist College Community safe from the spread of COVID-19. All MMC students, faculty and staff are required to complete the MMC Pledge located at: <https://martinmethodist.typeform.com/to/wozjfYuf>.

Screening

Symptom self-monitoring will be an expectation of all community members. Members of the campus community will be expected to monitor themselves for symptoms of COVID-19 daily. The College will use the MMC Application to monitor the daily screenings. Screening will occur at administrative building entrances, academic offices and classrooms. Visitors will check-in at the Library.

Employees, Students, and Visitors will be expected to answer NO to these questions:

- Are you currently diagnosed or suspected of having COVID-19?
- Have you had a fever above 100.4 in the last 48 hours?
- Have you been in close contact with a confirmed case of COVID-19 in the past 14 days?
- Are you experiencing a cough, shortness of breath, chills, sore throat, muscle pain, or headache?
- Have you had new loss of taste or smell?
- Have you had vomiting or diarrhea in the last 24 hours?

Random temperature screening will occur at all buildings. Screenings will be conducted by security personnel and nursing students.

Testing

Symptomatic individuals will be tested in coordination with the Giles County Health Department, and voluntary testing will be encouraged. Testing protocols will be in accordance with CDC and State of Tennessee health guidelines and recommendations.

Students are not required to receive testing upon their return to campus for the fall semester of 2020, but residential students will be asked to abide by a Residential Pledge:

“For 14 days prior to my move-in date I pledge to protect myself, others, and the MMC residential community by:

- Monitoring and reporting it to a medical professional any symptoms of COVID-19.

- fever of 100.4 F (38 C) or higher
 - dry cough
 - shortness of breath
 - chills
 - repeated shaking with chills
 - muscle pain
 - headache
 - sore throat
 - loss of taste or smell
- Remaining in my residence, only leaving my residence for essential items. Essential items include:
 - Picking up take-out
 - Picking up items from the grocery
 - Picking up medications
 - Going to work
 - Exercising outdoors
 - Getting medical care.
 - Avoiding contact with non-household members
 - Washing my hands often with soap and water or using hand sanitizer
 - Maintaining appropriate social distancing when I am outside my residence
 - Wearing an appropriate face mask and other protective gear when I am outside my residence
 - Staying home if I feel ill or after exposure to someone who is ill or has tested positive for COVID-19
 - Monitoring for and reporting all symptoms/cases of COVID-19 to the Residential Staff during the period of time.”

Face Mask Policy

Face masks or coverings (e.g., disposable masks or cloth face coverings) must be worn over your nose and mouth by all staff, faculty, and students on campus when in the presence of others and in public settings (e.g. common workspaces, public spaces, hallways, stairwells, elevators, meeting rooms, classrooms, break-rooms, and restrooms, etc.) and outside when you cannot social distance (6ft of separation).

Exceptions to wearing a face covering:

- When you are alone. (e.g. residential room, office, or outside)
- When you are eating and drinking.
- When you are maintaining a social distance of six feet or more from others outside.
- When an instructor is behind a plexiglass barrier in class, the instructor is not required to wear a mask.

A face shield is not a substitute for a cloth face covering but may be worn in addition to a cloth face covering. Masks worn on campus may not include exhalation valves or vents. The CDC does not recommend using masks for source control if they have an exhalation valve or vent.

Each student will receive an MMC cloth face mask. Disposable masks will also be provided in all facilities. Disposable masks may only be worn for 24 hours.

Physical Distancing

Physical distancing, also called “social distancing,” means keeping a safe space between yourself and other people who are not from your household or “family unit.” To practice physical distancing, stay at least 6 feet (about 2 arms’ length) from other people who are not from your household in both indoor and outdoor spaces.

Environmental Services

Environmental Services will be wiping down doorknobs, computer lab keyboards, handrails, and desks with an alcohol-based cleaner as a normal routine cleaning function effective immediately.

- Building occupants are encouraged to wipe down commonly used surfaces in their offices.
- Buildings will have designated entrances and separate designated exits. Traffic will be one way.
- MMC has removed all high touch items (e.g. rack cards, magazines, pens, pencils).
- Extra chairs and desks have been removed in conference rooms and classrooms in order to facilitate physical distancing at all times.
- Residential Life kitchens are closed.
- Touchless water stations may stay open, but water fountains will be closed.

Campus Restrictions

Event Restrictions

In regards to all events on campus, MMC will abide by the State of Tennessee restriction limiting events to 50 people. All events must also have the capacity to keep 6 feet of physical distance between individuals in attendance. The College will continue to monitor the latest CDC and State guidance and will share additional information about fall campus events.

Student Organizations will be allowed to host events if they abide by MMC event guidelines:

- Events/Meetings must provide a safety plan on how the organization will social distance and enforce the wearing of masks.
- All events will be smaller and many will be outside.
- Student Organizations must register with the Assistant Director of Student Activities.
- All meetings/events must be listed on the MMC App.
 - All attendees must register on the MMC App
- No event or meeting can exceed 50 attendees.
- Any food or drink served at an event must be pre-packaged and single serve.

Visitor Restrictions

The College will limit campus visitors to essential personnel, vendors, and College-invited guests within the premises, unless deemed otherwise necessary. Departments expecting visitors will communicate expectations and policies to visitors and guests before they arrive on campus. Residential students will not be allowed to invite guests into their residential hall, with the exception of Move-In and Move-Out Day.

The Library, Movie Theater, Dining Hall, RedHawk Café/Starbucks and all Residential Facilities will be closed to community visitors in the Fall. Approved visitors must be screened at the following locations:

- Vendors must be screened at the Library.
- Prospective students must be screened at the Admissions Office.
- Fitness Members must be screened at the Gym.
- Pre-Approved events must be screened by the sponsoring group.
- Visiting Teams/Officials must be screened by Athletics.

Travel Restrictions

If travel is necessary, take every precaution and self-monitor carefully for illness for 10 days following return.

MMC Faculty, Staff, and Students returning from International Travel

Upon your return to campus:

- Consider reducing non-essential activities for 10 days.
- Limit your exposure to the MMC community.
- Stay at least 6ft from anyone that didn't travel with you.
- Wear a mask while on campus at all times (office, class, practice, etc.) for 10 days.
- Watch your health! Look for symptoms of COVID-19, and take your temperature if you feel sick.

MMC sponsored travel should be preapproved by the area supervisor. The College encourages everyone to avoid overnight travel whenever possible. Consult the current travel guidelines for the states in which the proposed travel is to occur and remain informed on the status of those guidelines.

MMC Clinic and Counseling

Clinic visits will be by appointment only to control Clinic traffic. The student can certainly call/email and come to the clinic ASAP within the clinic hours if that slot is available. With the call prior to visit, a decision can be made for a telemedicine visit versus a face-to-face Clinic visit.

Counseling visits will be by tele-med unless the Counselor determines a face-to-face visit is needed.

Reporting an Exposure

All MMC Community members who have a confirmed case of COVID-19, have COVID-19 symptoms, or have been in contact with someone with COVID-19 must fill out a COVID 19 Self-Isolation Form and contact one of the COVID-19 Coordinator within 24 hours.

Co-Coordinators: Daniel McMasters, Vice President of Student Affairs
dmcmasters@martinmethodist.edu
Work: 931-424-7334 Cell: 931-242-7713

Jamie Hlubb, Assistant Vice President of Human Resources
jhlubb@martinmethodist.edu
Work: 931-424-7379

All Students: In addition to notifying a COVID-19 Coordinator as soon as they are notified of their positive test results, student will also want to notify the MMC Clinic, Instructors, Coaches, Athletic trainers, etc.

Isolation and quarantine precautions are used to help stop the spread of disease from one person to another. The College will follow CDC and State of Tennessee guidance regarding isolation and quarantine protocols.

All information and FAQs related to Martin Methodist's response to COVID-19, and all other details regarding the health and safety of the campus community can be found on the college's homepage or by visiting: <https://www.martinmethodist.edu/about/mmc/covid19/faqs>.

MESSAGE FROM THE DIRECTOR OF SAFETY AND SECURITY JOSIE TREVARTHEN



In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Campus Fire Safety Right To Know Act, and the 2013 Violence Against Women Reauthorization Act (VAWA), Martin Methodist College provides the following information for your use. Before continuing on, it is important to point out that Martin Methodist College is an open campus and we welcome visitors. Crimes exist in our community and while the College has a variety of crime prevention programs and services, we count on every member of our community to be aware of their surroundings. Safety is a shared responsibility that lies with each of us. Each member of the MMC community assumes the personal responsibility for creating an environment free from physical and/or sexual violence, hate speech, harassment, vandalism, theft and other Honor Code/MMC Policy violations. Campus Safety and Security employs an approach

that focuses on harm and risk-reduction, finding the learning moments possible in any given interaction, and promoting student growth and development. We strongly encourage everyone to promptly report all criminal activity and suspicious persons. We also recommend you avail yourself of the numerous existing programs and services to enhance your safety and awareness. We are here to serve our community and welcome your questions, comments, and suggestions.

We ask you to take a moment to consider the following safety tips:

- Report crime and situations that seem suspicious immediately.
- Don't leave property unattended or unsecured. Unattended items are an easy target, making theft the most common crime reported.
- Always lock your residence and car. Don't leave valuables, such as electronics, visible.
- Avoid walking alone at night. Always be aware of your surroundings.

MARTIN METHODIST COLLEGE DEPARTMENTS OF SAFETY AND SECURITY OVERVIEW

Martin Methodist College, founded in 1870, is a liberal arts, four-year College related to the Tennessee Conference of The United Methodist Church.

With a historic campus located in Pulaski, Tennessee, in the beautiful hills of Southern Middle Tennessee. Martin Methodist College is convenient to both Nashville (70 miles to the north) and Huntsville, Alabama (40 miles to the south). The College also has online class options available.

MISSION STATEMENT

Martin Methodist College, as an institution of higher education related to the United Methodist Church, has as its mission to:

- Provide undergraduate, graduate, and professional programs grounded in the liberal arts and sciences that are designed to prepare students for careers and lives of continued learning;
- Promote a diverse and globally conscious learning community that nurtures intellectual, spiritual, social and personal growth;
- Serve the region and church through educational, spiritual, social and cultural programs.

Vision Statement

Martin Methodist College is committed to being the educational epicenter for South Central Tennessee and a college of opportunity for our students, community, and church.

CONTACT INFORMATION

Martin Methodist College Safety and Security Office

Location:

The Criminal Justice Center.

Address:

115 Flower Street
Pulaski, TN 38478

Contact Numbers:

Non-Emergency Contact Number (931) 309-7502
Emergency Contact Number: 9-1-1

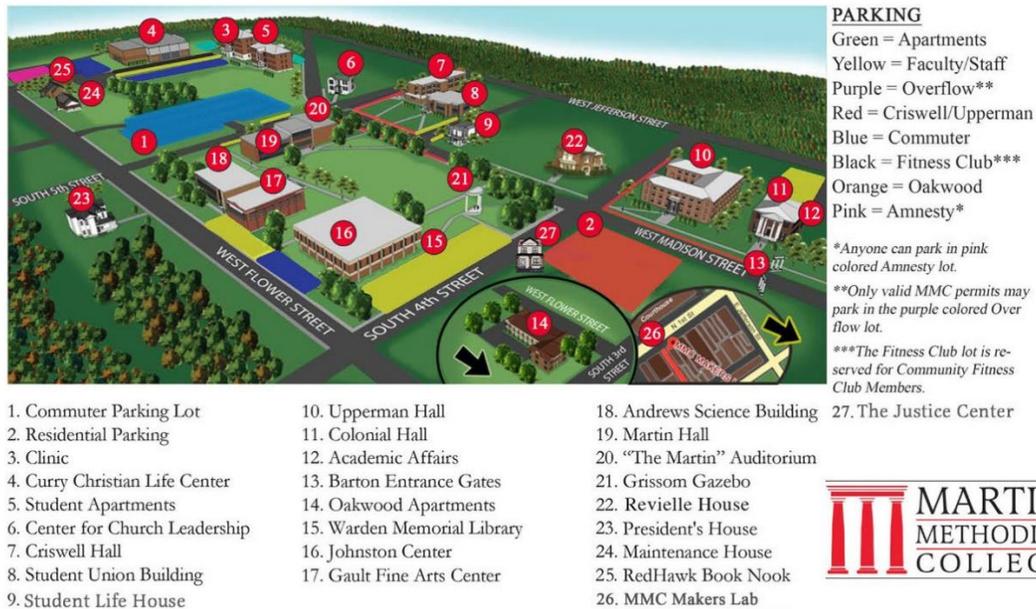
MMC CAMPUS SECURITY PERSONNEL AND JURISDICTION

Martin Methodist College does not have its own law enforcement agency. There is a Campus Security Office located in The Justice Center. The campus community can contact Campus Security 24 hours a day.

Campus Security reports to the Vice President of Student Affairs (Daniel McMasters) and the Director of Campus Safety and Security (Josie Trevarthen). The officers include a part-time Campus Security Supervisor (Joseph McNairy) and ten part-time security officers who are assigned by the College. Security personnel wear easily identifiable uniforms and are off-duty police officers or certified non-law enforcement officers. Security officers are not expected to engage in nor execute law enforcement functions. They are charged with the security of the campus, its physical plant, employees, staff, students, and visitors. Security personnel are to guard the campus against damages and loss, assist students, faculty, staff, and visitors with any problems they may have, help people in need of medical or other assistance, and secure the physical plant of the College.

The main campus is roughly bordered by Richland Drive, North to West Madison Street, East to 4th Street via Jefferson St., South to West Flower Street, and West to Richland Drive. Safety and Security also reports 5th Street from West Madison to West Jefferson and West Madison and West Flowers from 4th street to 3rd street.

CAMPUS/PARKING MAPS



The College also operates a non-campus Athletic Facility located at East Campus. The College maintains security and provides crime statistics for this Campus. The Athletic Facility is located 2.1 miles from Martin Methodist Main Campus at 1238 East College Street.

RELATIONSHIP WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES

The Martin Methodist College security office maintains a close working relationship with the Pulaski Police Department (PPD), Giles County Sheriff's Department (GCSD), and the Giles County Emergency Management (GCEM). Meetings are held between the leaders of these agencies on both a formal and informal basis. The officers of Campus Security and Pulaski Police Department communicate regularly on the scene of incidents that occur in and around the campus area. There is no written memorandum of understanding between Campus Security and PPD, GCSD, and GCEM.

When necessary, MMC security personnel works closely with other local, county, state and federal law enforcement agencies. Campus Security contact local law enforcement officers when a crime is committed or suspected.

REPORTING A CRIME, EMERGENCY, OR SUSPICIOUS ACTIVITY

Accurate and Prompt Reporting

Community members, students, faculty, staff, and visitors are encouraged to promptly and accurately report all crimes and public safety related incidents to MMC Department of Safety and Security or the appropriate local police agency, including when the victim elects to, or is unable to, make such a report. Crimes and incidents should be reported *as soon as possible* for the purposes of making timely warning or emergency notification reports to the community, and for inclusion in the annual statistical disclosure.

Reporting a suspected crime

Crimes and emergencies can be reported by contacting the following departments:

Emergency Police, Fire, or Ambulance	Dial 9-1-1
MMC Safety and Security	(931) 309-7502
Local Law Enforcement Agencies	<u>Pulaski Police Department</u> (931) 424-4404 203 S 1st St #7, Pulaski, TN 38478 <u>Giles County Sheriff's Department</u> 200 Thomas Gatlin Dr, Pulaski, TN 38478 (931) 363-3505

Non-emergencies:

- Call MMC Security at 931-309-7502; report any and all details of the incident.
- Describe the location of the incident
- Describe the suspect's appearance, clothing, height, weight, coloring, scars or other noticeable features.
- Describe the suspect's vehicle, license plate number and direction of travel.
- If you observe a crime or a suspicious incident, call immediately. Do not assume someone else has made the call.

Emergencies:

- Call 9-1-1.
- Describe the location of the incident first.
- Describe the suspect's appearance, clothing, height, weight, coloring, scars or other noticeable features.
- Describe the suspect's vehicle, license plate number and direction of travel.
- If you observe a crime or a suspicious incident, call immediately. Do not assume someone else has made the call.
- Call MMC Security at 931-309-7502 after calling emergency services.

When reporting a crime, try to explain your needs as calmly as you can. **STAY ON THE LINE** until MMC Security, law enforcement, or the dispatcher says it is okay to hang up.

MMC Security incident reports involving students are forwarded to the Vice President of Student Affairs for review and potential action as directed by the Student Life Code of Conduct.

ALTERNATIVE REPORTING

Designated Campus Security Authorities to whom a crime can be reported:

Student Conduct Officer	Skylar Phillips 420 West Madison St. Pulaski, TN 38478
Director of Equity and Diversity & Title IX Coordinator	Sarah Catherine Richardson 420 West Madison St. Pulaski, TN 38478
Vice President of Student Affairs	Daniel McMasters 420 West Madison St. Pulaski, TN 38478

A Campus Security Authority (CSA) is a Martin Methodist College employee with significant responsibility for the general safety of campus and student activities. A CSA has responsibilities under the federal Clery Act to report information for timely warnings and crime statistics. Students, staff, and faculty are required to report all on-campus crimes or criminally suspicious activities to one or more of the Martin Methodist CSAs. The CSAs are then required to report the criminal activity for statistical purposes to the Martin Methodist College Office of Security. The intent of including non-law enforcement personnel as CSA's is to acknowledge that many individuals, and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

A Campus Security Authority (CSA) is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution:

1. *A campus police department or a Campus Security department of an institution.*
2. *Any individual or individuals who have responsibility for Campus Security, but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property).*
3. *Any individual or organization specified in an institution's statement of Campus Security policy as an individual or organization to which students and employees should report criminal offenses.*
4. *An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of an institution.*

At Martin Methodist College, Campus Security Authorities include, but are not limited to:

- Members of the President's Executive Council
- Title IX Officers
- Vice President of Student Affairs
- Director of Campus Safety and Security
- Campus Security Officers
- Director of Student Life
- Assistant Director of Residential Life
- Resident Directors
- Student Resident Assistants
- Student Life Staff
- Director of Athletics
- Head/Assistant Athletic Coaches
- Director/Assistant Director of Sport Medicine
- Director/Assistant of Student Resources Center
- Director/Assistant of Career Services
- Athlete Enhancement Director
- Faculty/Staff Advisors
- International Student Advisor

CONFIDENTIALITY

Martin Methodist Safety and Security encourages anyone who is the victim of or witness to any crime to promptly report the incident to MMC Safety and Security or another law enforcement agency. However, MMC Security cannot ensure that a report will remain confidential. MMC Security Officers are Clery Act Campus Security Authorities (CSA's) and Title IX Responsible Employees. CSA's are required to report Clery Reportable crimes to the Clery Coordinator and Title IX Responsible Employees are required to share all relevant information about an alleged sexual misconduct case, including the identity of the involved individual(s), with the Title IX Coordinator.

The college's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, a copy of which can be found in **Appendix E**, provides information on the College's policy for handling a situation in which a person reports an incident of prohibited conduct (sexual Harassment (including sexual assault, domestic and dating violence, and stalking), sexual exploitation, and retaliation) to the College, but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken. The policy also provides information on confidential resources that serve as alternatives to reporting an incident of prohibited conduct to the College.

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may want to consider making a confidential report. The College encourages individuals who have experienced what they believe could constitute sexual harassment or sexual violence to speak with someone about what happened so that support can be offered and the College can respond appropriately. Different individuals associated with the College have different abilities to maintain confidentiality in this area.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called "responsible employees") constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.
- It is also possible to report to a third-party counselor or advocate off campus who may maintain confidentiality and only inform the school that an incident has occurred. As reporting requirements vary, it is important to discuss confidentiality with the third party prior to speaking with that individual.

PASTORAL AND PROFESSIONAL COUNSELOR

A. Privileged and Confidential Communications

Professional and Pastoral Counselors: Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. Following is the contact information for these individuals:

Ms. Desiree Stone, Campus Counselor	Ext. 3338	(931) 424-7338
Rev. Laura K. McMasters, College Chaplain	Ext. 3825	(931) 363-9825

B. Reporting to "Responsible Employees."

The following employees (or categories of employees) are the College's *responsible employees*:

- Members of the President's Executive Council
- Employees of the Human Resources Staff
- Employees of the Student Life Staff
- Athletic Coaches
- Resident Directors and Resident Advisors
- Faculty/Faculty Advisors
- Safety and Security Staff
- Orientation Leaders

NOTE: While these professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law. Such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case. If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, Campus Security, the President, or Executive Vice President & COO may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

Also Note: This policy is also addressed in the Sexual Harassment, Sexual Violence, & Title IX Resources for Students Sexual Harassment, Sexual Violence, & Title IX Resources for Students section of this report.

RETALIATION

No College officer, employee, or agent shall retaliate, intimidate, threaten, coerce, seek retribution, or otherwise discriminate against any person for exercising their rights or responsibilities under any provision of the Clery Act.

The college's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, found in **Appendix E**, prohibits retaliation.

Retaliation means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

TIMELY WARNINGS (SAFETY NOTICES)

A timely warning, in the form of a Safety Notice, will be disseminated utilizing method(s) likely to reach members of the affected campus community when the reported incident is a Clery Act crime which:

- (1) is reported to MMC Security or Clery Coordinator directly or reported to MMC Security or Clery Coordinator indirectly through a college campus security authority or a local law enforcement authority;
- (2) occurs on the college's Clery geography (i.e., on campus, in or on a non-campus building or property in use or controlled by the college, or on public property immediately adjacent to the college); and
- (3) is considered by the institution to represent a serious or continuing threat to College students and employees, or their property.

Clery Act crimes include:

- Murder/non-negligent manslaughter
- Manslaughter by negligence
- Rape
- Fondling
- Incest
- Statutory rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Certain Categories of Hate Crimes
- Domestic Violence
- Dating Violence
- Stalking
- Weapons Violations
- Drug Abuse Violations
- Liquor Law Violations

Notices may also be posted for other crime classifications as deemed necessary.

Clery Act geography, in general, means:

On campus buildings or property, including residence complexes, noncampus property that College owns, leases, or controls (Includes locations such as fraternities, athletic travel or study trip where there is extended or repeated use), and certain public property within or immediately adjacent to campus.

The Clery Act does not require the college to issue a Safety Notice for:

- (1) a Clery Act crime that occurs outside of college Clery Geography; or
- (2) for a crime that is not a Clery Act crime, even if that crime occurs on the college's Clery Geography.

Statement of Procedures

The purpose of this policy is to outline procedures that Martin Methodist College will use to issue Timely Warnings in compliance with the Clery Act.

The college will issue a Timely Warning Notice in the event that it receives notice of an alleged Clery Crime occurring on campus, on public property within or immediately adjacent to the campus, or in or on non-campus buildings or property controlled by the College, where the College determines, in its judgment, that the allegations present a serious or continuing threat to the College community. For purposes of this policy, “timely” means as soon as reasonably practical after an incident has been reported to the MMC Campus Safety and Security Authorities identified by Martin Methodist College, or local police agencies that have concurrent jurisdiction have reported the information to the College. The Director of Campus Safety and Security and/or the Vice President of Student Affairs, or in her/his absence or unavailability, her/his designee, is responsible for determining whether to issue a Timely Warning Notice. If the Director/Vice President or their designee is not available, a member of the College’s emergency response team will make the determination.

Whether to issue a Timely Warning Notice is determined on a case-by-case basis for Clery Act crimes: homicide, sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act. The Director of Campus Safety and Security and the Emergency Response Team, or their designees may also issue a Timely Warning Notice for other crimes, as determined necessary.

In determining whether to issue a Timely Warning Notice the College will consider any factors reflecting on whether the alleged crime represents a serious or continuing threat to the College community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) when it was reported; (d) the continuing danger to the campus community; and (e) the amount of information known by Campus Safety and Security Authorities. If there is insufficient information available to determine whether the incident represents a continuing threat to the College community, the College will issue a Timely Warning Notice unless, based on the information available, it appears unlikely that there is an ongoing threat to the community, and it will be noted in the content of the Timely Warning Determination form that, based on the information available, the College does not have full information to evaluate the nature of the ongoing threat.

The Director of Campus Safety and Security/Vice President of Student Affairs will make efforts to consult with the Director of Publications & Website Development or a designee, if she/he is available, to develop the content of the Timely Warning Notice. Time permitting, additional input may be garnered from additional members of the Emergency Response Team, including the Executive Vice-President and COO, Vice President of Student Affairs, Provost & Vice President for Academic Affairs, College Chaplain, Director of Student Life, Director of Safety and Security, Director of Publications & Website Development, and Assistant Vice President for Human Resources and Operations.

The reason why the College does or does not issue a Timely Warning Notice for any Clery Crime reported to the College will be documented on the Timely Warning Determination form and maintained by the Department of Public Safety for a minimum of seven years. A copy of the documentation will be attached to the written and electronic copies of the incident report.

The Timely Warning Notice will include, to the extent known, the date, time and nature of the offense, a brief overview of its particular circumstances, a physical description of the actor(s), law enforcement’s immediate actions, a request and method for witnesses to contact law enforcement, and where applicable and appropriate, cautionary advice that would promote safety. In developing the content of the Timely

Warning Notice, the College will take all reasonable efforts not to compromise ongoing law enforcement efforts.

The College distributes Timely Warning Notices in various ways. Once the College determines that an alert will be issued, MMC Campus Safety and Security e-mails the announcement and may also post it on its website as well as post notices on bulletin boards or doors throughout campus. The College may also send text messages disseminating the notice to those who register their cell phone numbers.

Anyone with information about a serious crime or incident should report the circumstances to the MMC Campus Safety and Security by phone at (931-309-7502) or in person at The Justice Center. If a report is made to other college administrators, those administrators will immediately notify MMC Safety and Security.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The Clery Act requires the College to have and disclose the following emergency response and evacuation procedures, which the College will follow in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus

The Emergency Response Plan for MMC can be accessed through the Campus Safety and Security website or at: <https://utsouthern.edu/students/campus-safety-security/>

HOW TO REPORT AN EMERGENCY

Crimes and emergencies can be reported by contacting the following departments:

Emergency Police, Fire, or Ambulance	Dial 9-1-1
MMC Safety and Security	(931) 309-7502
Local Law Enforcement Agencies	<u>Pulaski Police Department</u> (931) 424-4404 203 S 1st St #7, Pulaski, TN 38478 <u>Giles County Sheriff's Department</u> 200 Thomas Gatlin Dr, Pulaski, TN 38478 (931) 363-3505

EMERGENCY NOTIFICATION SYSTEM

Emergency Response Policy

In the event of a campus emergency, Martin Methodist College follows guidelines set forth in its Emergency Preparedness Plan. MMC Campus Safety and Security and PPD are typically the initial responders for emergencies on campus, with primary responsibility for assessing the nature, size, scope and activation of the Emergency Response Team. Individuals may use a variety of notification methods to alert public safety to an emergency, such as phone, email, or in person. The overarching drive of this plan is to enable various College administrators to promptly and effectively alert and inform the campus community

and the public when there is a clear and credible danger to the College community. On an annual basis the College notifies the Pulaski Police of their requirement to also communicate any incident that takes place in the community that may warrant an emergency response. The plan coincides with the College's other safety and emergency plans that deal specifically with the operational implications of a crisis.

CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION

MMC Campus Safety and Security is responsible for responding to all significant incidents that may involve an immediate or ongoing threat to the health and/or safety of the greater college community. It is also tasked with promptly summoning the appropriate resources to mitigate and investigate such incidents. Either on its own or with the input from these external agencies, (Pulaski Police Department, Pulaski Fire Department, Giles County Emergency Management) MMC Campus Safety and Security will determine if the situation does in fact pose a threat to the community. Should that be the case, federal law requires that the College immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. The College communicates and works closely with local police, regularly requesting their cooperation in informing the College about reported situations that may warrant an emergency response. The Emergency Response Team is comprised of the Executive Vice-President and COO, Vice President of Student Affairs, Provost & Vice President for Academic Affairs, College Chaplain, Director of Student Life, Director of Safety and Security, Director of Publications & Website Development, and Assistant Vice President for Human Resources and Operations, or their designees. Members of this Team take the initial lead in implementing the appropriate response plan, assessing the severity of the crisis, reviewing all available information, delegating responsibility where appropriate, and ensuring that the information needs of various constituencies are met.

MMC ALERT SYSTEM

Martin Methodist College is committed to providing a safe environment for everyone on campus. The Regroup Mass Communications ensures that registered students, faculty, staff, and visitors receive timely information in the event of an emergency on campus. The system has a combination of notification tools.

In order to assure that the larger campus community is promptly notified of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff, one or more of the following tools are used:

- Emergency Notification - Regroup
- MMC Application
- Email
- Timely Warning Notices
- Word of mouth/Posters
- Fire alarms
- Website

Enrolling in the College's Emergency Notification System

All members of the College community are reminded that, for the emergency notification system to be effective, contact information in the College's databases should be up to date. To update emergency contact information and/or sign up for the service, first login to the Emergency Alert Registration at: <https://martinmethodist.regroup.com/signup>.

The type of emergency or crisis ultimately drives which tools are used. The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible

authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate an emergency.

DETERMINING THE APPROPRIATE SEGMENT(S) OF THE CAMPUS TO RECEIVE AN EMERGENCY NOTIFICATION
Martin Methodist College Campus Safety and Security, the Emergency Response Team, and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the College community should receive the notification. Generally, campus community members that have signed up for the Emergency Alert Registrations will receive the emergency notification first. The College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the MMC Application notification system, the College will also post applicable messages about the dangerous condition on the College website to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, College officials will distribute the notification to the entire campus community.

INITIATING THE EMERGENCY NOTIFICATION SYSTEM AND DETERMINING THE CONTENTS OF AN EMERGENCY NOTIFICATION

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure that each message contains essential information, the mass notification system contains pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template. In those cases, where there are no predetermined templates in the system, the individual may use the “alert” template to craft a specific message. The goal is to ensure people are aware of the situation and they know the steps to take to stay safe.

MMC Campus Safety and Security, in the course of responding to an event, will gather and share with the community the necessary and pertinent information about incidents on campus that present an ongoing risk. The content of virtually every communication which notifies the College community of an emergency will include the specific nature and location of the event, actions being taken by the College, status of those involved (when known), actions one should take to help assure their own safety, and directions regarding where to find updates and additional information (as in “check e-mail for further details” or “For more information”). The Director of Campus Safety and Security and the Director of Publications & Website Development maintains a written record of actions and decisions for after-action assessment and archival purposes.

DISSEMINATING EMERGENCY INFORMATION TO THE LARGER COMMUNITY

Martin Methodist College is also committed to providing a safe environment for everyone in the larger campus community. In the event of an emergency or significant safety concern that would impact members of the larger Martin community information would be shared via email and website to alumna and families. The Pulaski Police Department, Pulaski Fire Department, and the Giles County Emergency Management would also be contacted in certain situations.

TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES: DRILLS, EXERCISES AND TRAINING

Evacuation procedures and related emergency information are detailed in the College's Emergency Preparedness Plan that can be found online. A standing College committee meets regularly, and among a variety of related tasks, reviews emergency response procedures and trains key staff in effective communications skills and protocols. This committee also assures that annual training exercises are conducted that both test and train community members in emergency response and evacuation procedures. Drills are designed to be as realistic as possible and involve a variety of constituents from the College and outside emergency responders. At least one fire, weather, or violent behavior threat response related evacuation drill is held annually in academic buildings in addition to bi-annual fire drills in all residence halls. The test of the College emergency response/evacuation procedures will be documented, including a brief description of the exercise, date, and time, as is required. Emergency response drills are announced.

MISSING STUDENT NOTIFICATION POLICY

The purpose of this policy is to establish procedures for the Martin Methodist College community to respond to, and assist with, reports of missing students as required under the Higher Education Opportunity Act of 2008. This policy applies to students who reside on-campus and are deemed missing or absent from the College for a period of more than 24 hours without any known reason or which may be contrary to usual patterns of behavior. Such circumstances could include, but are not limited to:

- Report or suspicions of foul play
- Suicidal thoughts
- Drug use
- Any life-threatening situation
- Where a student may be known to be with persons who may endanger the welfare of the student

HOW TO REPORT A MISSING STUDENT

All reports of missing students should be made to one of the following immediately:

MMC Safety and Security	(931) 309-7502
Office of Student Life	(931) 424-4073
Vice President of Student Affairs	(931) 424-7334

All reports of missing residential students shall be directed to the Campus Safety and Security (931) 309-7502, or the Office of Student Life (931) 424-7334, which will institute an investigation to determine whether the student is missing in accordance with this policy. All residential students shall have the opportunity to have an individual to be contacted in any case that the student is determined to be missing. If the missing student is under the age of 18 years of age, the College will notify the parent or guardian no later than 24 hours from the time the student was determined to be missing by the College.

The college will also notify the Pulaski Police Department after the student is determined to be missing and will cooperate with and provide all assistance their investigation should require.

IDENTIFICATION OF EMERGENCY CONTACTS

All residential students will have the opportunity to designate an individual, or individuals, to be emergency contacts, who will be notified by the College no more than 24 hours from the time the student is determined to be missing. The designation, or emergency contact, will remain in effect until charged or revoked by the student.

All reports of missing residential students shall be directed to the Campus Safety and Security (931) 309-7502, or the Office of Student Life (931) 424-4073. Parents or students may also call the Vice President of Student Affairs (931) 424-7334.

INVESTIGATIONS OF A MISSING STUDENT REPORT

An investigation will be initiated to determine the validity and credibility of the missing person's report. The Safety and Security Office and Office of Student Life will gather all essential information about the student from the persons making the report and from students' acquaintances. The information to be obtained includes, but is not limited to: personal descriptions, clothing last worn, location where student may be, persons or witnesses who may have information, vehicle descriptions, information of the physical and mental well-being of the student, up-to-date photographs, class schedule, and any other pertinent information that could be useful in locating the student.

- Notification and contact will be established with the Vice President of Student Affairs/Provost or designee.
- Notification will be made to the individuals identified by the missing student as the confidential emergency contact at the determination that the student is missing. All confidential emergency contact information will be on file with Residential Life.
- In the event the student is under 18 years of age, or is not emancipated, the College shall make notification to the custodial parent or guardian.
- If the listed actions are proven to be unsuccessful in locating the missing student(s), notification will be made to the Pulaski Police Department.
- The Office of Student Life shall initiate whatever action deemed appropriate and in the best interest of the missing student.

All information released concerning the missing student(s), or the subsequent investigation, shall be referred to the Pulaski Police Department, upon their involvement, or by the Office of the President of Martin Methodist College prior to police involvement.

SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING

Additional information concerning options for reporting sexual assault, domestic violence, dating violence, and stalking can be found in the college's Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking. The Policy also provides information on confidential resources that are alternatives to reporting an incident to the college.

A copy of the policy is contained in **Appendix E**. A copy of the policy can also be found at <https://utsouthern.edu/about/title-ix/>.

SECURITY AND ACCESS

During business hours, Martin Methodist College (excluding Residential Life facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued, or by admittance by Campus Security or Residence Life staff. Residence halls are locked 24 hours a day and accessible by key.

Some facilities may have individual hours, which may vary at different times of the year. 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. Campus Security checks each building on campus at scheduled closing times, monitors access to buildings, and contacts police and fire departments if/when necessary.

The campus has lighting outside and a number of areas in each building leave lighting on throughout the night. Campus Security is responsible for reporting any lights that are not functioning. The Director of Facilities monitors the distribution of all keys to campus buildings and rooms.

SECURITY CAMERAS

The College has seventy cameras throughout the campus, including the residence halls, parking lots and academic buildings. MMC Safety and Security works in conjunction with MMC Tech Support to deploy and maintain cameras in the most ideal security checkpoints throughout the campus. Both MMC Security and the Vice President of Student Affairs have the ability to review camera feed at any time while Tech Support has the responsibility of maintaining and managing the cameras and the video storage. Additionally, the Director of Residential Life and Resident Directors have the ability to monitor the cameras within the residence halls. Tech Support does provide network support for the residence hall cameras.

RESIDENCE HALLS

Martin Methodist College has seven residential complexes on campus: Criswell Hall, Upperman Hall, Apartments A, Apartments B, Oakwood Apartments, and two student houses. The College takes extra precautions for the safety and security of its residents including: trained staff, restricted key access, fire safety, security cameras, front desk operations in dormitories, maintenance assistance, and health & safety inspections.

Specifically, each residential complex has a Resident Director (RD) who is a full-time professional living in each complex, as well as Resident Assistants (RAs). All residential students can contact their RD, RA's or MMC Security for assistance. MMC Security can be reached by calling (931) 309-7502 24 hours a day, 7 days a week.

Each resident is given an ID card and key to their residential complex that also accesses their individual room/apartment. Criswell and Upperman Hall utilize keyed access. Criswell and Upperman Hall Residents receive a key that gives access to the front door and their individual room. Upperman Hall first floor does also require keyed access by those residents on the first floor. Upperman Hall first floor is all female students while second and third floors are all male students. Apartments A and B are apartments with four secured bedrooms rooms, two bathrooms, one kitchen, one laundry room, and one living room. Keyed access is utilized to the apartment front door that also gives the resident access to their individual

room. If a resident (or anyone) sees someone tampering with doors, they should contact their Resident Director or MMC Security. Letting anyone else use another person's keys or ID card is a violation of the Standards of Conduct outlined in the Student Handbook, and jeopardizes the security of the complex, floor, room, or apartment. Floor doors are not allowed to be propped open by residents at any time. Some facilities also have security cameras located in strategic areas. Furthermore, each complex conducts Health and Safety Inspections. These are announced, via fliers, email, and/or banners at least 24 hours in advance, so that the residents can be at home, if possible.

OTHER INSTITUTE FACILITIES

MMC Security conducts random foot patrols of non-residential college facilities (e.g., academic and administrative buildings) as time permits; however, buildings do not have officers exclusively assigned to them. During business hours, College of Tennessee Southern (excluding Residential Life facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued, or by admittance by Campus Security or Residence Life staff. Residence halls are locked 24 hours a day and accessible by key.

Some facilities may have individual hours, which may vary at different times of the year. 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. Campus Security checks each building on campus at scheduled closing times, monitors access to buildings, and contacts police and fire departments if/when necessary.

The campus has lighting outside and a number of areas in each building leave lighting on throughout the night. Campus Security is responsible for reporting any lights that are not functioning. The Vice President of Finance and Administration distributes all keys to administrative and academic campus buildings and rooms. The Director of Student Life distribute all key to residential buildings and rooms.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner designed to minimize natural obstructions that could become safety concerns. MMC Security officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the National Management for correction. Members of the college community are encouraged to report any deficiency in lighting (e.g., dim, obstructed, or non-operational lighting) or other potentially unsafe physical conditions. Concerns can be reported by submitting a work order at <https://login.myschoolbuilding.com/msb>. Safety and Security can report maintenance issues by calling the Director of National Management or his assistant. Safety concerns can also be reported by contacting Safety and Security at (931) 309-7502. Such reports to may be made 24 hours a day, seven days a week. Students residing in residence complexes on campus may also submit non-emergency requests for maintenance online at <https://login.myschoolbuilding.com/msb>.

Identification cards:

Each student at the college is required to obtain and carry an official college identification card. ID cards are used to check out books from the library; to gain access to meal plans in the college dining hall; to gain admission to certain events sponsored by the college; to obtain discounts on items from certain local

businesses: and to establish the owner's right to use college facilities. The ID Card is the property of the college and may be reclaimed if used by any person other than the person identified on the card. It must be shown when requested by any college official.

Registered Parking:

All motor vehicles operated (utilized) by faculty, staff and students in connection with their employment or attendance at MMC must be registered at the MMC Department of Safety and Security in The Criminal Justice Center. Visitor parking permit requests can be made in advance by emailing the Director of Safety and Security.

CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

MMC Campus Safety and Security operates under the philosophy that it is preferable to prevent crime from occurring than to react to it after the fact. The principal instrument for accomplishing this goal is the College's Crime Prevention and Awareness program. It is based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and educating community members to be responsible for their own security and the security of others. MMC Campus Safety and Security promotes an approach which is focused on harm and risk reduction, finding the learning moments possible in any given interaction, and promoting student growth and development.

The following is a listing of the Crime Prevention and Awareness programs and projects employed by Martin Methodist College.

- Summer Orientation
 - Throughout Summer Orientation sessions Security information and general crime prevention is offered to new students and their families.
- New Employee Orientation
 - Campus Security information and general crime prevention is provided to new employees and faculty through their orientation sessions offered by Human Resources.
- First Year Experience
 - In each FYE class the Director of Campus Safety and Security discusses the following topics:
 - Parking Regulations
 - Personal Safety
 - Emergency Procedures and Contacts
 - Security Personnel
 - Safe keeping of valuables
- The College conducts regular Title IX training sessions for new students, faculty and staff.
 - All new students are expected to attend a Title IX presentation that includes:
 - Sexual Harassment and Violence Are Prohibited at MMC
 - What Is Sexual Harassment?
 - What Is Sexual Violence?
 - What Is Stalking?
 - What Is Dating Violence?

- What Is Consent? How Do You Know You Have Consent?
 - Reporting Options
 - Timing of Report
 - What Happens When a Complaint Is Received?
 - What Resources Are Available to Help Victims?
 - What Happens in an Investigation?
 - What Are the Consequences to the Accused?
 - Retaliation
 - Bystander Training
- Residential Life Meetings
 - At the beginning of each term, security is discussed at required residence hall meetings with resident students and at required meetings for those students who commute. In these meetings the following topics are discussed:
 - safe-keeping of valuables,
 - personal safety, and
 - proper locking of campus housing and vehicles
 - emergency procedures.
- Walk-a-long Service:
 - Officers are available to escort students, faculty or staff at any time, upon request. These escorts increase the Martin Methodist Campus Safety and Security's awareness of community concerns and may influence the level of patrols along key walkways on campus. All community members are encouraged to report suspicious persons or incidents.
- MMC Application
 - The MMC Application provides students with Security Services which allows the student to call Campus Safety and Security.
 - The MMC Application also allows the college to send notifications to students.
- Alcohol Awareness and Drug Awareness
 - MMC Campus Safety and Security or Student Activities offers programming on alcohol awareness and education.
- Sexual Misconduct Prevention
 - MMC Campus Safety and Security, Student Activities or Title IX Coordinator offers programming on sexual misconduct and self-defense classes.
- Safe Campus Environment.
 - MMC Campus Safety and Security or Student Activities offers programming promoting a Safe Campus Environment.
- Every student and every employee of the College receives (by email) an Annual Security and Fire Safety Report.
- Ongoing Student Life and Security training including:

- Tennessee Title IX Summit,
 - Clery Webinars, and
 - Clery Conference
 - Ongoing review of policies and procedures
- Ongoing training for Faculty and Staff
 - CSA Training
 - Responsible Employee Training
 - Title IX Information Sessions at Faculty meeting

ALCOHOL AND ILLEGAL DRUGS

DRUGS FREE CAMPUS AND WORKPLACE POLICY

The Federal Drug-Free Workplace Act of 1988 requires employers who contract with or receive grants from agencies of the Federal government to maintain a drug-free workplace. In addition, the Federal Drug-Free Schools and Communities Act of 1989, as a condition of the institution receiving Federal funds or any other form of financial assistance under any Federal program, requires all institutions of higher education to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees.

In compliance with the requirements of these laws, and in order to provide a safe and healthy environment in which staff and students may work and study, Martin Methodist College has established a program on drugs and alcohol. That program is described in the Policy Statement included here. Students and employees of the College are reminded annually of the requirements of this Policy.

PROHIBITIONS

Martin Methodist College prohibits the illegal use, possession, manufacture, distribution, or other transfer of any drug, in any amount, by any employee or student while: (1) on Campus premises, (2) performing any job-related activity, on or off Campus premises, or (3) otherwise participating in any College activity, on or off Campus premises.

Also prohibited is the use or possession of alcohol on College premises, and anytime students are present at a College activity on or off campus alcohol is prohibited.

In addition, employees are prohibited from reporting to work or performing job-related activities, on or off College premises, while impaired under the influence of alcohol or illicit drugs. Employees and students are likewise prohibited from participating in any College activity, on or off College premises, while impaired under the influence of alcohol or illegal drugs.

The policy does not prohibit use by an employee or student of prescription drugs prescribed for the employee or student by a licensed physician or his/her legally authorized designee, provided that the drug is used in accordance with the physician's instructions and in a therapeutic dosage.

DEFINITIONS

A "drug" is any controlled substance listed on Schedules I through V of the Federal Controlled Substances Act. Controlled substances include, by way of example and without limitation, narcotics such as codeine

and heroin, depressants such as barbiturates, stimulants such as cocaine and amphetamines, hallucinogens such as LSD, phencyclidine or “PCP” and cannabis (marijuana).

The term “illegal drugs” means any drugs that cannot be obtained legally or which, although available legally, have been obtained illegally. The term “illegal drugs” includes not only “street” drugs, but also prescription drugs that have not been lawfully prescribed for the individual.

For purposes of this policy, “distribution” of alcohol or an illegal drug includes the purchase, sale, or other transfer of the substance in any amount and any attempt to distribute so defined.

SANCTIONS FOR NON-COMPLIANCE

Employees are required to abide by all requirements of the Drug-Free Schools and Communities Act, the Drug-Free Workplace Act and this Policy as a condition of continued employment at the College.

An employee who violates any provision of this Policy is subject to disciplinary action, up to and including termination of employment. In addition, in appropriate circumstances, as determined by the College, law enforcement may be notified. Unlawful possession, use, or distribution of drugs or alcohol may subject an employee to criminal penalties.

An employee who has been determined by the College to have used or been under the influence of alcohol or an illegal drug in violation of this policy may, at the College’s discretion, be permitted to participate in a rehabilitation program approved by the College as an alternative to termination. Generally, only an employee who has not previously violated this policy and whose conduct and performance are otherwise satisfactory to the College will be considered for discipline short of termination. Such an employee will be placed on disciplinary probation and will be required to successfully complete an approved rehabilitation program as a condition of continued employment. (The cost of the program is the responsibility of the employee, but may be covered, in whole or in part, by the individual’s health insurance, depending on the terms of the insurance policy.)

ADDITIONAL EMPLOYEE RESPONSIBILITIES

Any employee who is found or pleads guilty, or pleads “no contest”, to a charge of violating a criminal statute involving the manufacture, distribution, dispensing, possession, or use of any illegal drug occurring in the workplace must inform the Assistant Vice President of Human Resources & Operations within five (5) days of such conviction or plea. Appropriate disciplinary action will be taken.

REHABILITATION

The use of illegal drugs and the abuse of alcohol may have serious effects on the health and safety of an Employee or student. It can also seriously interfere with the individual’s judgment and with his or her job or academic performance.

The College strongly encourages Employees to seek assistance for problems of drug and alcohol abuse before the individual’s relationship with the College is jeopardized. A number of counseling and rehabilitation programs are available to individuals, on a confidential basis, to provide education, counseling, and coordination with available community resources to address drug and alcohol abuse problems. Contact Human Resources for further information.

DRUG AND ALCOHOL ABUSE PREVENTION

The college's Student Life staff (e.g., MMC Safety and Security, Residential Life, Student Activities, and Student Affairs) are committed to promoting responsible decision-making regarding alcohol and drugs through educational programming, resources, and everyday interactions. As stated above, MMC Safety and Security provides annual Alcohol and Drug Awareness programs. MMC Safety and Security also send emails annually to MMC student with Alcohol and Drug Awareness information that promotes students being informed to make personal choices. Student Activities does often team with MMC Safety and Security to provide programing (e.g., Smores' Night with Alcohol Awareness).

WEAPONS

Weapons of any kind, including but not limited to handguns, rifles, shotguns, other firearms, **fixed blade knives or any folding knife with a blade greater than four inches**, stun guns/tasers, potato cannons, paintball guns, pellet/BB guns, martial arts weaponry, bows, slingshots, **brass knuckles**, fireworks or **explosive devices**, **spears**, and any other devices used in game or sporting activities, including ammunition, arrows, or other types of projectiles associated with such items, are **prohibited on all Martin Methodist College property**. This prohibition is to be interpreted in the broadest sense to include any such weaponry and further extends to "toy" or facsimiles thereof that can cause bodily harm or threat to other persons. A gun permit does not authorize a staff member, faculty member, student, or visitor to bring firearms into Martin Methodist College buildings or facilities under any circumstances. This policy applies to all employees (faculty and staff), contractors, students, and visitors.

TENNESSEE SEX OFFENDER REGISTRY

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act and the Family Educational Rights and Privacy Act of 1974, MMC Safety and Security is providing the link below to the Tennessee Sex Offender Registry. The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It 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 a vocation, or is a student.

In Tennessee, convicted sex offenders must register with the Tennessee Sex Offender Registry maintained by the Tennessee Bureau of Investigation (TBI). Tennessee Code Annotated § 40-39-206 requires persons who are required to register pursuant to the Tennessee Sexual Offender and Violent Offender Registration, Verification and Tracking Act of 2004 (Tennessee Code Annotated § 40-39-201 et seq.) to disclose the name and address of any institution of higher education in Tennessee at which the offender is employed, carries on a vocation or is a student. TBI is responsible for maintaining the Tennessee Sex Offender Registry.

Click on the following link to access the Tennessee Sex Offender Registry:

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

In accordance with Tennessee Code Annotated § 40-39-201, members of the public should not use information from the Tennessee Sex Offender Registry to inflict retribution or additional punishment on offenders. Though much of the information in the registry is of record, some of the information contained on the registry is obtained directly from offenders. Neither Tennessee Bureau of Investigation nor MMC Safety and Security guarantees the accuracy or completeness of the information in the registry. The information contained in an offender's record does not imply that the offender will commit a specific type of crime in the future, nor does it imply that if a future crime is committed by an offender what the nature of that crime may be. Neither TBI nor MMC Security makes any representation as to any offender's likelihood of re-offending. If you believe that information concerning a specific offender is incorrect, please contact TBI at 888-837-4170.

DISCLOSURE TO VICTIMS OF CRIMES OF VIOLENCE OR NON-FORCIBLE SEX OFFENSES

The college will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim. The College also notifies victims in accordance with its Policy on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, a copy of which can be found in **Appendix E**.

THE ANNUAL DISCLOSURE OF CRIME STATISTICS

MMC Safety and Security is responsible for preparing and distributing this Annual Security and Fire Safety Report to comply with the Clery Act. Within Safety and Security, the responsibility for preparing the Annual Security and Fire Safety Report is assigned to the Clery Compliance Coordinator. The Annual Security and Fire Safety Report is published and distributed every year by October 1st. The Annual Security and Fire Safety Report includes statistics for the previous three years concerning reported crimes that occurred on the College's Clery geography. Statistics for Clery Act offenses that did not occur within Clery geography are not included in the college's Clery Act crime statistics even if college students or employees were involved.

The Clery Coordinator prepares the Annual Security and Fire Safety Report, including the annual disclosure of crime, arrest, and referral statistics, with input from various sources, including: Department of Safety and Security; the college's Office of Title IX; the college's Department of Student Affairs; college Campus Security Authorities (CSAs); and local law enforcement agencies, including the City of Pulaski Police Department. The Clery Coordinator works to reconcile statistics from the Office of Title IX and the Office of Student Conduct to reduce the instance of missing or double counting incidents. For statistical purposes, crime statistics reported to any CSA are recorded in the calendar year in which the crime was reported. The statistics represent offenses that were reported to any of those sources, regardless of whether the alleged offense was investigated or whether there was a finding of guilt or responsibility. In order to collect reported crime information occurring at non-campus properties during student school-sponsored travel, a travel form is listed on the Clery website for travel leaders to complete and submit.

This information is used to request reported crime information from local law enforcement agencies with jurisdiction over the areas considered to be non-campus property. The Clery Coordinator submits the crime statistics published in the Annual Security and Fire Safety Report to the United States Department of Education (ED), which makes crime statistics available to the public through the ED website. In addition, a copy of the Annual Security and Fire Safety Report is available for review 24 hours a day on the College's Campus Safety and Security website, <https://utsouthern.edu/students/campus-safety-security/>. The daily crime log is available for review 24 hours a day at the college's Security Office. The college provides an electronic notice of availability of the Annual Security and Fire Safety Report to: (1) all current college faculty, staff, and students; and (2) prospective college students, faculty, and staff.

In compliance with the Clery Act, the college shares the crime statistics contained in **Appendix A**.

DEFINITIONS

DEFINITIONS OF TERMS USED IN THIS REPORT

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed).

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

Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Clery Geography: Property for which the college is required to report crime statistics pursuant to the Clery Act (i.e., On-Campus buildings or property, Non-Campus buildings or property, and Public Property).

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (5) any other person against an adult or youth

victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

Destruction/Damage/Vandalism of Property (except Arson): To willfully or maliciously damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Disciplinary Referral(s): Those individuals referred to the college's Office of Student Conduct and Community Standards (OSCC) or Human Resources (HR), for liquor law, drug law, and illegal weapon law violations. The numbers include incidents that are reported via UTPD incident reports and reports provided to OSCC or HR from other members of the college community.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (Benzedrine's, Benzedrine).

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics;

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender; e.g., male or female;

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity; e.g., bias against transgender or gender non-conforming individuals.

Religion: A preformed negative opinion or attitude toward a person or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being;

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex;

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry;

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth;

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny – Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding).

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

Manslaughter by Negligence: The killing of another person through gross negligence.

Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is being used in direct support of, or in relation to, the institution’s educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

NOTE: Crime statistics for college housing facilities are recorded and included in both the “All On-Campus Property” category and the “On-Campus Residential Only” category.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

NOTE: The Clery Act does not require disclosure of crime statistics for public property that surrounds Non-Campus buildings or property.

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

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a **sex offense** is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition—

A. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

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

C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

College or MMC: Martin Methodist College

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

DEFINITIONS OF TERMS FOR LOCAL JURISDICTION

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

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

Under TCA, "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property;

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

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

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

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

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

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

- TCA 39-13-503 defines *Rape* as unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:
(1) Force or coercion is used to accomplish the act; (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual penetration is accomplished by fraud.
- TCA 39-13-505 defines *Sexual battery* as unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
(1) Force or coercion is used to accomplish the act; (2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual contact is accomplished by fraud.
- TCA 39-13-506 defines *Statutory rape* as the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
(1) The victim is at least thirteen but less than fifteen years of age and the defendant is at least four years but less than ten years older than the victim; or (2) The victim is at least fifteen but less than eighteen years of age and the defendant is more than five but less than ten years older than the victim.
- TCA 39-15-302 defines *incest* by a person who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:
(1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or (2) The person's brother or sister of the whole or halfblood or by adoption.

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

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

Any person who falls within the following categories:

(1) Adults or minors who are current or former spouses; (2) Adults or minors who live together or who have lived together; (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context; (4) Adults or minors related by blood or adoption; (5) Adults or minors who are related or were formerly related by marriage; or (6) Adult or minor children of a person in a relationship that is described in subdivisions (1)-(5). For purposes of this definition, TCA 39-13-101 defines “assault” as (a) A person commits assault who: (1) Intentionally, knowingly or recklessly causes bodily injury to another; (2)

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

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

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

In Tennessee, **Consent** with respect to most criminal offenses relating to sexual activity, sexual activity is criminal if: (1) the activity was accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the activity that the victim did not consent; (2) force or coercion is used to accomplish the activity; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless; or (4) the sexual activity is accomplished by fraud. “Consent” is not explicitly defined in Tennessee statutory law, for purposes of criminal offenses relating to sexual activity. “Coercion” means a threat of kidnapping, extortion, force, or violence to be performed immediately or in the future. (Tennessee Code Annotated § 39-13-501(1)) “Mentally defective” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of the person's conduct. (Tennessee Code Annotated § 39-13-501(3)) “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling the person's conduct due to the influence of a narcotic, anesthetic or other substance administered to that person without the person's consent, or due to any other act committed upon that person without the person's consent. (Tennessee Code Annotated § 39-13-501(4)) “Physically helpless” means that a person is unconscious, asleep or for any other reason physically or verbally unable to communicate unwillingness to do an act. (Tennessee Code Annotated § 39-13-501(5)) With respect to criminal offenses relating to sexual activity with a person under the age of eighteen (18) years of age, consent is irrelevant because Tennessee law deems a minor as incapable of consenting to sexual activity. However, Tennessee law provides a close-in age exception to that general rule that allows minors who are at least the age of thirteen (13) and less than the age of eighteen (18) to give consent to sexual acts with another person who is less than four (4) years older than the minor.

The College also defines consent and the purposes for which that definition is used. It can be found within the College’s Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, a copy of which is located in **Appendix E** of this report.

ANNUAL FIRE SAFETY REPORT

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

For reporting purposes, the following definition applies:

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire safety is important, regardless of whether students live on-campus or off-campus. Of the approximately 3,800 campus housing fires that occur in the US each year, the majority (88 percent) are cooking fires. Other causes include: Overloaded power strips, Candles (Prohibited in Campus Housing), Space Heaters (Prohibited in Campus Housing) and Arson.

Fire safety experts stress the importance of practicing escape plans in case of fire. **A fire alarm should never be ignored.** All students, faculty, and staff must evacuate the building immediately and stay out until given the direction to come back in. It is also important to know the location of fire extinguishers, fire exits, and alarm systems in your area.

FIRE LOG AND REPORTING NON-EMERGENCY FIRES

The college's Department of Safety and Security maintains a log of all fires that occur in on-campus student housing facilities. The fire log is kept in conjunction with the Daily Crime Log and is available for review 24 hours a day from the Department of Safety and Security located in The Criminal Justice Center. In addition, the college is required by federal law to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the emergency numbers to report active fires and non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. If you witness, find evidence of such a fire or if you hear about such a fire, please contact one of the following:

Emergency Police, Fire, or Ambulance	Dial 9-1-1
MMC Safety and Security	(931) 309-7502

When calling, please provide as much information as possible about the location, date, time, and cause of the fire.

FIRE STATISTICS

Statistics for reported fires in on-campus student housing facilities are contained in **Appendix B** to this report.

FIRE SAFETY SYSTEMS

Appendix C to this report contains a description of each on-campus student housing facility's fire safety system, including the number of fire drills held during 2020.

POLICIES AND RULES FOR APPLIANCES, SMOKING AND OPEN FLAMES

SMOKING

Smoking in any form is prohibited on MMC property. MMC's policy on smoking and the smoke free campus can be found in the Student Handbook. As used in this section, "smoke" or "smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette (including electronic cigarette), pipe or other lighted tobacco product in any manner or in any form. Smoking devices, including, but not limited to electronic cigarettes, pipes, bongs and hookahs, are not permitted in residence halls.

PROHIBITED ITEMS DUE TO FIRE HAZARD

The following is a list of items prohibited within Residential Life:

- Candles
- Incense
- Space Heaters
- Outdoor Grills
- String lights, such as miniature Christmas lights
- Halogen Lamps
- Kitchen Appliances
- Non-heavy-duty extension cords
- Hoverboards

FALSE REPORTS AND INTERFERENCE WITH FIRE SAFETY SYSTEMS

The act of maliciously discharging or tampering with a fire extinguisher, lighting a fire, or misuse or tampering with the alarm/sprinkler/fire safety system endangers lives and will be considered a serious infraction that will subject the perpetrator to both criminal and/or College Administrative sanctions, up to and including arrest and/or dismissal from the College.

EVACUATION PROCEDURES FOR STUDENT HOUSING IN CASE OF A FIRE

- Evacuate the building immediately.
- Do not use elevators.
- If requested, accompany and assist persons with disabilities who appear to need assistance, either by personally helping them or notifying responders of their location.
- Close and lock room doors as you exit to contain the fire, if feasible.
- Exit the building by the most direct route and proceed far enough from the building to be out of danger and so as not to interfere with emergency responders.
- Return to the building only when instructed to do so by police or fire department officials.

Evacuation Areas for Fire:

- | | |
|----------------------------|--|
| ▪ Reville House | Campus Green |
| ▪ Ed Harmon Hall | Campus Green |
| ▪ Campus Life House | Campus Green |
| ▪ Colonial Hall | Campus Green/Colonial Hall Parking Lot |
| ▪ Upperman Hall | Campus Green/Colonial Hall Parking Lot |
| ▪ Johnston Center | Campus Green |
| ▪ Gault Fine Arts Center | Campus Green |
| ▪ Andrews Science Building | Campus Green |
| ▪ Martin Hall | Campus Green |

- | | |
|--------------------------|--|
| ▪ Student Union Building | Campus Green |
| ▪ Criswell Hall | Campus Green/Adjacent Lot |
| ▪ Turner Center | Campus Green |
| ▪ Student Apartments | Christian Life Center Parking Lot |
| ▪ MMC Clinic | Christian Life Center Parking Lot |
| ▪ Christian Life Center | Christian Life Center Parking Lot |
| ▪ Bookstore | Christian Life Center Parking Lot |
| ▪ Maintenance Office | Christian Life Center Parking Lot |
| ▪ Oakwood Apartments | Johnston Center Parking Lot |
| ▪ Campus Life House | Campus Green |
| ▪ The Justice Center | Campus Green |
| ▪ East Campus | East Campus Athletic Complex Parking Lot |
| ▪ Student House A | Commuter Lot |
| ▪ Student House B | Commuter Lot |

Note: Each building on campus has a posted evacuation plan.

PROCEDURES THAT STUDENTS AND STAFF SHOULD FOLLOW IN CASE OF A FIRE

Responding to a Fire:

1. If a minor fire appears controllable, **call 9-1-1** and then use a fire extinguisher to put out the fire. Remember to direct the fire extinguisher's charge toward the base of the flame. After the fire is extinguished, notify MMC Security.
2. When discovering a fire that is not controllable, raise the alarm by shouting FIRE! To alert anyone in the immediate vicinity. Then activate the nearest designated fire alarm.
3. Move quickly and safely to the nearest exit. Crawl low under any smoke to your exit - heavy smoke and poisonous gases collect first along the ceiling.
4. Before opening a door, feel the doorknob and door. If either is hot, or if there is smoke coming around the door, leave the door closed and use a second way out.
5. If you open a door, open it slowly. Be ready to shut it quickly if heavy smoke or fire is present.
6. If you can't get to someone needing assistance, leave the building and **Call 9-1-1**. Tell the emergency operator where the person is located.
7. If ESA's are trapped inside the building, tell firefighters right away.
8. If you can't get out of the building, close the door and cover vents and cracks around doors with cloth or tape to keep smoke out. **Call 9-1-1**. Say where you are and signal for help at the window with a light-colored cloth or a flashlight.
9. If your clothes catch fire, stop, drop, and roll - stop immediately, drop to the ground, and cover your face with your hands. Roll over and over, or back and forth, until the fire is out. If you or someone else cannot stop, drop, and roll, smother the flames with a blanket or towel. Use cool water to treat the burn immediately for 3 to 5 minutes. Cover with a clean, dry cloth. Get medical help right away by **calling 9-1-1**.
10. Once outside, move to a clear area at least 500 feet away and move toward your accountability location. Keep streets, fire lanes, fire hydrants and walkways clear for emergency vehicles and crews.
11. An Emergency Command Post may be set up near the emergency site. To facilitate emergency operations, please stay away from the Command Post unless you have official business.

12. Do not return to an evacuated building unless you are given the “all clear” signal by the appropriate college personnel. The signal that the staff and students can return to an evacuated building will be initiated by the Emergency Response Team. Once the Emergency Director receives the “all clear” signal, he/she will communicate this to the appropriate college personnel, who will notify evacuated staff and students that they can return to the building.
13. Follow all instructions of the emergency preparedness teams.

When Calling for Help:

1. **First response to a fire should always be call 9-1-1 first!**
2. Try to remain calm. Speak clearly and slowly so the 9-1-1 operator can understand you.
3. Give the location of the fire to the 9-1-1 operator first. This will allow them to know your location incase cellphone connection is lost.
4. Identify yourself to the 9-1-1 operator.
5. Tell the 9-1-1 operator if you or another person are trapped by the fire.
6. Tell the 9-1-1 operator if you or another person are injured.
7. Answer any questions the 9-1-1 operator has with as much detail as possible.
8. Notify Campus Security and the Emergency Director at the earliest and safest possible opportunity.
9. If the Emergency Director is unavailable, notify the Response Plan Coordinator at the earliest possible opportunity.

Important Fire Information

It is important for all College of Tennessee Southern employees and students to be aware of the various types of fires and fire extinguishers.

Types of Fires: There are three types, or classes, of fires which are denoted by letter codes.

Class A: Used to denote wood, paper, cloth, trash, and other ordinary materials.

Class B: Used to denote gasoline, grease, oil, paint, and other flammable liquids.

Class C: Used to denote live electrical equipment.

Types of Fire Extinguishers: There are four basic types of fire extinguishers:

Water: Use on Class A fires only.

Dry Chemical (BC): Discharges a sodium bicarbonate powder and should be used in Class B and C type fires.

Carbon dioxide (CO₂): Discharges liquid carbon dioxide and should only be used on Class B and C type fire.

ABC: Multi-purpose dry chemical extinguisher which discharges ammonium-phosphate powder and can be used on any class of fire.

Most fire extinguishers on campus are the ABC type and can be used for any type of fire. To operate an extinguisher, hold upright, pull ring pin on handle, squeeze the lever and sweep side to side.

Any employee who uses a fire extinguisher should report it to the maintenance department so the fire extinguisher can be recharged.

EVACUATION AND FIRE DRILL PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

Typically, elevators are recalled to the ground level floor and remain inactive until emergency personnel determine the building is safe to reenter. Therefore, whenever possible, it is recommended that individuals with mobility impairments be assigned housing on a level from which they are able to exit without the use of the elevator and unassisted. Individuals with mobility impairments and who are assigned to floors that require the use of the elevator and/or assistance, should immediately dial 911 to report their current location and that they will move to the nearest stairwell to wait for assistance. Prior planning and practicing of emergency evacuation routes are important in assuring a safe evacuation:

- If the building alarm sounds, individuals with disabilities are to evacuate the building by the safest and nearest exit and follow the general procedures for emergency evacuation.
- If individuals with disabilities are unable to evacuate without assistance, they should call 911, report their current location and that they will move to the nearest stairwell to wait for assistance. They should also request that any available person notify MMC Security, Pulaski Police Department or the fire department upon their arrival to the building.
- Individuals with disabilities should provide the available person with any information that may be required to assist in the evacuation process (wheelchair use and/or lift required, etc.).
- In the event a fire alarm sounds, the first responding agency (MMC Security, Pulaski Police Department or the fire department) will seek out individuals with disabilities reported to be in the building and assist them with evacuating the building if necessary. Keep in mind, emergency personnel may be engaged in various activities that prevent assisting all individuals; each person should be responsible for their own evacuation whenever possible.
- In the event of an evacuation during a non-fire emergency, the steps described above will be followed. The procedures to be followed for fire drills are identical to the emergency evacuation plan in the steps described above, except that individuals with disabilities may be asked to remain in the building if the availability of evacuation personnel and/or special equipment is limited. Moving to the nearest stairwell is an acceptable safe space for individuals unable to exit the building.

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS AND STAFF

Fire Safety and Training with Residence Life Staff

Fire Drills for residential staff and students in all housing complexes was conducted in March and April 2021. This training did include a mock fire drill to ensure all staff and students in on-campus housing did know the procedures to respond to a fire.

Fire Safety and Education of Residents

Housing staff conduct a mandatory meeting with all residents each year. During this meeting, housing staff discuss various topics including expectations and responsibilities of students living in residential facilities. Topics related to fire and safety include:

- Housekeeping and maintenance expectations
- Prohibited items
- Student ID card policies and safety information
- Overview of emergency policies (fire, alarm, tornado, emergency response plan)

PLANS FOR FUTURE IMPROVEMENT IN FIRE SAFETY

The College of Tennessee Southern places great emphasis on the safety of our students, faculty, and staff. Through repetitive training and strategic reminders, we will maintain fire safety as a top priority of concern in our on-campus residential and other campus facilities.

EEO/TITLE IX SECTION 504 STATEMENT

Martin Methodist College does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of educational opportunities or employment opportunities and benefits.

MMC does not discriminate on the basis of sex or handicap in the education programs and activities that it operates, pursuant to the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318; and Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112; respectively. This policy extends to both employment and admission to the college.

Student inquiries concerning Title IX should be directed to the Vice President for Student Affairs. Charges of violations concerning Section 504 should be directed to the Provost, Vice President for Academic Affairs. CONSUMER COMPLAINT

APPENDIX A: CRIME STATISTICS

Martin Methodist Crime Statistics: January 1, 2018 – December 31, 2020

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

VAWA REPORTING TABLE

OFFENSE	YEAR	GEOGRAPHIC LOCATION				UNFOUNDED OFFENSES
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	
DOMESTIC VIOLENCE	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
DATING VIOLENCE	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
STALKING	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0

ARRESTS REPORTING TABLE

OFFENSE	YEAR	GEOGRAPHIC LOCATION				UNFOUNDED OFFENSES
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	
WEAPONS: CARRYING, POSSESSING, ETC.	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
DRUG ABUSE VIOLATION	2018	2	2	0	0	0
	2019	6	4	0	3	0
	2020	0	0	0	0	0
LIQUOR LAW VIOLATION	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0

REFERRAL REPORTING TABLE

OFFENSE	YEAR	GEOGRAPHIC LOCATION				UNFOUNDED OFFENSES
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	
WEAPONS: CARRYING, POSSESSING, ETC.	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
DRUG ABUSE VIOLATION	2018	0	0	0	0	0
	2019	0	2	0	0	0
	2020	0	0	0	0	0
LIQUOR LAW VIOLATION	2018	3	3	0	0	0
	2019	3	3	0	0	0
	2020	0	0	0	0	0

Hate Crime Reporting

2020: There were no reportable hate crimes

2019: There were no reportable hate crimes

2018: There were no reportable hate crimes

APPENDIX B: FIRES IN ON-CAMPUS STUDENT HOUSING FACILITIES

2020 UTS ON-CAMPUS HOUSING FACILITY FIRE SAFETY STATISTICS			
HOUSING FACILITY	NUMBER OF FIRES 2018	NUMBER OF FIRES 2019	NUMBER OF FIRES 2020
UPPERMAN HALL	0	0	1
CRISWELL HALL	0	0	0
STUDENT APARTMENT A	0	0	0
STUDENT APARTMENT B	0	0	0
OAKWOOD APARTMENT	0	0	0
STUDENT HOUSE 5 TH /FLOWER ST	N/A	N/A	0
STUDENT HOUSE 6 TH /FLOWER ST	N/A	N/A	0

Upperman Hall Fire

Cause of Fire: Washing Machine Malfunction. Unplugged and fire extinguished on its own.

Number of Injuries: 0.

Value of Property Damage Caused by Fire: \$0.

APPENDIX C: FIRE SAFETY SYSTEMS IN ON-CAMPUS STUDENT HOUSING FACILITIES

2020 UTS ON-CAMPUS HOUSING FACILITY FIRE SAFETY							
HOUSING FACILITY	ALARM MONITORING DONE BY STATE SYSTEMS	PARTIAL SPRINKLER SYSTEM	FULL SPRINKLER SYSTEM	SMOKE DETECTION	FIRE EXTINGUISHER DEVICES	EVACUATION PLAN & PLACARDS	NUMBER OF EVACUATION DRILLS
UPPERMAN HALL	X			X	X	X	2
CRISWELL HALL	X			X	X	X	2
STUDENT APARTMENT A	X		X	X	X	X	2
STUDENT APARTMENT B	X		X	X	X	X	2
OAKWOOD APARTMENT				X	X	X	2
STUDENT HOUSE 5 TH /FLOWER ST				X	X		1
STUDENT HOUSE 6 TH /FLOWER ST				X	X		0

APPENDIX D: RESOURCES

<p>Martin Methodist College Safety and Security 115 S. Flower Street Emergency: 911 Non-Emergency: (931) 309-7502 Email: jtrev@utsouthern.edu https://utsouthern.edu/students/campus-safety-security/</p>	<p>Office of Title IX 420 West Madison Street (931) 424-4073 Email: srich@utsouthern.edu https://utsouthern.edu/about/title-ix/</p>
<p>Martin Methodist Clergy Compliance Email: jtrev@utsouthern.edu https://utsouthern.edu/students/campus-safety-security/</p>	<p>Human Resources 318 West Madison Street (931) 424-7379 Email: jhlubb@utsouthern.edu</p>
<p>Vice Chancellor of Student Affairs 420 West Madison Street (931) 424-7334 Email: dmcmaсте@utsouthern.edu</p>	<p>Office of Equity & Diversity 420 West Madison Street (931) 424-4073 Email: srich@utsouthern.edu</p>
<p>Student Clinic & Counseling Services 625 West Madison St. (931) 424-7338 Text: 844-986-6946 Email: utsclinic@utsouthern.edu</p>	<p>Student Conduct 420 West Madison Street (931) 424-4086 Email: rsp@utsouthern.edu</p>
<p>Housing and Residential Life 420 West Madison Street (931) 424-4073 Email: srich@utsouthern.edu https://utsouthern.edu/students/residential-life/</p>	<p>Disability Services Academic: jbcheat@utsouthern.edu Campus Life: dmcmaсте@utsouthern.edu MMC</p>
<p>MMC Care Team https://utsouthern.edu/care-team/</p>	<p>US Department of Education Campus Crime Data https://ope.ed.gov/campussafety/#/</p>
<p>Student Handbook https://utsouthern.edu/students/student-handbook/</p>	<p>Emergency Response Plan https://utsouthern.edu/students/campus-safety-security/</p>
<p>Family Educational Rights and Privacy Act https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html</p>	<p>Contact List and Directions https://utsouthern.edu/about/contact_directions/</p>

APPENDIX E: POLICY ON SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE, AND STALKING

PURPOSE

This policy is adopted by Martin Methodist College (MMC or College) specifically to address discrimination and harassment based on sex, as well as the following offenses defined herein: Dating Violence, Domestic Violence, Sexual Assault, and Stalking; and, to establish procedures for responding to incidents of Sexual Discrimination and Harassment. Sexual Harassment is a form of sexual discrimination prohibited by Title IX of the Education Amendments of 1972 and MMC.

The College is committed to eliminating any and all acts of Sexual Discrimination and Sexual Harassment on its campus. An environment free from such acts is necessary to a healthy learning, working, and living atmosphere. Any allegation of Sexual Discrimination or Sexual Harassment, as defined herein, will be investigated and resolved according to this policy. The College will take appropriate steps, as needed, to prevent the recurrence of Sexual Discrimination or Sexual Harassment and to remedy any discriminatory effects.

If government laws or regulations change, or court decisions alter, the requirements in a way that impacts this policy, this policy will be construed to comply with the most recent government regulations.

SCOPE

A. These procedures shall be utilized by:

1. Any employee or student, including applicants for employment or admission as a student, who has been a victim of Sexual Discrimination and/or Harassment, regardless of sexual orientation or gender identity/expression during the person's participation in or attempt to participate in the educational program(s) or activities of Martin Methodist College in the United States;
2. Any former employee or student who has been a victim of Sexual Discrimination and/or Harassment, if the conduct took place within the United States during the time of employment or enrollment at MMC, and the conduct has a reasonable connection to the institution;
3. Any person, including parents or guardians, who has knowledge of an act of Sexual Discrimination and/or Harassment against another employee or student in order to report such conduct; and,
4. All third parties with whom MMC has an educational or business relationship who have been a victim of Sexual Discrimination and/or Harassment when the conduct has a reasonable connection to the institution.

B. This policy applies to all College programs and activities, including, but not limited to, Sexual Discrimination and Sexual Harassment in athletics, instruction, grading, College housing, and College employment. This policy applies to alleged violations that occur in the United States in locations, events, or circumstances over which the College exercised, at the time of the alleged incident, substantial control over both the Respondent and the context in which the Sexual Harassment occurs, including any building owned, leased, or controlled by the College or by a student organization that is officially recognized by the College.

C. This policy allows the consolidation of Formal Complaints arising out of the same factual circumstances in instances where there is more than one Complainant or Respondent, or where a cross-complaint has been filed by a Respondent against a Complainant.

When Complainants choose to consolidate Formal Complaints, a single investigatory and adjudicatory process will be used where it arises from the same incident and parties. In such cases, each party would independently and simultaneously receive notification and information. In consolidated complaints, the College will issue a single investigative report.

All parties to a consolidated complaint will also receive the same written determination of responsibility when the allegations arise out of the same facts or circumstances, although the determination of responsibility may be different with respect to each allegation depending on the facts. The written determination will be provided simultaneously to the parties and may not be redacted.

- D. It is central to the values of this College that any individual who believes he/she may have been the target of unlawful Sexual Discrimination or Sexual Harassment feel free to report his/her concerns for appropriate investigation and response, without fear of retaliation or retribution. The law prohibits retaliation against an individual for:
 - 1. opposing any practices forbidden under this policy;
 - 2. for bringing a complaint of Sexual Discrimination or Sexual Harassment;
 - 3. for assisting someone with such a complaint;
 - 4. for attempting to stop such conduct;
 - 5. for participating in any manner in an investigation or resolution of a complaint of Sexual Discrimination or Sexual Harassment.
- E. This policy shall not be construed or applied to restrict academic freedom, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.
- F. There is no time limit or statute of limitations on a Complainant's decision to file a formal Title IX Complaint with the College.
- G. All other forms of discrimination are also strictly prohibited and are subject to the procedures described in the College's Anti-Discrimination Policy:

Martin Methodist College is committed to equal opportunity in employment and education, and will maintain an environment free of unlawful discrimination. The College does not discriminate on the basis of race, color, religion, national origin, gender, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, genetic information, disability, veteran status or on any other basis prohibited by Federal, State, or local law in the recruitment and admission of students, the recruitment and employment of Employees, faculty and staff, or the operation of any of its programs. The College complies with the applicable nondiscrimination and affirmative action titles and sections of the Civil Rights Act of 1964, Federal Executive Order 11246, Educational Amendments of 1972, Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Age Discrimination in Employment Act of 1967, and the Age Discrimination Act of 1975, Equal Pay Act of 1963, Americans with Disabilities Act of 1990, Genetic Information Nondiscrimination Act of 2008, along with all applicable amendments thereto.

DEFINITIONS

- A. Accuser/Accused and Complainant/Respondent. The alleged victim of conduct prohibited by this policy, often known as an “accuser,” will be referred to as the “Complainant” during the process set forth herein. The “accused” party, reported to be the perpetrator of conduct prohibited by this policy, will be referred to as the “Respondent” during this process. The College will treat a person as a Complainant any time the College has notice that the person is alleged to be the victim of conduct that could constitute Sexual Discrimination and/or Harassment (regardless of whether the person themselves reported, or a third party reported the Sexual Discrimination and/or Harassment), and irrespective of whether the Complainant ever chooses to file a Formal Complaint. All Complainants will be offered Supportive Measures.
- B. Advisor. Complainants and Respondents are entitled to be accompanied and assisted by one Advisor of their choosing at any meetings or investigation interviews. Advisors are required for hearings. Complainants and Respondents may choose any person to serve as their Advisor, but accommodations, including scheduling of interviews or hearings will not be made for any advisers, including parents, guardians, or attorneys, if they unduly delay the process. No training or qualification is necessary for a person to serve as an Advisor. A party may elect to change Advisors during the process, and is not obligated to use the same Advisor throughout. The parties are expected to inform the investigators of the identity of their Advisor at least 1 business day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to investigators if they change Advisors at any time. If a party does not have an Advisor present at the live hearing, the College will provide an appropriate Advisor, free of charge to the party.
1. In Interviews and Investigations: Advisors may not participate in the process or speak on behalf of the Complainant or Respondent during interviews, although they may ask to suspend any meetings or interviews briefly to provide consultation. Advisors are expected to refrain from interference with the College’s investigation and resolution. Any Advisor who steps out of their role will be warned once and only once. Advisors disrupting the interview will be asked to leave. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the Advisor will be asked to leave the meeting. When an Advisor is removed from a meeting, that meeting will typically continue without the Advisor present. Subsequently, the Title IX Coordinator will determine whether the Advisor may be reinstated or replaced by a different Advisor.
 2. In Live Hearings: Advisors may ask either party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s Advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. (See Section IX. F.)
- C. Amnesty. A policy that generally protects help-seeking behavior, including participation in Title IX investigations, from Honor Code/Conduct processes. Please review the Martin Methodist College Honor Code for more details on the College’s Amnesty Policy.
- D. Coercion. The attempt to exert power or control over another person by use of force, pressure, manipulation, threats, or intimidation in an effort to compel participation in sexual activity.

Determinations regarding whether actions or statements amount to Coercion will be made on a case-by-case basis. For example, repeated advances or requests to engage in sexual activity may amount to Coercion depending on all of the relevant facts and circumstances.

- E. Consent. The positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent must be an informed decision, freely given made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. A clear “yes,” verbal or otherwise, is necessary.

When "no" to a form of sexual activity is communicated by word or action, that sexual activity must cease immediately. Repeated requests to engage in a form of sexual activity may amount to Coercion. However, there is no requirement that a person express non-Consent, i.e. someone might not Consent to sexual activity even though they do not say “no” or physically resist. As such, Consent cannot be inferred merely from the absence of a “no.” Some behaviors and statements do not indicate Consent, including the following:

- “I don’t know.”
- “Maybe.”
- Without more, ambiguous responses such as “uh huh” or “mm hmm.”
- A verbal “no,” even if it may sound indecisive or insincere.
- Moving away.

Consent to some sexual acts does not constitute Consent to others, nor does past Consent to a given act constitute present or future Consent. Consent must be ongoing throughout a sexual encounter and can be revoked by any participant at any time.

Consent cannot be given by an individual who is asleep, unconscious, or mentally or physically Incapacitated, either through the effect of drugs or alcohol or for any other reason. Engaging in sexual activity with a person whom you know—or reasonably should know—to be Incapacitated constitutes Sexual Harassment. Effective Consent is deemed withdrawn at any point during sexual activity when an individual knows or reasonably should know that the other person has become or is Incapacitated. Consent cannot be obtained by Coercion, including threat or force. Agreement under such circumstances does not constitute Consent.

The College recognizes that there are a wide variety of sexual interactions, that there is no single way to communicate Consent, and that context matters. When evaluating whether sexual activity was consensual, the College will consider the entirety of the sexual interaction and the relevant circumstances. A factor that may be considered when evaluating Consent is whether, under similar circumstances as the person initiating the sexual activity, a sober reasonable person would have concluded that there was effective Consent. Previous sexual relationships of the Complainant and the Respondent with others are generally irrelevant to the existence of effective Consent, but a previous, current, and/or subsequent sexual relationship between the Complainant and the Respondent may or may not be relevant to demonstrating or establishing, depending on the facts and circumstances, whether effective Consent was sought or obtained. Relevancy of a previous, current, and/or subsequent sexual relationship between the Complainant and Respondent or others will be evaluated on a case-by-case basis.

F. Dating Violence.¹ Violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. “Dating” and “dated” do not include fraternization between two individuals solely in a business or non-romantic social context, but includes social relationships of a romantic or intimate nature as determined by the length and type of relationship and the frequency of interactions between the persons in the relationship.² Violence includes, but is not necessarily limited to:

1. Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
2. Placing the accuser in fear of physical harm;
3. Physical restraint;
4. Malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
5. Placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.

G. Domestic Violence.³ Felony or misdemeanor crimes of violence committed under the following conditions:

1. Violence against a person when the accuser and accused:
 - a. Are current or former spouses;
 - b. Live or have lived together as a spouse or intimate partner;
 - c. Are related by blood or adoption;
 - d. Are related or were formally, or similarly situated to being,⁴ related by marriage;
 - e. Are adult or minor children of a person in a relationship described above; or
 - f. Shares a child in common.⁵
2. Violence includes, but is not necessarily limited to:
 - a. Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
 - b. Placing the accuser in fear of physical harm;
 - c. Physical restraint;
 - d. Malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
 - e. Placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.

H. Formal Complaint. Information provided to the Title IX Office or to a Responsible Employee regarding an incident of Sexual Discrimination or Sexual Harassment, whether provided by the Complainant or a third party, along with a request that the College investigate the allegation.

¹ T.C.A. § 36-3-601(5)(c).

² As per Clery Act: 34 U.S.C.. § 12291(a)(10)

³ T.C.A. § 36-3-601.

⁴ As per Clery Act: 34 U.S.C.. § 12291(a)(8)

⁵ As per Clery Act: 34 U.S.C.. § 12291(a)(8)

- I. Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent Incapacity.
- J. Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- K. Intoxication. A state of stupefaction, exhilaration or euphoria resulting from the ingestion of alcohol or other chemical substances.
- L. Incapacitation. The inability to make or carry out a rational, reasonable decision. An Incapacitated person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitation is not the same as legal Intoxication. A person violates this policy when they engage in sexual activity with a person who is Incapacitated and a reasonable person in the same situation would have known that the person is Incapacitated. Incapacitation can result from the voluntary or involuntary use of alcohol, marijuana, or other drugs, including, but not limited to, sedatives or "date-rape" drugs. Evidence of Incapacitation may include, but is not limited to, one or more of the following:
- slurred speech
 - bloodshot eyes
 - dilated pupils
 - shaky equilibrium
 - unsteady gait
 - vomiting
 - unconsciousness
 - elevated blood alcohol level
 - sleeping
 - the smell of alcohol on the breath
 - outrageous or unusual behavior
 - blacking out (amnesia-like state that may be brought on by drugs, heavy drinking, or Intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior)
- M. Preponderance of Evidence. The evidentiary standard used by the College. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.
- N. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
- O. Relevant. Tending to make a fact more or less likely to be true. Examples of information not deemed relevant include but are not limited to privileged information, including treatment information, unless parties agree to the disclosure of such information, and information regarding a Complainant's sexual predisposition or prior sexual behavior unless they are offered to prove that someone other than the Respondent committed the Sexual Harassment, or if the information concerns specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove Consent.

- P. Responsible Employee. An MMC employee who has the duty to report incidents of Sexual Discrimination and/or Sexual Harassment; or, whom a student could reasonably believe has this authority or duty. (See Section V. D. 2.)
- Q. Sexual Assault. An offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent.⁶
- R. Sexual Discrimination. Treating individuals less favorably because of their sex (including pregnancy or sexual orientation/ gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.
- S. Sexual Harassment. Conduct on the basis of sex that satisfies one or more of the following:
1. An employee of the College conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
 3. Sexual Assault (as defined in the Clery Act)⁷, Dating Violence, Domestic Violence, or Stalking as defined in the Violence Against Women Act (VAWA)⁸.

Sexual Harassment, including Sexual Assault, can involve persons of the same or opposite sex. Sexual Harassment includes harassment based on sexuality, gender non-conformity, stereotypical notions of what is female/feminine versus male/masculine, or a failure to conform to those gender stereotypes. Harassment does not have to include intent to harm, be directed at a specific person or group of people, or involve repeated incidents.

Examples of conduct that might rise to the level of Sexual Harassment include, but are not limited to, the following:

- a. *Sexual propositions, invitations, or pressure for sexual activity;*
- b. *Sexual innuendoes, comments, remarks, or inquiries about a person's clothing, body, activities, or experiences;*
- c. *Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances;*
- d. *Promising a work-related benefit or a grade in return for sexual favors;*
- e. *Implied or overt sexual threats;*
- f. *Suggestive or obscene gestures;*
- g. *Suggestive or insulting sounds;*
- h. *Whistling in a suggestive manner;*
- i. *Humor and jokes about sex that denigrate men or women;*

⁶ 20 U.S.C. § 1092(f)(6)(A)(v).

⁷ 20 U.S.C. § 1092(f)(6)(A)(v).

⁸ 34 U.S.C.. § 12291(a)(10), (8), and (30) respectively.

- j. *Patting, pinching, and other inappropriate touching;*
- k. *Unnecessary touching or brushing against the body;*
- l. *Attempted or actual kissing or Fondling;*
- m. *Suggestive or inappropriate acts, such as comments, innuendoes, or physical contact based on one's actual or perceived sexual orientation and/or gender identity/expression;*
- n. *Use in the classroom of sexual jokes, stories, remarks, or images that are in no way or only marginally Relevant to the subject matter of the class;*
- o. *Suggestive or inappropriate communications, email, notes, letters, or other written materials displaying objects or pictures, which are sexual in nature, that would create hostile or offensive work, living, or educational environments, including comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess*
- p. *Graphic or written statements (including the use of cell phones and the internet), or other conduct that may be physically threatening, harmful, or humiliating in a manner related to sex*

T. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.⁹ Stalking includes any willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Conduct includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the accuser to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.¹⁰

For the purposes of this definition:

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

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

U. Statutory Rape. Sexual intercourse with a person who is under the statutory age of Consent (which is 18 in the State of Tennessee).

V. Supportive Measures. Reasonable administrative action that is appropriate to provide equal access to education. Supportive Measures will be offered to every Complainant, regardless of whether a Formal Complaint is filed. The Title IX Coordinator is responsible for implementing the supportive measure(s). Examples include, but are not limited to:

- Restrictions on contact between the parties
- Modifications of work or class schedules
- Changes in work or housing locations

⁹ As per Clery Act: 34 U.S.C.. § 12291(a)(8)

¹⁰ T.C.A. § 39-17-315.

- Providing or assistance with counseling and/or medical services
- Providing academic support services, such as tutoring
- Extensions of time or other course-related adjustments
- Campus escort services
- Increased security and monitoring of certain areas of campus
- Leaves of absence
- Arranging for the Complainant to re-take a course or withdraw from a class. (Withdrawal may have financial aid implications. Students are encouraged to contact Financial Aid prior to withdrawing.)

Supportive Measures may be applied to one, both, or multiple parties involved with considerable attention paid to providing students, faculty, and staff members reasonable educational access pending the outcome of the investigation. MMC will not place undue burden on any one party and will seek to make Supportive Measures as equitable as possible.

Student Respondents may be placed on interim suspension or an emergency removal pending the outcome of the investigation under the appropriate circumstances, i.e. after an individualized safety and risk analysis has determined an immediate threat to the physical health or safety of an individual. MMC shall follow the MMC Honor Code before placing a student Respondent on interim suspension, and the student will be provided with written notice and the opportunity to challenge the decision.

In appropriate circumstances and consistent with Human Resource policies, employee Respondents may be placed on administrative leave pending the outcome of the matter.

The College may also issue a “Timely Warning” under the Clery Act.

W. Title IX Coordinator. The Title IX Coordinator is the MMC official responsible for overseeing the College’s response to Sexual Discrimination and Sexual Harassment reports and complaints and for addressing any patterns or systemic problems identified by such reports and complaints. This official oversees and coordinates the College’s programs and training efforts with regard to Sexual Discrimination and Sexual Harassment. The Title IX Coordinator conducts investigations and has the authority to implement all Supportive Measures deemed appropriate. All requests by Complainants for confidentiality should be evaluated by the Title IX Coordinator.

1. The Title IX Coordinator’s responsibilities include, but are not limited to, the following:
 - a. *Investigation or oversight of investigations of allegations related to Title IX;*
 - b. *Coordination and oversight of educational programs including mandatory training for new students and employees and awareness campaigns for current students and employees;*
 - c. *Coordination with College Security on matters related to allegations of Sexual Discrimination and/or Harassment;*
 - d. *Coordination and oversight of training for anyone involved in responding to, investigating, or adjudicating Sexual Discrimination and/or Harassment;*
 - e. *Coordination and oversight of training for employees related to their responsibility when they*

are aware of Sexual Discrimination and/or Harassment;

- f. Coordination and oversight of annual training for investigators, decision makers, hearing officers and hearing committee members on the issues related to Sexual Discrimination and/or Harassment and on how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability;*
 - g. Maintenance of all records of trainings (including attendance records and training materials), case files, investigations, hearings, informal resolutions, and other processes for a minimum of seven (7) years;*
 - h. Publish all training materials (actual materials and lists of titles and sources of proprietary materials which are available for viewing for inspection only in the Title IX office by request) on the College's website; and*
 - i. Attending appropriate training annually on topics related to responding to or investigating allegations of Sexual Discrimination and/or Harassment.*
2. The Title IX Coordinator may designate deputies and investigators (designees) to assist in carrying out any of the responsibilities related to implementing this policy.

IMMEDIATE ACTIONS A PERSON SHOULD TAKE

- A. In the immediate aftermath of a Sexual Assault, Domestic Violence, Dating Violence or similar event, the most important thing is for the person to get to a safe place.
- B. When a feeling of safety has been achieved, the person should seek medical attention, regardless of his/her decision to report the crime to the police. It is very important for the assaulted person to seek medical attention immediately so that she/he can be screened for sexually transmitted diseases/pregnancy/date rape drugs, obtain emergency contraception, and receive treatment for any physical injuries.
- C. A person who has experienced Sexual Harassment, including Sexual Assault, has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.
- D. Valuable physical evidence can be obtained from the person who has experienced Sexual Harassment and their clothing. The person should make every effort to save anything that might contain the offender's DNA. Therefore, the person should not, when possible:
 - Bathe or shower;
 - Wash his/her hands;
 - Brush his/her teeth;
 - Use the restroom;
 - Change clothes;
 - Comb hair;
 - Clean up the area where the incident took place; or
 - Move anything the offender may have touched.
- E. Even if the person who has experienced Sexual Harassment has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date should the person who has experienced Sexual Harassment decide to prosecute.
- F. Persons experiencing Sexual Discrimination or Sexual Harassment are encouraged to preserve

evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any that would be useful to investigators.

REPORTING SEXUAL DISCRIMINATION AND HARASSMENT

For flow chart of the reporting, investigation, and hearing process, see Section XIX.

- A. Do not wait to report conduct of concern until the conduct becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The Title IX Coordinator can take proactive steps to prevent the conduct from continuing and perhaps escalating, and to protect or otherwise assist the person who has experienced Sexual Harassment. For example, the College can arrange for no-contact orders, counseling, and changes in class schedules, living arrangements, class requirements, and testing schedules as needed. The Title IX Coordinator can also provide expertise and advice to help identify conduct that might be a warning sign of or constitute Sexual Discrimination or Sexual Harassment prohibited by this policy and address any concerns or complaints appropriately.
- B. MMC encourages persons who have experienced Sexual Discrimination and Sexual Harassment to talk to somebody about what happened so they can get the support they need and so that MMC can respond appropriately. Though MMC will keep reports as confidential as possible, it cannot guarantee the confidentiality of every report or complaint. The provisions in Section VI detail the confidentiality options available to individuals.
- C. A student who experiences Sexual Harassment and who was under the influence of alcohol or drugs during the Sexual Harassment incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. Under the Amnesty policy, the College will generally not pursue disciplinary violations against the person who has experienced Sexual Harassment (or against a witness) for his/her improper use of alcohol or drugs (i.e., underage drinking), if the person who has experienced Sexual Harassment or witness is making a good faith report of Sexual Harassment. (see Section III. C.).
- D. Reporting:
 1. Confidential Reports:

Reports to professional licensed **counselors** (including MMC Counseling personnel) or to professional **ministers** (including the MMC Chaplain) are confidential in every respect, to the extent allowed by law. For example, Tennessee's mandatory reporting law related to abuse of minors, imminent harm to others, or subpoenas for testimony may require disclosure of all information received.

 - a. *Professional licensed counselors who provide mental health counseling to MMC's campus community are not required to report any information about an incident to the Title IX Coordinator and will not do so without written permission.*
College Counselor: Desiree Stone, ALC (dstone@martinmethodist.edu)
 - b. *Professional ministers are not required to report any information about an incident to the Title IX Coordinator and will not do so without written permission.*
College Chaplain: Laura K. McMasters (lkirkpatrick@martinmethodist.edu)
 - c. *The above designated personnel can assist the person who has experienced Sexual Harassment in receiving other necessary protection and support, such as victim advocacy and health or mental*

health services. Written permission from the person who has experienced Sexual Harassment to reveal the minimum information necessary to arrange requested assistance will be obtained prior to disclosure.

2. Private, Not Necessarily Confidential Reports:

Reports to a **Responsible Employee** will not be absolutely confidential but will be handled in as confidential a manner as possible.

- a. *When a Complainant tells a Responsible Employee (as defined in Section III P.) about an incident of Sexual Discrimination or Sexual Harassment, the Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged Sexual Discrimination or Sexual Harassment. Information reported to a Responsible Employee will be shared only with the Title IX Coordinator.*
- b. *A Responsible Employee shall not share information with law enforcement without the Complainant's Consent.*
- c. *Employees in the following list are designated as Responsible Employees:*
 - (1) Title IX Coordinator, Title IX Deputy Coordinators, and designees;
 - (2) President, Provost, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents, Directors, Associate Directors, Assistant Directors, Department Chairs/Heads;
 - (3) Faculty;
 - (4) Academic Advisors;
 - (5) Advisors for student organizations;
 - (6) Resident directors and resident assistants;
 - (7) Athletic coaches and trainers;
 - (8) College Security Authorities, as required by the Clery Act;
 - (9) Director of Safety and Security and any security officers employed in any capacity by the College. All security officers are additionally bound by the Nottingham Act requirements:

Unless the victim of a Sexual Assault does not consent to the reporting of an offense, the Director of Safety and Security shall immediately notify the Pulaski Police Department if Security is in receipt of a report from the victim alleging that any degree of Rape has occurred on MMC property. The Director of Safety and Security shall designate one person who shall have the authority and duty to notify the Pulaski Police Department in his/her absence. In the case of an alleged Rape, College Security and the Pulaski Police Department shall jointly investigate the incident. The Pulaski Police Department and College Security shall cooperate in the investigation.¹¹ If the victim does not consent to the reporting, no member of MMC Security shall report the offense to the local law enforcement agency.¹²
- d. *Before a Complainant reveals any information to a Responsible Employee, the Responsible Employee must ensure that the Complainant understands the Responsible Employee's reporting obligations.*
 - (1) If the Complainant wants to maintain confidentiality, the Responsible Employee must direct the Complainant to confidential resources.

¹¹ T.C.A. § 49-7-129.

¹² T.C.A. § 49-7-2207; Public Acts 2005, Chapter 305.

- (2) If the Complainant wants to tell the Responsible Employee what happened but also maintain confidentiality, the Responsible Employee must advise the Complainant that the request will be considered, but no guarantee can be given that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Title IX Coordinator of the Complainant's request for confidentiality.
- (3) Responsible Employees will not pressure a Complainant to request confidentiality but will honor and support the Complainant's wishes, including for MMC to fully investigate an incident. By the same token, Responsible Employees will not pressure a Complainant to make a full report if the Complainant is not ready to do so.

3. Formal Complaints:

To file a Formal Complaint, contact one of the following individuals:

Title IX Coordinator: If you have a complaint against a MMC student, faculty, staff, or visitor for Sexual Harassment, sex discrimination, or Sexual Assault, you may contact the Title IX Coordinator at any time:

Sarah Catherine Richardson

Director of Student Life

Student Life House

420 W Madison Street

Pulaski, TN 38478

(931) 424-4073

scrichardson@martinmethodist.edu

Deputy Title IX Coordinator:

Emma Hlubb

Director of Financial Aid and Veteran's Affairs

Colonial Hall

318 W Madison Street

Pulaski, TN 38478

(931) 424-7366

ehlubb@martinmethodist.edu

The College shall not share personally identifiable information with law enforcement without the Consent of the person who has experienced Sexual Harassment, or unless the person who has experienced Sexual Harassment has also reported the incident to law enforcement and has confirmed this with the College.

4. Reports Not Considered "Notice" To the College:

- a. Public awareness events, candlelight vigils, protests, survivor speak outs, or other forums, including social media and class discussions, in which students disclose incidents of Sexual Discrimination and/or Sexual Harassment are not considered notice to MMC of Sexual Discrimination and/or Sexual Harassment for purposes of triggering its obligation to investigate any particular incident(s).
- b. Such events may inform the need for campus-wide education and prevention efforts, and MMC will provide information about students' Title IX rights at these events.

5. Reporting to the U.S. Department of Education:

U.S. Department of Education
Office for Civil Rights
61 Forsyth Street, S.W., Suite 19T10
Atlanta, GA 30303-8927
(404) 974-9406 (phone)
(404) 974-9471 (fax)
ocr.atlanta@ed.gov

CONFIDENTIALITY

- A. If a Complainant discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College will weigh that request against its obligation to provide a safe, non-discriminatory environment for all students, including the Complainant.
- B. The Title IX Coordinator will evaluate requests for confidentiality. When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the increased risk that the alleged perpetrator will commit additional acts of sexual or other misconduct, such as:

1. Whether there have been other Sexual Discrimination and/or Harassment complaints about the same alleged perpetrator;
2. Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of Sexual Discrimination and/or Harassment;
3. Whether the alleged perpetrator threatened further Sexual Discrimination and/or Harassment or other misconduct against the Complainant or others;
4. Whether the Sexual Discrimination and/or Harassment was committed by multiple perpetrators;
5. Whether the Sexual Discrimination and/or Harassment was perpetrated with a weapon;
6. Whether the victim is a minor;
7. Whether MMC possesses other means to obtain Relevant evidence of the Sexual Discrimination and/or harassment; or
8. Whether the Complainant's report reveals a pattern of perpetration at a given location or by a particular group.

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

- C. If MMC honors the request for confidentiality, the Complainant should understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.
- D. If MMC determines that it cannot maintain a Complainant's confidentiality, the Title IX Coordinator will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

- E. MMC will not require a Complainant to participate in any investigation, hearing, or disciplinary proceeding.
- F. MMC will generally not contact or discuss claims or investigations with the parents, guardians, attorneys, or other designated Advisors of a Complainant or Respondent without that party's written Consent.
- G. FERPA limits the extent to which the College may disclose personally-identifiable information in student records. Whenever it is necessary to comply with FERPA, the College reserves the right to redact or limit information provided under this policy.

INVESTIGATION

A. Informal Resolutions:

With the voluntary, informed, and written Consent of both parties, informal resolution may be attempted at any point prior to reaching a determination of responsibility in cases alleging violations of this policy.

1. Prior to any attempted informal resolution, both parties shall receive a written notice disclosing the allegations, the requirements of the informal resolution process including the preclusion of the parties from resuming a Formal Complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints.
3. The College will not require the parties to participate in informal resolution, and may not offer informal resolution unless a Formal Complaint is filed.
4. All facilitators of informal resolutions will be properly trained.
5. At any time prior to agreeing to a resolution, any party has the right to withdraw from informal resolution and resume the grievance process with respect to the Formal Complaint.
6. The College will not allow an informal resolution process to resolve allegations that an employee sexually harassed a student.

B. Complaint:

1. Absent good cause, within 5 business days of the Title IX Coordinator's receipt of a report of Sexual Discrimination or Sexual Harassment, the Title IX Coordinator shall notify the Complainant and request a meeting. The Title IX Coordinator should provide written notice to the Complainant of his/her rights with regard to this process in advance of the interview with sufficient time to prepare for meaningful participation.
2. The Title IX Coordinator shall attempt to get a Formal Complaint from the Complainant.
 - a. *Formal Complaint: A Formal Complaint should include information related to the circumstances giving rise to the complaint, the dates of the alleged occurrences, names of witnesses, a request that the College investigate the allegation, and the Complainant's physical or digital signature. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.*

- b. In the Absence of a Formal Complaint: When the Complainant chooses not to provide a Formal Complaint but the Title IX Coordinator determines an investigation to be necessary, the Title IX Coordinator will sign and file a complaint alleging Sexual Discrimination and/or Harassment against a Respondent and requesting that the College investigate the allegation. When a Title IX Coordinator signs a Formal Complaint, such action is not taken on behalf of a Complainant, and the Title IX Coordinator does not become a party. The Title IX Coordinator must comply with requirements to be free from conflicts and bias.*
3. Both before and during the pendency of the investigations, the Title IX Coordinator shall consult with the Complainant and Respondent and consider what, if any, Supportive Measures may be necessary. (See Section III V.)
4. Complaints made anonymously or by a third party will be investigated to the extent possible. Anonymous reports may be made online at:
<https://www.martinmethodist.edu/academics/registrar-office/title-ix-information>.
5. If the Title IX Coordinator determines that there is a need for an investigation, the Title IX Coordinator shall follow the procedures set forth in this policy to investigate and adjudicate the complaint.
6. All complaints will be documented in a complaint tracking document that includes names when available, regardless of whether an investigation is initiated. This document will be kept confidential by the Title IX Coordinator and information therein will only be shared with appropriate College personnel on a need-to-know basis.

C. Evaluating the Need for an Investigation:

1. When the Title IX Coordinator knows or reasonably should know of possible Sexual Harassment, immediate and appropriate steps must be taken to investigate or otherwise determine what occurred.
2. When a Complainant requests that no investigation into a particular incident be conducted or disciplinary action taken, the Title IX Coordinator will weigh that request against its obligation to provide a safe, non-discriminatory environment for all students, including the Complainant. (See Section VI.)
3. When a complaint is brought via hearsay, rumor, or other third-party sources, the Title IX Coordinator will conduct a preliminary inquiry to evaluate the complaint and to determine reasonable cause (i.e. determine if an investigation is warranted).
 - a. The Title IX Coordinators will consider only information that a reasonable person would find reliable and is Relevant.*
 - b. The Title IX Coordinator will use substantial evidence standard in inquiries, which is less than a preponderance of the evidence and demands only that a given inference is reasonable and plausible, not necessarily the most probable.*
 - c. Inquiries will be documented as part of the case file, regardless of whether an investigation is initiated.*
4. When the Title IX Coordinator evaluates a complaint and does not find an allegation of Sexual Discrimination and/or Harassment that is so severe, perverse, or objectionably offensive so as to deny access to the Complainant to MMC's educational programs or activities, the Title IX Coordinator will terminate all Title IX grievance procedures and promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The College may still pursue disciplinary action outside of Title IX procedures.

Minimal requirements for dismissal include:

- a. *The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in Section III. S. even if proved;*
- b. *The conduct alleged in the Formal Complaint did not occur in the recipient's education program or activity;*
- c. *The conduct alleged in the Formal Complaint did not occur against a person in the United States.*

Any party can appeal the dismissal of the complaint directly to the Executive Vice-President by submitting a written to the Executive Vice-President within 3 business days of receiving the notification of dismissal. The Executive Vice-President will determine if the facts warrant a Title IX investigation and will respond to the party in writing within 3 business days. The decision of the Executive Vice-President on this matter shall be final.

- D. MMC will conduct an adequate, reliable and impartial investigation in a timely manner (See Section XV.), providing the Respondent and Complainant equitable rights during the investigative process.
- E. All complaints of Sexual Discrimination and/or Harassment shall be presented to the Title IX Coordinator for investigation and appropriate disposition. A Deputy Title IX Coordinator must always inform the Title IX Coordinator of the receipt of a complaint.
- F. Complaints involving Sexual Discrimination and/or Harassment will be investigated by the Title IX Coordinator, a Deputy Title IX Coordinator, or a qualified, sufficiently trained investigator appointed by the Title IX Coordinator.
- G. Investigators shall receive training that satisfies the requirements of Title IX of the Education Amendments of 1972,¹³ the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,¹⁴ and the federal regulations implementing those statutes, as amended.
- H. The Title IX Coordinator shall notify the President and the Vice President of Student Affairs that an investigation is being initiated. When employees of the College are involved, the Vice President of Human Resources will also be notified.
- I. During the course of the investigation, MMC will endeavor to gather sufficient evidence to reach a fair and impartial determination as to whether Sexual Discrimination or Sexual Harassment occurred and, if so, whether a hostile environment has been created that must be redressed.
- J. Investigation:
 1. The timeframe for conducting the investigation will vary based on the complexity of the investigation and the severity and extent of the alleged conduct (see Section XV.). The Title IX Coordinator should inform the parties of the status of the investigation on a periodic basis.
 2. The burden of collecting evidence and proving a violation of policy is on the College, not on either party.

¹³ 20 U.S.C. § 1981

¹⁴ 20 U.S.C. § 1092(f)

3. The Title IX Coordinator shall provide written notice to the Complainant and Respondent of the extent to which the College will allow an Advisor to advise the student in an investigation or student disciplinary proceeding. (See Section III. B.)
4. Both parties will be provided with a pre-investigation notice with sufficient details and with sufficient time to prepare a response before any initial interview, including:
 - a. the identities of the parties involved
 - b. the date, time, and location of the alleged incident
 - c. the specific violation alleged, and the range of sanctions that may apply for such violations
 - d. the conduct allegedly constituting the violation
 - e. any relevant Supportive Measures and the date such measures go into effect
 - f. informational notices regarding the equal rights of the parties, including the rights to:
 - i. Testify in-person
 - ii. Identify and have considered the testimony of a reasonable number of other witnesses
 - iii. Identify and have considered written evidence
 - iv. Similar and timely access to written statements and other evidence considered in the determination of the complaint
 - v. Equal access to review and comment upon any evidence or information independently developed by the investigator
 - vi. An Advisor as permitted under the policies outlined in Section III. B.
 - vii. Receive written notice of the determination of the complaint
 - viii. Appeal as outlined in Section X.
 - ix. Receive written notice of the outcome of an appeal, including any changes that were made to the previous determination
 - g. informational notices regarding this policy, including:
 - i. Access to this policy in its completion
 - ii. Retaliation is strictly prohibited and may be grounds for disciplinary measures, up to and including termination or expulsion.
 - iii. Confidentiality will be weighed under the policies outlined in Section VI.
 - iv. The College presumes the Respondent is not responsible for the reported Sexual Discrimination and/or Harassment unless and until the evidence supports a different determination.
 - v. Knowingly making false statements, including knowingly submitting false information during the resolution process, is strictly prohibited.
 - vi. The College reports Clery violations (Sexual Assault, Domestic Violence, Dating Violence, and Stalking) in ways compliant with the Clery Act.
5. The investigator shall inform all individuals interviewed during the investigation that retaliation is strictly prohibited and may be grounds for disciplinary measures, up to and including termination or expulsion. The investigator shall advise all interviewees that they should contact the investigator immediately if they believe they are being retaliated against.
6. Prior to all meetings and interviews a party is invited to, the party will receive written notice detailing the purpose of the meeting/interview; the date, time, and location of the meeting; and a list of all other participants in the meeting/interview.
7. The investigation shall include interviews with both the Complainant and Respondent,

unless either declines an in-person interview.

- a. The Complainant and Respondent shall be provided with the same opportunities to have others present during an interview, including the opportunity to be accompanied by the Advisor of their choice to any related meeting or proceeding.
 - b. The College will not limit the choice of Advisor for either the Complainant or Respondent; however, Advisors will be limited to an advising role only and may not otherwise participate in interview proceedings.
 - c. The Respondent will be notified in writing of the complaint before the investigator's initial interview with the Respondent (see Section VII. K. 4.).
 - d. The Formal Complaint from the Complainant, or Title IX Coordinator will become part of the investigation report if necessary and will be kept in the case file.
 - e. A summary of the Respondent's response to the complaint as taken by the investigator will be provided in writing for review by the Respondent. The Respondent will be asked to propose any changes necessary, with both the original document and the proposed changes being logged as the official statement. The statement, after reviewed by the Respondent, will become part of the investigation report if necessary and will be kept in the case file. No parts of this statement will be available for copy.
 - f. When either party declines an in-person interview, the refusal to participate will be noted in the case file, and the College will proceed based on the information available, including making final determinations.
 - g. No audio or video recording of any kind is permitted during investigation meetings.
8. The investigator is expected to request a list of Relevant witnesses and evidence from the Complainant and Respondent and take such into consideration.
- a. Both the Complainant and the Respondent are permitted to provide other Relevant evidence to the investigator. Evidence includes any facts or information presented in support of an assertion and may include text messages, email exchanges, timelines, receipts, photographs, etc. The investigator may also consider additional documents, items or other Relevant information.
 - b. Any documentation shared by the Complainant or the Respondent with the investigator will be provided to the other party via the Title IX Coordinator's periodic updates.
 - c. The Complainant and the Respondent both have the right to propose questions to one another. Questions deemed by the investigator as inappropriate will not be asked, and the requesting party (Complainant or Respondent) will be notified of why those questions were not asked.
 - d. The Complainant and the Respondent both have the right to propose questions to witnesses. Questions deemed by the investigator as inappropriate will not be asked, and the requesting party (Complainant or Respondent) will be notified of why those questions were not asked.
9. The investigation shall include interviews with Relevant witnesses identified by the Complainant and Respondent and any other potential, Relevant witness made known to the investigator via other means. However, the investigator shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and

- maintained in connection with the provision of treatment to the party, unless the school obtains that party's voluntary, written Consent to do so.
10. The investigation shall include the gathering and reviewing of any documentary, electronic, physical, or other type of Relevant evidence.
 11. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply Consent or preclude a finding of Sexual Discrimination and/or Harassment. Where the parties have a prior sexual relationship, and the existence of Consent is at issue, the sexual history between the parties *may* be Relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Consent was sought and given during the incident in question. However, this does not assume that the prior sexual history was consensual and this should be a factor in considering relevance.
 12. The investigation shall not consider any evidence about the Complainant's prior sexual conduct with anyone other than the Respondent. An individual's character or reputation with respect to other sexual activity is not Relevant and will not be considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not Relevant and will only be considered as evidence under limited circumstances. For example, prior sexual history may be Relevant to explain the presence of a physical injury or to help resolve other questions raised by the report. The investigator will determine the relevance of this information.
 13. Information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence and is not Relevant.
 14. Evidence of occurrences of prohibited conduct so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact ("pattern evidence") may be considered. Where there is evidence of a pattern of similar prohibited conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed Relevant to the determination of policy violation or assigning of a sanction. Instances will be rare and the determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern.
 15. No parties involved in the investigation will be required by MMC to sign a non-disclosure agreement, but all parties should recognize that the integrity of the investigation process can be harmed when witnesses discuss the case with one another. This may impact the College's ability to reach a fair, impartial conclusion. Witnesses are recommended to seek advice from Advisors or confidential support services. All parties involved in an investigation should remember that all proceedings are private, and all persons are expected to maintain the privacy of the proceedings. While there is an expectation of privacy around what is discussed, the parties have discretion to share their own experiences with others if they so choose.
- K. Notices required by this policy will be sent via the student's or employee's official MMC email account. A notice sent to a student organization will be sent to the organization's president and Advisor at those individuals' MMC email address. Students and employees have the responsibility to regularly check their College-issued email accounts. Notices to third parties will be sent via the contact information available to the Title IX Coordinator. The requirement to provide notice will be satisfied when sent as indicated, and any period for response will begin on

the date the email is sent.

- L. Some instances of Sexual Discrimination and/or Harassment may also constitute criminal conduct. In such instances, the Complainant is also encouraged to file a report with local law enforcement and, if requested, the College will assist the Complainant in doing so to the extent the College is able. The pendency of a criminal investigation, however, does not relieve the College of its obligation to investigate Sexual Discrimination and/or Harassment.

NOTE: The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy (i.e., “beyond a reasonable doubt” in criminal cases versus “Preponderance of Evidence” for purposes of this policy). As a result, the outcome of any criminal proceeding is not necessarily determinative of whether a violation of this policy has occurred.

INVESTIGATION REPORT

- A. Upon completion of the investigation, the investigator shall prepare a written report that fairly summarizes the evidence, including both inculpatory and exculpatory evidence. Relevant evidence gathered during the investigation, as appropriate, may be attached as appendices. Documents protected by the attorney work-product privilege, such as the investigator’s personal notes, will not be attached to the investigation report.
- B. Upon the receipt of the initial report by the Title IX Coordinator, both the Complainant and the Respondent will be notified via their MMC email address. Parties may review the investigation report, as well as all evidence directly related to the allegations not used in the investigation report, in the Title IX Coordinator’s office in person. Parties have 10 actual days after the notification to review the report and evidence, and to submit a written response to the evidence which must be considered by the investigator before finalizing the report. The investigator will be notified when this review is complete, and the report shall be returned to the investigator for final review and signature.
- C. No parts of the investigation report or case file shall be made available for copy. Both the Complainant and the Respondent can review the final investigation report in the Title IX Coordinator’s office in person. The case file, including extraneous notes, summaries, and evidence will not be available for review.
- D. All records will be kept in the Title IX Coordinator’s office for a minimum of seven years.

LIVE HEARING PROCEDURES

- A. Upon the receipt of the final investigation report from the investigator, the Title IX Coordinator shall complete the following steps:
 - 1. Simultaneously notify both the Respondent and the Complainant that the final report has become available for review at least 10 actual days before any hearing. Advisors may review the report.
 - 2. Deliver the report to the appropriate Decision Maker, who will have training on question relevance, including how to provide sound and defensible rationale for excluding unapproved questions. Decision Makers are determined by the status of the Respondent:

- a. *If the Respondent is a student, the Decision Maker is the Vice President for Student Affairs.*
 - b. *If the Respondent is a tenure-track or tenured faculty member, the Decision Maker is the Provost.*
 - c. *If the Respondent is a non-tenured faculty member, the Decision Maker is Vice President for Human Resources.*
 - d. *If the Respondent is a staff member, the Decision Maker is Vice President for Human Resources.*
 - e. *If the Respondent is a third party, the Decision Maker is the Vice President for Student Affairs.*
3. The Title IX Coordinator will call together a live hearing panel of the appropriate Decision Maker and two members of the Title IX Council. The Decision Maker will serve as the Chair of the panel.
- a. *Members of the Title IX Council will current faculty or staff members at the College, and will be appointed by the Title IX Coordinator.*
 - b. *Members of the Title IX Council, including Decision Makers, will have annual training that satisfies the requirements of Title IX of the Education Amendments of 1972,¹⁵ the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,¹⁶ and the federal regulations implementing those statutes, as amended. Members will understand confidentiality requirements and the College's Title IX policy.*
 - c. *Members of the panel, including Decision Makers, must disclose a conflict of interest with either party that could create a perception of bias. Conflicts of interest will result in the member being removed from the panel and replaced.*
 - d. *If the Complainant or Respondent believes a panel member or the Decision Maker has a conflict of interest, that party must submit a written explanation of the reason for that belief to the Executive Vice-President. The explanation must be submitted within 3 business days of the time when the party knew or should have known the facts that would give rise to the alleged conflict of interest. The Executive Vice-President, in consultation with necessary counsel, will determine if a conflict of interest exists under the criteria set forth in T.C.A. § 4-5-303 or some other basis that warrants the appointment of a different hearing officer or committee member and respond to the party in writing within 3 business days, absent good cause. The decision of the Executive Vice-President shall be final.*
- B. The panel will receive the investigation report (as described in Section VIII.) in advance of the live hearing.
- C. The Complainant and Respondent shall receive sufficient notice of (including date, time, location, participants, and purpose). The Complainant, Respondent, and each party's Advisor shall be allowed access to any evidence presented during any disciplinary hearing or other proceeding during the disciplinary process.
- D. Both the Complainant and Respondent will be granted live video and audio access to the entirety of the proceedings upon request, but both parties will never be present in the same location at the same time during the hearings.
- E. Hearings will consist of the panel, including the Decision Maker, requesting the presence of

¹⁵ 20 U.S.C. § 1981

¹⁶ 20 U.S.C. § 1092(f)

individuals including the Complainant, the Respondent, the investigator, and any witnesses.

1. Both parties may request to appear before the hearing panel if they wish and make an oral statement regarding the facts. Both parties shall be allowed to have an Advisor of their choice accompany them. During this appearance, the panel may ask questions of the party, but extended statements or questioning is unnecessary. The other party's Advisor may also ask questions of the party (See Section IX. F.)
 - a. *Only Relevant cross-examination and other questions may be asked of a party or witness.*
 - b. *Questions that test credibility will be allowed, but intimidating questioning tactics will not be allowed.*
 - c. *Before any question is answered, the Decision Maker must first determine whether the question is Relevant and explain any decision to exclude a question as not Relevant.*
 - d. *Questions and evidence about the Complainant's sexual predisposition, prior sexual behavior, or similar questions are not Relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.*
 2. The hearing panel may ask the investigator questions related to the investigation report.
 3. The hearing panel may request to hear from one or more of the witnesses, though the panel's presumption should be that the investigator has identified and interviewed all Relevant witnesses and supplied the information necessary for the hearing panel to render its decision and determine sanctions. Both parties' Advisors may also request to hear from any witness for cross-examination, with all questions adhering to guidelines outlined in Section IX. E. 1.
- F. Advisors of Complainants and Respondents have the right to ask questions and follow-up questions to, or "cross-examine", the other party and all witnesses during the live hearing.
1. Any cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally.
 2. All questions must adhere to guidelines outlined in Section IX. E. 1.
 3. If a party does not have an Advisor present at the live hearing, the College will provide an appropriate Advisor, free of charge to the party.
 4. If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- G. All hearings will be recorded by transcript or audio/audiovisual recording. The Complainant and Respondent will both have access to this record for inspection and review, but never for copy.
- H. The hearing panel will convene to deliberate and render a decision regarding whether or not the Respondent has violated College policy by a preponderance of the evidence, though the final determination is at the sole discretion of the Decision Maker. The Decision Maker shall use a

preponderance of the evidence standard when reaching a decision.

- I. The Decision Maker prepares the hearing panel's written decision and rationale, including the specific sections of the code alleged to have been violated; a description of all the steps taken from the receipt of the Formal Complaint through the hearing; specific descriptions of all findings of fact that support the determination; a statement and rationale with respect to each allegation, including determination (finding of responsibility or non-responsibility), and sanctions. The written determination will be returned to the Title IX Coordinator, who will provide simultaneous written notification of the outcome to the Complainant and the Respondent via MMC email. The Decision Maker's determination will be filed with the investigation report.
- J. If either the Complainant or Respondent is dissatisfied with the panel's determination, that determination may be appealed to the President by notifying the Title IX Coordinator in writing of the decision to appeal within 5 business days of the date that the panel's determination is sent to the parties' College email addresses. (See Section X.)
- K. If a written request for appeal is not received within 5 business days, the determination is final.
- L. If a final decision has been made that a policy violation occurred, the Title IX Coordinator shall determine if any remedies are required to address the campus-wide environment, taking into consideration the impact of an incident of Sexual Discrimination and/or Harassment on the campus as a whole and on specific groups or areas on campus. For example, the Title IX Coordinator may determine that specific training is needed for a student group whose members have been accused of Sexual Assault.

APPEAL OF DECISION TO THE PRESIDENT

- A. The appealing party must explain, in writing, the basis on which the party appeals, i.e.:
 - a. A procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - c. Evidence that Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter; or
 - d. Additional grounds as provided by the appealing party to all parties.
- B. The President will issue a written response to the appeal as promptly as possible. This decision will constitute MMC's final decision on the complaint. The Complainant and Respondent shall be simultaneously notified of the President's decision in writing by the Title IX Coordinator.

WITHDRAWAL OF A COMPLAINT

The Complainant may request to withdraw a Complaint at any time. The College reserves the right to make a determination whether to approve or deny this request, but will strongly consider the Complainant's wishes.

Withdrawal or Resignation While Charges Pending:

- A. Students: Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent

permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student. However, the College will continue to address and remedy any systemic issues, variables that have contributed to the alleged violation(s), and any ongoing effects of the alleged Sexual Discrimination and/or Harassment. The student who withdraws or leaves while the process is pending may not return to the College. A hold will be placed on their ability to be readmitted. If the student only withdraws or takes a leave for a specified period of time (e.g. one semester or term), the resolution process will continue and that student is not permitted to return to the College unless and until all sanctions have been satisfied.

- B. Employees: Should an employee resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee. However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged Sexual Discrimination and/or Harassment. The employee who resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator will reflect that status. All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.
- C. Third Parties: Should a third party discontinue their relationship with the College with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the third party. However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged Sexual Discrimination and/or Harassment.

FALSE REPORTS

Because of its strong desire to prevent and remedy Sexual Harassment, the College encourages all good faith complaints of Sexual Harassment. However, the College also has a duty to balance the rights of all parties. Accordingly, if the College's investigation reveals that a complaint of Sexual Harassment was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

RETALIATION

Neither the College nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

Engaging, encouraging others, or directing others in an adverse action or threat of an adverse action against a Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of a violation of College's Student Code of Conduct, Title IX policy, or other College policy; including any individual who attempts to

intervene, prevent, or report behavior prohibited by these policies. Retaliation can be committed by an individual or group of individuals, not just a Complainant or Respondent. Examples of retaliation include, but are not limited to, threats, intimidation, pressuring, continued Sexual Discrimination and/or Harassment, violence, or other forms of harm to others.

Charges against an individual for code of conduct violations that do not involve Sexual Discrimination and/or Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

In an effort to prevent retaliation, the College will keep confidential the identity of Complainants, Respondents, and witnesses, except as may be permitted by FERPA, or as required by law, or as necessary to carry out a Title IX proceeding.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith does not constitute retaliation (See [Section XIV.](#))

MMC faculty, employees, and students are strictly prohibited from retaliating, intimidating, threatening, coercing, or otherwise discriminating against any individual for exercising their rights or responsibilities under any provision of this policy. Retaliation will result in disciplinary measures, up to and including termination or expulsion.

RELATIONSHIPS BETWEEN INDIVIDUALS OF DIFFERENT COLLEGE STATUS

A sexual or romantic relationship involving individuals of different College status is not, in and of itself, Sexual Harassment as defined by this policy and will not be investigated or adjudicated under this policy. Such an interaction may be a violation of another College policy and subject to separate disciplinary procedures.

A sexual or romantic relationship between students and teachers, supervisors or mentors (faculty members, staff members, or other students) violates both College and professional standards, and potentially violates state and federal anti-discrimination laws. The College prohibits all sexual and romantic relationships between faculty members and students (both undergraduate and graduate students).

A conflict of interest also exists if there is a consensual romantic or sexual relationship in the context of employment supervision or evaluation. Therefore, a supervisor may not influence, directly or indirectly, salary, promotion, performance appraisals, work assignments or other working conditions for an employee with whom such a relationship exists.

TIMEFRAME FOR COMPLETION OF INVESTIGATION AND DISCIPLINARY PROCESS

The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the College temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this policy may be altered by the Title IX Coordinator for good cause, and the Title IX Coordinator will provide to parties written notice, including rationale, of temporary delays or extensions of this

process for good cause. The College's overarching goal is that all complaints be investigated in a prompt, fair, and impartial manner.

- A. There is no time limit or statute of limitations on a Complainant's decision to file a formal Title IX Complaint with the College.
- B. There is no time limit for parties to seek to initiate or suspend informal resolutions.
- C. There is no time limit for Complainants to request Supportive Measures.
- D. Business days are available in the current College Catalog and via the Academic Calendar and Important Dates on the College's website.

EDUCATION AND PREVENTION PROGRAMS

MMC will engage in comprehensive educational programming to prevent Sexual Discrimination and/or Harassment. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, faculty, and staff that:

- A. Identifies Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sexual Discrimination and Sexual Harassment as prohibited conduct
- B. Defines what behavior constitutes Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sexual Discrimination and Sexual Harassment
- C. Defines what behavior and actions constitute Consent to sexual activity in the State of Tennessee
- D. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sexual Harassment against a person other than the bystander
- E. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.

The Title IX Coordinator will also be responsible for the notice (including publication on website and both Employee and Student Handbooks) of Title IX policy updates and revisions to the community, including applicants, students, employees, contractors, and parents/guardians.

ASSISTANCE IN CASES OF SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT: RIGHTS AND OPTIONS

Regardless of whether a person who has experienced Sexual Harassment elects to pursue a criminal complaint, MMC will provide the parties with a written explanation of her/his rights as a member of MMC.

- A. In the Tennessee court system, a victim of Domestic Violence, Dating Violence, Sexual Assault

and Stalking has the following rights¹⁷:

1. the right to confer with the prosecution;
2. the right to be free from intimidation, harassment and abuse throughout the criminal justice system;
3. the right to be present at all proceedings where the defendant has the right to be present;
4. the right to be heard, when Relevant, at all critical stages of the criminal justice process as defined by the General Assembly;
5. the right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person;
6. the right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;
7. the right to restitution from the offender;
8. the right to be informed of each of the rights established for victims.

B. Information regarding Orders of Protection in Tennessee is available at the following link:
https://www.dropbox.com/sh/hvh025mgodf319s/AADGfUDNC153rB9Oc-STryswa/Order%20of%20Protection%20FAQ's?dl=0&subfolder_nav_tracking=1

C. Additional information related to such orders is found at:
<https://www.tncoalition.org/curricula-publications>.

D. MMC does not publish the names or identifiable information of crime victims in crime logs or in the release of timely warnings.

RESOURCES FOR PARTIES INVOLVED IN SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT

A. The resources listed below are not exhaustive or limited to those who wish to make an official report or participate in an institutional hearing, police investigation, or criminal prosecution. However, in cases where a person who has experienced Sexual Harassment wishes to maintain complete confidentiality, the person should review carefully Section VI.

B. On campus resources available to all parties involved in Sexual Discrimination and Sexual Harassment:

<u>MMC Counseling</u>	MMC Clinic 931-424-7338
<u>MMC Clinic</u>	MMC Clinic 931-424-7338
<u>Campus Security</u>	Justice Center - 2 nd Floor 931-309-7502 <i>Emergencies: 911</i>
<u>Title IX Coordinator</u>	Sarah Catherine Richardson Student Life House - 2 nd Floor scrichardson@martinmethodist.edu 931-424-4073
<u>Vice President of</u>	Daniel McMasters

¹⁷ Information related to these rights may be found at <http://www.tndagc.com/vr.htm>.

Student Affairs

Student Life House - 1st Floor
dncmasters@martinmethodist.edu
931-424-7334

C. Local Resources:

Pulaski Police Department:

911 for emergencies

1-931-363-3505 for non-emergencies and/or inquiries about medical treatment from a Sexual Assault Nurse Examiner (SANE)

1-800-356-6767 for the Domestic Violence hotline

Center of Hope

Columbia, TN 38402

<http://centerofhopetn.org/get-help/>

931-381-8580

The Shelter

Lawrenceburg, TN 38464

theshellter@TheShelterLBurg.org

800-762-4115

Center for Women's Health

Lawrenceburg, TN 38464

931-381-3030

Giles County Outreach Center

Pulaski, TN 38478

931-424-8883

Tennessee Sexual Assault Legal Clinic

<http://tncoalition.org/>

615-386-9406; 1-800-289-9018

National Sexual Assault Hotline

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

1-800-656-HOPE (4673)

National Domestic Violence Hotline

<https://www.thehotline.org/help/>

1-800-799-SAFE (7233)

D. Online Resources

- <http://tncoalition.org/> - State Coalition against Rape and Domestic Violence
- <http://www.thehotline.org/> - Website for LGBTQ survivors of sexual or Domestic Violence and minority women survivors of sexual or Domestic Violence
- <https://1in6.org/> - Website for male survivors
- <http://www.rainn.org> - Rape, Abuse and Incest National Network
- <https://www.justice.gov/ovw/sexual-assault> - Department of Justice
- <http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

FLOW CHART

Title IX Flow Chart

